

LAWS

PASSED AT

THE FOURTEENTH SESSION

OF

Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, THE FIFTH DAY OF JAN-
UARY, A. D. 1915, AND CONCLUDING
MARCH FIFTH, 1915

WALKER BROS. & HARDY
STATE PRINTERS
FARGO, N. D.

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By THOMAS HALL
Secretary of State
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REFERENDUM

Petitions have been filed with the Secretary of State to refer House Bill 492, Chapter 258, Session Laws of 1915, relating to mill tax for terminal elevators, House Bill 114, Chapter 194, Session Laws of 1915, defining boot legging, and Senate Bill 194, Chapter 234, Session Laws of 1915, creating a Board of Immigration, to a vote of the people at the General Election to be held in November, 1916.

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 Fourteenth Session of the Legislative Assembly of the State of North Dakota, beginning January 5th, 1915, and terminating March 5th, 1915, 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 twenty-fifth day of March, 1915.

THOMAS HALL,
Secretary of State.

[SEAL]

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THE LAWS

ABBREVIATIONS

CHAPTER 1.

[H. B. 62—Twichell.]

ABBREVIATIONS USED IN LAND DESCRIPTIONS.

AN ACT to Amend Section 2215 of the Compiled Laws of 1913, being Section 98 of Chapter 126 of the Session Laws of 1897, Relating to Abbreviations, Characters, Symbols, Letters and Figures which may be Used in Land Descriptions in Taxation Proceedings, and Declaring Their Meaning in Relation Thereto.

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

§ 1. That Section 2215 of the Compiled Laws of 1913, (Section 98 of Chapter 126 of the Session Laws of 1897,) be amended to read as follows:

§ 2215. It shall be sufficient to describe land in all proceedings relative to assessing, advertising or selling the same for taxes by initial letters, abbreviations, and figures to designate the township, range, section or parts of sections, and also the numbers of lots and blocks. Whenever the letters N., E., S., W., are used in any such proceedings they shall be construed to mean north, east, south and west, respectively. Wherever there shall thus be used the initial letters, N. W., S. W., N. E., S. E., whether in capital letters or small letters and whether each letter is followed by a period or the two written connectedly without a period to signify the same to be an abbreviation of two words, and whenever said letters shall be used in connection with section numbers to designate land descriptions and in the absence of any proof to the contrary, it shall be presumed that the same are abbreviations for and mean northwest, southwest, northeast and southeast, respectively; and when two or more sets of such abbreviations shall be used connectedly, as for instance, N. E., S. E., the same shall be presumed to mean the northeast quarter of the southeast quarter; and when any such initial letters shall be followed with a numeral placed in the position of an algebraic exponent, as for instance, N. W.⁴, or S. W.⁴, or N. E.⁴, or S. E.⁴, (with the figure placed on or above the line) the description shall be taken to mean the “north-

west quarter" or the "southwest quarter" or the "northeast quarter" or the "southeast quarter," respectively; and likewise the abbreviation of N.² or S.² or E.² or W.² shall be presumed to mean the "north half" or the "south half" or the "east half" or the "west half," respectively, of the section or quarter or other portion of land immediately following it; and combinations of such letters and figures shall be read accordingly, as for instance, S.² N. E.⁴ shall be taken as intended to mean and describe the south half of the northeast quarter, and similar combinations of such letters and exponents shall be construed accordingly; *provided*, further, that in the absence of such figure placed in the position of an exponent, wherever abbreviations N. W. or S. W. or N. E. or S. E. shall be used alone or with similar abbreviations they shall be presumed to mean and be read as "northwest quarter" or "southwest quarter" or "northeast quarter" or "southeast quarter," respectively, unless it shall clearly appear from the context that a course only is intended.

The abbreviation, "Sec." shall be taken as meaning "section" and the letters "t" or "twp" or "tp" shall be taken as meaning "township" and the letters "r" or "rg" or "rge" shall be taken as meaning "range"; and the abbreviation "b", "blk" or "bk" shall be taken as meaning "block" and the abbreviation "add" or "ad" shall be taken as meaning "addition"; and the abbreviation "sub" or "subd" shall be taken as meaning "sub-division."

Whenever the abbreviation "do" or characters ",", or other similar abbreviations or characters shall be used in any such proceedings, they shall respectively be construed and held as meaning and being the same name, word, initial, letter or letters, abbreviations, figure or figures as the last preceding such ",", or "do" or other similar characters.

And no description in which the foregoing abbreviations, symbols, initial letters, figures or characters can be definitely understood by the application of the foregoing definitions and rules where by such construction the description of real estate in any taxation proceedings can be made definite, shall be held as defective because such abbreviations are used instead of the words or fractions symbolized thereby. Further it is hereby intended to abrogate as to all further taxation proceedings the rule of construction arising from the early and other decisions of the Supreme Court of this state under which such descriptions in taxation proceedings as N. E.⁴ of a designated section are held to be indefinite and void for taxation purposes.

Provided, further, that the provisions of this Act shall apply to all future taxation proceedings, including special assessments for improvements in cities.

Approved, February 10, 1915.

Administrators and Executors

CHAPTER 2.

[S. B. No. 173—Bronson.]

FEEES OF ADMINISTRATORS AND EXECUTORS.

AN ACT to Amend and Re-enact Section 8821 of the Compiled Laws of North Dakota for the year 1913, Relating to Expenses, Necessary Fees and Commissions of Executors and Administrators and Attorneys at Law in Connection therewith.

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

§ 1. Section 8821 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 8821. EXPENSES AND NECESSARY FEES ALLOWED. COMMISSIONS.] He shall be allowed all necessary expenses in the care, management and settlement of the estate, and for his services such fees as are provided in Section 8822 of this Code; but when the decedent by his will makes some other provision for the compensation of his executor that shall be full compensation for his services unless by a written instrument filed in the county court, he renounces all claims for compensation provided by the will; *provided*, however, that no compensation shall be allowed for attorneys' services rendered to such executor or administrator unless the same have been so performed by or under the direction of an attorney at law, resident and admitted to practice in this state.

Approved, March 4, 1915.

AGRICULTURAL PUBLICATIONS

CHAPTER 3.

[H. B. No. 409—McClellan.]

AN ACT TO PROVIDE FOR THE DISTRIBUTION OF AGRICULTURAL PUBLICATIONS.

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

§ 1. AGRICULTURAL COLLEGE TO FURNISH LIST OF PUBLICATIONS TO COUNTY AUDITOR.] The Agricultural College shall furnish each County Auditor in this state, on or before the 15th day of May of each year, a list containing titles of every publication published by it for free distribution and shall specify in such list the name and address of the department from which each publication may be obtained upon application.

§ 2. DUTIES OF COUNTY AUDITORS.] It shall be the duty of each County Auditor in this state to have the list as furnished by the Agricultural College published in the official paper or papers of the county, for one issue, during the first week in June of each year.

§ 3. EMERGENCY.] Whereas, an emergency exists, in that there is no provision for the distribution of the publications of the Agricultural College and of the publications provided in Section 2 of the Smith-Lever Agricultural Extension Act, therefore, this Act shall be in force and effect from and after its passage and approval.

Approved, March 9, 1915.

APPORTIONMENT

CHAPTER 4.

[H. B. No. 499—Apportionment.]

LEGISLATIVE APPORTIONMENT.

AN ACT to Amend and Re-enact Section 44 of the Compiled Laws of North Dakota for the Year 1913, Relating to Legislative Apportionment.

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

§ 1. AMENDMENT.] That Section 44 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 44. STATE LEGISLATIVE APPORTIONMENT.] The senatorial and representative districts of the state shall be formed, and the senators and representatives be apportioned as follows:

(1) The first legislative district shall consist of the county of Pembina, and be entitled to one senator and three representatives.

(2) The second district shall consist of the city of Kenmare and that portion of Ward county situated and being in townships 154, 155 and 156 of ranges 85, 86 and 87; township 157 of ranges 84, 85, 86 and 87; township 158 of range 87; townships 159 and 160 of ranges 87, 88 and 89; and township 161 of range 88, and shall be entitled to one senator and one representative.

(3) The third district shall consist of the townships of Perth, Latone, Adams, Silvesta, Cleveland, Norton, Vesta, Tiber, Medford, Vernon, Golden, Lampton, Eden, Rushford, Kensington, Dundee, Opps, Prairie Center, Fertile, city of Park River, village of Edinburg, village of Conway, village of Hoople, village of Pisek, village of Adams, Fairdale, Glenwood, Kinlose, Shepherd, Sauter and Dewey, in the county of Walsh, and be entitled to one senator and two representatives.

(4) The fourth district shall consist of the townships of Forest River, village of Forest River, Walsh Centre, Grafton, city of Grafton, Farmington, Ardock, village of Ardock, Harriston, Oakwood, Martin, Walshville, Pulaski, Acton, city of Minto, and St. Andress, in the county of Walsh, and be entitled to one senator and one representative.

(5) The fifth district shall consist of the townships of Gilby, Johnstown, Strabane, Wheatfield, Hegton, Arvilla, Avon, Northwood, city of Northwood, Lind, Grace, Larimore, city of Larimore, Elm, Grove, Agnes, Inkster, city of Inkster, Elkmount, Plymouth, Niagara, Moraine, Lagan Centre, and Loretta, in the county of Grand Forks, and be entitled to one senator and one representative.

(6) The sixth district shall consist of the third, fourth, fifth and sixth wards of the city of Grand Forks, as now constituted, and the townships of Faulkner, Harvey, Turtle River, Ferry, Rye, Blooming, Mekinock, Lakeville and Levant, in the county of Grand Forks, and be entitled to one senator and one representative.

(7) The seventh district shall consist of the first, second and seventh wards of the city of Grand Forks as now constituted and the townships of Grand Forks, Brenna, Oakville, Chester, Pleasant View, Fairfield, Allendale, Walle, Bentru, Americus, Michigan, Union, Washington and the first and second wards of the city of Reynolds in the county of Grand Forks, and be entitled to one senator and one representative.

(8) The eighth district shall consist of the county of Traill, and be entitled to one senator and three representatives.

(9) The ninth district shall consist of the township of Fargo, and the city of Fargo, in the county of Cass, and the fractional township number one hundred and thirty-nine, range forty-eight, and be entitled to one senator and three representatives.

(10) The tenth district shall consist of the townships of Noble, Wisner, Harwood, Reed, Barnes, Stanley, Pleasant, Kenyon, Gardner, Berlin, Raymond, Mapleton, village of Mapleton, Warren, Normania, Bell, Harmony, Durbin, Addison, Davenport, village of Davenport, Casselton, and the city of Casselton, in the county of Cass, and be entitled to one senator and two representatives.

(11) The eleventh district shall consist of the townships of Gunkle, Rush River, Hunter, Arthur, Amenia, Everest, Maple River, Leonard, Dows, Erie, Empire, Wheatland, Gill, Walburg, Watson, Page, the village of Page, Rich, Ayr, Buffalo, the village of Buffalo, Howes, Eldred, Highland, Rochester, Lake, Cornell, Tower, Hill, Clifton, and Pontiac, in the county of Cass, and be entitled to one senator and two representatives.

(12) The twelfth district shall consist of the townships of Eagle, Abercrombie, village of Abercrombie, Dwight, Ibsen, Centre, Mooreton, Brandenburg, village of Great Bend, Summit, Fairmount, village of Fairmount, Devillo, Lamars, Waldo, Greendale, and the city of Wahpeton, in the county of Richland, and be entitled to one senator and two representatives.

(13) The thirteenth district shall consist of the county of Sargent, and be entitled to one senator and two representatives.

(14) The fourteenth district shall consist of the county of Ransom, and be entitled to one senator and two representatives.

(15) The fifteenth district shall consist of the townships of Baldwin, Dazey, Laketown, Pierce, Uxbridge, Edna, Rogers, Grand Prairie, Minnie Lake, Anderson, Hobart, Potter, village of Dazey, village of Wimbledon, village of Sanborn, city of Valley City township 143, range 56; township one hundred forty-three, range fifty-eight; township one hundred forty-two, range fifty-eight; township one hundred forty-one, range fifty-eight; township one

hundred forty-one, range fifty-nine; township one hundred forty-one, range sixty-one, and township one hundred forty, range fifty-eight, in the county of Barnes, and shall be entitled to one senator and one representative.

(16) The sixteenth district shall consist of the counties of Steele and Griggs, and be entitled to one senator and three representatives.

(17) The seventeenth district shall consist of the county of Nelson, and be entitled to one senator and two representatives.

(18) The eighteenth district shall consist of the county of Cavalier and be entitled to one senator and three representatives.

(19) The nineteenth district shall consist of the county of Rolette, and be entitled to one senator and two representatives.

(20) The twentieth district shall consist of the county of Benson, and be entitled to one senator and two representatives.

(21) The twenty-first district shall consist of the county of Ramsey, and be entitled to one senator and three representatives.

(22) The twenty-second district shall consist of the county of Towner, and be entitled to one senator and two representatives.

(23) The twenty-third district shall consist of the county of Stutsman, and shall be entitled to one senator and four representatives.

(24) The twenty-fourth district shall consist of the county of LaMoure, and shall be entitled to one senator and two representatives.

(25) The twenty-fifth district shall consist of the county of Dickey, and shall be entitled to one senator and two representatives.

(26) The twenty-sixth district shall consist of the counties of Emmons and Kidder, and be entitled to one senator and four representatives.

(27) The twenty-seventh district shall consist of the county of Burleigh, and be entitled to one senator and three representatives.

(28) The twenty-eighth district shall consist of the county of Bottineau, and shall be entitled to one senator and four representatives.

(29) The twenty-ninth district shall consist of the city of Minot, and that portion of Ward county situated and being in townships 151, 152 and 153 of ranges 81, 82, 83, 84, 85, 86 and 87; townships 154, 155 and 156 of ranges 81, 82, 83 and 84, and township 157 of ranges 81, 82 and 83, and shall be entitled to one senator and four representatives.

(30) The thirtieth district shall consist of the city of Mandan and all that portion of the county of Morton situated and being in township 130 of ranges 85 and 86; township 131 of ranges 84, 85 and 86; township 132, ranges 83, 84, 85 and 86; township 133 of ranges 82, 83, 84, 85 and 86; township 134 of ranges 79, 80, 81, 82, 83, 84, 85 and 86; townships 135 and 136 of ranges 79, 80, 81, 82, 83, 84 and 85; township 137 of ranges 79, 80, 81, 82 and 83; town-

ship 138 of ranges 80, 81, 82 and 83; townships 139 and 140 of ranges 81, 82, 83, and be entitled to one senator and three representatives.

(31) The thirty-first district shall consist of the county of Stark, and be entitled to one senator and three representatives.

(32) The thirty-second district shall consist of the counties of Eddy and Foster, and be entitled to one senator and two representatives.

(33) The thirty-third district shall consist of the county of Wells, and be entitled to one senator and two representatives.

(34) The thirty-fourth district shall consist of the townships 155, 156, 157 and 158, north of range 75 west, and also townships 155, 156, 157, 158 and 159, north of ranges 76, 77, 78, 79 and 80, in the county of McHenry, and be entitled to one senator and one representative.

(35) The thirty-fifth district shall consist of the county of Sheridan, and be entitled to one senator and one representative.

(36) The thirty-sixth district shall consist of the counties of McIntosh and Logan, and shall be entitled to one senator and three representatives.

(37) The thirty-seventh district shall consist of the townships of Walcott, Colfax, Barrie, Helendale, Sheyenne, Viking, Garbourg, Freeman, West End, Homestead, Grafton, Antelope, Danton, Garfield, Dexter, Wyndmere, village of Wyndmere, Balford, Liberty, Brightwood, town of Hankinson, Elma, Durr, city of Lidgerwood, Moran and Grant, in the county of Richland, and be entitled to one senator and two representatives.

(38) The thirty-eighth district shall consist of the townships of Weimer, Noltimeir, Alta, Oriska, Springvale, Cuba, Green, Herman, Mansfield, Meadowlake, Svea, Scandia, Norman, Binghampton, Raritan, Thordenskjold, Oakville, Spring Creek, Rosebud, Greenland, village of Litchville, village of Nome; township one hundred forty, range sixty-one; township one hundred thirty-nine, range fifty-eight; and township one hundred thirty-eight, range fifty-eight, in the county of Barnes, and be entitled to one senator and one representative.

(39) The thirty-ninth district shall consist of the counties of Billings, Bowman, Slope and Golden Valley, and shall be entitled to one senator and three representatives.

(40) The fortieth district shall consist of the counties of Burke and Divide, and be entitled to one senator and three representatives.

(41) The forty-first district shall consist of the counties of Williams and McKenzie, and shall be entitled to one senator and five representatives.

(42) The forty-second district shall consist of the county of Pierce, and shall be entitled to one senator and two representatives.

(43) The forty-third district shall consist of the county of Ren-ville, and shall be entitled to one senator and one representative.

(44) The forty-fourth district shall consist of the county of Mountrail, and shall be entitled to one senator and two representa-tives.

(45) The forty-fifth district shall consist of townships 151, 152, 153 and 154, north of ranges 75, 76, 78, 79 and 80, in the county of McHenry, and shall be entitled to one senator and one representative.

(46) The forty-sixth district shall consist of the counties of McLean and Stevenson (if created from the territory of McLean county) and shall be entitled to one senator and three representa-tives.

(47) The forty-seventh district shall consist of that portion of Morton county situated and being in townships 130, 131 and 132, of ranges 87, 88, 89 and 90; townships 133 and 134 of ranges 87, 88, 89 and 90; townships 135 and 136 of ranges 86, 87, 88, 89 and 90; townships 137, 138, 139 and 140 of ranges 84, 85, 86, 87, 88, 89 and 90, and shall be entitled to one senator and two representa-tives.

(48) The forty-eighth district shall consist of the counties of Mercer, Oliver and Dunn, and be entitled to one senator and three representatives.

(49) The forty-ninth district shall consist of the counties of Adams, Hettinger and Sioux, and shall be entitled to one senator and three representatives.

Approved, March 10, 1915.

APPROPRIATIONS

CHAPTER 5.

[S. B. No. 162—Porterfield.]

AGRICULTURAL EXTENSION WORK, N. D. A. C., FARGO—APPROPRI- ATION.

AN ACT to appropriate Funds to the Department of Agricultural Extension of the North Dakota Agricultural College for Agricultural Extension Work for the Years 1915 and 1916.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the treasury of the State of North Dakota, not other-wise appropriated, the sum of \$6,236.00 for the year 1915, and the sum of \$11,431.00 for the year 1916, being an amount equal to

the appropriation of the federal government made under the so-called Lever Act for such years to the State of North Dakota, to be used by the department of agricultural extension of the North Dakota Agricultural College, in providing for and conducting co-operative extension work with the United States Department of Agriculture; the establishment and carrying on of agricultural demonstrations on the farm and in the home; the conducting of agricultural extension schools and meetings; the promotion of agricultural work and contests among boys and girls; and such other agricultural extension work as may be required, and in the publication of bulletins and circulars of information for the farm and home.

Approved, March 2, 1915.

CHAPTER 6.

[S. B. No. 175—Rowe.]

AID G. A. R.—APPROPRIATION.

AN ACT Providing State Aid for the Department of North Dakota of the Grand Army of the Republic.

Whereas, It is becoming increasingly difficult for the members of the splendid organization of Civil War veterans, known as the Grand Army of the Republic, to maintain the Department of North Dakota of the G. A. R., owing to the fact that their number is decreasing each year; and

Whereas, The people of North Dakota honor and revere the men who so heroically fought the battles of the Civil War and saved the Union, *Therefore*, *Be it Enacted by the Legislative Assembly of the State of North Dakota*:

§ 1. The board of trustees of the Soldiers' Home shall on the first Monday in April in 1915, and on the first Monday in April each year thereafter, pay to the assistant quarter-master general of the Department of North Dakota of the Grand Army of the Republic, out of the interest and income fund of the Soldiers' Home, the sum of fifteen hundred dollars (\$1,500.00) which shall be used to help maintain the organization of Civil War veterans known as the Department of North Dakota of the Grand Army of the Republic.

§ 2. The money shall be expended for the department for such purpose as the department commander, the assistant adjutant general and the chairman of the board of trustees of the Soldiers' Home shall determine, and payment shall be made on vouchers approved by them.

§ 3. Should the Department of North Dakota surrender its charter or become disbanded by any cause, all money remaining in the hands of the quarter-master general, acquired under the provisions of this bill, shall be returned to the accounting officer of the Soldiers' Home, and credited to the interest and income fund from which originally drawn.

§ 4. EMERGENCY.] An emergency exists in that the Department of North Dakota of the Grand Army of the Republic is without funds and in immediate need of assistance to maintain it, therefore, this Act shall take effect from and after its passage and approval.

Approved, February 26, 1915.

CHAPTER 7.

[S. B. No. 186—Overson.]

ANTI-TUBERCULOSIS ASSOCIATION—APPROPRIATION.

AN ACT to Make an Appropriation for the North Dakota Anti-Tuberculosis Association.

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 for the North Dakota Anti-Tuberculosis Association, the sum of \$500.00 for the year 1915 and \$1,500.00 for the year 1916.

EMERGENCY.] Whereas, the North Dakota Anti-Tuberculosis Association has been in existence for the past five years, and has, during that time, conducted an active educational campaign for the prevention and cure of tuberculosis, that has already resulted in great benefit to the citizens of this state in the prevention of tuberculosis and the cure of persons in the early stages of said disease, thus resulting in the saving to the state in life and expense, and, whereas, said association has during all of said time, conducted their work without assistance on the part of the state, and entirely from the voluntary subscriptions and from the sale of Red Cross stamps, and, whereas, the work of education along the lines of prevention of this disease should be continued and, whereas, said association is without funds sufficient to carry on such work at the present time as it should be carried on in this state. Therefore, this Act shall be in force from and after its passage and approval.

Approved, March 8, 1915.

CHAPTER 8.

[S. B. No. 204—Hyland.]

APPROPRIATION—STATE BIOLOGICAL STATION, ROLLA.

AN ACT Appropriating Money for Enlarging and Improving the Facilities for Handling Fish at the State Biological Station.

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 eighteen hun-

dred and thirty (\$1,830.00) dollars, to be used in enlarging and improving the facilities for handling fish at the state biological station, as follows:

Deputy Fish Commissioner, six months.....	\$800.00
Laborer, six months	400.00
Cement tanks and connections	385.00
Extending and improving water system.....	165.00
Removing rock, trees and leveling ground.....	80.00

§ 2 EMERGENCY.] Whereas, an emergency exists in that funds hereby appropriated will be needed by April 20th, therefore this Act shall take effect and be in force on and after its passage and approval.

Approved, March 2, 1915.

CHAPTER 9.

[H. B. No. 480—Lathrop Committee.]

APPROPRIATION—BOARD OF EXPERTS, STATE PENITENTIARY.

AN ACT Making an Appropriation for the per diem and Expenses of the Board of Experts and Field Officers of the North Dakota State Penitentiary.

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

§ 1. APPROPRIATION. There is hereby appropriated the sum of five thousand six hundred dollars or so much thereof as may be necessary, out of the money in the state treasury not otherwise appropriated, for the purpose herein indicated:

Per Diem and Expenses of Board of Experts—

State penitentiary	\$ 800.00
Field officer salary	2,400.00
Field officer traveling expenses	2,400.00

Approved, March 3, 1915.

CHAPTER 10.

[H. B. No. 510—Lathrop Committee.]

PROVIDES BOVINE TUBERCULOSIS FUND.

AN ACT to Amend and Re-enact Section 2710 of the Compiled Laws of 1913, Relating to Bovine Tuberculosis Fund.

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

§ 1. That Section 2710 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2710. DUTY OF THE STATE BOARD OF EQUALIZATION.] It shall be the duty of the State Board of Equalization at the time of the

levy of the annual tax, to levy a special tax of fifteen thousand four hundred dollars upon all of the property within the State of North Dakota, real and personal, and when collected the same shall be paid into the hands of the State Treasurer who shall at once enter the same into the bovine tuberculosis fund. Said fund shall be preserved inviolate for the purpose of paying the expenses incurred in carrying out the provisions of this article.

Approved, March 3, 1915.

CHAPTER 11.

[H. B. No. 477—Lathrop Committee.]

APPROPRIATION—BURIAL AND ERECTION OF HEADSTONES FOR DECEASED SOLDIERS.

AN ACT to Amend and Re-enact Section 3185 of the Compiled Laws of 1913, Providing an Appropriation for the Burial and the Erection of Headstones for Deceased Soldiers.

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

§ 1. Section 3185 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3185. APPROPRIATION.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of four hundred dollars, to carry out the provisions of this article during the biennial period ending July 1st, 1917, to be expended as follows:

For the erection of headstones.....	\$ 40.00
For the burial of deceased soldiers.....	360.00

Approved, March 3, 1915.

CHAPTER 12.

[H. B. No. 482—Lathrop Committee.]

PAYMENT OF EXPENSES—INQUESTS AND BURIAL OF DECEASED CONVICTS—APPROPRIATION.

AN ACT to Amend and Re-enact Section 11302 of the Compiled Laws of 1913, Relating to the Payment of Expenses of Inquests and Burial of Deceased Convicts and Providing an Appropriation Therefor.

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

§ 1. That Section 11302 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 11302. EXPENSES. DUTY OF STATE AUDITOR. PAYMENT.] The officer holding such inquest shall make an itemized statement and report in detail of the expenses of such inquest specifying to

whom, and for what fees, services or supplies payable and the same verify by his oath, but in no case shall the expense of the burial of said body, exclusive of the fees allowed by law to officers, jurors, physicians and witnesses, exceed the sum of forty dollars; and the State Auditor shall audit all claims for such inquest when presented as herein provided, and draw his separate warrants upon the State Treasurer for the amount allowed to each person named in such statement and report, and said warrants shall be paid out of the state treasury. The fees of the officer holding said inquest and of the jurors, physicians and witnesses shall be the same as in other cases of inquests; *provided*, that no officer of the Penitentiary or of the Reform School nor inmate thereof, shall be entitled to fees or other allowance on account of any services rendered at said inquest. There is hereby appropriated the sum of four hundred dollars out of any moneys in the state treasury not otherwise appropriated, for the payment of expenses necessarily incurred herein.

Approved, March 5, 1915.

CHAPTER 13.

[H. B. No. 503—Lathrop Committee.]

APPROPRIATION—DEFICIT BOARD OF EXPERTS—PENITENTIARY ACCOUNT.

AN ACT to Appropriate Money to Cover the Deficiency in the Board of Experts Penitentiary Account, as shown on the Books of the State Auditor, on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury the sum of two hundred thirty-two dollars and three cents (\$232.03) for the purpose of correcting an overdraft of that amount in the board of experts penitentiary account, on the books of the State Auditor on the 31st of December, 1914.

Approved, March 3, 1915.

CHAPTER 14.

[H. B. No. 508—Lathrop Committee.]

APPROPRIATION—DEFICIT CAPITOL MAINTENANCE ACCOUNT.

AN ACT to Appropriate Money to Cover the Deficiency in the Maintenance of Capitol Account, shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury the sum of twenty-nine thousand

two hundred thirty-nine dollars and eighty-six cents (\$29,239.86) for the purpose of correcting an overdraft of that amount in the maintenance capitol account on the records of the State Auditor on the 31st day of December, 1914.

Approved, March 3, 1915.

CHAPTER 15.

[H. B. No. 512—Lathrop Committee.]

APPROPRIATION—DEFICIT CRITTENDEN HOME.

AN ACT to appropriate \$1,152 to Reimburse the Florence Crittenden Home at Fargo for Deficit in the Annual Appropriation for such Home Pursuant to a Decision of the Supreme Court Reducing Such Appropriation.

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

§ 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, the sum of \$1,152 for the Florence Crittenden Home at Fargo, to reimburse such Florence Crittenden Home and to cover a deficit in its annual appropriation pursuant to a decision of the Supreme Court of this state reducing all appropriations.

Approved, March 3, 1915.

CHAPTER 16.

[H. B. No. 373—Hjelmstad.]

COUNTY AND AGRICULTURAL TRAINING SCHOOLS.

AN ACT Entitled: "An Act to Provide an Appropriation to Pay the Deficiency in the Appropriation to Pay the State's Share of the Cost of Maintaining the County Agricultural and Training Schools, for the year 1914."

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

§ 1. DEFICIENCY APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of two thousand two hundred eighty (\$2,280.00) dollars to pay the deficiency in the amount which the state obligated itself to pay towards the cost of maintaining the county agricultural and training schools, for the period beginning on the first day of July, A. D. 1914, and ending on the 30th day of June, A. D. 1915.

§ 2. REPEAL.] All Acts, or parts of Acts, in conflict with this Act are hereby repealed.

Approved, March 5, 1915.

CHAPTER 17.

[H. B. No. 504—Lathrop Committee.]

APPROPRIATION—DEFICIT TRUSTEES' LIVE STOCK SANITARY BOARD ACCOUNT.

AN ACT to Appropriate Money to Cover the Deficiency in the Trustees' Live Stock Sanitary Board Account, as shown on the Books of the State Auditor December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury, the sum of forty-three dollars and twenty cents (\$43.20) for the purpose of correcting an overdraft of that amount in the trustees' Live Stock Sanitary Board account, as shown on the books of the State Auditor on December 31st, 1914.

Approved, March 3, 1915.

CHAPTER 18.

[H. B. No. 513—Lathrop Committee.]

APPROPRIATION—DEFICIT MISSOURI SLOPE AGRICULTURE FAIR ASSOCIATION.

AN ACT Appropriating \$960.00 to cover the Deficit in the Annual Appropriation of the Missouri Slope Agriculture Fair Association of Mandan Pursuant to the Decision of the Supreme Court Requiring the Reduction of Appropriations.

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 \$960.00 for the Missouri Slope Agriculture & Fair Association of Mandan to cover the deficit in the annual appropriation heretofore made for said association, due to the decision of the Supreme Court of this state requiring a reduction of appropriations.

Approved, March 3, 1915.

CHAPTER 19.

[S. B. No. 150—Hughes.]

STATE PENITENTIARY DEFICIT—APPROPRIATION.

AN ACT to Provide an Appropriation to Cover Necessary Expenditures and Emergencies, and Properly Maintain the Penitentiary, from March 20th, 1913, to April 1st, 1915.

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

§ 1. APPROPRIATION.] There is hereby appropriated the sum

of \$48,000.00, or so much thereof as may be necessary, out of the moneys in the state treasury, not otherwise appropriated, for the purpose of providing for the lack of sufficient appropriation to cover necessary expenditures and emergencies, and properly maintain the Penitentiary from March 20, 1913, to April 1st, 1915.

§ 2. EMERGENCY.] Whereas, the State Board of Control, by a communication in writing, dated January 25th, 1915, addressed to the senate committee on appropriations, recommends the enactment of the above appropriation and therein sets forth in detail the reasons therefor, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1915.

CHAPTER 20.

[H. B. No. 507—Lathrop Committee.]

APPROPRIATION—DEFICIT PUBLIC PRINTING ACCOUNT.

AN ACT to appropriate Money to Cover the Deficiency in the Public Printing Account, Shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury the sum of twenty-four thousand six hundred thirty-seven dollars and four cents (\$24,637.04) for the purpose of correcting an overdraft of that amount in the public printing account on the books of the State Auditor on the 31st of December, 1914.

Approved, March 3, 1915.

CHAPTER 21.

[H. B. No. 506—Lathrop Committee.]

APPROPRIATION—DEFICIT, SALARY AND EXPENSE STATE EXAMINER.

AN ACT to appropriate Money to Cover the Deficiency in the Salary and Expense Accounts of the State Examiner, as Shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury the sum of six thousand sixty-six dollars and sixty-one cents (\$6,066.61) for the purpose of correcting an overdraft of that amount in the salary and expense accounts of the State Examiner, as shown on the books of the State Auditor on the 31st day of December, 1914.

Approved, March 3, 1915.

CHAPTER 22.

[H. B. No. 502—Lathrop Committee.]

APPROPRIATION—DEFICIT TRUSTEES N. D. AGRICULTURAL COLLEGE.

AN ACT to Appropriate Money to Cover the Deficiency in the Per Diem and Expenses Trustees Agricultural College Account, as Shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury, the sum of \$610.20 for the purpose of correcting an overdraft of that amount in the per diem and expenses of trustees Agricultural College account, as shown on the books of the State Auditor on December 31st, 1914.

Approved, March 3, 1915.

CHAPTER 23.

[H. B. No. 509—Lathrop Committee.]

APPROPRIATION—DEFICIT TRANSPORTATION OF CONVICTS TO STATE PENITENTIARY ACCOUNT.

AN ACT to Appropriate Money to Cover the Deficiency in the Transportation Convicts to Penitentiary Account, as Shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury the sum of nine thousand one hundred seventy dollars and fifty-three cents (\$9,170.53) for the purpose of correcting an overdraft of that amount in the transportation convicts to Penitentiary account on the books of the State Auditor on the 31st day of December, 1914.

Approved, March 3, 1915.

CHAPTER 24.

[H. B. No. 505—Lathrop Committee.]

APPROPRIATION—DEFICIT TRANSPORTATION CONVICTS TO REFORM SCHOOL.

AN ACT to Appropriate Money to Cover the Deficiency in the Transportation Convicts to Reform School Account, as Shown on the Books of the State Auditor on December 31st, 1914.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of the general fund of the state treasury, the sum of one thousand one

hundred ninety dollars and forty-five cents (\$1,190.45) for the purpose of correcting an overdraft of this amount in the transportation of convicts to Reform School account, as shown on the books of the State Auditor on December 31st, 1914.

Approved, March 3, 1915.

CHAPTER 25.

[S. B. No. 144—Nelson of Rolette.]

TUBERCULOSIS SANITARIUM DEFICIT—APPROPRIATION.

AN ACT Making an Appropriation for the Purpose of Taking Care of a Deficit Created by the Board of Trustees for the Tuberculosis Sanitarium at Dunseith, Prior to that Institution being Turned over to the Management of the Board of Control.

Whereas, There are unpaid bills to the amount of \$5,060.84 created by the Board of Trustees of the Tuberculosis Sanitarium at Dunseith prior to its being turned over to the Board of Control, Therefore,

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

That there is hereby appropriated the sum of \$5,060.84 for the purpose of paying these accounts.

Approved, March 2, 1915.

CHAPTER 26.

[H. B. No. 498—Lathrop Committee.]

EMERGENCY FUND—EMERGENCY COMMISSION.

AN ACT to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission, and to Appropriate Money Therefor.

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

§ 1. APPROPRIATION. CONTINGENCY FUND.] There is hereby appropriated out of any moneys of the state treasury not otherwise appropriated, the sum of twenty-five thousand dollars for the establishment and maintenance of the state contingency fund to be drawn upon the State Auditor at the direction of the State Emergency Commission whenever in the judgment of such commission the cost and expense of the maintenance of any department or institution of the state has been underestimated, and insufficient moneys have been appropriated therefor, and an emergency exists through such error.

§ 2. MONEYS. HOW PAID OUT.] The State Emergency Commission shall, before directing the State Auditor to draw any warrant upon the contingency fund hereinbefore established, require the department or institution for whose benefit such warrant is

issued, to file with such commission and with the State Auditor a written and itemized statement of the material, services, purposes or other consideration for which such warrant is required and the necessity therefor, and shall certify that the material, services, purposes or other consideration therein named are necessary and proper materials to be paid from such fund, and that the appropriation for such purpose is insufficient, and that the auditor and commission shall file such statement and certificate as authority for issuing the warrant therein directed.

Approved, March 11, 1915.

CHAPTER 27.

[S. B. No. 97—Nelson of Rolette.]

APPROPRIATION—STATE FISH HATCHERY.

AN ACT Making an Appropriation Annually for the Support and Maintenance of the State Fish Hatchery Located in Rolette County, North Dakota.

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

§ 1. APPROPRIATION.] The sum of three thousand seven hundred and fifty (\$3,750.00) dollars is hereby appropriated annually out of any moneys in the State Game and Fish Commission Fund, not otherwise appropriated, for the support and maintenance of the State Fish Hatchery located in Rolette county, as follows:

For Fish Commissioner's salary.....	\$1,500.00
For salary assistant, 6 months each year.....	600.00
For salary messenger, 4 months each year.....	300.00
For messenger's railway fares, delivering fish.....	250.00
For messenger's expense while delivering fish.....	50.00
For express on fish eggs received from the government....	75.00
For express on fish eggs shipped to applicants.....	50.00
For upkeep of grounds.....	100.00
For paints and painting.....	100.00
For repairs.....	50.00
For team and harness.....	350.00
For hatching troughs, trays, hose, nets and shipping cans	100.00
For feed for team.....	150.00
For expense Fish Commissioner.....	25.00
For printing, stationery, fuel and lights.....	50.00

Total\$3,750.00

§ 2. EMERGENCY.] Whereas, an emergency exists in that funds hereby appropriated are needed before July 1st, 1915, therefore this Act shall take effect and be in force on and after its passage and approval.

Approved, March 2, 1915.

CHAPTER 28.

[H. B. No. 485—Lathrop Committee.]

FLAGS UPON PUBLIC INSTITUTIONS—APPROPRIATION.

AN ACT to Amend and Re-enact Section 1820 of Compiled Laws of North Dakota, 1913, Relating to Flags upon Public Institutions and to Provide for an Appropriation Therefor.

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

§ 1. That Section 1820 of the Compiled Laws of 1913 be and the same is hereby amended to read as follows:

§ 1820. FLAGS DISPLAYED ON PUBLIC INSTITUTIONS. APPROPRIATION.] The flag of the United States of America shall be displayed upon all state institutions between the hours of nine o'clock A. M. and four o'clock P. M. of each day. It is the duty of the officials in charge of the various state institutions to make the necessary arrangements for carrying out the provisions of this article, and there is hereby appropriated the sum of ninety-two dollars or so much thereof as may be necessary out of all moneys in the state treasury not otherwise appropriated to pay the expenses necessarily incurred in so doing, which said expenses shall be audited and paid by the State Treasurer in the same manner as bills for incidental expenses are paid and audited.

Approved, March 5, 1915.

CHAPTER 29.

[H. B. No. 475—Lathrop Committee.]

APPROPRIATION—GLANDERED HORSES.

AN ACT Relating to an Appropriation for the Glandered Horse and Dourine 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 treasury, not otherwise appropriated, the sum of ten thousand dollars for the glandered horse and dourine fund.

Approved March 3, 1915.

CHAPTER 30.

[H. B. No. 497—Lathrop Committee.]

APPROPRIATION—INSANE ASYLUM MAINTENANCE.

AN ACT to Appropriate Money for the Period from July 1st, 1915, to July 1st, 1917, for the Care and Maintenance of Patients in the State Hospital for the Insane, Required to be Maintained at the Expense of the State Pursuant to Section 2576 of the Compiled Laws of 1913, and Section 261 of the Compiled Laws of 1913.

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 twenty-four thousand dollars for the purpose of paying the expense of care and maintenance of patients in the State Hospital for the Insane, properly chargeable to the state, pursuant to Section 261 and Section 2576 of the Compiled Laws of 1913, which said sum is to be used for the foregoing purpose during the period from July 1st, 1915, to July 1st, 1917.

Approved, March 13, 1915.

CHAPTER 31.

[S. B. No. 143—Steele.]

APPROPRIATION—HOSPITAL FOR INSANE.

AN ACT Making an Appropriation for New Buildings, Equipment and Improvements and Repairs for the Hospital for the Insane at Jamestown.

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

§ 1. APPROPRIATIONS.] For new buildings, equipment, and improvements and repairs for the Hospital for the Insane at Jamestown, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury, not otherwise appropriated, viz:

NEW BUILDINGS

Office building and dormitory	\$ 60,000.00
New ward building funds available in the year 1916....	115,000.00
Additions to receiving ward.....	60,000.00
Contagious hospital	10,000.00
Two hog houses	2,000.00
Barn and silo for young stock.....	5,000.00
Superintendent's residence	7,000.00

EQUIPMENT

Steam pipe to kitchen and laundry and under central corridor	\$ 1,000.00
Main electric power cable	1,500.00

Machinery and tools	1,500.00
Engine and dynamo	5,500.00
Hot water heater with tank	1,200.00
New receiving tank and exhaust heater.....	1,200.00
Remodeling economizer	1,000.00
Water pipe line to kitchen and laundry	300.00
Bedding and furniture, receiving ward.....	4,000.00
Bedding and furniture, industrial building	1,000.00
Bedding and furniture, tuberculosis building	700.00

IMPROVEMENTS AND REPAIRS

Grading, sidewalks, trees, etc.	\$ 1,500.00
Rebuild farm barn.....	2,500.00
Completing water system	5,000.00
Repairing and rebuilding corridors	500.00
General repairing, painting, plastering, foundation re- pair, cement floors, paint for barns and silos, moving feed barn, window glass, bed springs, machinery re- pair, fire department, underground cable, new roofs and garden house addition.....	5,000.00
Dining room and bakery	20,000.00

Total\$312,000.00
 Approved, March 13, 1915.

CHAPTER 32.

[S. B. No. 141—Murphy.]

APPROPRIATION—INSTITUTION FEEBLE-MINDED.

AN ACT Making an Appropriation for Maintenance, New Buildings, Improve-
 ments and Repairs, and Equipment for the Institution for the Feeble-Mind-
 ed at Grafton.

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

§ 1. APPROPRIATIONS.] For maintenance, new buildings, im-
 provements and repairs, and equipment for the Institution for the
 Feeble-minded at Grafton, for the period covering from March 1,
 1915, to July 1, 1917, the following sums of money, or so much
 thereof as may be necessary, are hereby appropriated from any
 funds in the state treasury, not otherwise appropriated, viz:

General maintenance	\$34,800.00
Premiums on insurance, biennial period	1,000.00

NEW BUILDINGS

Farm house	\$ 2,500.00
Cold storage	1,000.00
Machinery shed	350.00
Dairy barn	2,000.00
Poultry house	500.00

IMPROVEMENTS AND REPAIRS

For painting main building inside and out.....	\$ 1,000.00
New engine and dynamo	3,000.00
Two boilers and feed pump	5,000.00

EQUIPMENT

Bedding and furniture	\$ 1,000.00
Enlarging laundry and renewing old washer shell.....	425.00
Manure spreader, fanning mill, corn planter, hay fork, slings and wagon	350.00
Steam kettle, steamer and roaster	450.00
Dough mixer and proving box.....	400.00
Sediment pump	425.00
For the purchase of cows	500.00

Total\$54,700.00

Approved, March 13, 1915.

CHAPTER 33.

[H. B. No. 500—Lathrop Committee.]

INTERSTATE FREIGHT RATES.

AN ACT to appropriate a sum of money for the investigation by the Board of Railroad Commissioners of proposed increases of interstate freight rates, especially grain rates, asked by western railroad companies, and to resist and defend against such proposed increases of rates before the Interstate Commerce Commission.

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

§ 1. APPROPRIATION.] Whereas, there is now pending before the Interstate Commerce Commission applications by all the railroad companies and common carriers doing business west of Chicago for permission to raise the rates and transportation charges on many classes and commodities of freight, especially grain, which increases, if granted, will amount to many millions of dollars, and, whereas, Chapter 240, Laws 1911, requires the Board of Railroad Commissioners to exercise constant diligence in informing themselves of the rates, charges, rules and practices of common carriers engaged in the transportation of freight and passengers from points in this state to points beyond its limits, and from points in foreign states to points in this state, and also in territory wholly outside of this state, and to prosecute proceedings involving rates before the Interstate Commerce Commission and to appeal to it for relief, and, whereas, many western states have organized and combined together to resist such increases of rates now being applied for by such railroad companies, which proceedings and the investigations connected therewith will require the expenditure of large sums of

money to be ratably apportioned among the states interested, there is hereby appropriated the sum of five thousand dollars, or as much thereof as may be necessary for such purpose to be expended by the Board of Railroad Commissioners in joining and combining with such other states in resisting said increases of rates and in making the investigations and examinations involved thereby.

Approved, March 10, 1915.

CHAPTER 34.

[H. B. No. 478—Lathrop.]

INSTITUTIONAL MILL TAX—REPEAL AND APPROPRIATION.

AN ACT to Repeal Section 1417 of the Compiled Laws of 1913 as Amended by Chapter 148 of the Laws of 1913, and to Amend Section 1415 of the Compiled Laws of 1913, and Sections 1416, 1418 and 1419 of the Compiled Laws of 1913 as Amended by Chapter 148 of the Laws of 1913, Relating to Maintenance of State Educational Institutions, and Commonly known as the Mill Tax.

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

§ 1. REPEAL.] That Section 1417 of the Compiled Laws of 1913, as amended by Chapter 148 of the Laws of 1913, is hereby repealed.

§ 2. AMENDMENT.] That Section 1415 of the Compiled Laws of 1913 be, and the same is, hereby amended to read as follows:

§ 1415. FREE PUBLIC SCHOOLS.] The state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the state normal school at Minot, the school for the deaf and dumb at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton, and the normal industrial school at Ellendale, and all other schools heretofore established by law and maintained by taxation, constitutes the system of "free public schools" of the state.

§ 3. AMENDMENT.] That Section 1416 of the Compiled Laws of 1913 as amended by Chapter 148 of the Laws of 1913, is hereby amended to read as follows:

§ 1416. MAINTENANCE OF STATE EDUCATIONAL INSTITUTIONS.] For the purpose of providing for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the state normal school at Minot, the school for the deaf and dumb at Devils Lake, the school of forestry at Bottineau, the North Dakota academy of science at Wahpeton, the normal and industrial school at Ellendale, as a part of the public school system of this state, there is hereby levied upon all the

taxable property in the state, real and personal, an annual tax of \$347,880.00

§ 4. AMENDMENT.] That Section 1418 of the Compiled Laws of 1913, as amended by Chapter 148 of the Laws of 1913, is hereby amended to read as follows:

§ 1418. TAXES, HOW APPORTIONED.] Such taxes levied shall be apportioned by the State Treasurer to the several institutions herein mentioned as follows:

\$102,720 to the state university and school of mines at Grand Forks;

\$61,800 to the agricultural college at Fargo;

\$41,580 to the state normal school at Minot;

\$46,200 to the state normal school at Valley City;

\$36,960 to the state normal school at Mayville;

\$18,480 to the school for the deaf and dumb at Devils Lake;

\$6,180 to the school of forestry at Bottineau;

\$21,600 to the normal and industrial school at Ellendale;

\$12,360 to the school of science at Wahpeton;

provided, that all moneys hereafter collected pursuant hereto shall be apportioned as herein provided.

§ 5. AMENDMENT.] That Section 1419 of the Compiled Laws of 1913 as amended by Chapter 148 of the Laws of 1913, is hereby amended to read as follows:

§ 1419. MONEYS, HOW APPROPRIATED.] The moneys collected from the taxes hereinbefore levied are hereby appropriated for the maintenance of the state university and school of mines at Grand Forks, the agricultural college at Fargo, the state normal school at Valley City, the state normal school at Mayville, the state normal school at Minot, the school for the deaf and dumb at Devils Lake, the academy of science at Wahpeton, the school of forestry at Bottineau, and the normal and industrial school at Ellendale, the same to be paid in twelve monthly installments to the board of trustees of the several institutions herein mentioned and in proportion as herein provided, upon the vouchers of said board signed by their respective presidents. The moneys herein appropriated shall be used only for the payment of the expense of maintenance of the several institutions specified, it being the intent hereby to set aside and repeal the mill tax and to substitute in lieu thereof a specific standing appropriation in addition to the appropriation appearing in the general appropriation Act enacted by the legislative assembly.

Approved, March 11, 1915.

CHAPTER 35.

[S. B. No. 176—Hyland.]

MILITIA GROUNDS—APPROPRIATIONS.

AN ACT Appropriating Money for Care of Buildings, Protecting Timber from Fire, Improving Roads and Care of Water Supply on the State Military Mobilization Grounds in Ramsey County.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of five hundred dollars (\$500.00) annually for the protection of timber, care of parade grounds, removal of dead trees, and improving of roads on the state military reservation in Ramsey county, North Dakota.

§ 2. EMERGENCY.] Whereas, the state militia will undoubtedly camp on the reservation this year and as the parade grounds and roads leading thereto are in very bad condition this Act shall take effect from its passage and approval.

Approved, March 9, 1915.

CHAPTER 36.

[S. B. No. 163—Lindstrom.]

GOPHER EXTERMINATION—APPROPRIATION.

AN ACT to Enable the North Dakota Agricultural Experiment Station to Procure the Necessary Supplies, Prepare Poison, and Furnish the Same to County and Township Officials and Others for Use in the Systematic Extermination of Ground Squirrels, Gophers and Prairie Dogs, and Making an Appropriation Therefor.

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

§ 1. FUND CREATED, APPROPRIATION.] There is hereby appropriated to the North Dakota Agricultural Experiment Station out of the general fund of the State of North Dakota, not otherwise appropriated, the sum of \$3,500.00 to be used as a revolving fund under the direction of the directors thereof for purchasing supplies and preparing and testing poisons to be sold at a price covering the first cost thereof, and the cost of preparing and testing the same, to the various county and township officials and others for use in the systematic extermination of ground squirrels, gophers and prairie dogs.

§ 2. EMERGENCY.] Whereas, the state is now suffering heavy losses from the depredations of these pests, an emergency is hereby declared to exist and the fund hereby provided shall become available immediately upon the passage and approval of this Act.

Approved, March 9, 1915.

CHAPTER 37.

[S. B. No. 151—Hughes.]

APPROPRIATION—PENITENTIARY.

AN ACT Making an Appropriation for the Current and Contingent Expenses of the North Dakota State Penitentiary, and for Making Permanent Improvements and Additions Thereto.

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

§ 1. There is hereby appropriated the following sum of money, or so much thereof as may be necessary, out of the moneys in the state treasury and not otherwise appropriated, for payment of the current and contingent expenses of the North Dakota state penitentiary and for making permanent improvements and additions thereto for the period covering from March 20, 1915, to July 1st, 1917, as follows:

SALARIES AND WAGES

Warden	\$ 4,000.00
Deputy warden	3,300.00
Assistant deputy warden	2,400.00
Chief keeper	2,400.00
Secretary	3,000.00
Steward	1,800.00
Matron	960.00
Chaplain	600.00
Superintendent of construction	2,400.00
Clerk and stenographer	2,000.00
Guards and employees	27,000.00
Fuel and light	13,500.00
Water supply	4,000.00
Books, stationery and office supplies	1,000.00
Library, amusements and school	1,200.00
Physicians and medicine	4,000.00
Incidentals and prison congress expenses	1,000.00
Transportation and clothing for discharged inmates.....	6,000.00
Clothing for inmates	8,000.00
Beds and bedding	2,000.00
Rent of cultivated and hay lands	3,000.00
Expense account to be paid to warden monthly during biennial period, as provided by Section 2, Chapter 46, Session Laws 1913.....	1,000.00
Cloth for uniforms for officers	500.00
General Maintenance from March 20th, 1917 (1915), to July 1st, 1917	19,860.00
Maintenance	48,000.00
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	\$162,920.00

IMPROVEMENTS AND REPAIRS.

Altering interior of dairy barn, installing iron stall, stanchion, etc., equipment and laying sewers to care for water from gutters	\$ 400.00
Cement for walls of kitchen, 1600 sq. ft.....	300.00
Completion of auditorium, new steel ceiling and painting walls	300.00
Repairing women's ward	250.00
Engine and boiler room repairs and improvements, recommended in chief engineer's report	1,000.00
New roof for kitchen	350.00
New roof for old hog house	150.00
Lumber and hardware to repair gutters on buildings ..	150.00
Painting exterior of buildings	500.00
Painting interior of buildings	500.00
Repairs, improvements and equipment	4,000.00

NEW BUILDINGS

Dormitory and living quarters for employees and guards \$	6,000.00
New silo—200 ton, at stock barn	300.00
New ice house—40x80 ft.	500.00
New lumber shed—24x32 ft.	500.00
New hog house—28x100 ft.	700.00
Completion of laundry and bath house	2,000.00
New annex to old hog house—24x50 ft.	500.00

EQUIPMENT

250 steel chairs for cells	\$ 375.00
250 steel tables for cells	375.00
Fire apparatus, hose and equipment, recommended by state fire marshal	500.00

MISCELLANEOUS

Motor truck—purchase price and maintenance to be divided equally between the Twine Plant and the Penitentiary	750.00
1 22 shoe drill	110.00
1 8 ft. binder	125.00
1 corn binder	115.00
4 Wood wheel truck wagons	200.00
1 3 horse manure spreader	100.00
6 work mares, 8 to 12 yrs. old, \$150 to \$175.....	1,000.00
1 draft stallion, 3 yrs. old	500.00

Grand Total\$185,470.00

§ 2. *Whereas*, the customary emergency exists in that funds herein appropriated are needed before July 1st, 1915, for the reason that for many years past, the Penitentiary appropriation bills have carried an emergency clause, thereby making funds immedi-

ately available and no provision having been made by the legislative assembly for the maintaining of the Penitentiary from the time of the approval of the appropriation until July 1st, following, which is the beginning of the biennial period, therefore this act shall take effect and be in full force on and after its passage and approval.

Approved, March 13, 1915.

CHAPTER 38.

[S. B. No. 156—Vail.]

PUBLIC ACCOUNTANTS—APPROPRIATION.

AN ACT Authorizing an Appropriation for Carrying out the Provisions of Sections 711, 712 and 713 of Chapter Nine of the Compiled Laws of 1913, Relating to the Employment of Public Accountants and Establishing a Uniform System of Accounting.

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

§ 1. For the purpose of carrying out the provisions of Sections 711, 712 and 713 of Chapter 9 of the Compiled Laws of 1913, there is hereby appropriated out of moneys in the general fund of the State of North Dakota, not otherwise appropriated, the sum of fifteen thousand (\$15,000.00) dollars, of which there shall be available in the year 1915 the sum of seven thousand five hundred (\$7,500.00) dollars, and the remaining seven thousand five hundred (\$7,500.00) dollars in the year 1916.

Approved, March 9, 1915.

CHAPTER 39.

[S. B. No. 135—Martin.]

APPROPRIATION—REFORM SCHOOL.

AN ACT Making an Appropriation for Maintenance, New Buildings, Improvements and Repairs, Insurance, Purchase of Additional Land, and Equipment for the State Reform School at Mandan.

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

§ 1. APPROPRIATIONS.] For maintenance, new buildings, improvements and repairs, insurance, purchase of additional land, and equipment, for the State Reform School at Mandan, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury, not otherwise appropriated, viz:

MAINTENANCE	
For maintenance less interest and income	\$10,000.00
Reimbursement for insurance and repairs, 1913 and 1914	5,000.00
NEW BUILDINGS	
Chicken house	500.00
Hog house	500.00
Ice house	600.00
IMPROVEMENTS AND REPAIRS	
Tile floors for kitchen and drinking rooms	700.00
INSURANCE	
Insurance premiums for the ensuing two years	1,000.00
PURCHASE OF ADDITIONAL LAND	
N. ½ Sec. 32, Twp. 139, R. 81.	9,000.00
EQUIPMENT	
Bake oven, bread mixer, meat chopper, coffee grinder, aluminum jacket kettle, range, etc.	1,500.00
Replacing equipment in main building	1,000.00
Moving picture outfit	500.00
Dairy barn equipment	500.00

Approved, March 13, 1915.

CHAPTER 40.

[H. B. No. 491—Lathrop Committee.]

APPROPRIATION—REIMBURSE COMMON SCHOOL FUND.

AN ACT Appropriating Money to Reimburse the Common School Fund of the State of North Dakota for Loss Occasioned Through the Purchase of Illegal Bonds.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of fifty-seven hundred dollars to reimburse the common school fund of the State of North Dakota for loss occasioned by the purchase of certain school bonds of school district No. 50 in Barnes county, North Dakota.

Approved, March 10, 1915.

CHAPTER 41.

[H. B. No. 171—Morrison.]

APPROPRIATION—SCHOOL FOR THE DEAF.

AN ACT Making an Appropriation for Improvements and Repairs, and Equipment, for the School for the Deaf at Devils Lake.

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

§ 1. APPROPRIATION.] For improvement and repairs, and equipment for the School for the Deaf at Devils Lake, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury, not otherwise appropriated, viz:

IMPROVEMENTS AND REPAIRS		
For overhauling boilers, furnaces and steam heating plant, erecting safer fire escapes, installing adequate system of ventilating in main building, reflooring main building, and general repairs		\$ 5,500.00
EQUIPMENT		
Furniture for chapel, school room and dining room	\$ 500.00	
Industrial equipment	750.00	
New washer, dry room and machinery	800.00	
Farm machinery, horses and vehicles, manure spreader, corn binder, silage cutter, feed mill	1,500.00	
For extension of water mains and hydrants....	1,000.00	4,450.00
		<hr/>
Total		\$10,050.00

Approved, March 13, 1915.

CHAPTER 42.

[H. B. No. 417—Hickle.]

HIGH SCHOOL INSPECTOR.

AN ACT to Amend and Re-enact Section 1433 of the Compiled Laws of North Dakota for the Year 1913, Relating to High School Inspectors and State Aid for High Schools, Providing Payment of Tuition for Non-resident Pupils.

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

§ 1. AMENDMENT.] That Section 1433 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1433. HIGH SCHOOL INSPECTOR. HOW APPOINTED. SALARY AND EXPENSES. SCHOOLS TO RECEIVE STATE AID. APPROPRIATIONS.]

The State Board of Education shall appoint a High School Inspector, upon the nomination of the Superintendent of Public Instruction, who shall be a graduate of a college or a university of recognized standards, and shall have had five years of successful experience either as principal of a high school or superintendent of city schools in North Dakota. The board shall prescribe his duties. His term of office shall be two years, *provided* that the Inspector appointed in 1911 shall hold office for two years from July 1, 1911. The yearly salary of said Inspector shall not exceed two thousand dollars, as may be fixed by the State Board of Education. Such salary shall be payable monthly on warrant of the State Auditor from the general fund of the state. It shall be the duty of the secretary of the State Board of Education to notify the State Auditor, prior to July 1st of each year, the amount of salary which has been fixed for the biennial period.

The State High School Inspector shall receive his actual and necessary expenses incurred in the discharge of his official duties; such duties under the direction of the State Board of Education may take him outside of the State of North Dakota, and in such cases all his actual and necessary expenses shall be paid. These expenses, which shall not exceed twelve hundred (\$1,200.00) dollars in any given year, shall be paid from the general fund of the state upon itemized vouchers properly approved.

The said State High School Inspector, under the direction of the State Board of Education, shall carefully inspect the instruction, discipline and all conditions affecting the efficiency of the high schools of the state receiving aid under this article, and make a written report on the same; *Provided*, that no money shall be paid in any cases until such report shall have been received, examined and the work of the school approved by the board. The said board shall receive applications from such schools for aid as hereinafter provided, which applications shall be received and acted upon in the order of their reception. The said board shall apportion to each of said schools, which shall have fully complied with the provisions of this article, and whose applications shall have been approved by the board, the following sum, to-wit: Two thousand five hundred dollars annually to each of the five schools already designated, having an agricultural, manual training and domestic economy department; eight hundred dollars each year to each school maintaining a four-year high school curriculum and doing four years of high school work; the sum of five hundred dollars each year to each school having a three-year high school curriculum and doing three years of high school work; and the sum of three hundred dollars each year to each school having a two-year high school curriculum and doing two years of high school work; [and two hundred dollars to schools doing one-year high school work where two or more teachers are employed]; *provided*, that the moneys so apportioned to any high school shall be used to increase the efficiency of the high

school work; *provided*, further, that the total amount of apportionment, expenses and salary under this Act, except salary and expenses of the Inspector provided for above, shall not exceed eighty-five thousand dollars annually. The sum of eighty-five thousand dollars is hereby appropriated annually for the purpose of this Act, to be paid out of any moneys in the state treasury not otherwise appropriated, which amount, or so much thereof as may be necessary, shall be paid upon the itemized vouchers of said board, duly certified and filed with the State Auditor; *provided* that in case the amount appropriated and available under this article for the payment of aid to such schools shall in any year be insufficient to apportion each of such schools as are entitled thereto the full amount intended to be apportioned to the high schools of the various classes, then, in such case, two thousand five hundred dollars shall be apportioned to each of the five schools having an agricultural, manual training and domestic economy department, and the remainder of such amount as is appropriated and available shall be apportioned pro rata among the schools entitled thereto; *provided*, further, that with the approval of the State Board of Education, the money appropriated by the state to the high schools designated to maintain departments of agriculture, manual training and domestic economy may be used for the extension of agricultural education and demonstration outside of the district in which the school is located, within the limits of efficiency.

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

Approved, March 11, 1915.

CHAPTER 43.

[H. B. No. 488—Lathrop Committee.]

GENERAL BUDGET.

AN ACT to Appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for Which Such Appropriations shall be Available, and Repealing Sections 141, 155, 652 and 654, Sub-division 9, of Sections 5146 and 5146a of the Compiled Laws of 1913, and all other Acts and parts of Acts in so far as the Same Relate to Appropriations Conflicting Herewith, or to Appropriations for the Same Matters or Purposes Provided for Herein.

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

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated from any moneys in

the state treasury not otherwise appropriated, for the purposes specified in the following Sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations hereby made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1915, and ending July 1st, 1917.

§ 3. APPROPRIATIONS.]

Sub-division 1.

EXECUTIVE OFFICE

Salary, Governor	\$5,000 per annum	\$10,000.00
Clerk hire—		
Private secretary	2,000 per annum	4,000.00
Clerk and stenographer	1,500 per annum	3,000.00
Postage		650.00
Office supplies		200.00
Furniture and fixtures		500.00
Printing		600.00
Miscellaneous Expense—		
Telephone rentals, express, telegrams, freight and drayage		450.00
Contingent Fund	\$ 500 per annum	1,000.00
		\$20,400.00

Sub-division 2.

LIEUTENANT GOVERNOR

Salary \$1,000.00 per annum		\$2,000.00
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Sub-division 3.

SUPREME COURT

Salary—		
Judges (5)	\$5,000 per annum	\$50,000.00
Clerk of Supreme Court	2,000 per annum	4,000.00
Supreme Court reporter	1,500 per annum	3,000.00
Four stenographers, each	900 per annum	7,200.00
Per diem Marshal		50.00
Postage		750.00
Office supplies		400.00
Traveling expenses, each Judge	\$ 500 per annum	5,000.00
Clerk of Court		100.00
Printing		1,500.00
Miscellaneous—		
Telephone rentals		200.00
Telegrams		50.00
Express		175.00
		\$72,175.00

Sub-division 4.

JUDGES OF DISTRICT COURTS

Salary—

Judges of District Court, 12 Judges.....	\$4,000 per annum	\$96,000.00
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Sub-division 5.

STATE LAW LIBRARY

Salary Librarian and Clerk	\$1,200 per annum	\$2,400.00
Printing		300.00
Miscellaneous—		
New books and reports		4,000.00
Freight		25.00
Express		25.00
Drayage		10.00
Total		\$6,760.00

Sub-division 6.

SECRETARY OF STATE

Secretary of State, salary	\$3,000 per annum	\$ 6,000.00
Deputy at	1,800 per annum	3,600.00
Chief clerk at	1,500 per annum	3,000.00
Document clerk and expert printer at	1,500 per annum	3,000.00
Recording clerk at	1,200 per annum	2,400.00
Four stenographers at	3,900 per annum	7,800.00
Census clerk		600.00
Stenographer		450.00
Proof reader, Blue Book		300.00
Postage		6,000.00
Office supplies		1,000.00
Furniture and fixtures		1,000.00
Traveling expenses		150.00
Printing		16,000.00
Miscellaneous—		
Telephone		300.00
Telegrams		75.00
Freight		475.00
Express		3,350.00
Total		\$55,400.00

Sub-division 7.

OFFICE OF STATE AUDITOR

Salary of State Auditor	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Salaries to be determined by Auditor but not more per annum than named following:		
Deputy	\$2,400 per annum	4,800.00
Chief clerk	1,500 per annum	3,000.00

Clerk and bookkeeper	1,200 per annum	2,400.00
Clerk	1,200 per annum	2,400.00
Stenographer	1,000 per annum	2,000.00
Postage		900.00
Office supplies		275.00
Furniture and fixtures		500.00
Printing		1,000.00
Miscellaneous—		
Telephone rentals and tolls		100.00
Telegrams		50.00
Freight, express and drayage		50.00
Total		\$23,475.00

Sub-division 8.

STATE TREASURER

Salary of State Treasurer	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy	2,400 per annum	4,800.00
Chief clerk	1,500 per annum	3,000.00
Bookkeeper	1,500 per annum	3,000.00
Stenographer and bond clerk.....	1,000 per annum	2,000.00
Postage		1,100.00
Office supplies		200.00
Furniture and fixtures		150.00
Printing		1,600.00
Miscellaneous Expense—		
Telephone, express, freight, etc.		150.00
Total		\$22,000.00

Sub-division 9.

INSURANCE DEPARTMENT

Salary Commissioner of Insurance....	\$3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy at	1,800 per annum	3,600.00
Chief clerk at	1,200 per annum	2,400.00
Bookkeeper at	900 per annum	1,800.00
Stenographer at.....	900 per annum	1,800.00
Postage		900.00
Office supplies		300.00
Furniture and fixtures		200.00
Printing		2,500.00
Miscellaneous Expense—		
Telephone rental and toll charges		250.00
Telegrams		100.00
Freight, express and drayage		300.00
Total		\$20,150.00

Sub-division 10.

FIRE MARSHAL DEPARTMENT

Salary—	
Fire Marshal	\$2,500 per annum \$ 5,000.00
Chief Assistant Fire Marshal....	1,800 per annum 3,600.00
Deputy	1,200 per annum 2,400.00
Postage	400.00
Office supplies	100.00
Furniture and fixtures	100.00
Traveling Expense—	
Fire Marshal and Chief Assistant Fire Marshal....	3,600.00
Printing	200.00
Miscellaneous—	
Telephone	200.00
Telegrams	25.00
Freight and express	10.00
(Fees paid to chiefs of fire departments according to law)	800.00
Total	<u>\$16,435.00</u>

Sub-division 11.

ATTORNEY GENERAL

Salary Attorney General	\$3,600 per annum \$ 7,200.00
Salary Assistants Attorney General (2) at \$2,500 each per annum	10,000.00
Clerkhire—	
Law clerk	\$1,200 per annum 2,400.00
Stenographer	1,200 per annum 2,400.00
Postage	350.00
Office supplies	100.00
Furniture and fixtures	100.00
Traveling expense	2,000.00
Printing	700.00
Miscellaneous Expense—	
Telephone rental and toll charges.....	350.00
Telegrams	100.00
	<u>\$25,700.00</u>

Sub-division 12.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary, Supt. of Public Instruction...	\$3,000 per annum \$ 6,000.00
Clerkhire—	
Deputy	\$1,800 per annum 3,600.00
Assistant	2,000 per annum 4,000.00
Three clerks, each	900 per annum 5,400.00
Postage	1,100.00
Office supplies	250.00

Furniture and fixtures	250.00
Traveling expenses	1,800.00
Printing—	
Blanks for distribution to school officers.....	8,800.00
Pamphlets, etc.	5,000.00
Miscellaneous—	
Telephone, telegraph, express and freight	250.00
	\$36,450.00

Sub-division 13.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary Commissioner of Agriculture and Labor.....		
..... \$3,000 per annum	\$ 6,000.00	
Clerkhire—		
Deputy at	1,800 per annum	3,600.00
Assistant clerk at	1,200 per annum	2,400.00
Chief stenographer at	1,000 per annum	2,000.00
Assistant stenographer at	900 per annum	1,800.00
Postage		800.00
Office supplies		200.00
Furniture and fixtures		200.00
Traveling expense		1,000.00
Printing		2,000.00
Miscellaneous Expense—		
Telephone and toll charges		150.00
Telegrams		50.00
Freight, express and drayage		50.00
		\$20,250.00

Sub-division 14.

DAIRY COMMISSIONER

DEPARTMENT OF AGRICULTURE AND LABOR

Salary Dairy Commissioner.....	\$2,400 per annum	\$ 4,800.00
Clerkhire—		
Two assistants at	\$1,500 per annum	6,000.00
Secretary and stenographer at..	1,500 per annum	3,000.00
Postage		1,250.00
Office supplies		85.00
Furniture and fixtures		125.00
Traveling expense		4,200.00
Printing		400.00
Miscellaneous Expense—		
Telephone		135.00
Telegrams		55.00
Freight, express and drayage		60.00
Dairy production contests		250.00
Total		\$20,360.00

Sub-division 15.

BOARD OF RAILROAD COMMISSIONERS

Salary, three Commissioners.....	\$2,000 per annum	\$12,000.00
Clerkhire—		
Secretary	2,000 per annum	4,000.00
Clerk at	1,200 per annum	2,400.00
Reporter at	1,500 per annum	3,000.00
Elevator examiner at	1,500 per annum	3,000.00
Postage		800.00
Office supplies		100.00
Furniture and fixtures		500.00
Traveling expenses		5,000.00
Printing		1,600.00
Miscellaneous—		
Telephone rentals, express, telegrams, freight.....		500.00
Expenses in connection with National Association of Railroad Commissioners, etc		500.00
		\$33,400.00

Sub-division 16.

LAND DEPARTMENT

Salary Land Commissioner	\$ 3,000 per annum	\$ 6,000.00
Clerkhire—		
Deputy	1,800 per annum	3,600.00
Chief clerk	1,620 per annum	3,240.00
Mortgage and bond clerk.....	1,620 per annum	3,240.00
Two clerks (office) each	1,500 per annum	6,000.00
One clerk (field)	1,500 per annum	3,000.00
One clerk	1,200 per annum	2,400.00
One clerk	1,020 per annum	2,040.00
Two stenographers each.....	900 per annum	3,600.00
Postage		1,400.00
Office supplies		250.00
Furniture and fixtures		150.00
Traveling expense		3,000.00
Printing		2,900.00
Miscellaneous—		
Telephone and toll charges		150.00
Telegrams		5.00
Freight, express and drayage		40.00
Advertising of sales and leasings.....		3,600.00
Expense appraisalment and sale.....		500.00
		\$45,115.00

Sub-division 17.

DEPARTMENT OF STATE EXAMINER

State Examiner, salary	\$3,000 per annum	\$ 6,000.00
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Clerkhire—			
Chief deputy	2,000	per annum	4,000.00
Office deputy	2,000	per annum	4,000.00
Six deputies (banks) each	2,000	per annum	24,000.00
Two deputies (counties) each	1,800	per annum	7,200.00
One deputy (cities)	2,000	per annum	4,000.00
Clerk at	1,500	per annum	3,000.00
Stenographer at	1,200	per annum	2,400.00
Additional stenographer at	900	per annum	1,800.00
Postage			2,000.00
Office supplies			350.00
Furniture and fixtures			250.00
Traveling expense, State Examiner and eleven deputies			22,500.00
Printing			2,000.00
Miscellaneous Expense—			
Telephone			500.00
Telegrams			50.00
Freight, express, etc.			50.00
Total			\$88,100.00

Sub-division 18.

TAX COMMISSION

Salary, Tax Commissioner	\$3,000	per annum	\$ 6,000.00
Secretary	2,400	per annum	4,800.00
Clerkhire and assistants			8,000.00
Postage			805.00
Office supplies			500.00
Furniture and fixtures			500.00
Traveling expense			2,220.00
Printing			500.00
Miscellaneous—			
Telephone			200.00
Telegrams			25.00
Freight and express			50.00
Dues and fees			200.00
Total			\$23,800.00

Sub-division 19.

BOARD OF CONTROL STATE INSTITUTIONS

Three members at	\$3,000	per annum	\$18,000.00
Secretary at	2,000	per annum	4,000.00
Bookkeeper at	1,200	per annum	2,400.00
Stenographer at	1,000	per annum	2,000.00
Postage			350.00
Office supplies			150.00
Furniture and fixtures			200.00

Traveling expense	1,450.00
Printing	1,000.00
Miscellaneous Expense—	
Telephone rental, toll charges, telegrams, freight, express, drayage, etc.	450.00
Total	\$30,000.00

Sub-division 20.

STATE PUBLIC LIBRARY COMMISSION

Secretary	\$1,800 per annum	\$ 3,600.00
Legislative Reference Librarian	1,500 per annum	3,000.00
Traveling library clerk.....	1,080 per annum	2,160.00
Stenographer	900 per annum	1,800.00
One clerk	600 per annum	1,200.00
Extra help for legislative reference library		
.....	\$ 225 per annum	450.00
Postage		600.00
Office supplies		150.00
Furniture and fixtures		100.00
Traveling expense		200.00
Printing		400.00
Miscellaneous—		
Telephone and telegrams		75.00
Freight, express, drayage		500.00
Books and periodicals		1,000.00
To replace worn books		2,000.00
Total		\$17,235.00

Sub-division 21.

STATE ENGINEER'S DEPARTMENT

Salary State Engineer	\$2,500 per annum	\$ 5,000.00
Assistant State Engineer and Coal Mine Inspector....		
.....	\$1,800 per annum	3,600.00
Three field men (summers) at.....	60 per month	1,000.00
Stenographer	1,000 per annum	2,000.00
Postage		175.00
Office supplies		750.00
Furniture and fixtures		75.00
Traveling expense		2,100.00
Printing		500.00
Miscellaneous Expense—		
Telephone and toll charges		100.00
Telegrams		20.00
Freight, express and drayage		80.00

Hydrographic work in co-operation with the U. S.
 Geological Survey 800.00

Total \$16,200.00

Sub-division 22.

ADJUTANT GENERAL'S DEPARTMENT

Adjutant General\$1,800 per annum \$ 3,600.00
 Chief clerk 1,200 per annum 2,400.00

Total \$ 6,000.00

Sub-division 23.

STATE HISTORICAL SOCIETY OF NORTH DAKOTA

Curator of Museum\$1,800 per annum \$ 3,600.00
 Librarian 900 per annum 1,800.00
 Miscellaneous office work 900.00
 Postage 170.00
 Office supplies 180.00
 Furniture and fixtures 1,100.00
 Field work 1,000.00
 Printing 120.00
 Miscellaneous Expense—
 Telephone rental and tolls 120.00
 Telegrams 8.00
 Freight, express and drayage 160.00
 Books for library 600.00
 Museum specimens 700.00

Total \$10,458.00

Sub-division 24.

PUBLIC HEALTH

Superintendent of Public Health\$1,200 per annum \$ 2,400.00
 One stenographer 600 per annum 1,200.00
 Postage 200.00
 Office supplies 100.00
 Traveling expense 200.00
 Printing 400.00
 Miscellaneous Expense—
 Telephone, express, etc. 100.00

Total \$ 4,600.00

Sub-division 25.

STATE LIVE STOCK SANITARY BOARD

State Veterinarian\$3,000 per annum \$ 6,000.00

Stenographer	900 per annum	1,800.00
Postage		350.00
Office supplies		75.00
Furniture and fixtures		50.00
Traveling expense		18,000.00
Printing		750.00
Total		\$27,025.00

Sub-division 26.

OIL INSPECTION DEPARTMENT

State Oil Inspector	\$2,500 per annum	\$ 5,000.00
Four deputy inspectors each	\$1,200 per annum	9,600.00
Six deputy inspectors each	600 per annum	7,200.00
Three deputy inspectors each	360 per annum	2,160.00
Two deputy inspectors each	300 per annum	1,200.00
Clerkhire (two) each	360 per annum	1,440.00
Postage		400.00
Office supplies		800.00
Traveling expenses, State Oil Inspector		400.00
Printing		100.00
Miscellaneous Expense—		
Telephone rental		490.00
Toll charges		200.00
Telegrams		100.00
Express		50.00
Freight and drayage		50.00
Insurance		20.00
Apparatus, State Oil Inspector and deputies		500.00
Office rent for State Oil Inspector at ports of entry, Grand Forks, Fargo, Hankinson		1,300.00
Total		\$31,010.00

Sub-division 27.

MINOT NORMAL SCHOOL

Maintenance—		
Discount in 1914 mill tax		\$15,000.00
Improvements and Repairs—		
Installation of modern sanitary appliances, water and sewer connections, toilets, connections to the central heating plant, finishing basement rooms, deadening floors, and general repairs to model school		2,500.00
Improvements of grounds, including cement walks, drive-ways, grading, trees, shrubbery, well for drinking water, etc.		4,000.00

New Buildings—	
For the purchase of Harrison school building for model school and five acres of ground	8,172.00
Equipment—	
Furnishings for the main building, including equipment for laboratories, library, gymnasium, general offices, music department, cloak rooms, assembly room, manual training and domestic science departments	10,000.00
Premium for \$140,000 of insurance on equipment and buildings for a term of five years	1,064.00
Total	<u>\$41,276.00</u>

Sub-division 28.

VALLEY CITY NORMAL

Maintenance \$35,000 and discount on 1914 mill tax, \$18,778	\$53,778.00
Improvements and Repairs—	
Grading, fencing, trees for school garden, repair and extension of cement walks	1,000.00
Repair of artesian well	300.00
New Buildings—	
Small barn for live stock and minor buildings for storing farm and garden tools and implements	1,000.00
Equipment—	
For library books, furniture, cases, cabinets, and apparatus	1,500.00
Miscellaneous—	
Premium for insurance on buildings and contents..	1,500.00
Total	<u>\$60,078.00</u>

Sub-division 29.

UNIVERSITY AND SCHOOL OF MINES

Maintenance \$51,000, and discount on 1914 mill tax \$36,000	\$87,000.00
Library maintenance	5,000.00
Summer session	3,000.00
Extension work	5,000.00
Audit of accounts	2,500.00
Improvements and Repairs —	
Grounds	2,500.00
Repairs	5,000.00
Rewiring building condemned by Fire Marshal...	7,500.00

Equipment—		
For screening kitchen from public, dish washer and refrigerator for kitchen	4,000.00	
Equipment for medical school	2,500.00	
Miscellaneous—		
Insurance premiums	12,602.95	
Interest on warrants above	857.00	
		\$137,459.00

Sub-division 30.

PUBLIC HEALTH LABORATORY

Miscellaneous collections; discount on 1915 appropriation \$3,840, and maintenance appropriation \$16,000, for public health laboratory and sub-laboratory at Minot	\$19,840.00
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Sub-division 31.

BIOLOGICAL STATION

Maintenance	\$ 6,000.00
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Sub-division 32.

MINING STATION, HEBRON

Maintenance	\$16,000.00
New Buildings—	
Deficit caused by fire	3,000.00
	\$19,000.00

Sub-division 33.

GEOLOGICAL SURVEY STATE UNIVERSITY

Maintenance	\$ 2,000.00
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Sub-division 34.

AGRICULTURAL COLLEGE

Maintenance—	
Discount on 1914 mill tax	\$23,500.00
Improvements and Repairs—	
Relaying and enlarging heating mains	15,000.00
New vacuum pumps	500.00
	\$39,000.00

Sub-division 35.

EXTENSION FUND, AGRICULTURAL COLLEGE

For the continuance of the agricultural extension department and to assist in carrying out the provisions of the Lever bill in agricultural demonstration \$40,000.00

Sub-division 36.

NORTH DAKOTA AGRICULTURAL EXPERIMENT STATION

To continue the work of the experiment station,....
 \$25,000 per annum \$50,000.00

Equipment—

For creamery apparatus and equipment required in new dairy building 3,500.00

Total \$53,500.00

Sub-division 37.

BEVERAGE FUND

For the enforcement of the feeding stuffs, fertilizers, beverage, and sanitary inspection laws \$24,000.00

Sub-division 38.

PURE FOOD FUND

For the further and better enforcement of the pure food and drug laws \$20,000.00

Sub-division 39.

SERUM INSTITUTE

For the maintenance of a serum institute at the Agricultural College and the manufacture and distribution of vaccines, sera, and other agents for the prevention and eradication of various infectious and contagious diseases..... \$ 6,000.00

Sub-division 40.

MILLING EXPERIMENTS

For the maintenance of a plant at the Agricultural College in which to conduct experiments to determine the comparative milling values of the different grades of wheat \$ 1,000.00

For demonstration farm fund 24,000.00

Sub-division 41.

PURE SEED FUND

To the Agricultural Experiment Station for the purpose of examining, testing and inspecting seeds sold, offered, or exposed for sale in the state, and for other purposes \$ 5,000.00

Sub-division 42.

GEOLOGICAL SURVEY

To the Agricultural College for the purpose of executing, together with directors of the United States Federal Surveys, a topographic, economic and agricultural survey and map of North Dakota \$ 2,000.00

Sub-division 43.

AGRICULTURAL SUB-STATIONS

To the North Dakota Agricultural College for the support and maintenance of the five agricultural sub-stations named following, each annually the sum of \$5,000:

Edgeley Sub-station	\$10,000.00
Dickinson Sub-station	10,000.00
Langdon Sub-station	10,000.00
Williston Sub-station	10,000.00
Hettinger Sub-station	10,000.00
Total	\$50,000.00

Sub-division 44.

SPECIAL LIVE STOCK WORK

For special live stock work at the sub-station at Williston, Dickinson, Hettinger, Langdon and Edgeley, and at the Experiment Station at Fargo, and for co-operation with the Federal Department of Agriculture at the Mandan Dry Land Station\$5,000 per annum \$10,000.00

Sub-division 45.

SCHOOL OF SCIENCE

Maintenance—

\$2,500 and discount on 1914 mill tax, \$9,647..... \$12,147.00

Improvements and Repairs—

Finishing assembly hall and gymnasium..... 15,000.00

Miscellaneous—

Insurance

Insurance	365.00
	<hr/>
	\$27,512.00

Sub-division 46.

NORMAL INDUSTRIAL SCHOOL

Maintenance and deficit	\$ 9,000.00
Discount on 1914 mill tax	8,208.00
Improvements and Repairs—	
Repairs on dormitory	1,000.00
Miscellaneous—	
Interest on Carnegie warrants covering construction of administration building \$1,400 per annum	\$ 2,800.00
Total	\$21,008.00

Sub-division 47.

SCHOOL OF FORESTRY

Maintenance—	
\$16,000, and discount on 1914 mill tax \$2,500....	\$18,500.00
Improvements and Repairs—	
Walks, specimen trees, water supply, painting and repairs	875.00
Equipment—	
Apparatus, office supplies, plants, bulbs and supplies for departments	300.00
Miscellaneous—	
Purchase 160 acres land at \$50	8,000.00
Team and wagon	500.00
Miscellaneous supplies	519.00
Total	\$28,694.00

Sub-division 48.

PER DIEM AND EXPENSE TRUSTEES AGRICULTURAL COLLEGE

For per diem and expenses of the trustees of the Agricultural College at Fargo, allowing \$3.00 per day for each day employed in attending meetings, together with five cents per mile for each mile actually and necessarily traveled \$ 3,000.00

Sub-division 49.

PER DIEM AND EXPENSE TRUSTEES SOLDIERS' HOME

For per diem and expenses of the trustees of the Soldiers' Home at Lisbon, allowing \$3.00 per day each day employed in attending meetings, together with actual and necessary expenses.... \$ 300.00

Sub-division 50.

PER DIEM AND EXPENSE TRUSTEES SCHOOL OF FORESTRY

For per diem and expenses of the trustees of the School of Forestry at Bottineau, allowing \$3.00 per day for each day employed in the attendance of meetings of the board, together with necessary and actual expenses \$ 560.00

Sub-division 51.

PER DIEM AND EXPENSE TRUSTEES NORMAL INDUSTRIAL SCHOOL

For per diem and expenses of the trustees of the Normal Industrial School at Ellendale, allowing \$3.00 for each day employed in the attendance of meetings of the board, together with five cents per mile for each mile actually and necessarily traveled \$ 700.00

Sub-division 52.

PER DIEM AND EXPENSES STATE SCHOOL OF SCIENCE

For per diem and expenses of the trustees of the State School of Science at Wahpeton, allowing \$3.00 per day for each day employed in the attendance of the meetings of the board, together with actual and necessary expenses \$ 1,000.00

Sub-division 53.

STATE BOARD OF NORMAL SCHOOL TRUSTEES

For per diem and expenses of the members of the State Board of Normal School Trustees, the salary of the secretary, and his expenses, together with other expenses authorized by the Board of Trustees.
 Per diem and traveling expenses members of board, \$3.00 per day and actual expenses (except Superintendent of Public Instruction) \$ 3,842.00
 Salary fixed by board for the resident member of each Normal School, covering biennial period ending July 1st, 1917, for supervising buildings and grounds 900.00
 Secretary's salary for biennial period..... 4,000.00
 Office expenses of the secretary..... 222.00
 Advertising for coal and food supply bids..... 108.00

Printing blanks and specifications covering food supply schedules	45.00
Office rent of secretary	336.00
Stenographer's salary	768.00
Office telephone and light	126.00
Total	\$10,347.00

Sub-division 54.

PER DIEM AND EXPENSE TRUSTEES STATE UNIVERSITY

For per diem and expenses of the trustees of the State University at Grand Forks, allowing \$3.00 per day for each day employed in the attendance of the meetings of the board, together with actual and necessary expenses \$ 925.00

Sub-division 55.

PER DIEM TRUSTEES LIVE STOCK SANITARY BOARD

For per diem and expenses of the trustees for the Live Stock Sanitary Board, Bismarck, allowing \$3.00 per day for each day employed in the attendance of meetings of the board, together with five cents per mile for each mile actually and necessarily traveled \$ 1,000.00

Sub-division 56.

PREMIUM ON STATE TREASURER'S BOND

For the payment of premium on the State Treasurer's surety bond in the sum of \$500,000.00 for the 1917 and 1919 term..... \$ 2,500.00

Sub-division 57.

THE FIFTEENTH LEGISLATIVE ASSEMBLY

For the payment of salaries and mileage of members, per diem of officers and employees, printing, and miscellaneous expenses and supplies, for the Fifteenth Legislative Assembly, the following sums:

Mileage and per diem of members.....	\$ 57,000.00
Per diem officers and employees.....	20,000.00
Printing	30,000.00
Miscellaneous expenses and supplies	5,000.00
Total	\$112,000.00

Sub-division 58.

ENFORCEMENT CRUELTY TO ANIMALS LAWS

For expenses of the State Humane Officer and to aid in the enforcement of laws for the prevention of cruelty to animals \$ 1,000.00

Sub-division 59.

EXPENSES JUDGES DISTRICT COURT ON SUPREME BENCH

To cover actual expenses of Judges of the District Court, when called to act for a disqualified Judge of the Supreme Court 150.00

Sub-division 60.

SALARY HIGH SCHOOL INSPECTOR

Salary of State High School Inspector to be fixed by the State Board of Education, but not to exceed \$2,000 per annum \$ 4,000.00

Sub-division 61.

TRAVELING EXPENSES STATE HIGH SCHOOL INSPECTOR

Actual and necessary traveling expenses of the State High School Inspector, not to exceed \$1,000 per annum \$ 2,000.00

Sub-division 62.

SALARY INSPECTOR RURAL AND GRADED SCHOOLS

Salary Inspector Rural and Graded Schools to be fixed by the State Board of Education, but not to exceed \$2,000 per annum \$ 4,000.00

Sub-division 63.

TRAVELING EXPENSES OF INSPECTOR RURAL AND GRADED SCHOOLS

Actual and necessary traveling expenses of the Inspector of Rural and Graded Schools, not to exceed the sum of \$1,500 per annum \$ 3,000.00

Sub-division 64.

STATE AID TO HIGH SCHOOLS

Appropriation for state aid to high schools of all kinds and classes, including specially designated high schools \$85,000 per annum \$170,000.00

Sub-division 65.

TEACHERS' INSTITUTES

One hundred dollars per year for each county in the state shall be available for teachers' institute purposes, to be expended on the order of the Superintendent of Public Instruction \$ 10,400.00

Sub-division 66.

STATE AID TO RURAL, GRADED, AND CONSOLIDATED SCHOOLS

Appropriation for state aid to rural, graded, and consolidated schools, \$60,000 per annum, divided as follows:

For graded schools annually	\$10,000.00
For rural schools annually	20,000.00
For consolidated schools annually	30,000.00

Total for the biennial period\$120,000.00

Sub-division 67.

COUNTY AGRICULTURAL AND TRAINING SCHOOLS

The sum of \$3,000 annually to each of the county agricultural training schools, at Park River and Maddock\$12,000.00

§ 4. REPEAL.] Section 652 of the Compiled Laws of 1913 and Section 654 of the Compiled Laws of 1913, 141-155 and sub-division 9 of Section 5146 and Section 5146a of the Compiled Laws of 1913, are hereby repealed, and all other Acts and parts of Acts in so far as the same relate to appropriations of money in conflict herewith, or to appropriations for the same matters or purposes provided for herein, are hereby repealed. It is the intent hereby to enact an exclusive general appropriation bill, and to repeal each and every Act and all parts of Acts now existing which appropriate or purport to appropriate money for any of the offices, officers, purposes and things set out in Section 3 hereof in so far as the same conflicts therewith, or relate to appropriations for the same matters or purposes provided for therein.

§ 5. This Act is necessary for the immediate preservation of the public health and safety. The reason for this is that it contains the general appropriations and provides the means for continuing and maintaining the state government and for enabling it to perform its proper functions, among which are the preservation of the public peace, health and safety of the people; and without the means provided by this Act the functions of the state government will necessarily be suspended. This Act will, therefore, in its entirety, go into instant operation upon its approval by the Governor.

Approved, March 13, 1915.

CHAPTER 44.

[H. B. No. 495—Lathrop Committee.]

APPROPRIATION—CAPITOL, EXECUTIVE MANSION, CAR LINE.

AN ACT Appropriating Money for the Maintenance and Repair of the Capitol, Executive Mansion, State Trolley Line and State Grounds, and Repealing all Acts and parts of Acts Relating to Appropriations of Money for the Purpose Herein Set Out.

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

§ 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of fifty-seven thousand dollars, or so much thereof as is necessary, for the purpose of maintaining and repairing the capitol, executive mansion, state trolley line, and state grounds during the two years' period from July 1st, 1915, to July 1st, 1917, to be used and expended as follows, to-wit:

(a) Salary of janitors, firemen, engineers, etc., including the regular employees at the capitol and executive mansion, \$15,000 annually	\$30,000.00
(b) Day labor, necessary labor for grading, work on trolley line and work not covered by salary appropriations	1,000.00
(c) Coal for capitol, car house and executive mansion, to be used for all heating, lighting and power purposes, both at capitol and executive mansion	11,000.00
(d) Repair at capitol building, repairs exterior, inside repair, new roofing, new wiring, new cornicing, new fire escape	5,000.00
(e) State trolley line, replacing poles, laying and replacing of ties, repair of line and motor	2,500.00
(f) Trees, seeds, shrubbery, grass and clover seed, flowers and plants for state grounds	500.00
(g) Roads and grading; furnishing sidewalks, replacing and repairing, laying outside drives and improving the same, grading boulevard, to pay such assessment of grading boulevard for 1914	3,000.00
(h) Repairs, material, lumber, cement, hardware and general repair and upkeep of state buildings	4,000.00

§ 2. All Acts and parts of Acts in so far as the same appropriate money relating to the matters and things herein mentioned are hereby repealed.

Approved, March 13, 1915.

CHAPTER 45.

[S. B. No. 118—Bronson.]

STATE FAIR—APPROPRIATION.

AN ACT Appropriating Moneys to Make Effective the Appropriations Heretofore Made by Chapter 45 of the Session Laws of the Year 1913, Relating to State Fairs.

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

§ 1. There is hereby appropriated out of any funds in the treasury of the State of North Dakota not otherwise appropriated for the year 1915 the sum of six thousand dollars, or such portion thereof as may be necessary, in order to make effective the full general appropriation heretofore made by Chapter 45 of the Session Laws of the year 1913 of the full sum of \$15,000 as therein specified, all to be expended by the North Dakota State Fair Association for Grand Forks in the year 1915.

§ 2. An emergency existing that the full appropriation as herein mentioned is immediately necessary for the proper preparation and conduct of the 1915 state fair of North Dakota, therefore this Act shall take effect and be in full force from and after its passage.

Approved, March 2, 1915.

CHAPTER 46.

[H. B. No. 179—Wiley.]

FORT RICE STATE PARK.

AN ACT to Provide for the Care, Maintenance and Conservation of the State Park at Fort Rice in Morton County and 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 of the general fund not otherwise appropriated the sum of three hundred dollars to be expended for the conservation, maintenance and caring of the state park at Fort Rice in Morton county. This money or as much thereof as may be necessary shall be expended for the purpose of maintaining and caring for and conserving the said state park at Fort Rice.

Approved, March 9, 1915.

CHAPTER 47.

[H. B. No. 489—Lathrop Committee.]

APPROPRIATION—SPECIAL PRINTING.

AN ACT Appropriating Money for Public Printing not Properly Chargeable to any of the several Departments of the State Government from July 1st, 1915, to July 1st, 1917, and Repealing all Acts and Parts of Acts in so far as the same Relate to Appropriations for the same Purposes.

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

§ 1. That there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of twenty-nine thousand nine-hundred dollars for the purpose of paying the cost and expenses of public printing other than that properly chargeable to the several departments of the state government from July 1st, 1915, to July 1st, 1917, to be used and expended as follows, to-wit:

Miscellaneous legal notices, advertising for bids, etc...	\$ 300.00
North Dakota reports	4,900.00
Compiled Laws of North Dakota, 1913	1,500.00
Publicity pamphlet	6,000.00
Constitutional amendments	12,000.00
Abstracts of votes	1,200.00
State institution reports and miscellaneous reports not otherwise provided for	4,000.00

§ 2. All Acts and parts of Acts in so far as the same appropriate money relating to the matters herein contained are hereby repealed.

Approved, March 13, 1915.

CHAPTER 48.

[H. B. No. 486—Lathrop Committee.]

LISTING OF ANY TAXABLE LAND.

AN ACT Appropriating Money for the Listing of any Taxable Land as Required by Law.

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 six hundred dollars for the year 1915, and six hundred dollars for the year 1916 to provide for the listing of any taxable land as required by Section 2222 of the Compiled Laws of 1913.

Approved, March 5, 1915.

CHAPTER 49.

[S. B. No. 138—Nelson of Rolette.]

TUBERCULOSIS SANITARIUM DUNSEITH—APPROPRIATION.

AN ACT Making an Appropriation for Maintenance, Deficiency in Maintenance Appropriation, New Buildings, Improvements and Repairs, General Equipment, and Farm Machinery and Live Stock for the Tuberculosis Sanitarium at Dunseith.

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

§ 1. APPROPRIATIONS.] For maintenance, deficiency in maintenance appropriation, new buildings, improvements and repairs, general equipment and farm machinery and live stock for the tuberculosis sanitarium at Dunseith, the following sums of money, or so much thereof as may be necessary, are hereby appropriated from any funds in the state treasury not otherwise appropriated, viz:

MAINTENANCE	
For maintenance	\$30,000.00
DEFICIENCY IN MAINTENANCE APPROPRIATION	
Deficiency in maintenance appropriation	\$ 5,000.00
NEW BUILDINGS	
Refectory building	\$28,000.00
Heating plant	3,500.00
Cold storage	1,000.00
Superintendent's cottage	4,500.00
Dairy barn and silo	4,000.00
Chicken house	500.00
IMPROVEMENTS AND REPAIRS	
Grading grounds and roads	\$ 500.00
Overhauling heating and plumbing	1,000.00
Paint and painting buildings	1,500.00
Sidewalks and cistern	1,500.00
Sewage disposal, contact-bed and tank	4,000.00
Water main extension and hydrants	2,000.00
GENERAL EQUIPMENT	
Bedding, lockers, furniture, wardrobes, chairs, tables, scientific instruments, books, bookcases, dishes and linen	\$ 4,000.00
Kitchen equipment	1,000.00
FARM MACHINERY AND LIVE STOCK	
Dairy herd and horses	1,000.00
Farm machinery and equipment	600.00
Total	\$93,600.00

Approved, March 2, 1915.

CHAPTER 50.

[H. B. No. 487—Lathrop Committee.]

WOLF BOUNTY FUND MILL TAX—REPEAL.

AN ACT to Amend and Re-enact Section 2652 of the Compiled Laws of 1913, Relating to the Duties of the State Board of Equalization with Respect to the Wolf Bounty Fund, 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. AMENDMENT.] Section 2652 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2652. DUTIES OF THE STATE BOARD OF EQUALIZATION.] It shall be the duty of the State Board of Equalization, at the time of the levy of the annual tax for the year 1915, to levy a special tax of fifty thousand dollars upon all of the property within the state, real and personal, for the purpose of reimbursing the state wolf bounty fund for the sum transferred therefrom pursuant to Chapter 328 of the Laws of 1911, and at the time of the levy of the annual tax for the year 1916 to levy a special tax of twenty thousand dollars upon all the property within the state, real and personal. Such sums when collected shall be paid into the hands of the State Treasurer, who shall at once enter the same into the state wolf bounty fund. Said fund shall be preserved inviolate for the payment of the state bounties provided for herein.

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

Approved, March 13, 1915.

ATTORNEYS

CHAPTER 51.

[S. B. No. 80—Nelson.]

REDUCING ATTORNEY FEE ALLOWED FOR INDIGENT DEFENDANT.

AN ACT to Amend and Re-enact Section 11072 of the Compiled Laws of North Dakota for 1913, Relating to Compensation for Attorneys.

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

§ 1. AMENDMENT.] Section 11072 of the Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 11072. INDIGENT DEFENDANT, ATTORNEY APPOINTED.] In all criminal actions when it is satisfactorily shown to the court that the

defendant has no means, and is unable to employ counsel, the court shall appoint and assign counsel for his defense and allow and direct to be paid by the county in which such trial is had, a reasonable and just compensation to the attorney so assigned for such services as he may render; *provided*, however, that such attorney shall not be paid a sum to exceed fifteen dollars per day in any one case.

Approved, February 4, 1915.

BANKS AND BANKING

CHAPTER 52.

[H. B. No. 108—Ployhar.]

DRAWING OF A BANK CHECK, WITHOUT FUNDS, A MISDEMEANOR.
AN ACT Making the Drawing of a Bank Check without Funds in the Bank to Protect the Same, a Misdemeanor; Prescribing the Penalty Therefor.

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

§ 1. Every person, firm, company, co-partnership or corporation who makes or draws or utters or delivers to any person any check or draft upon a bank, banker or depository for the payment of money, and at the time of such making, drawing, uttering or delivery, has not sufficient funds in or credit with such bank, banker or depository to meet such check or draft in full upon its presentation, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed \$100 or by imprisonment in the county jail for not to exceed 30 days, or by both such fine and imprisonment.

§ 2. The word "credit" as used herein shall be construed to be an arrangement or understanding with the bank, banker or depository for the payment of such check or draft.

§ 3. EMERGENCY.] Whereas, an emergency exists in the fact that there is no adequate provision under the laws of North Dakota for protection against those who issue checks without having funds or without having a reasonable expectation of having funds in the bank when the checks shall be presented for payment, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 10, 1915.

CHAPTER 53.

[H. B. No. 344—McClintock.]

RECEIVER OF INSOLVENT BANKS REPORT TO STATE EXAMINER.

AN ACT to Amend Section 5189 of the Compiled Laws of North Dakota for the Year 1913, Relating to Insolvency of Banks and the Liquidation of the Same by the State Examiner.

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

§ 1. AMENDMENT.] That Section 5189 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 5189. INSOLVENT. WHEN.] A bank shall be deemed insolvent: I, when the actual cash market value of its assets is insufficient to pay its liabilities; II, when it is unable to meet the demands of its creditors in the usual and customary manner; III, when it shall fail to make good its reserve as required by law; IV, when it shall fail to comply with any lawful order of the State Banking Board within any time specified therein; but its property shall not be subject to attachment or levy, nor shall a receiver be appointed during such reasonable time as the State Examiner may require for examination. After such examination if the State Examiner shall deem best he shall with the approval of the State Banking Board appoint a receiver who shall take possession, under the direction of the State Examiner, of books, records, and other property, collect the debts, sell or compound bad or doubtful ones, and sell all corporate property on such terms as the State Examiner shall direct, and when necessary pay corporate debts and enforce the individual liability of stockholders. He shall pay over all moneys received by him and make report of his doings to the Examiner at such times and in such manner as he may prescribe. Whenever, after report by such officers and before the appointment of a receiver, said Examiner shall find the bank in such condition that all creditors aside from stockholders can be paid in full from its assets, he may relinquish possession of its property to its proper officers; *provided*, however, that the bank shall pay into the State Treasury a fee of ten dollars per day and the hotel and traveling expenses of the State Examiner or Deputy State Examiner, who shall have been in charge of the bank during this period, and such bank may, with the consent of the State Examiner, resume business upon such conditions as may be approved by him. Upon taking possession of the property and business of such bank the State Examiner is authorized to collect moneys due to such bank and to do such other acts as are necessary to conserve its assets and business, and shall proceed to liquidate the affairs thereof.

Approved, March 10, 1915.

CHAPTER 54.

[H. B. No. 133—McClintock.]

TO PERMIT STATE BANKS TO JOIN FEDERAL RESERVE ASSOCIATION.

AN ACT to Amend and Re-enact Section 4672 of the Revised Code of 1905, being Section 5187 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 4672 of the Revised Code of 1905, being Section 5187 of the Compiled Laws of 1913, be amended to read as follows:

§ 5187. ASSETS NOT TO BE USED IN OTHER BUSINESS.] No bank shall as principal employ its money or other of its assets, directly or indirectly, in trade or commerce, nor employ or invest any of its assets or funds in the stock of any corporation, bank, partnership, firm or association, nor shall it invest any of its assets in speculative margins of stocks, bonds, grain, provisions, produce or other commodities, except that it shall be lawful for banks to make advances for grain or other products in store or in transit to market; *provided*, nevertheless, that this Act shall not be construed as in any way preventing a bank from investing such part of its funds in stock of the Federal Reserve Bank of this district as may be necessary to become a member of the Federal Reserve Association and from carrying such stock among its assets.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the present law denies the banks of this state the right to join such association, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 10, 1915.

CHAPTER 55.

[H. B. No. 501—Lathrop Committee.]

FEES FOR EXAMINATION OF CORPORATIONS.

AN ACT to Amend Section 5179 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Department of the State Examiner.

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

§ 1. AMENDMENT.] That Section 5179 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 5179. FEES FOR EXAMINATION.] Every corporation contemplated to be, by this Act, placed under the jurisdiction and control of the State Banking Board, and made subject to the examination of the State Examiner and his Deputy Examiners, shall if a new

corporation, prior to receiving its certificate of authority to commence business, and in all cases within ten days after each examination, pay into the state treasury the following fees, to-wit: A fee of ten dollars in addition to a charge of one and one-half hundredths of one per cent. of the gross amount of the assets of said bank on the day of examination.

Building and loan associations, mutual improvement corporations, mutual investment corporations, and other corporations of a mutual character, having no capital stock, or a nominal capital stock, shall pay a semi-annual fee of twenty-five dollars for the first one hundred thousand dollars of assets, and five dollars for each additional one hundred thousand dollars or major fraction thereof of assets.

The Treasurer shall report such payments to the Banking Board, and if any such corporation shall be delinquent more than twenty days in making such payments, the board may make an order suspending its functions until such payment is made, and such order shall be rescinded only upon payment of the amount due and a penalty of five dollars additional for the delay.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force immediately after its passage and approval.

Approved, March 5, 1915.

CHAPTER 56.

[H. B. No. 221—Converse.]

INCREASING CAPITAL STOCK OF BANKS TO \$15,000.00 BEFORE ORGANIZATION.

AN ACT to Amend and Re-enact Section 5155 of the Compiled Laws of North Dakota, 1913, Relating to Capital Stock of State Banks.

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

§ 1. That Section 5155 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 5155. CAPITAL STOCK.] Hereafter no banking association shall be organized under this Chapter with a capital stock of less than fifteen thousand dollars, nor in towns or cities of over one thousand inhabitants with a capital stock of less than twenty thousand dollars; nor, in cities of over two thousand inhabitants, with a capital stock of less than thirty thousand dollars; nor, in cities of over three thousand inhabitants, with a capital stock of less than thirty-five thousand dollars; nor, in cities of over four thousand inhabitants, with a capital stock of less than forty thousand dollars; nor, in cities of over five thousand inhabitants, with a capital stock of less than fifty thousand dollars. All of the capital stock of every

such association shall be paid in before it shall be authorized to commence business, and evidence of such payment of capital stock either in actual money or a deposit in a previously approved correspondent bank must be furnished to the State Examiner or Deputy Examiner before the certificate of authority may be delivered. For the purposes of this Section, the population of the city may be determined by using the population shown by the most recent state or national census. No association having been organized to transact business in any city, and which may have sold or converted its business to a national bank, or other banking business which is continued at the same place, shall be allowed to remove its charter or its articles of incorporation to, and recommence business at another place; but where it can be clearly shown that a banking association which has not changed, sold or converted its business as hereinbefore recited, is located at a place where there is not sufficient business for the profitable conduct of a bank, such association may apply to the Banking Board for authority to remove its business to some other place within the state and to change its name if desired; and upon the approval of such application by the State Banking Board and the proper amendment of the articles of incorporation, the board may issue authority for such removal and change; *provided*, that no such association shall be allowed to remove its business to any city without having the full amount of capital stock required by this Chapter for a new organization in such city. The corporate existence of any bank or corporation heretofore organized with a capital of less than fifteen thousand dollars shall not be renewed unless such corporation seeking to renew its existence shall increase its capital to the amount required by this Act for the organization of a new banking corporation in the city where such bank is located at the time of such renewal. When any association whose capital is less than twenty thousand dollars, applies for a renewal of its corporate existence, it shall, before being permitted to continue its corporate existence, furnish satisfactory evidence through the State Banking Board that its articles of incorporation have been properly amended and the full amount of the increased capital has been actually paid in cash; *provided*, that such association in renewing its existence, may, with the consent and approval of the State Banking Board, convert its then accumulated surplus and undivided profits into capital, to be apportioned among the shareholders entitled thereto.

Approved, February 23, 1915.

CHAPTER 57.

[S. B. No. 9—Loftsgaard.]

PENALTY FOR FALSE STATEMENTS BY BANKS.

AN ACT Amending Section 5174 of the Compiled Laws of 1913 Prescribing Penalties for Making False Statements or Entries as to the Condition of Banking Associations.

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

§ 1. AMENDMENT.] Section 5174 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 5174. PENALTIES FOR FALSE STATEMENTS OR ENTRIES.] Every officer, agent or clerk of any association organized under this Chapter, who willfully and knowingly subscribes or makes any false statements or entries in the books of such association, or knowingly subscribes or exhibits any false paper with intent to deceive any person authorized to examine as to the condition of such association, or willfully subscribes or makes false reports, shall be punished by imprisonment in the state penitentiary not less than one nor exceeding ten years, or in the county jail not exceeding one year, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. EMERGENCY CLAUSE.] Whereas, doubt exists as to the meaning of the provision contained in said Section 5174 designating the penalty and therefore an emergency exists, for that reason this Act shall take effect and be in force from and after the date of its passage and approval.

Approved, January 20, 1915.

CHAPTER 58.

[H. B. No. 166--Burgett.]

REDUCING LEGAL RESERVE FUND OF BANKS.

AN ACT to Amend Section 5170 of the Compiled Laws of North Dakota for the Year 1913 (Section 4655 of the Revised Codes 1905), Relating to the Legal Reserve Fund of Banking Corporations.

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

§ 1. AMENDMENT.] That Section 5170 of the Compiled Laws of North Dakota for the year 1913, being Section 4655 of the Revised Codes of 1905, is hereby amended to read as follows:

§ 5170. RESERVE FUND.] Each association shall at all times have on hand in available funds an amount which after deducting therefrom the amount due to other banks, shall equal 20 per cent.

of its demand deposits and 10 per cent. of its time deposits; three-fifths of this amount may consist of balances due to the association from 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 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 business day. Whenever the available funds, within the meaning of this Section, shall be below twenty per cent. of its demand deposits and ten per cent. of its time deposits, such 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 association whose lawful money reserve shall be below the amount required to be kept on hand, to make good such reserve, and if such 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.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the legal reserve of banking corporations is now unnecessarily large, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, February 13, 1915.

CHAPTER 59.

[H. B. No. 106—Hoghaug.]

DEPOSITARIES FOR STATE SINKING FUNDS.

AN ACT to Amend Section 370 of the Compiled Laws of North Dakota for 1913, Relating to State Depositories.

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

§ 1. AMENDMENT.] Section 370 of the Compiled Laws of North Dakota for 1913, relating to state depositories, is hereby amended to read as follows:

§ 370. STATE DEPOSITARIES.] All funds of the state shall be deposited by the Treasurer in one or more designated state or national banks in the State of North Dakota on or before the first day

of each month in the name of this state. Such bank or banks shall be designated by the Board of Auditors in conjunction with the Governor after advertising in one or more newspapers published in this state for at least thirty days for proposals, and receiving proposals, stating what interest will be paid on monthly balances of such funds on condition that such funds with accrued interest shall be subject to draft and payment at all times on demand; *provided*, that the amount deposited in any bank shall not exceed fifty (50) per cent. of its paid up capital and surplus. Interest on the funds so deposited, shall not be less than two (2) nor more than three (3) per cent. per annum, payable on the average daily balance. Each bank, so designated, shall continue to be a depositary unless revoked by the board until the Board of Auditors designate new depositaries which shall be done at a meeting to be held on the second Tuesday in January of every even numbered year, and until depositaries so designated shall have qualified. *Provided*, further, that whenever there shall be accumulated in the sinking fund, or any other state funds for the investment of which no provision is otherwise provided by law an amount of money exceeding five thousand (\$5,000) dollars, and for which there is no immediate use, the Board of Auditors in conjunction with the Governor are authorized, empowered and shall direct a time deposit of such funds for a period of one year, as they deem expedient, in one or more of the state depositaries as created by law, provided that the rate of interest offered by banks making bids for sinking funds shall not be less than four (4) nor more than five (5) per cent. per annum. Thirty days before such deposit is to be made it shall be the duty of the State Treasurer to give to every bank in the state full written notice of the same, inviting proposals for all or a part of such deposit. The interest received from such time deposit shall belong to and become part of the fund thereunto entitled.

Approved, March 9, 1915.

BRANDS

CHAPTER 60.

[H. B. No. 260—Stinger.]

RELATING TO STOCK BRANDS.

AN ACT Requiring Owners of Stock Brands to Furnish the Commissioner of Agriculture and Labor with an Exact Reprint, Impression or Outline of Such Stock Brands and Giving Location of Brand on Animals.

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

§ 1. Each owner of a stock brand recorded as provided in Section 2595 of the Compiled Laws of North Dakota for 1913, shall,

upon proper notification by the Commissioner of Agriculture and Labor, who shall furnish all necessary instructions for carrying out the provisions of this Act, make an exact reprint, impression or outline of the brand produced by the branding iron, used or to be used by such owner to brand his stock, on such paper or other material as the Commissioner of Agriculture and Labor shall prescribe, and shall mail such reprint, impression or outline together with a statement giving the exact location of the brand on the animals, to the Commissioner of Agriculture and Labor not later than March 1st, 1916.

§ 2. PENALTY.] If any owner of a stock brand fails to comply with the provisions of this Act before October 1st, 1915, the Commissioner of Agriculture and Labor may at his discretion cancel said brand on the records for such failure.

§ 3. EMERGENCY.] An emergency exists in that certain branding irons do not conform to the fac similes recorded in the office of the Commissioner of Agriculture and Labor; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1915.

BUDGET

CHAPTER 61.

[H. B. No. 484—Lathrop Committee.]

PROVIDES FOR PREPARATION OF STATE BUDGET.

AN ACT Providing for the Preparation of the State Budget; Creating a State Budget Board, Prescribing its Powers and Duties; Making an Appropriation to Defray the Expenses of said Board; and Repealing Sections 708, 709 and 710 of the Compiled Laws of North Dakota for the Year 1915.

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

§ 1. STATE BUDGET BOARD CREATED.] There shall be, and there is hereby, constituted and established a State Budget Board which shall be composed of five members, as follows: The Governor, the chairman of the Appropriations Committee of the Senate of the preceding legislative assembly, the chairman of the Appropriations Committee of the House of Representatives of the said legislative assembly, the State Auditor and Attorney General. In case of inability to serve on said board on the part of any such person the vacancy shall be filled by the Governor by appointment from the membership of the preceding legislative assembly. The board shall meet and organize in the Governor's office, at the State Capitol, on the third Tuesday in November, 1916. The Governor shall be chairman of the

board and the State Auditor shall be its secretary. The secretary shall keep the minutes of the board and shall record them in a suitable book to be kept for that purpose. The minutes of the board shall be a public record and shall at all times be open to public inspection. The members of the board shall be paid their actual and necessary expense incurred in the performance of the work and in addition thereto the said chairman of the Appropriations Committee of the Senate, the chairman of the Appropriations Committee of the house of representatives or such other member or members appointed by the Governor to fill the vacancy, shall each receive five dollars per day for each day of actual service and traveling expenses necessarily incurred.

§ 2. ACCOUNTANTS AND CLERKS.] The State Budget Board may employ such expert accountants, clerks and stenographers as it shall deem necessary, and fix their compensation.

§ 3. STATEMENT OF DESIRED APPROPRIATIONS TO BE FILED WITH THE STATE AUDITOR.] Not later than August first of each year next preceding the session of the legislative assembly, the State Auditor shall send to the head of each department of this state government, and to each officer, board or commission, in charge of any educational, charitable, penal or other institution or undertaking, supported wholly or in part by appropriations from the State Treasury, a suitable blank form to be filled out by such head of state department, officer, board or commission, with an itemized statement of the amount of money which such head of state department, officer, board or commission considers necessary for the proper maintenance, extension or improvement of the department, institution or undertaking in his or their charge, during the two fiscal years next ensuing. Such head of state department, officer, board or commission, shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the legislative assembly, to the State Auditor, together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by such head of state department, officer, board or commission.

§ 4. STATE BUDGET BOARD TO PREPARE ESTIMATE.] The State Budget Board shall meet on the third Tuesday in November of each year next preceding the meeting of the legislative assembly at the State Capitol. The State Auditor shall submit to the board the estimates required by Section 3 of this Act to be filed in his office by the head of each state department and by various officers, boards and commissions. The board shall thereupon proceed to prepare estimates for a State Budget of the amounts required to be appropriated by the state legislative assembly for the conduct of the business of the state in all its offices, institutions, departments and undertakings for the two fiscal years next ensuing. Before making up such estimates the board shall examine all statements and requests for appropriations presented to it, and shall afford to the officers,

boards and commissions presenting such statements, and making such requests, reasonable opportunity for explanation in regard thereto and, whenever requested, shall grant to such officers, boards or commissions a hearing thereon. All such hearings shall be open to the public. The Budget Board, or any member or members thereof, may, if the board deems it advisable, visit any department, institution or undertaking for which an appropriation is requested, for the purpose of examination and investigation. The board may also hold such public hearings as in its judgment shall be deemed advantageous for the purposes of preparing said estimates. When said estimates have been prepared they shall be transmitted to the legislative assembly not later than the tenth day of the session thereof, together with such recommendations, reasons and explanations with regard to said estimates as shall be deemed necessary by the Budget Board. The Budget Board shall, at the same time, transmit to the legislative assembly all statements, estimates and requests, or copies thereof, which were filed with the State Auditor by officers, boards and commissions as required by Section 3 of this Act.

§ 5. BOARD TO ESTIMATE MONEY NECESSARY FOR PAYMENT OF INTEREST AND FUNDED DEBT.] In making up the estimates to be transmitted to the legislative assembly the Budget Board shall, in connection therewith and as a part thereof, make an estimate of all moneys required to be raised or appropriated for the payment of interest upon the funded debt of the state and its other obligations bearing interest, and shall also make an estimate of the sum of money required to be contributed in the two next ensuing fiscal years to the general sinking funds maintained for the redemption and payment of the debts of the state, and it shall be the duty of the State Auditor to furnish the Budget Board with a detailed statement of the moneys necessary for such purposes.

§ 6. ESTIMATE OF REVENUES. REPORT OF UNEXPENDED BALANCES.] In connection with and as a part of the estimate transmitted by the Budget Board to the legislative assembly the said board shall transmit an estimate of the revenues of the state expected to be received during the two next ensuing fiscal years and may make such recommendation with regard to the disposition of said revenue as it shall deem advisable and necessary to promote the welfare of the state. The Budget Board shall also transmit to the legislative assembly as a part of said estimate, the amounts of all unexpended balances under appropriations theretofore made by law, and may make such recommendations to the legislative assembly relative to the disposition of said unexpended balances as it deems appropriate.

§ 7. APPROPRIATIONS.] There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of \$2,000 or so much thereof as may be required to carry out the purposes of this Act.

§ 8. REPEAL.] That Sections 708, 709 and 710 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.
Approved, March 3, 1915.

BONDING FUND

CHAPTER 62.

[S. B. No. 78—Ellingson.]

CREATING STATE BONDING FUND.

AN ACT to Establish a State Bonding Fund in the Office of the Commissioner of Insurance, Providing for the Maintenance Thereof, and Creating a Reserve Therefor; Prescribing the Duties of the Officers Connected Therewith; Providing for the Payment of Premiums and Indemnities for Losses; and Providing for the Disposal of the Surplus after said Reserve has been Created.

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

§ 1. ESTABLISHING A STATE BONDING FUND.] A State Bonding Fund is hereby established for the purpose of providing a fund for the bonding of such officers of counties, cities, towns, villages, school districts and townships as are, or may hereafter be required by law to furnish official bonds.

§ 2. COMMISSIONER OF INSURANCE TO ISSUE BONDS.] It shall be the duty of the Commissioner of Insurance, as provided in this Act, to issue official bonds to all county officials, city officials, town officials, village officials, school district officials and township officials required by law to furnish official bonds except as hereinafter otherwise provided. No such bonds shall be issued by the Commissioner of Insurance for the bonding of any official for a greater amount than \$50,000; and any official required by law to be bonded in any greater amount than \$50,000, shall be bonded in the sum in excess of \$50,000 with a duly authorized surety company or by personal sureties. The premiums on such excess bonds, except in the case of personal sureties, shall be paid out of the county, village, city, town, school district or township treasury as the case may be.

If an official who is bonded by both the state bonding department and other surety makes default, then the loss shall be borne between the state bonding department and such other surety in proportion to the amount of bonds furnished by the various parties.

§ 3. PREMIUMS; AMOUNT; TO WHOM PAID.] The premiums of such bonds shall be twenty-five cents per hundred dollars per year on all bonds issued. Such premium shall be paid in advance by the proper authorities of each county, city, town, village, school district or township, from its respective treasury to the State Treas-

urer, who shall issue receipts therefor as hereinafter provided. The minimum on small bonds and short term officers' bonds shall not be less than \$2.50.

§ 4. Whenever there shall be paid into the state treasury, money for premiums for bonding officials as provided in this Act, it shall be known as the State Bonding Fund, and shall be used as provided for in this Act.

§ 5. It shall be the duty of the State Treasurer, whenever there is any money paid into the state treasury for premiums on bonds, to at once issue quadruple receipts therefor. One he shall issue to the official for whom the premium is paid, one he shall file in his office, one he shall file with the Commissioner of Insurance, and one he shall file with the State Auditor. Such receipt shall state the amount and date of the bond, name of the officer bonded, and his official duties, his post office address and the county in which he resides.

§ 6. PERIOD OF BONDS.] All bonds executed and furnished hereunder by the Commissioner of Insurance shall be made to run until the expiration of the officer's term of office, and where such term is less than one year, a full year's premium shall be charged.

§ 7. FORM OF BONDS.] All counties, cities, towns, villages, school districts and townships in the state shall be insured as herein provided against loss by the default of any officer of such counties, cities, towns, villages, school districts and townships who is by law required to furnish a bond, by and through a bond executed by the officer to be bonded and the Commissioner of Insurance in his official capacity, which bond shall be payable in case of default out of the State Bonding Fund. Said bonds shall be substantially in the following form, the blanks being properly filled out and the bond being executed by the official and the Commissioner of Insurance.

§ 8. OFFICIAL BOND.] Know all men by these presents, That of in the State of North Dakota, hereinafter called the principal, and the State Bonding Fund of the State of North Dakota as surety, are held and firmly bound unto in the State of North Dakota, hereinafter called the obligee, in the sum of for the payment whereof to the obligee the principal binds himself, his heirs, executors, administrators and assigns, and the Commissioner of Insurance of the State of North Dakota, binds the State Bonding Fund of the State of North Dakota firmly by these presents.

Signed, sealed and dated this day of 19....

Whereas, The above named principal has been duly appointed or elected to the office of in the State of North Dakota for the term of years, beginning on

Now, Therefore, The condition of the foregoing obligation is such that if the principal shall faithfully and impartially discharge and perform the duties of his said office, including such duties as are

or may be imposed upon him by law, and shall render a true account of all moneys and property of every kind that shall come into his hands as such officer and pay over and deliver the same according to law, this obligation shall be void, otherwise it shall remain in force.

.....
Principal.
STATE BONDING FUND, Surety,
By.....
Commissioner of Insurance.

Signed, Sealed and Delivered in the presence of

.....
.....

§ 9. APPOINTMENT OF ATTORNEY FOR SERVICE.] The officer to be bonded shall, prior to the execution of such bond, execute and file in the office of the Commissioner of Insurance, an instrument appointing the Commissioner of Insurance and his successors, his true and lawful attorney upon whom all process in any action or proceeding against such officer may be served, and therein shall agree that any process which may be served upon his said attorney shall be of the same force and validity as if served on him personally, and that the authority thereof shall continue in force, irrevocable so long as any liability of such official or of such State Bonding Fund remains. In actions upon such bond when the sheriff files his return that he is unable, after diligent search, to find such bonded officer for the purpose of serving the summons, service upon the Commissioner of Insurance shall be deemed and held to be personal service upon such bonded official. Whenever process against any such bonded official shall be served upon the Commissioner of Insurance, he shall forthwith mail a copy of such process, postage prepaid, directed to such bonded official at the residence of such official stated in such instrument. The Commissioner shall keep a record of all such process which shall show the time and hour of service.

§ 10. BONDS RUN TO WHOM.] All such official bonds shall run to the political sub-division of which the bonded official is an officer, as obligee, and such bonds shall be construed as provided in Section 680 of the Compiled Laws of North Dakota, 1913, and any private corporation or person suing such official may recover under such bond and have the protection of the State Bonding Fund.

§ 11. STATE NOT LIABLE.] Any obligee or private corporation or person may sue upon any such official bond issued by the Commissioner of Insurance and may join the Commissioner of Insurance as a co-defendant with the defaulting officer and in case judgment is obtained against such defaulting officer, the judgment shall further specify that such judgment shall be paid out of any funds on hand in the State Bonding Fund, or that may thereafter accrue to such fund. In case a judgment is paid out of the State Bonding Fund in any such action, the State Bonding Fund shall be subrogated

under the judgment to the right of the judgment creditor to recover against the defaulting officer. In all proceedings to enforce such right of subrogation the Commissioner of Insurance as nominal defendant shall act for and in behalf of the State Bonding Fund; and he may in any action or proceedings appeal from any appealable order or from any judgment against said State Bonding Fund the same as is provided for other parties to civil actions.

§ 12. OTHER BONDS MAY BE FURNISHED.] This Act shall not be construed to prevent any person elected or appointed to office from furnishing in lieu of the bond provided for in this Act, a bond by personal sureties or by a surety company, but no officer or board of any county, city, town, village, school district or township shall have the right to pay for any such bond or bonds out of any public funds, except for such bonds as are procured to cover the excess over \$50,000 as provided in Section 2.

§ 13. BONDS, HOW CONSTRUED.] The bonds issued in pursuance of this Act shall be construed and held to inure to the benefit of not only the political sub-divisions named as obligee but also to the benefit of any person damaged by any wrongful act or omission of the bonded official; and any person so damaged may, in an action upon the bond brought in his own name as plaintiff against the official bonded, join the Commissioner of Insurance as a co-defendant, and thereby subject the State Bonding Fund to the payment of any judgment so obtained.

§ 14. CLERICAL HELP PROVIDED, EXPENSES, HOW PAID.] It shall be the duty of the Commissioner of Insurance and the State Auditing Board to estimate at the beginning of each year the amount required for additional clerical help and incidental office expenses made necessary by the additional work devolving upon his office on account of the provisions of this Act for that year, which estimated amount shall be reserved from the premiums paid in and shall not exceed the sum of \$1,500 per annum. The amount of premium receipts remaining shall be used for the payment of losses; *provided* that if the amount reserved for clerical assistance and incidental expenses is more than sufficient to pay the same the excess shall be used to pay losses. The Commissioner of Insurance shall have the authority to engage clerical assistance to conduct the transactions provided for by this Act. He shall also prepare and provide the necessary blanks, books, stationery and postage and cause the same to be delivered to the proper officers and persons. Such expenses and the salaries of such clerical assistance shall be audited and allowed by the State Auditing Board.

§ 15. NOTICE OF LOSS; DUTY OF STATE EXAMINER.] Whenever a loss shall occur in any county, city, village, township or school district by the default of any officer of the same whose fidelity has been insured under the provisions of this Act, it shall be the duty of the County Auditor, City Auditor, Village, Township or School District Clerk or Treasurer in case the defaulting officer is the

Auditor or Clerk, as the case may be, immediately to notify the Commissioner of Insurance. The Commissioner of Insurance shall thereupon notify the State Examiner; and it shall be the duty of the State Examiner when so notified to check the accounts of such defaulting official and file a report with the Commissioner of Insurance.

§ 16. SURPLUS. HOW USED.] Any sum which remains unexpended at the end of any one year shall remain in the State Bonding Fund which shall accrue until it equals in amount \$100,000, after which the surplus in excess of \$100,000 shall be distributed at the close of each year to the various counties, cities, townships, villages, school districts and towns in proportion to the amount of premium paid into the State Bonding Fund. In case there shall not be a sufficient amount in the State Bonding Fund to pay the losses sustained after the reservation of funds to cover clerical assistance and other incidental expenses for the conduct of the bonding department for the year, such losses shall be paid as soon as sufficient funds are accumulated in the State Bonding Fund by collection of premiums.

§ 17. FUND TO DRAW INTEREST.] The State Treasurer shall deposit the State Bonding Fund in approved state depositories at the usual rate of interest paid on other funds of the state, subject to check, but whenever there is in such checking account more than \$10,000 the State Treasurer shall deposit the same upon time certificates of deposit drawing the same rate of interest as other state funds deposited upon time certificates.

§ 18. REPORT.] The Commissioner of Insurance shall, on or about the first day of January in each year, publish in four newspapers of general circulation within the state a copy of the statement of his work and of the condition of the bonding department during the preceding year, and he shall make a biennial report to the Governor and the legislative assembly containing a detailed statement of the work and the condition of said bonding department during the preceding biennial period.

§ 19. MAY REQUIRE STATEMENTS.] The Commissioner of Insurance shall require and obtain, from the various officials bonded, statements annually and as often as he deems necessary, of their receipts, bank accounts and disbursements verified by the County Auditor, City Auditor, or Clerk of each town, village, school district and township. To verify such statements he may communicate with each bank having such deposits and he may require any such official to furnish him with any information concerning the office of which he is an incumbent and said Commissioner shall file all such information in his office in a proper manner and such records and files shall be open for public inspection. The Commissioner of Insurance shall supply to each County and City Auditor and each Town, Village, School District, and Township Clerk, a sufficient number of application blanks.

§ 20. STATE EXAMINER TO CHECK ACCOUNTS.] In case any official shall default, it shall be the duty of the State Examiner immediately to check the accounts of such defaulting official and file a report with the Commissioner of Insurance stating the amount due upon such defaulting officer's bond and for such services he shall be paid out of the State Bonding Fund, the same fees as he is paid for examining the accounts of county officers.

§ 21. MAY REQUIRE AN ACCOUNTING.] If at any time the Commissioner of Insurance shall be of the opinion that the interests of the State Bonding Fund are jeopardized by the misconduct or inefficiency of any bonded official, it shall be his duty to cause an action for an accounting to be instituted against such bonded official for the purpose of requiring a complete disclosure of the business of the office of which such official is an incumbent. Such action shall be brought in the name of the Commissioner of Insurance as plaintiff and the court may in such action interplead the obligee and render such judgment as shall protect the rights of all parties concerned. If at any time the Commissioner of Insurance deems it advisable, it shall be his duty to make a complaint to the Governor requesting the Governor to institute an investigation with the purpose of removing from office any defaulting official or any official who so conducts the affairs of his office as to endanger the State Bonding Fund.

§ 22. DUTY OF ATTORNEY GENERAL.] It is hereby made the duty of the Attorney General to act as attorney for the Commissioner of Insurance in any and all actions and proceedings to which the Commissioner of Insurance is a party, on behalf of the State Bonding Fund.

§ 23. COMMISSIONER MAY REJECT APPLICATION.] When any official applies to the Commissioner of Insurance for the issuance to him of an official bond, the Commissioner of Insurance may, after due investigation, reject such application if in his judgment the interests of the State Bonding Fund require such action. In such case the official whose application is rejected may secure a bond executed either by private surety or by a duly authorized surety company, but no officer or board of any political sub-division shall have the power to disburse public funds to pay the premium on such bonds.

§ 24. APPEAL.] The Commissioner of Insurance shall immediately notify the applicant of such rejection by registered mail, and the applicant shall have twenty days after the receipt of such notice within which to take an appeal from such decision of the Commissioner of Insurance to the district judge of the judicial district in which the applicant resides. The judge of said court shall hear such appeal at a day to be fixed by him not less than ten nor more than thirty days after the filing of the appeal with the clerk. The case shall be tried by the court without a jury. Notice of such ap-

peal shall be served by the appellant upon the Commissioner of Insurance.

§ 25. REPEAL.] All Acts and parts of Acts in so far as they conflict with the provisions of this Act are hereby repealed.

§ 26. This Act shall take effect January 1st, 1916.
Approved, March 8, 1915.

CAPITAL PUNISHMENT

CHAPTER 63.

[H. B. No. 33—Torson.]

ABOLISHING CAPITAL PUNISHMENT.

AN ACT Prescribing and Limiting the Punishment for the Crime of Murder in the First Degree and Limiting the Time, Manner and Conditions Whereby such Person may be Pardoned and Repealing Section 9472 of the Compiled Laws of 1913 of the State of North Dakota.

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

§ 1. PUNISHMENT FOR MURDER IN THE FIRST DEGREE.] Every person who has been or may be hereafter convicted of murder in the first degree shall be punished by confinement at hard labor in the State Penitentiary for life.

Provided, That if a person shall be convicted of murder in the first degree while under such life sentence he may be punished by death.

§ 2. PERSONS CONVICTED AND UNDER SENTENCE OF MURDER IN FIRST DEGREE WHEN SUBJECT TO PARDON.] No person hereafter convicted of murder in the first degree shall be eligible to pardon until after he shall have been confined in the State Penitentiary for at least fifty per cent. of the time of his life expectancy, to be determined on the day and date of his age on the date of entry of final judgment of conviction, and such life expectancy shall be based on the life expectancy tables known as the Carlisle tables of mortality, or unless it shall be made to appear to the satisfaction of the Pardon Board that the person convicted is innocent of the charge for which he was convicted.

§ 3. REPEAL.] Section 9472 of the Compiled Laws of 1913 for the State of North Dakota is hereby repealed.

§ 4. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1915.

CATTLE

CHAPTER 64.

[S. B. No. 305—Englund.]

PROHIBITING SALE OF PUREBRED CATTLE WITHOUT CERTIFICATE OF HEALTH.

AN ACT to Amend and Re-enact Section 2761 of the Compiled Laws of the State of North Dakota for 1913, Prohibiting the Sale of Purebred Cattle, or Cattle Represented to be Purebred, for any Other Purpose Except Slaughter Unless Accompanied by a Certificate of Health and Providing a Penalty for Violation Thereof.

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

§ 1. AMENDMENT.] That Section 2761 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2761. CERTIFICATE OF HEALTH OF PUREBRED CATTLE REQUIRED.] All persons selling purebred cattle, or cattle represented to be purebred, for any purpose except slaughter shall, before delivery, make a statement to the State Live Stock Sanitary Board on blanks furnished by the board on application, indicating the number of cattle sold, or to be sold, age and sex, and before delivery thereof such cattle shall be tested with tuberculin under the direction of the State Live Stock Sanitary Board, or some person duly authorized by said board, and if found free from disease a certificate of health shall be issued by the State Live Stock Sanitary Board to the owner to be delivered to the purchaser, said certificate shall be valid for one year from date of said test.

Provided, That no health certificates shall be required for animals sold under six months of age, *provided*, further, that herds of cattle that have been tested with tuberculin under the direction of the State Live Stock Sanitary Board, and found free from disease, no certificate shall be required for cattle in said herd that were under six months of age at time of said test, or born within a year of said test, if sold and delivered within a year from the date of said test.

§ 2. PENALTY.] Any person who shall sell or dispose of any purebred cattle or cattle represented to be purebred, for any purpose except slaughter without furnishing a certificate of health as provided for in Section 1 of this Act, shall be guilty of a misdemeanor and be punished by a fine of not less than \$25.00 or more than \$500.00, or by imprisonment not less than thirty days nor more than ninety days.

Approved, March 4, 1915.

CENSUS

CHAPTER 65.

[H. B. No. 209—Dickson.]

INCREASING FEES OF ASSESSORS AS CENSUS ENUMERATORS.

AN ACT to Amend Section 1901 of the Compiled Laws of 1913, Relating to the Fees of Assessors When Acting as Census Enumerators.

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

§ 1. AMENDMENT.] That Section 1901 of the Compiled Laws of 1913 be amended to read as follows:

§ 1901. Assessors shall be entitled as enumerators for their services, four dollars per hundred inhabitants, enumerated as aforesaid, to be paid by the respective counties, and such fees to be in addition to the compensation received for services performed as assessor.

§ 2. EMERGENCY.] An emergency is hereby declared to exist in this that the law does not now provide adequate compensation to assessors when acting as enumerators, and this Act shall take effect immediately after its passage and approval.

Approved, February 20, 1915.

CITIES

CHAPTER 66.

[H. B. No. 146—Homan.]

COMMISSION FORM GOVERNMENT.

AN ACT to Amend Section 3771 of the Compiled Laws of North Dakota for the year 1913, Entitled, An Act to Provide for a Commission System of Government in Cities Which Shall Adopt the Provisions of this Act.

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

§ 1. AMENDMENT.] Section 3771 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 3771. CITIES INCORPORATED, HOW.] Any city in this state and any incorporated town or village therein having a population of not less than five hundred inhabitants may become incorporated, under this Chapter, as a city in the manner following: Whenever one-tenth of the legal voters of such city, or one-tenth of the legal voters of such incorporated town or village, voting at the last preceding general election, shall petition the mayor and council of such city, or the president and trustees of such incorporated town or village, to submit the question as to whether such city, incorporated town or village shall become incorporated under this Chapter, to a vote of the electors in such city, town or village, it shall be the duty of such mayor and council of such city, or the president and trustees of such incorporated town or village to forthwith submit such question accordingly, and to appoint a time and place or places, at which such vote may be taken, and to designate the persons who shall act as judges and clerks at such election; but such question shall not be submitted hereafter, oftener than once in four years. *Provided*, that cities, towns or villages in this state which have heretofore voted upon and rejected the commission system of government, shall not again vote upon the question within a period of one year after such rejection.

§ 2. EMERGENCY.] Whereas, an emergency exists in the fact that the operation of this Act will be required before July 1st, A. D. 1915, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1915.

CHAPTER 67.

[H. B. No. 201—Purcell.]

BONDS FROM PUBLIC CONTRACTORS.

AN ACT to Amend and Re-enact Section 6832 of the Compiled Laws of North Dakota, of 1913.

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

§ 1. AMENDMENT.] That Section 6832 of the Compiled Laws of North Dakota, of 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 6832. BONDS FROM CONTRACTORS ON PUBLIC IMPROVEMENTS.] It shall be the duty of every public officer or board authorized to enter into a contract for the erection, repair, alteration or betterment of any public building or any other public improvements, except municipal improvements, before entering into any such contract, to take from the contractor a good and sufficient bond for an amount at least equal to the price stated in the contract, conditioned to be void if the contractor and all sub-contractors shall pay all bills and claims on account of labor or materials furnished in and about the performance of said contract, including all demands of sub-contractors, said bond to stand as security for all such bills, claims and demands until the same are fully paid. The obligee in said bond shall be the State of North Dakota; but any person having any lawful claim against the contractor, or any sub-contractor, on account of labor or materials, or both, furnished in and about the performance of said contract, may institute any action to recover the same in his own name upon said bond in the manner and with like effect as though the said bond were made payable to him.

Approved, March 5, 1915.

CHAPTER 68.

[H. B. No. 346—Dean.]

CITY LIMITS EXTENSION.

AN ACT to Amend Sections 3753 and 3754 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Extension of the Corporate Limits of Cities and to Provide a Method of Procedure for the Extension of the Corporate Limits of Cities.

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

§ 1. AMENDMENT.] That Section 3753 of the Compiled Laws of 1913, be and the same is hereby amended to read as follows:

§ 3753. Any city in this state may so extend its boundaries as to increase the territory within the corporate limits thereof not to exceed one-fourth of its area, by a resolution of the City Council

passed by two-thirds of the entire members-elect, particularly describing the land proposed to be incorporated within the city limits, setting forth the boundaries and describing the land, *platted by blocks and lots*; *Provided, that at least two-thirds in area of the territory described in such resolution and proposed to be incorporated within such limits shall have previously been platted into blocks and lots.*

§ 2. AMENDMENT.] That Section 3754 of the Compiled Laws of 1913 be and the same is hereby amended to read as follows:

§ 3754. The resolution of the City Council shall be published in the official newspaper of the city four times, once in each week for four successive weeks, and unless a written protest signed by a majority of the property owners of said proposed extension is filed with the city clerk or auditor within ten days after the last publication of such resolution, the territory described in the resolution shall be included within and become a part of said city. But in the event such written protest is filed, the City Council shall hear the testimony offered for or against such annexation and if after hearing such testimony and after a personal inspection has been made of the territory proposed to be annexed, such City Council is of the opinion that such territory ought to be annexed and by a resolution passed by a vote of two-thirds of the entire members-elect thereof, orders that such territory shall be so included within the corporate limits of such city, the territory described in such resolution shall be included within and become a part of said city; *provided*, however, if the greater portion of said territory proposed to be annexed consists of lands used exclusively for farming or pasturing purposes it shall not be annexed. Any person feeling aggrieved may appeal from the action of a City Council, within ten days from the date thereof, by filing with the County Judge of the county wherein such city is situated, a notice of appeal and stating therein the grounds upon which the same is based. The appeal shall be heard and determined by a commission which is hereby created and designated as the Annexation Review Commission composed of three commissioners of which the County Judge, State's Attorney and Chairman of the Board of County Commissioners of the county wherein such territory is situated, shall by virtue of their office be members, and the County Judge shall be chairman of such commission. A copy of such appeal shall be served upon the proper officers of the city. The chairman of such commission shall designate a time and place for such commission to meet and consider such appeal. At such time and place such commission shall hear the evidence for or against such annexation and render its decision accordingly.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law providing for the annexation of contiguous territory to cities, therefore this Act shall be in full force and effect from and after the date of its passage and approval.

Approved, March 10, 1915.

CHAPTER 69.

[H. B. No. 200—Moore.]

INSTALLATION—SPECIAL SYSTEM STREET LIGHTING.

AN ACT to Amend and Re-enact Section 3745 of the Compiled Laws of North Dakota of 1913.

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

§ 1. AMENDMENT.] That Section 3745 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3745. PROCEDURE TO INSTALL.] Whenever the City Council or City Commissioners in cities which have adopted the commission system of government, shall deem it necessary to install, construct, alter or extend, upon any of the streets of the city, a special system or systems of street lighting, such council or commission may direct the City Engineer or such other person as shall, upon motion or resolution be designated, to prepare plans and specifications for such work, and make an estimate of the probable cost, which plans, specifications and estimates shall be approved by resolution of the City Council or City Commission and filed in the office of the City Auditor. The City Auditor shall thereupon publish three times, once each week, in the official newspaper of the city, a notice stating that such plans and specifications and estimates have been approved and filed in his office and are open to public inspection. If the owners of a majority of the property abutting on any street or streets where said lighting system is to be installed, shall not within ten days after the last publication of said notice protest against said lighting system or improvement, then the majority of such owners shall be deemed to have consented thereto, and such city may proceed to provide for the construction of such improvement and to assess the cost thereof against the abutting property in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessment of street paving; and upon such proceedings being taken and completed, the cost of such construction or such part thereof as the council or commission shall deem proper, be assessed against the abutting property in the same manner and according to the same form as now provided by law for the assessment of the cost of street paving.

Approved, March 10, 1915.

CHAPTER 70.

[H. B. No. 198—L. L. Twichell.]

MUNICIPALITIES EXEMPT FROM LIABILITY FOR DAMAGES FROM ACCIDENTS.**AN ACT** Relating to the Liability of Municipalities for Injuries Caused by Accumulation of Snow or Ice on Sidewalks.*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **LIABILITY FOR INJURIES CAUSED BY ACCUMULATION OF SNOW OR ICE ON SIDEWALKS.**] All municipalities in the State of North Dakota shall be absolutely exempt from all liability to any person for damages for injuries suffered or sustained by reason of the accumulation of snow and ice upon sidewalks within such municipality, unless actual knowledge of the defective, unsafe or dangerous condition of such sidewalk or cross walk shall have been possessed by the Mayor, Board of City Commissioners, Police Officer or Marshal of such municipality forty-eight hours previous to such damage or injury, and such actual knowledge shall in no case be presumed from the fact of the existence of such condition, but in all cases the same shall be proved as an independent fact. In no event shall any municipality in this state be liable in damages for any injury occasioned through the mere slippery condition of such sidewalk or cross walk due to the presence of frost or loose snow thereon.

Approved, March 5, 1915.

CHAPTER 71.

[H. B. No. 283—Leonard.]

POWERS OF CITY PARK COMMISSION.**AN ACT** to Amend and Re-enact Article I of Section 4059 of the Compiled Laws of North Dakota for the Year 1913, Relating to Powers of City Park Commission.*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **AMENDMENT.**] That Article I of Section 4059 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4059. **POWERS OF COMMISSION.**] The Park Commission shall have power:

ARTICLE I. To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits, or within six miles therefrom, for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect and improve the same.

Approved, March 5, 1915.

CHAPTER 72.

[H. B. No. 196—L. L. Twichell.]

BONDS OF MUNICIPAL AND VILLAGE OFFICERS.

AN ACT to Amend and Re-enact Section 3807 of the Compiled Laws of North Dakota, of 1913, Relating to Bonds of Certain Officers.

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

§ 1. AMENDMENT.] That Section 3807 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3807. BONDS, WHAT OFFICERS GIVE.] The Treasurer, Auditor, City or Village Justice of the Peace, and such other officers as the Board of City Commissioners may direct shall, before entering upon the discharge of the duties of their respective offices, execute and deliver to the city or village a bond in such sum as the Board of City Commissioners may determine, with two or more sureties, conditioned for the faithful discharge of the duties of their respective offices, and with such other conditions as the Board of City Commissioners may prescribe. The bond so given by such officers shall at all times be for the full amount of any and all moneys in the hands of such official. The Board of City Commissioners may at any time require new and additional bonds of any officer. All bonds must be approved by the president of the Board of City Commissioners, and when so approved shall be filed in the office of the City Auditor within ten days after the officer executing the same shall have been notified of his appointment, and when so approved and filed shall be recorded by the City Auditor in a book kept for that purpose; such Auditor shall annex to each such record a certificate that the same is a true copy of the original, and such record shall be prima facie evidence of the contents of such bond and in the absence of the original may be used as evidence in all courts.

Approved, March 2, 1915.

CHAPTER 73.

[H. B. No. 197—L. L. Twichell.]

PURCHASE OF PRIVATE PROPERTY BY CITIES.

AN ACT to Amend and Re-enact Section 3686 of the Compiled Laws of North Dakota, of 1913, Relating to Private Property.

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

§ 1. AMENDMENT.] That Section 3686 of the Compiled Laws of North Dakota of 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 3686. TAKING PRIVATE PROPERTY.] Whenever it shall be necessary to take private property in order to open, lay out, widen or enlarge any street, or alley, in any city, the same shall be done by purchase, or under the provisions of the Code of Civil Procedure providing for the exercise of the right of eminent domain; and when purchased or whenever any judgment for damages to property so taken for any such improvement shall be entered, the Board of City Commissioners or City Council shall certify the same to the Special Assessment Commission and they shall cause special assessments to be levied upon the property benefited thereby to pay such judgment or the purchase price thereof, *provided*, that not more than one-fourth may be paid by the levy of a general tax upon all taxable property in the city.

§ 2. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1915.

CHAPTER 74.

[H. B. No. 313—L. L. Twichell.]

PLATS TO BE CERTIFIED.

AN ACT to Amend and Re-enact Section 3945 of the Compiled Laws of 1913 of the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 3945 of the Compiled Laws of North Dakota, for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 3945. PLAT TO BE CERTIFIED AND ACKNOWLEDGED.] The plat or map, after having been completed, if correct, shall be certified by the surveyor and the officers; and every person whose duty it shall be to comply with the foregoing requirements, shall at or before the time of offering said plat or map for record, acknowledge the same before some person authorized to take acknowledgments; *provided*, that no plat as aforesaid shall be recorded until approved by the City Engineer of the city affected by said plat, in case there be no City Engineer, then by the County Surveyor. A certificate of such acknowledgment shall be by the officer taking the same endorsed on the plat or map, which certificate or survey and acknowledgment shall also be recorded and form a part of the record.

Approved, March 5, 1915.

CHAPTER 75.

[H. B. 357—L. L. Twichell.]

SPECIAL ASSESSMENTS IN CITIES.

AN ACT Providing for the Certification of City Specials, and the Division thereof by the City Auditor and the City Assessment Commission in Cities having a Population of Two Thousand and over; Providing Certain Duties of the County Auditor in Respect to Special Assessments, and for a Form of Record to be Used, and to Repeal Section 3729 of the Compiled Laws of North Dakota of 1913.

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

§ 1. SPECIAL ASSESSMENTS, DUTIES OF CITY AUDITOR, CITY ASSESSMENT COMMISSION, COUNTY AUDITOR. FORM.] The City Auditor shall, annually, at the time of certifying to the County Auditor the amount of the city taxes to be levied for the current year, also certify to such County Auditor all sidewalk, and all sidewalk repair assessments, and all assessments for the opening or widening of streets, remaining in his office uncertified, and shall also certify to such County Auditor a list of lots and tracts of land specially assessed for any other purpose as by law provided, designating the purpose of such assessment, and the fund to which it belongs, with the proportion of such assessment for each year against each lot.

The County Auditor shall be notified by the City Auditor not later than July 1st of each year of any special improvements having been made in such city in any other addition than that of the previous year, and the County Auditor shall make and deliver to the City Auditor on or before August the tenth of each year a copy of the real estate assessment book for the current year covering all additions wherein any special assessments have existed and where any will appear for the current year as advised by the City Auditor, and the City Auditor shall thereupon insert in proper columns under appropriate headings the amount of each of such improvements on the lots or sub-division of lots or tracts of land for the current year as provided by law, and in cases where a division of property has been made since the original assessment, the City Auditor shall make or cause to have made by the assistance and advice of the City Assessment Commission, a proper division of the special assessments on the lots or tracts of land, as divided and assessed for the regular taxes as furnished by the County Auditor, and the form to be used by the said City Auditor shall be to add each column on each page and total it, and to cross add all items entered against each lot or tract of land and carry this total to a final column at the right hand side of the page so that when the totals of each column are cross added, the total of the cross-add will equal the total of the final column, and to recapitulate the footings of the entire list, page by page, so as to show the total amount for

each purpose, and a total of these added together shall equal the total amount of the special assessments certified to the County Auditor for the current year, and the County Auditor shall thereupon extend the same upon the tax lists of such city for the current year, and the amount with interest and penalties shall be collected and paid over to the City Treasurer and City Auditor to the funds for which it was collected; *provided*, that the City Council or Commission shall make suitable compensation to the members of the City Assessment Commission for the services rendered in making the divisions of special assessments on property having been divided subsequent to the original assessment; also *provided*, further, that the County Auditor shall have in his office a book entitled, "Special Assessment Record," and when any city causes to be certified the special assessments for a period of more than one year, that then the County Auditor shall cause said special assessments so certified to be duly recorded in said book for the respective years, and amounts shown in the certificate of the City Auditor; *provided*, further, that whenever special assessments of any kind whatsoever, hereafter certified to the County Auditor by the City Auditors of cities incorporated under the general laws of this state or under the commission form of government, shall be paid to the County Treasurer, it shall be the duty of the said County Treasurer, at the time set by law for the payment to the City Treasurer of all taxes and special assessments collected by the said County Treasurer during the preceding month, to certify the amounts of such special assessments so collected in duplicate, one copy to be certified to the City Treasurer, and one copy to be certified to the City Auditor, such certificate to state specifically the lot, or known sub-division thereof, as appears upon the tax books of the County Treasurer, the block, addition, amount collected and credited to each lot or known sub-division thereof, and the year for which said sum was so collected.

§ 2. REPEAL.] Section 3729 of the Compiled Laws of North Dakota of 1913 and all Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 10, 1915.

CLAIM AND DELIVERY

CHAPTER 76.

[H. B. No. 455—Converse.]

CLAIM AND DELIVERY.

AN ACT to Amend and Re-enact Section 7520, of the Compiled Laws of North Dakota, 1913, Relating to Exceptions by Defendant to Undertaking in Claim and Delivery Actions.

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

§ 1. That Section 7520 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 7520. EXCEPTIONS BY DEFENDANT.] The defendant may, within three days after the service of a copy of the affidavit and undertaking, give notice to the Sheriff that he excepts to the sufficiency of the sureties, or the amount of the undertaking. If he fails to do so, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties shall justify on notice in like manner as bail upon an arrest, and the Sheriff shall be responsible for the sufficiency of the sureties until the objection to them is either waived as above provided, or until they shall justify or new sureties shall be substituted and justify. If the defendant excepts to the sureties, or to the amount of the undertaking, he cannot reclaim the property as provided in the next Section. When the defendant excepts to the amount of the undertaking, the Sheriff shall retain possession of the property for five days after the service of notice of such exception upon the Sheriff. In such case, the defendant may, upon two days' notice to the plaintiff, apply to the judge of the court in which the action is pending for an order requiring the plaintiff to execute an undertaking in such action in a larger amount than that of the undertaking which has been served. The affidavits upon which the defendant bases his application shall be served with the notice. If the application is denied, the order of the court shall direct the Sheriff to forthwith deliver the property to the plaintiff. If the application is granted, the order of the court shall direct the Sheriff to deliver the property to the defendant unless the plaintiff shall, within a time of not more than four days, to be fixed by the court, execute a bond in such sum as the court shall prescribe with sureties to be approved by the Sheriff.

Approved, March 12, 1915.

COAL

CHAPTER 77.

[H. B. No. 441—Williams.]

DEFINITION OF WORD, "COAL."

AN ACT Defining What the Word "Coal" Means When Used in the Constitution and Laws and Resolutions of the Legislative Assembly of the State of North Dakota.

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

§ 1. That wherever the word "coal" appears in the constitution and the laws of this state or in the resolutions of the legislative assembly it shall be understood to mean and include all kinds of coal, and include what is known as lignite coal.

Approved, March 2, 1915.

CHAPTER 78.

[H. B. No. 304—Hendrickson.]

REQUIRING USE OF LIGNITE COAL.

AN ACT to Amend and Re-enact Section 1828 of the Compiled Laws of 1913, Relating to the Use of Lignite Coal in State and County Institutions and Schools; Providing a Penalty for the Violation of this Act.

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

§ 1. AMENDMENT.] Section 1828 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1828. PUBLIC INSTITUTIONS TO USE.] The various state institutions, county buildings and public school houses in this state shall use for fuel, native or lignite coal, or lignite coal products, and it shall be unlawful for any officer to purchase for use in such institutions, county buildings and public schools any coal other than that taken from the mines within the boundaries of this state. This Section shall not be construed, however, as prohibiting the use of other coal or wood at such institutions, county buildings and public schools, when the cost thereof does not exceed that of native coal, or the use of coal other than native lignite coal or lignite coal products at such public schools as are located six miles or more from any mine or railroad station within the boundaries of this state; *provided*, that the comparative cost of such fuel is not greater than that of lignite coal, or lignite coal products.

All purchases of lignite coal shall be based upon proposals published in some newspaper, published in and having a general cir-

culation in the State of North Dakota, and copies of said proposals shall be filed in the office of the Secretary of State at Bismarck, North Dakota, on or about the date thereof and said purchases of lignite coal shall be made from the lowest responsible bidder and shall be based on the following *Standard Contract Grade*.

Two thousand (2,000) pounds shall constitute one (1) ton *Standard Contract Grade* of lignite coal.

Standard Contract Grade of lignite coal shall contain as delivered thirty-three (33) per cent. of moisture as determined at one hundred and five (105) degrees *Centigrade* (c). For actual weight of moisture above thirty-five (35) per cent. deduct proportionately the price per ton.

Standard Contract Grade Lignite Coal, water-free basis, shall contain from ten (10) to fifteen (15) per cent. of ash. For each one (1) per cent. of ash above fifteen (15) per cent. deduct two and one-quarter ($2\frac{1}{4}$) per cent. of the bid price per ton. For each one (1) per cent. below the ten (10) per cent. add one and three-fifths ($1\frac{3}{5}$) per cent. of the bid price per ton.

Standard Contract Grade Lignite Coal shall contain, water-free basis, not over two (2) per cent. of sulphur. For each one (1) per cent. or major fraction thereof above two (2) per cent. deduct two (2) per cent. of the bid price per ton.

Standard Contract Grade Lignite Coal shall contain, water-free basis, nine thousand five hundred (9,500) British Thermal Units (B. T. U.) and the price per ton shall be based upon that number of heat units. When the British Thermal Units (B. T. U.) are in excess of that amount, such excess shall be paid for proportionately; and if the contents are less than nine thousand five hundred (9,500) British Thermal Units (B. T. U.) then a proportionate amount shall be deducted from the price.

The method of ascertaining the above facts shall be agreed upon between buyer and seller; *provided*, that any school or institution which does not use to exceed fifty (50) tons of coal in any one year shall not be required to publish for proposals as herein provided.

§ 2. PENALTY.] Any board having charge or control of such school or institution which shall purchase fuel in violation of the provisions of Section 1828, shall be personally liable for the purchase price thereof and such school or institution shall not be liable therefor. *Provided*, however, that this Act shall not apply to country schools or public buildings where no janitor is employed.

Approved, March 10, 1915.

Commissioner of Agriculture and Labor

CHAPTER 79.

[H. B. No. 67—Dixon.]

REGULATING OFFICIAL ESTRAY PAPER.

AN ACT to Amend and Re-enact Section 2659 of Compiled Laws of the State of North Dakota for 1913 Relating to Official Estray Paper.

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

§ 1. AMENDMENT.] That Section 2659 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended to read as follows:

§ 2659. (a) OFFICIAL ESTRAY PAPER. PAYMENT OF FEES.] A weekly newspaper published in the state shall be designated by the Governor as the official newspaper in which all estray notices of the state received by said paper shall be published once. It shall be the duty of the publisher of said paper to transmit one copy, weekly, to the County Auditor of each county in the state and to the Commissioner of Agriculture and Labor at his office at the State Capitol. If such publisher shall fail to transmit copies thereof as herein provided he shall forfeit all right to his fees for publication of estray notices, and shall be liable in civil damages for any loss or damage caused by his neglect. The Board of County Commissioners of each county shall, on the first Monday of January each year, appropriate the sum of five dollars to pay the official estray paper for such publications.

(b) ESTRAY NOTICES. HOW PRINTED.] The estray notices in the official estray paper shall be published in the said paper in a column headed in display type "Official Estray Notices" and shall be printed in the same relative position in each issue of said official estray paper.

Approved, February 6, 1915.

CHAPTER 80.

[H. B. No. 317—Harris.]

STATISTICS FOR COMMISSIONER OF AGRICULTURE AND LABOR.
AN ACT to Amend Section 1905 of the Compiled Laws of North Dakota for
1913, Relating to Statistics.

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

§ 1. AMENDMENT.] That Section 1905 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 1905. STATISTICS. HOW OBTAINED.] Each assessor shall perform the services required of him by a personal visit to each dwelling house and to each family in his township, district, city or village, and shall secure the information which he is required to ascertain by inquiries made of some member of each family, if any can be found capable of giving the information, but, if not, then he shall obtain such information from the most reliable source; and he shall personally visit the farms, shops and other places in the district, respecting which information is required, as specified on the blanks furnished him by the State Statistician, and he shall obtain all information from the best and most reliable sources. The County Auditor shall furnish to each assessor in his county such blanks as may be necessary for taking such statements, which blanks shall be furnished by the State Statistician to the County Auditors, together with printed instructions explaining the duties of the assessor in collecting the statistics aforesaid; and the County Auditor shall, within ten days after such statements are returned to him, make out a duplicate tabular statement thereof, properly verified, one copy of which shall be preserved in the office of the County Auditor and the other forwarded by registered mail to the State Statistician. In case such statement is not received by the State Statistician on or before the twentieth day of July of each year he shall report such fact in writing to the Attorney General, who shall notify such County Auditor in writing of such delinquency, and if such County Auditor neglects or refuses to forward such statement on or before the first day of August, then the Attorney General shall at once proceed to enforce the penalties provided in Section 1907 of the Compiled Laws of North Dakota for 1913.

§ 2. EMERGENCY.] An emergency exists in that the present law does not provide sufficient time between the last day upon which such statements can be filed and the time upon which the report of the Commissioner of Agriculture and Labor is required to be filed with the Governor. Therefore this Act shall take effect and be in force from and after the date of its passage and approval.

Approved, March 2, 1915.

CHAPTER 81.

[S. B. No. 149—Englund.]

DAIRY COMMISSIONERS.

AN ACT to Amend and Re-enact Sections 2836, 2844, 2853, and 2854, of the Compiled Laws of North Dakota for 1913, Relating to the Dairy Department in the Department of Agriculture and Labor.

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

§ 1. AMENDMENT.] That Section 2836 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2836. DEPUTY COMMISSIONERS.] The Commissioner of Agriculture and Labor is hereby authorized and directed to appoint a deputy in his department who shall be known as the Dairy Commissioner, and who shall be the official head of the dairy department. He shall have a practical knowledge and experience in the manufacture of dairy products. There shall also be appointed by the Commissioner of Agriculture and Labor, with the advice of the Dairy Commissioner, two Assistant Dairy Commissioners who shall possess the same qualifications as the Dairy Commissioner. Said Dairy Commissioner and Assistant Dairy Commissioners shall hold their offices during the term of the Commissioner of Agriculture and Labor who shall appoint them, subject to removal by said commissioner for inefficiency, neglect or violation of duty. The Commissioner of Agriculture and Labor may also appoint, with the advice of the Dairy Commissioner, such other assistants in the dairy department as the needs of the department demand and the funds available permit, not to exceed three in number. The assistants so appointed shall hold office for such time as may be determined by the Commissioner of Agriculture and Labor and shall be subject to removal for inefficiency, neglect or violation of duty.

§ 2. AMENDMENT.] That Section 2844 of the Compiled Laws of North Dakota for the year 1913, is hereby amended to read as follows:

§ 2844. LICENSE.] Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, ice cream factory, or cream station, in the state, shall be required before beginning business, or within thirty days thereafter, to obtain from the Dairy Commissioner a license for each and every creamery, cheese factory, renovating or process butter factory, ice cream factory, or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, ice cream factory, or

cream station license, its place of business, the location thereof, the name of the manager thereof, and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein.

§ 3. AMENDMENT.] That Section 2853 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§. 2853. STANDARD MILK AND CREAM MEASURES AND TESTS.] The state standard milk measure, or pipette, shall have a capacity of seventeen and six-tenths cubic centimeters, and the standard test tubes or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero," and ten on the graduated scale on the neck thereof. Cream shall be tested by weight and the standard unit for testing shall be eighteen grams, and the standard test tubes or bottles shall have a capacity for ten cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero," and fifty on the graduated scale on the neck thereof, and it is hereby made a misdemeanor to use any means of determining the amount of butterfat in milk or cream other than the Babcock test, or to use any measures, weights, test tubes or bottles, other than those herein described to test the value of milk or cream or the products of either or both, or to determine the percentage of butterfat contained therein. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell a milk pipette or measure, test tube or bottle, which is not marked or graduated as herein provided shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

§ 4. AMENDMENT.] That Section 2854 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2854. FALSE READING UNLAWFUL.] It shall be unlawful for the owner, manager, agent or employee of any factory, station, plant or place of any character whatsoever, where milk or cream or the products of either or both combined are tested, or for any other person whatsoever, to manipulate, under-read, over-read, or in any other manner to alter, the true reading of the Babcock test, or any other instrument, contrivance or method that is, or can be, legally used to determine the quality or value of milk or cream in butterfat or the products of either, or both combined.

§ 5. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

COMPILED LAWS

CHAPTER 82.

[H. B. No. 149—Committee on Judiciary.]

MAKING "COMPILED LAWS OF 1913" VALID IN COURTS.

AN ACT Declaring that the Courts of this State shall take Judicial Notice of a Publication of the Laws of this State Commonly Known and Entitled, "The Revised Codes of North Dakota, 1905," and a Publication of the Laws of this State Commonly Known and Entitled, "Compiled Laws of North Dakota, 1913," and that Amendments Thereof and Enactments of Other Laws Referring Thereto shall be Deemed to Refer to the Laws of the State as Appearing in such Publications.

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

§ 1. All the courts of this state shall take judicial notice of a publication of the laws of this state purporting to be a codification of the laws of the state and commonly referred to and known as "The Revised Codes of 1905," and a publication purporting to be a compilation of the laws of this state commonly referred to and known as "Compiled Laws of North Dakota, 1913;" and, whenever, in any enactment of the Fourteenth Legislative Session, or any subsequent legislative session, any reference shall be made to either said Revised Codes of North Dakota, 1905, or said Compiled Laws of North Dakota, 1913, such reference shall be deemed and taken to refer to the original laws purporting to be contained in either of said publications. And any amendment or repeal of any law by reference to either of said publications shall be deemed and taken to be an amendment or repeal of the original laws purporting to be embodied in said publications and declared repealed or amended, and no inaccuracy in the reference to said publications shall defeat such amendment or repeal if it be sufficient to enable the court to ascertain what is intended.

Approved, February 10, 1915.

CONCEALED WEAPONS

CHAPTER 83.

[S. B. No. 214—Sandstrom.]

CONCEALED WEAPONS—CARRYING PROHIBITED.

AN ACT to Provide for the Punishment of any Person Carrying Concealed any Dangerous Weapons or Explosives, or who has the Same in his Possession, Custody or Control, Unless Such Weapon or Explosive is Carried in the Prosecution of a Legitimate and Lawful Purpose.

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

§ 1. Any person other than a public officer, who carries concealed in his clothes any instrument or weapon of the kind usually known as a black-jack, slung-shot, billy, sand club, sand bag, bludgeon, metal knuckles, or any sharp or dangerous weapon usually employed in attack or defense of the person, or any gun, revolver, pistol, or other dangerous fire arm, loaded or unloaded, or any person who carries concealed nitro-glycerin, dynamite, or any other dangerous or violent explosive, or has the same in his custody, possession or control, shall be guilty of a felony, unless such instrument, weapon or explosive is carried in the prosecution of or to effect a lawful and legitimate purpose.

§ 2. The possession, in the manner set forth in the preceding Section, of any of the weapons or explosives mentioned therein, shall be presumptive evidence of intent to use the same in violation of this Act.

§ 3. PENALTY.] Any person upon conviction of violating the provisions of this Act, shall, in the discretion of the court, be imprisoned in the State Penitentiary not more than two years, or in the county jail not more than one year, or by a fine of not more than one hundred dollars, or by both such fine and imprisonment. *Provided*, however, that any citizen of good moral character may, upon application to any district court, municipal, or justice court, be granted the permission to carry a concealed weapon upon the showing of reasonable cause.

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

§ 5. EMERGENCY.] An emergency is hereby declared to exist in that professional criminals are frequently found to carry concealed about their persons, the dangerous weapons or explosives mentioned in Section 1 of this Act. And, whereas, the present law is inadequate to prevent such criminals from carrying concealed weapons or explosives; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

CONCURRENT RESOLUTIONS

A CONCURRENT RESOLUTION.

[Haraldson.]

Whereas, A publication known as "Legalized Bank Robbery" certain charges have been preferred as will bring discredit upon the state and its public offices and subject the examiner's department particularly to serious criticism,

Now, Therefore, Be it Resolved by the House of Representatives, the Senate Concurring:

That a committee of three be appointed, two from the House and one from the Senate, with full authority to examine said charges so far as they concern the public officers of this state, and the records and reports of the examiner's department relating thereto for the purpose of ascertaining the truth or falsity of the charges preferred, said committee to make a report of said examination to the legislative assembly, and in order to make a full and complete report thereof, such committee to issue subpoenas to compel the attendance of witnesses to testify and to make findings and report the same to the legislature.

A CONCURRENT RESOLUTION.

[Everson.]

Whereas, The United States should maintain an attitude of impartial neutrality toward all the warring nations of Europe, and

Whereas, The shipment of arms and munitions of war to any of said warring nations is not consistent with the purpose and policy of the United States to be strictly and impartially neutral, and

Whereas, The shipment of arms and munitions of war has the effect of prolonging the conflict now raging in Europe, therefore
Be it Resolved by the House of Representatives of the State of North Dakota, the Senate Concurring:

That we view the present war as a crime and travesty on civilization and read with horror its daily record of destruction and death.

That we earnestly urge Congress to prohibit the shipment of arms and munitions of war from the United States to any of the nations engaged in this war in order to consistently maintain a fair and impartial neutrality toward all such nations.

Resolved, That the Secretary of State be instructed to send a copy of these resolutions to each of our Senators and Representatives in Congress to the Secretary of State of United States, and to the President of the United States.

A CONCURRENT RESOLUTION.

[Lathrop Committee.]

Whereas, By Chapter 6 of the Laws of the State of North Dakota of 1891, entitled "An Act designating and appropriating Section 36 in Township 140 North, Range 49 West, in the County of Cass, for the use of the State Agricultural College as a site for that institution," there was appropriated, with the consent of the Congress of the United States, out of the lands granted to the State of North Dakota by the United States for the use of the common schools, Section 36 in Township 140 North, Range 49 West, in Cass county, North Dakota, for the use of the said Agricultural College as a site for that institution, and

Whereas, The common school fund has been thereby decreased, and

Whereas, It is for the best interest of such common schools in the state that such section of land so appropriated be replaced and a new section granted in lieu thereof, and

Whereas, Federal legislation is necessary for that purpose, therefore

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

That the Congress of the United States, be and it hereby is respectfully petitioned and requested to grant and set apart from the unappropriated government lands within the State of North Dakota, a section of land to be selected by the said State of North Dakota, in lieu of the foregoing Section 36 in Township 140, Range 49, for the use of the common school fund of said state.

Be it Further Resolved, That the Secretary of State be instructed to send a copy of these resolutions to the Senators and Representatives of the State of North Dakota in Congress.

A CONCURRENT RESOLUTION.

[Everson.]

Whereas, The Shepard-Hobson resolution amending the Constitution of the United States so as to prohibit the manufacture and sale of intoxicating liquors and beverages failed to receive the neces-

sary two-thirds vote in the House of Representatives of Congress, and

Whereas, A majority of the members of said House of Representatives voted in favor of the resolution, among them the Representatives from North Dakota, and

Whereas, Federal legislation is necessary to properly regulate and control the liquor traffic, therefore

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

That we commend the action of our Representatives in Congress in voting for the Shepard-Hobson resolution, and urge them to continue to work for the passage of the same;

Resolved, That we urge the Senate and the House of Representatives of Congress to reconsider the action already taken and to pass the said Shepard-Hobson resolution, and

Be it Further Resolved, That the Secretary of State be instructed to send a copy of these resolutions to our Senators and Representatives in Congress, to the Speaker of the House of Representatives, to the Vice-President and to the President of the United States.

A CONCURRENT RESOLUTION.

[Turner.]

Whereas, When North Dakota was admitted to statehood the state was given for state institutions by the Federal Government lands aggregating 500,000 acres. This land was divided among the various state institutions and as these lands are sold the moneys derived from them go into a permanent fund, the income of which is used and shall be used for the maintenance and support of the institution for which these lands stand as an endowment; and

Whereas, There is in North Dakota to-day about 700,000 acres of vacant government land remaining, much of which is subject to the 320-acre homestead act and may be subject to a homestead entry of 640 acres, provided a bill now before Congress shall be enacted into law; and

Whereas, If this shall be done, the remaining public lands in North Dakota will only provide a little over 1,000 homesteads; and

Whereas, If Congress should enact a law giving to every public land state 500,000 acres of the remaining vacant public lands in the various public land states, thereby benefiting all of the people of those states and in a way in which and by which they would derive a much greater benefit than were the lands open for homesteads to a few; now, therefore,

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

That we respectfully request and petition the Congress of the United States through our Senators and Representatives of Congress, that a law be enacted so that the states receiving these public lands shall be authorized through their legislatures to distribute the lands so given between the penal, charitable and educational institutions of the state, but providing that one-fifth of the lands so given shall be set aside by the legislature as an endowment fund, the interest from which when the lands shall have been sold to be used for the purpose of building roads and bridges in the various states.

A CONCURRENT RESOLUTION.

[McClellan.]

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

That, Whereas, There are now in the western part of North Dakota about 673,000 acres of rough, broken and non-irrigable vacant government land more suitable for grazing and stock-raising than for any other purpose, and

Whereas, The steady development of the west has been dependent upon and built up by actual settlers and homesteaders who came west for the purpose of finding homes for the support and maintenance of themselves and families; and

Whereas, The occupation and settlement of these vacant lands will in time, through taxation and other sources, inure to the benefit of the counties and whole country in which said lands are located, and

Whereas, Practically all the agricultural lands in the third congressional district of the State of North Dakota have been selected and are now occupied by actual settlers; and

Whereas, The balance of the unoccupied lands are quite rough and broken and consist mostly of what are commonly known as the bad lands, and principally valuable for stock-raising; and

Whereas, There is a shortage of beef throughout the land as a result of stock-raising having been neglected for agricultural pursuits, and

Whereas, The balance of this land, if assigned in proper quantities, will yet support hundreds of families; and

Whereas, We believe an Act can and should be passed by Congress which will grant each settler a sufficient acreage of said lands as will comfortably support a family by mixed farming and stock-raising thereon, and which Act might be drafted along the line of the 640-acre stock-raising Homestead Bill No. 15799 which was

introduced during the second session of the Sixty-third Congress of the United States, and in which there is incorporated a classification clause which would leave absolutely no grounds for the Act to monopolize lands coming under the 160-acre or 320-acre Acts, and

Whereas, It has come to our notice that a movement was on foot to have Congress pass a law to have said government lands granted to the state for leasing purposes, and to also pass a national leasehold bill; and

Whereas, We believe that such an Act would be a crime and an outrage perpetrated upon the counties in which said lands are situated, and would deprive them of the actual settlers and families which they would otherwise get and would further deprive such counties of the assessable valuations and taxable property which they are entitled to and from which said counties would eventually realize an abundance of revenue by virtue of entrymen having their lands patented and homes built thereon for themselves and families, and their children's children; and

Whereas, There is not the incentive for families to build up valuable and permanent homes on rented land that there is on land they can call their own, and from which they would not have to be separated by virtue of the expiration of a lease; and

Whereas, There are a number of the counties in which this land is located that are already too small in the area of their agricultural lands without robbing them of what is left, and this is especially true of Billings county, which has not any more taxable real estate than it needs for the running of their county government; and

Whereas, We do not believe in heaping the burdens of taxation on the few who happen to own the agricultural land in such localities when the same can be reduced with the settlement of these vacant government lands by homesteaders who are willing to share the burden of taxation in their community for the purpose of getting homes; and

Whereas, We are heartily in favor of some Act that will tend to improve said district and bring settlers who will make permanent homes therein, but that we are bitterly opposed to the submission of a national leasehold bill or any Act that will shut the lands out from actual homesteading, thereby curtailing and handicapping the development and upbuilding of said district; now, therefore,

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

That we transmit a copy of this resolution to our Senators and Representatives in the National Congress requesting and urging them to use all honorable means to see that the spirit of this resolution be put into execution as far as possible, and that any Act which would tend to prevent the actual settlement of the lands above referred to, and which would deprive any county in said third con-

gressional district of the full benefit of its lands through taxation or otherwise, be prevented.

It is Further Resolved, That the Secretary of State is hereby authorized to transmit the foregoing resolution to the Senators and Representatives in Congress from the State of North Dakota.

A CONCURRENT RESOLUTION.

[Rott.]

Providing for the Appointment of a Joint Committee to Investigate the Affairs of the Board of Control.

A Concurrent Resolution providing for the appointment of a joint committee to investigate the affairs of the Board of Control.

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

Whereas, The State Board of Control has expended many hundreds of thousands of dollars, the expenditure of which has been inadequately checked by the State Auditing Board, and

Whereas, It has been currently reported in the newspapers of the state, and otherwise, that certain members of the State Board of Control have been interested in contracts for furnishing supplies for state institutions, and

Whereas, Said Board of Control has expended a large sum of money for an architect, contrary to the provisions of law, and

Whereas, Certain officials employed by the State Board of Control have been paid salaries in excess of those provided by the statute, and

Whereas, It is commonly known that two members of the State Board of Control have at no time resided at the capital, and have not devoted their entire time to the duties of their office, and

Whereas, It is but fair to the State Board of Control and the people of North Dakota, that the truth in regard to these rumors be ascertained, therefore,

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

That a joint committee of six (6), three (3) from the House and three (3) from the Senate, be appointed to investigate the truth of these rumors concerning the Board of Control, and

Be it Resolved, That the said joint committee be empowered to summon witnesses, to examine records and be clothed generally with plenary powers to investigate the condition of the state institutions which are under the control of the State Board, and

Be it Resolved, That a sufficient sum to carry on this investigation is hereby appropriated out of any moneys not otherwise appropriated in the general fund; that certified vouchers for mileage, witness fees, accountants and other expenses necessary for the investigation be paid out of the treasury of the state, after being properly approved by the chairman of the joint committee.

A CONCURRENT RESOLUTION.

[Thompson.]

Whereas, The twelfth day of February is a legal holiday under the laws of the State of North Dakota, and the United States of America, memorializing the birth and memory of our beloved Abraham Lincoln; now, therefore

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

That appropriate exercises be held on said day in the House chamber of the State Capitol at Bismarek, North Dakota, at two o'clock in the afternoon of said day, and that a committee of five be appointed, three from the House and two from the Senate, to arrange for said exercises.

There is hereby appropriated moneys out of the general fund of the State of North Dakota, not to exceed the sum of one hundred dollars (\$100.00), for the purpose of defraying the expenses of said exercises.

CONCURRENT RESOLUTION.

[Williams.]

Whereas, Through the courtesy of the Northern Pacific Railway Company, the state has had the use of the Northwest Hotel for committee rooms for the legislative assembly for the last two sessions; and

Whereas, It is not probable that the use of this building can be had for the legislative assembly of 1917, and,

Whereas, Committees of the next legislative assembly may be subjected to much inconvenience and the business of the legislative assembly delayed if committee rooms are not provided before the meeting of the legislative assembly, therefore

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

That the Board of Control be, and is hereby, instructed to secure, in time for the use of the next legislative assembly, a sufficient number of suitable rooms for the use of the committees of the House and Senate and furnish them with the necessary furniture and janitor service.

Be it Resolved, That this resolution be enrolled and copies of it be filed by the chief clerk with the Board of Control.

CONCURRENT RESOLUTION.

[Dickinson.]

Whereas, A careful and impartial review of the railway tax situation in this state fully demonstrates to any fair-minded man the strangling effects of the system, or lack of system, now in vogue on the weaker lines of railway, and

Whereas, There are many portions of the state more than twenty miles distant from any railway, and if such regions of the state are to develop their possibilities, branch lines are an imperative necessity, and

Whereas, It seems obvious that the much needed branch lines will not be built until investors are assured that such branch lines will be assessed for taxation purposes, only in proportion to their ability to pay, and

Whereas, The seeming impossibility of complying with the Constitution and the laws at the present time, as evidenced by the history of assessment and taxation in the state, makes the adoption of some system that would establish justice as between railways, a public necessity, and,

Whereas, The state has neither the money, the machinery nor the inclination to take an inventory of the railway property of the state in order to arrive at the inventory value, market value, price value or sales value of railway property; and further, as there is really no such thing as a sales price value for railroads, as shares, in railroads, are quite invariably divided into \$100.00 certificates, and the prices at which those certificates are sold at private sale, or on the stock markets, does not generally furnish an index for the market price of a railway system, for the reason that the range of the market for any commodity is narrowed by the infrequency of the demand for such commodity; by the indivisible bulk of the commodity and the amount of the price that must be paid in settlement for a single purchase. Therefore, for those reasons property for which there is an infrequent demand that is of the great invisible bulk, requiring a large amount of money for its purchase, cannot and does not have a ready marketable price or even value, for while "value," the term generally applied to property, the transfer of which is acknowledged by the execution of documents to be recorded as evidence of the transfer, would serve as a guide to the Board of Equalization in arriving at the "value" of real estate and other commodities of commerce for which records can be had—there is really no way to arrive at even the approximate value of railways unless their earning power is given first and full consideration, and

Whereas, All economists and students of revenue agree that it is next to impossible to arrive at the value of railroads for taxation purposes, unless the earning capacity of the railroads is given the fullest consideration. Prof. E. H. Meyer of the Interstate Com-

merce Commission, an able and impartial authority, said in a very thorough discussion of the various matters of taxing railroads, "Therefore, it was necessary to select from all the methods that one which promises the best results. This method is the gross earnings system basis for the distribution of values. In theory, it meets the requirements of the problem of the distribution of the values better than any of the other available methods, and in practice it has the advantage of depending upon information which the railway companies of the United States must furnish. Besides, it has received much more support among men who should be qualified to have correct judgment on matters of this kind than any other. In fact, practical unanimity exists regarding the preferences for the gross earnings method under all the circumstances." And again, in the same bulletin, on page 13, Prof. Meyer says, "An exhaustive study of the different methods leads to the conclusion that the gross earnings basis results in the most accurate assignment of the value of railway property possible." And again, "Manifestly, therefore, all measures of value of railway property aggregated into systems of useful dimensions are impracticable and fallacious, save a single one earning power; that is the power to make legitimate revenue for its owners. Such must always be the sole reliable measure of the value of all things not customarily bought and sold outright."

The Wisconsin Tax Commission in its report for 1910 on page 53 says, referring to railway taxation: "As to nearly all such properties, their capacity to produce revenue will be the dominant factor in ascertaining values, and for this reason, taxation according to value would not be different in results from taxation based directly upon income."

Dr. James E. Boyle, Professor of Economics, State University at Grand Forks, says in a discussion of the matter: "For the past ten years I have believed in the gross earnings method for railroads and other public utilities. The gross earnings system is just as between railroads; it enables the state to share increased earnings automatically, and encourages instead of retarding railroad construction, it is easily ascertained; it does not hamper or impose burdens upon a weak railway built into new territory until it is on an operating basis; it adjusts itself to varying economic conditions, fluctuating with the increase or diminution of business, thus following the rise and fall of property value; it affords a sure and staple revenue for the state, and

Whereas, The sworn reports filed by the different railway companies in complying with the regulations of the United States government, as well as state laws, show in detail the earning power of such railway, making it easy for the State Board of Equalization to arrive at a just basis in the levying and collection of railway taxes, and

Whereas, A review of the railway situation in North Dakota shows the manifest need of some available yardstick to measure

as nearly as may be the situation between the different railways, so that each may be taxed at least in a degree in proportion to its ability to pay and thus encourage the building of more branch lines," therefore,

Be it Resolved by the House, the Senate Concurring:

That the State Board of Equalization be requested to require each railway in the state to file with the said Board of Equalization by June 1, 1915, and each June first thereafter, a full and complete report of the gross earnings for the calendar year next preceding, and the term "gross earnings" is hereby defined and shall be construed to mean all earnings on business, beginning and ending within the state, and a proportion, based upon the proportion of the mileage within the state to the entire mileage over which such business is done, of earnings on all interstate business passing through, into or out of the state; in order that the said Board of Equalization may be able to give full consideration to gross earnings in equalizing the assessed value of the different railways to the end that approximate justice, as between railways, be administered, in matters of taxation.

A CONCURRENT RESOLUTION.

[T. Twichell.]

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

Whereas, The Congress of the United States has passed an Act, approved by the President May 8, 1914, entitled "An Act to provide for co-operative agricultural extension work between the Agricultural Colleges in the several states receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture," and

Whereas, It is provided in Section 3 of the Act aforesaid, that the grants of money authorized by this Act shall be paid annually "to each state which shall by action of its legislature assent to the provisions of this Act," therefore,

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

That the assent of the legislature of the State of North Dakota be and is hereby given to the provisions and requirements of said Act, and that the trustees of the North Dakota Agricultural College be and they are hereby authorized and empowered to receive the grants of money appropriated under said Act, and to organize and conduct agricultural extension work which shall be carried on in connection with the North Dakota Agricultural College in accordance with the terms and conditions expressed in the Act of Congress aforesaid.

CONCURRENT RESOLUTION.

[Hjelmstad.]

Memorializing the Congress of the United States to enact a law prohibiting the sending through the mails into any state where the sale or barter of intoxicating liquors is prohibited by law, any advertising matter of any kind or character whatever advertising the sale or barter of intoxicating liquors.

Whereas, It is repugnant to the citizens of this state to have such advertising matter forced upon them through the mails and thereby gaining access to the homes; and

Whereas, There are now fourteen states that have prohibited the sale or barter of intoxicating liquors and are thereby submitted to such repugnance and hardship; therefore,

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

That the Congress of the United States be, and the same is hereby earnestly memorialized and requested to enact a law prohibiting the sending through the mails into any state that has prohibited the sale and barter of intoxicating liquors any advertising matter of any kind or character whatever advertising the sale or barter of intoxicating liquors;

Be it Further Resolved, That a copy of these resolutions, properly certified, be forwarded at once to the Speaker of the House of Representatives and to the President of the Senate of the United States of America.

A CONCURRENT RESOLUTION.

Authorizing the Board of Trustees of Public Property to acquire for the state by purchase or by condemnation proceedings, in the name of the state, additional land for the Capitol Park site purposes and asking an appropriation therefor out of the capitol building fund.

Whereas, There was in the original plat, in the Capitol Park Addition to the capitol grounds at Bismarck, 950 lots; and

Whereas, There was sold, for the purpose of securing funds for the erection of the present capitol, therefrom 211 lots, and

Whereas, It seems meet and advisable that the State of North Dakota should own and control for capitol purposes the full allotted Capitol Park Addition of Bismarck; and

Whereas, The Legislature of the Thirteenth Legislative Assembly did, by Chapter 9 of its Session Laws, appropriate a sum, to-wit, five thousand dollars, in order that the Board of Trustees of Public Property may secure by purchase or condemnation proceedings

any of the lots of land which have been heretofore sold of the State Capitol Park Addition which in their judgment may be necessary for Capitol Park and site purposes; and

Whereas, The said Board of Trustees of Public Property, acting in conformity with the said provisions of Chapter 9 of the Session Laws for the year 1913, have purchased 48 lots for the sum of \$4,510 actual cost and \$463.75 of incidental expense incurred therewith; and

Whereas, There now remains 175 lots in the said Capitol Park Addition not owned by the State of North Dakota, and which lots at a fair estimate may be purchased and taken over by the State of North Dakota at an approximate cost of from \$15,000 to \$17,000, now, therefore,

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

That the Board of Trustees of Public Property are hereby authorized to secure by purchase or by condemnation proceedings for the state any lots or land which in their judgment might be necessary for the Capitol Park site purposes.

That there is hereby appropriated out of the capitol building fund the sum of \$5,000 annually, or so much thereof as may be necessary to carry out the provisions of this resolution.

A CONCURRENT RESOLUTION.

[Gibbens.]

Relating to National Inspection and Grading of Grain.

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

That, whereas, there is being considered by the Congress of the United States an Act providing for the uniform grading of grain and the proper inspection thereof; and

Whereas, This Act provides for an appeal being made to some higher authority than a local state board of grain appeals, thus giving to the producers and shippers of grain of North Dakota a right of review of the findings of such board of grain appeals; now, therefore,

Be it Resolved, That we urge our Representatives in Congress to support this principle enacted into law, and that a copy of these resolutions be sent to each of such Representatives in Congress.

CONSTITUTIONAL AMENDMENTS

CHAPTER 84.

[S. B. No. 11—McBride.]

STATE NORMAL SCHOOL AT DICKINSON.

AN ACT Amending Section 216 of the Constitution of the State of North Dakota Establishing and Locating a State Normal School in the City of Dickinson, County of Stark.

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

That the following proposed amendment to the Constitution of the State of North Dakota, adopted by the Thirteenth Legislative Assembly and by it referred to the Fourteenth Legislative Assembly for approval or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state at the next general election of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] That Section 216 of the Constitution of the State of North Dakota be amended to read as follows:

§ 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

FIRST: A soldiers' home, when located, or such other charitable institutions as the legislative assembly may determine, at Lisbon, in the County of Ransom, with a grant of forty thousand acres of land.

SECOND: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the County of Pembina as the qualified electors of said county may determine at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand acres.

THIRD: An industrial school and school for manual training or such other educational or charitable institution as the legislative assembly may provide, at the Town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

FOURTH: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the Counties of McHenry, Ward, Bottineau or Rolette, as the electors of said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

FIFTH: A scientific school or such other educational or charit-

able institution as the legislative assembly may prescribe, at the City of Wahpeton, County of Richland, with a grant of forty thousand acres.

SIXTH: A state normal school at the City of Minot in the County of Ward.

SEVENTH: (a) A state normal school at the City of Dickinson, in the County of Stark.

Provided, That no other institution of a character similar to any one of those located by this Article shall be established or maintained without a revision of this Constitution.

Approved, February 4, 1915.

CHAPTER 85.

[S. B. No. 12—Gronvold.]

CONCURRENT RESOLUTION.

AN ACT Amending the Constitution of the State of North Dakota, Providing for the Establishment and Location of a State Hospital for the Insane.

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

That the following proposed amendment to Section 216, Article XIX, of the Constitution of the State of North Dakota, adopted by the Thirteenth Legislative Assembly of the State of North Dakota, and by it referred to the Fourteenth Legislative Assembly of said state for approval or rejection, is hereby agreed to and said amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.] Section 216 of the Constitution of the State of North Dakota is amended to read as follows:

§ 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand (170,000) acres of land made by the United States for "other educational and charitable institutions" as is allotted by law, namely:

FIRST: A soldiers' home, when located, or such other charitable institution as the legislative assembly may determine, at Lisbon, in the County of Ransom, with a grant of forty thousand (40,000) acres of land.

SECOND: A blind asylum, or such other institution as the legislative assembly may determine, at such place in the County of Pembina as the qualified electors of said county may determine, at an election to be held as prescribed by the legislative assembly, with a grant of thirty thousand (30,000) acres.

THIRD: An industrial school and school for manual training, or such other educational or charitable institution as the legislative assembly may provide, at the Town of Ellendale, in the County of Dickey, with a grant of forty thousand (40,000) acres.

FOURTH: A school of forestry, or such other institution as the legislative assembly may determine, at such place in one of the Counties of McHenry, Ward, Bottineau and Rolette, as the electors of the said counties may determine by an election for that purpose, to be held as provided by the legislative assembly.

FIFTH: A scientific school, or such other educational or charitable institution as the legislative assembly may prescribe, at the City of Wahpeton, County of Richland, with a grant of forty thousand (40,000) acres.

SIXTH: A state normal school at the City of Minot in the County of Ward.

SEVENTH: (b) A state hospital for the insane at such place within this state as shall be selected by the legislative assembly, *provided*, that no other institution of a character similar to any one of those located by this Article shall be established or maintained without a revision of this Constitution.

Approved, March 9, 1915.

CHAPTER 86.

[H. B. No. 32—Hendrickson.]

SUPREME COURT DECISIONS.

A Concurrent Resolution Amending the State Constitution of the State of North Dakota.

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

That the following amendment to the Constitution of the State of North Dakota be agreed to and referred to the Fifteenth Legislative Assembly of the state for approval, to be by the last named legislative assembly, submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of said state.

AMENDMENT.] That Section 89 of the Constitution of the State of North Dakota as amended be now amended so as to read as follows:

§ 89. The Supreme Court shall consist of five judges, a majority of whom shall be necessary to form a quorum or pronounce a decision, but one or more of said judges may adjourn the court from day to day or to a day certain, *provided*, however, that in no case shall any legislative enactment or law of the State of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Approved, March 9, 1915.

CHAPTER 87.

[H. B. No. 143—T. Twichell.]

INCREASING COUNTY DEBT LIMIT.

A Concurrent Resolution Amending Section 183 of the Constitution of the State of North Dakota, Relating to Increasing the County Debt Limit for the Construction, Improvement and Maintenance of Public Highways.

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

That the following amendment to the Constitution of the State of North Dakota be referred to the legislative assembly to be chosen at the next general election in said state, to be by the last named legislative assembly submitted to the qualified electors for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT TO CONSTITUTION.] That Section 183 of Article XII of the Constitution of the State of North Dakota is hereby amended to read as follows:

§ 183.] The debt of any county, township, city, town, school district or any other political sub-division, 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; *Provided, further, that any county may, by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per centum limit, for the construction, improvement and maintenance of public highways, and for no other purpose whatever.* In estimating the indebtedness which a city, county, township, school district or any other political sub-division may incur, the entire amount of existing indebtedness, 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 on such assessed value without regard to the existing indebtedness of such city, for the purpose of constructing or purchasing water works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purpose whatever. All bonds or 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 sub-division shall be void.

Approved, February 20, 1915.

CHAPTER 88.

[S. B. No. 17—Thoreson.]

A Concurrent Resolution for an Amendment to the Constitution of the State of North Dakota, Providing for the Levy of a Tax on Such Lands of the State as May be Provided by Law, to Create a Fund to Insure Owners of Growing Crops Against Losses by Hail.

Be it Resolved by the Senate of North Dakota, the House of Representatives Concurring Therein:

That the following amendment to the Constitution of the State of North Dakota be referred to the legislative assembly to be chosen at the next general election, and if ratified by the last mentioned legislative assembly to be by it submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of this state.

§ 1. AMENDMENT.] That the Constitution of the State of North Dakota be amended by adding the following Section:

The legislative assembly may by law provide for the levy of a tax upon such lands as may be provided by law of the state for the purpose of creating a fund to insure the owners of growing crops against losses by hail; *provided*, that such tax shall not affect the tax of four mills levied by the Constitution. The legislative assembly may classify such lands of the state as may be provided by law, and divide the state into districts on such basis as shall seem just and necessary, and may vary the tax rates in such districts in accordance with the risk, in order to secure an equitable distribution of the burden of such tax among the owners of such lands as may be provided by law.

Approved, March 5, 1915.

CHAPTER 89.

[S. B. No. 92—Bond.]

A CONCURRENT RESOLUTION.

RURAL CREDITS.

A Concurrent Resolution to Amend and Re-enact Section 185 of the Constitution of the State of North Dakota, Relating to Loans, Giving Credit or Aid, by the State or its Political Sub-divisions, and to Agricultural Loans, Popularly Known as Rural Credits.

Be it Enacted 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 referred to the legislative assembly to be chosen

at the next general election in said state, to be by the last named legislative assembly submitted to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

§ 1. AMENDMENT.] That Section 185 of the Constitution of the State of North Dakota be amended to read as follows:

§ 185. Neither the state or any county, city, township, town, school district or any other political sub-division shall loan or give its credit or make donations to or in aid of any individual, association or corporation, except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work or internal improvement unless authorized by a two-thirds vote of the people; *provided*, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

The legislative assembly may by law provide for the formation of rural agricultural credit associations, incorporated or voluntary, under the supervision of a department of state and may establish a loan fund by pledging the credit of the state, or otherwise, and pass laws regulating the use of such fund. The re-payment of the obligations to the state herein authorized shall in all cases be secured by first mortgage on agricultural land. Loans from such fund may be made directly to individuals or to rural agricultural credit associations and in all cases on the security of rural agricultural real property in the manner provided by law.

Approved, March 1, 1915.

CHAPTER 90.

[H. B. No. 10—Smith.]

A CONCURRENT RESOLUTION.

VOTING PRIVILEGES IN CO-OPERATIVE CORPORATIONS.

A Concurrent Resolution for Amendment to the Constitution of the State of North Dakota, Relating to the Voting Privileges of Members of Co-operative Corporations.

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

The following proposed amendment to Article VII, Section 135, of the Constitution of the State of North Dakota, is hereby agreed, to be referred to the legislative assembly to be chosen at the next general election of the State of North Dakota, and to be by said last mentioned legislative assembly submitted to the qualified elect-

ors of this state for their approval or rejection, in accordance with the provisions of Section 202, of the Constitution of the State of North Dakota.

AMENDMENT.] That Article VII, of Section 135, of the Constitution of the State of North Dakota, be amended to read as follows:

In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer, *provided*, any co-operative corporation may adopt by-laws limiting the voting power of its stockholders.

Approved, February 10, 1915.

CORPORATIONS

CHAPTER 91.

[S. B. No. 203—Vail.]

BLUE SKY LAW.

AN ACT to Prevent Imposition or Fraud in the Sale or Disposition of Certain "Securities" Herein Defined by Requiring an Inspection Thereof: Providing for such Inspection, Supervision and Regulation of the Business of Any Person, Association, Partnership, or Corporation, Engaged or Intending to Engage, Whether as Principal or Agent, in the Sale of Any Such Securities in the State of North Dakota, as may be Necessary to Prevent Imposition or Fraud in the Sale or Disposition of said Securities, and Repealing Chapter 32 of the Civil Code of the Compiled Laws of 1913.

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

§ 1. The term "Securities" as used in this Act shall be taken to mean stock certificates, shares, bonds, debentures, certificates of participation, contracts, contracts or bonds for the sale and conveyance of land on deferred payments or installment plan, or other instruments in the nature thereof by whatsoever name known or called. The term "Speculative Securities" as used in this Act shall be taken to mean and include, (1) All securities into the specified par value of which the element of chance, speculative profit, or possible loss equal or predominate over the elements of reasonable certainty, safety, and investment; (2) All securities the value of which materially depends on proposed or promised future promotion or development rather than on present tangible assets and conditions; (3) Any securities based in whole or material part on assets consisting of patents, formulæ, good-will, promotion, or intangible assets; (4) Securities made or issued in furtherance or promotion of any enterprise or scheme for the sale of unimproved or unde-

veloped land on any deferred payments or installment plan when the principal value of such securities depends on the future performance of any stipulation by the promoters of such enterprise to furnish irrigation or transportation facilities, or other value enhancing utility or improvement. The term "Speculative Enterprise" as used in this Act shall be taken to mean any business undertaking, project, venture or activity for the promotion or furtherance of which "Speculative Securities" as herein defined are made, issued, sold, or offered for sale.

§ 2. It shall be hereafter unlawful for any person, co-partnership, association or corporation, hereinafter called the promoter, either as principal, or through agents, to sell or offer for sale (except to banks, bankers, trust companies, dealers, or brokers in securities, corporations or partnerships) or by means of any advertisements, circulars, or prospectus, or by any other form of public offering, to attempt to promote the sale of any speculative securities in this state, unless there first shall have been filed with the State Examiner, (1) A copy of the securities so to be promoted; (2) A statement in substantial detail of the assets and liabilities of the person or company making and issuing such securities and of any person or company guaranteeing the same, including specifically the total amount of such securities and of any securities prior thereto in interest or lien, authorized or issued by any such person or company; (3) If such securities are secured by mortgage or other lien, a copy of such mortgage or of the instrument creating such lien, and a competent appraisal or valuation of the property covered thereby, with a specific statement of all prior liens thereon, if any; (4) A full statement of facts showing the gross and net earnings, actual or estimated, of any person or company making and issuing or guaranteeing such securities, or of any property covered by any such mortgage or lien; (5) All knowledge or information in the possession of such promoter relative to the character or value of such securities, or of the property or earning power of the person or company making and issuing or guaranteeing the same; (6) A copy of any general or public prospectus or advertising matter which is to be used in connection with such promotion, and no such prospectus or advertising matter shall be used unless the same has been filed hereunder; (7) The names, addresses and selling territory in this state of any agents by or through whom any such securities are to be sold, and no such agents shall be employed unless such statement with respect to them has been filed hereunder, and there shall have been paid to the State Examiner a registration fee of one dollar for each such agent. The payment of such fee shall be payment in full of all fees for registration of such agent until and including the first day of March next following; (8) The name and address of such promoter, including the names and addresses of all partners, if the promoter be a partnership, and the names and addresses of the directors or trustees, and of any person

owning ten per centum, or more, of the capital stock, if the promoter be a corporation or association; (9) A statement showing in detail the plan on which the business or enterprise is to be transacted; (10) The articles of co-partnership or association, and all other papers pertaining to its organization, if the securities be insured or guaranteed by a co-partnership or unincorporated association; (11) A copy of its charter and by-laws if the securities be issued or guaranteed by a corporation; (12) A filing fee of twenty-five (\$25.00) dollars.

§ 3. Every foreign corporation before selling or offering for sale any speculative securities, shall also file its written consent, irrevocable, that actions may be commenced against it in the proper courts of any county in this state in which a cause of action may arise, by the service of process on the Secretary of State, and stipulating and agreeing that such service of process on the Secretary of State shall be taken and held in all courts, to be as valid and binding as if due service had been made upon the company itself, according to the laws of this or any other state, and such instrument shall be authenticated by the seal of said foreign corporation, and shall be accompanied by a duly certified copy of the order or resolution of the board of directors, trustees, or managers of the corporation authorizing the said secretary and president to execute the same.

§ 4. It shall be the duty of the State Examiner as soon as is practical, to examine the statement and documents so filed and if said State Examiner shall deem it advisable, he shall make, or have made, a detailed inspection, examination, audit and investigation of the affairs of the makers or guarantors of such securities which said inspection, examination, audit and investigation shall be at the applicant's expense. As a part of the aforesaid inspection, examination, audit and investigation, the State Examiner may cause an appraisal to be made of the property of the maker or guarantor, including the value of patents, formulæ, good-will, promotion, and intangible assets and shall furnish a full and complete statement or report of his inspection and investigation aforesaid to the State Banking Board. The State Banking Board shall, within ten days thereafter, examine the statements or reports, and give the promoter a hearing if he so desires. If the State Banking Board finds no legal objection to the enterprise, or securities, it shall direct the State Examiner to acknowledge compliance with Section 2 of this Act. But if, from the statements, papers and documents on file, and the investigations and report of the State Examiner, or from other evidence submitted, it shall appear, and the State Banking Board shall find (1) That the makers and guarantors of said securities are insolvent, or that the applicant's plan of business is dishonest, or fraudulent, (2) Or that the applicant's literature or advertising is misleading and calculated to deceive purchasers or investors; (3) Or that the securities offered, or to be offered, are issued, or are to be issued in payment for property, patents, for-

mulæ, good-will or promotion and intangible assets in excess of the reasonable value thereof; (4) Or that the enterprise of the applicant is unlawful or against public policy; (5) Or is a mere scheme of a promoter or promoters to get rich quick at the expense of the purchasers of the aforesaid securities, the said State Banking Board shall reduce its said findings to writing and attest the same by the signature of the chairman and secretary thereof. Notice of such finding, or findings, shall immediately be given to the applicant by registered mail. And it shall thereafter be unlawful for the promoter or any agent of said promoter to sell, offer for sale, or by means of any advertisement, circular, or prospectus, or by any other form of public offering to attempt to promote the sale of any such speculative security or securities in this state.

§ 5. The State Banking Board shall at any time have the authority and jurisdiction to investigate the affairs of any speculative enterprise, the securities of which are being sold or offered for sale in this state, and after giving the promoter a hearing, may if the evidence warrant, make any of the adverse findings enumerated in Section 4 of this Act, and it shall thereafter be unlawful for any person, co-partnership, association or corporation to sell, offer for sale, or by means of any advertisement, circular, or prospectus or by any other form of public offering to attempt to promote the sale of the securities of such speculative enterprise in this state.

§ 6. Any person, co-partnership, association or corporation being dissatisfied with any finding or findings of the State Banking Board, made in accordance with the provisions of this Act, may within thirty days from the making thereof commence an action in any court of competent jurisdiction against said Banking Board as defendant, to vacate and set aside said finding or findings on the ground that the said findings are unjust or unreasonable. The rules of pleading and procedure in such action shall be the same as are provided by law for the trial of equitable actions in the district courts of this state and on the hearing the judge of said court may set aside, modify, or confirm said findings as the evidence and the rules of equity may require. Appeals may be taken from the decision of the district court to the supreme court by either party in the same manner as is provided by law in other civil actions. Pending any such action, the said findings of said State Banking Board shall be prima facie evidence that they are just and reasonable and that the facts found are true, and pending any such action the said findings of the State Banking Board shall remain in full force and effect. If no action be brought to set aside said findings within thirty days, the same shall become final and binding.

§ 7. No amendment of the charter, articles of incorporation, constitution or by-laws of any such corporation or the articles of association or by-laws of any unincorporated association subject to this Act, shall become operative until a copy of the same has been filed with the State Examiner as provided in regard to the original

filing of charters, articles of incorporation, or association, constitution and by-laws, and it shall be unlawful for any such person, co-partnership, association or corporation to transact business on any other plan than that set forth in the statement required to be filed by Section 2 of this Act, or to make, issue, sell or offer for sale any "security" or "securities" required to be filed by Section 2 of this Act, until a written statement showing in full detail the proposed new plan of transacting business and a copy of the proposed new "security" or "securities" shall have been filed with the State Examiner, in like manner as provided in regard to the original plan of business and proposed "security" or "securities."

§ 8. The provisions of this Act shall not apply to (a) Securities of the United States; or any foreign government; or of any state or territory; or of any county, city, township, district or other public taxing sub-division of any state or territory of the United States or any foreign government. (b) Securities of public or quasi public corporations, the issues of which are regulated by a state officer of the State of North Dakota, or by a state officer or board of similar authority of any state or territory of the United States; or securities senior thereto. (c) Securities of state or national banks or trust companies, or building and loan associations authorized by the State Banking Board to do business in this state. (d) Securities of any domestic corporation organized without capital stock, charitable or reformatory purposes.

§ 9. The general accounts of every person, co-partnership, association or corporation, issuing or guaranteeing any securities subject to the provisions of this Act, shall be kept in a business-like and intelligent manner and in sufficient detail so that the State Examiner or his authorized representative can ascertain at any time the financial condition of such person, co-partnership, association or corporation, and the books of account and affairs of any such person, co-partnership, association or corporation shall be subject to examination by the said State Examiner or upon his direction by his assistants, accountants or examiners, at any time said State Examiner shall deem it advisable, and in the same manner as is now provided for the examination of state banks; and such person, co-partnership, association or corporation shall pay a fee for each of such examinations, of not to exceed fifteen dollars (\$15.00) for each day or fraction thereof, plus the actual traveling and hotel expenses of said State Examiner, assistant, accountant or examiner. that he is absent from the capitol of the state for the purpose of making such examination. And it is provided further, that every person, co-partnership, association or corporation making or guaranteeing any securities subject to the provisions of this Act, shall file at the close of business December 31st, March 31st, June 30th and August 31st, of each year, and at such other times as may be required by the State Examiner, a statement certified by the oath of some person having actual knowledge of the facts therein

stated, setting forth, in such form as may be prescribed by said State Examiner, the financial condition, amount of property and liability of such person, co-partnership, association or corporation and such other information as said State Examiner may require. Each statement shall be accompanied by a filing fee of two dollars and fifty cents (\$2.50). It shall be unlawful for any person, partnership, association, or corporation subject to the provisions of this Act, failing or refusing to comply with the provisions of this Section within ten days after compliance is required, to thereafter sell or offer for sale in this state any speculative stock which said person, partnership, association or corporation is selling or offering for sale in this state.

§ 10. The State Examiner shall have power upon reasonable notice either upon his own initiative or upon complaint of any responsible person, to make or have made such special inspection or investigation as he may deem necessary, in connection with the promotion, sale, disposal, or offering for sale or disposal in this state, of any certificates, shares, stocks, bonds, securities, contracts, or contracts or bonds for deeds, to determine whether the same constitute a violation of this Act or any other statute of this state, by any individual, co-partnership, corporation, or association, promoting, offering, selling or pledging the same; and the State Examiner, his assistants or deputy shall have the power to issue subpoenas and process compelling the attendance of any person and the production of any papers or books for the purposes of such investigation and examination, and shall have power to administer an oath to any person whose testimony may be required on such examination or investigation; and any person who shall refuse to obey any such subpoena or make answer to any competent and material question propounded to him by the State Examiner shall upon conviction in any court of competent jurisdiction be deemed guilty of a misdemeanor, and fined in any sum not exceeding five hundred dollars (\$500.00) or be punished by confinement in the county jail for not more than ninety days, or both by such fine and imprisonment. Upon the conclusion of any such investigation, the State Examiner may make findings of fact touching the matter or matters under investigation, and such findings shall be prima facie evidence of the truth of the matters therein found by the State Examiner in any action, either civil or criminal, instituted under any of the laws or statutes of this state against the person, persons, partnership, corporation or association. The notice herein provided for may be given by registered letter mailed to the last known address of person, or persons, or corporations to be investigated and the State Examiner's certificate shall be sufficient evidence of such notice and the mailing thereof.

§ 11. Any person who shall knowingly make or file or cause to be made or filed with the State Examiner any statement, document, circular, advertisement or prospectus, required to be filed by

this Act, which is false in any material respect or matter, shall be deemed guilty of a felony, and on conviction in any court of competent jurisdiction punished by a fine of not less than one hundred dollars (\$100.00) or more than five thousand dollars (\$5,000.00) or by imprisonment in the State Penitentiary for not less than one nor more than five years, or by both such fine and imprisonment.

§ 12. Any person, partnership, association or corporation who shall commit in this state any act declared unlawful by Sections 2, 4, 7 or 9 of this Act, shall be deemed guilty of a felony and on conviction in any court of competent jurisdiction be punished by a fine of not less than one hundred nor more than five thousand dollars, or by confinement in the North Dakota State Penitentiary for a term of not less than one nor more than seven years.

§ 13. This Act shall not apply to the owner of any speculative security, who is not the maker or issuer thereof, who shall acquire and sell the same for his own account in the usual and ordinary course of business and not for the direct or indirect promotion of any enterprise or scheme within the purview of this Act. *Providing*, that such ownership is in good faith. Repeated or successive sales of any such speculative security or securities shall be prima facie evidence that the claim of ownership is not bona fide, but is a mere shift or device to evade the provisions of this Act.

§ 14. All fees herein provided for shall be collected by the State Examiner and by him shall be turned into the state treasury, and shall be kept in a special fund for the payment of the actual and necessary expenses herein provided. All money actually and necessarily paid out by the State Examiner for traveling or incidental expenses on duties performed under this Act, shall be audited as other claims against the state and paid out of the special fund herein created.

§ 15. In any case wherein the value of the securities or contracts hereinbefore enumerated are in any way dependent upon the present or proposed development of land or mines, oil or gas wells, the boards of the Agricultural College or State University shall, on the request of the State Examiner, cause such investigation thereof as the State Examiner may desire to be made by experts from the appropriate departments of the State Agricultural College or State University, or both, as the case may be.

§ 16. Any person who shall knowingly or willfully subscribe to, or make, or cause to be made any false statements or false entry in any book of account of any person, co-partnership, association, or corporation, subject to the provisions of this Act, or exhibit any false paper with intention of deceiving any person authorized to examine into the affairs of such person, co-partnership, association, or corporation, or shall make or publish any false statement of the financial condition of any person, co-partnership, association or corporation subject to the provisions of this Act or shall know-

ingly make any false statements materially affecting the value of the stocks, bonds, or other securities offered for sale by any such person, co-partnership, association or corporation, shall be deemed guilty of a felony and upon conviction thereof, shall be fined not less than one hundred dollars nor more than five thousand dollars, or shall be imprisoned not less than one year nor more than ten years in the State Penitentiary.

§ 17. Persons, partnerships, associations or corporations holding permits under the statutes hereby repealed shall be deemed to have complied with Section 2 of this Act.

§ 18. Should the courts declare any Section or Clause of this Act unconstitutional, then such decision shall affect only the Section or Clause so declared to be unconstitutional, and shall not affect any other Section or part of this Act.

§ 19. Chapter 32 of the Civil Code of the Compiled Laws of 1913 is hereby repealed.

Approved, March 11, 1915.

CHAPTER 92.

[H. B. No. 227—Wiley.]

DEFINING CO-OPERATIVE ASSOCIATIONS.

AN ACT to Define Co-operative Associations and to Authorize Their Incorporation, and to Declare an Emergency.

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

§ 1. CO-OPERATIVE ASSOCIATIONS.] For the purpose of this Act, the words "co-operative company, corporation or association," are defined to mean a company, corporation or association which authorizes the distribution of its earnings in part, or wholly, on the basis of, or in proportion to, the amount of property bought from or sold to members, or to members and to other customers, or of labor performed, or other services rendered to the corporation. *Provided*, that nothing in this Act shall be construed as in any way conflicting with or repealing any law relating to building and loan associations or installment investment companies.

§ 2. SAME, INCORPORATION—OBJECT.] Any number of persons, not less than 25, may be associated and incorporated for the co-operative transaction of any lawful business, including the construction of canals, railways, irrigation ditches, bridges and other works of internal improvements.

§ 3. CORPORATE POWERS.] Every co-operative corporation as such has power; First—to have succession by its corporate name; Second—to sue and to be sued, to complain and defend in courts of law and equity; Third—to make and to use a common seal, and alter same at pleasure; Fourth—to hold personal estate, and all

such real estate as may be necessary for the legitimate business of the corporation; Fifth—to regulate and limit the right of stockholders to transfer their stock; Sixth—to appoint such subordinate officers and agents as the business of the corporation shall require, and to allow them suitable compensation therefor; Seventh—to make by-laws for the management of its affairs, and to provide therein the terms and limitations of stock ownership, and for the distribution of its earnings.

§ 4. SAME.] The powers enumerated in the preceding Section shall vest in every co-operative corporation in this state whether the same be formed without, or by legislative enactment, although they may not be specified in its charter or in its articles of association.

§ 5. INCORPORATION FEES.] The fees for the incorporation of co-operative corporations or associations shall be the same amounts as those provided for like capitalization of general corporations in the state. *Provided*, that any co-operative corporation or association, being under the definition given in Section 1 of this Act is hereby authorized to file with the Secretary of State a declaration signed by its president and secretary stating that it is a co-operative corporation or association as above defined, that at a meeting of the stockholders held in which all stockholders were represented all stockholders unanimously consented to come under the provisions of this Act, and from and after the filing of such declaration with the Secretary of State, it shall be entitled to the same legal recognition as though its articles of incorporation had been originally filed under this Act and the fee for filing such declaration shall be two dollars. Subject, however, to the general incorporation laws of the state except as herein modified or changed.

§ 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 7. EMERGENCY.] Whereas, there being an emergency, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1915.

CHAPTER 93.

[H. B. No. 298—T. Twichell.]

CORPORATION GROSS EARNING REPORT.

AN ACT to Amend and Re-enact Section 2248 of the Compiled Laws of North Dakota for 1913, Relating to the Making by Corporations of Annual Statements to the State Auditor.

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

§ 1. AMENDMENT.] Section 2248 of the Compiled Laws of North Dakota for 1913, relating to the making by corporations of annual

statements to the State Auditor, is hereby amended and re-enacted to read as follows:

§ 2248. ANNUAL STATEMENTS TO STATE AUDITOR. WHAT TO CONTAIN.] Every company defined in Section 2247 of the Compiled Laws of the State of North Dakota for the year 1913, doing business in this state, shall annually, between the first and thirtieth day of June, under oath of the person constituting such company, if a person, or the oath of its president, secretary, treasurer, superintendent or chief officer if an association, company or corporation, make and file with the State Auditor a statement in such form as the State Auditor may prescribe, for the year ending December thirty-first preceding, containing the following facts: The name of the company, the nature of the company, whether a person or persons, association or corporation, and under the law of what state or country organized; the location of its principal office, the name and post office address of the president, vice-president, secretary, auditor, treasurer or superintendent or general manager thereof; the name and address of the chief officer or managing agent of the company in North Dakota, if any; the number of shares of capital stock; the par value and market value, or if there be no market value, the actual value of its shares of stock on December 31st, preceding, a detailed statement of the real estate owned by the company in North Dakota, on December 31st, preceding, where situated and the value thereof, the total value of the real estate owned by the company and situated outside of the State of North Dakota; the total value of the personal property owned by the company and situated outside of the State of North Dakota; the entire gross receipts of the company from whatever source derived for the year ending December 31st, of whatever business done; the entire gross receipts for the year ending December 31st preceding, from whatever source derived, of each office within the State of North Dakota, and the total gross receipts of the company for such period in North Dakota; the entire operating and other expenses of such company, for such year; the balances of profit and loss for such year; the whole length in miles of the lines or routes over which the company did business in the state for the year ending December 31st, preceding, and the length of so much of said line or routes as is without the state and the length of so much of each within each county of the State of North Dakota, naming the lines or routes within this state; such other facts and information as the State Auditor may require in the form of returns to be prescribed by him to enable the State Board of Equalization to ascertain the value of the property of such company liable to taxation within this state. Blanks for making the above statement shall be prepared and on application furnished to any company by the State Auditor.

§ 2. EMERGENCY.] Whereas, in order that this law may become effective during the year 1915, it is necessary that it go into effect

prior to June 1st, therefore, an emergency exists and this Act shall take effect and be in force immediately after its passage and approval.

Approved, March 10, 1915.

CHAPTER 94.

[S. B. No. 268—Albrecht.]

CORPORATIONS EXTINCT—CHURCH.

AN ACT In Reference to Declaring Churches and Church Societies Extinct and Disposing of the Property of Extinct Churches and Church Societies.

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

§ 1. All the property, both real and personal, belonging to or held in trust for any church, church society or denominational religious society organized under the laws of the State of North Dakota that has become or shall become extinct, shall vest in and become the property of the central North Dakota society, convention or associations with which said church or religious society is associated or affiliated, *provided* that said central association, society or convention is duly incorporated under the laws of the State of North Dakota.

§ 2. Any denominational church or religious society which has failed for two consecutive years next prior thereto to maintain religious services according to the custom and usage of said denomination or society, or which has less than ten resident attending members making an annual contribution towards its support, may be declared extinct in the following manner, viz: upon presentation to the district court of the district within which said church or society is located, of a certified petition, signed by at least the majority of the resident attending members, stating fully the facts in the case, the said court, or a judge thereof, shall issue an order to show cause why said church or society should not be declared extinct. Said order to show cause shall be made returnable at a term of said court held in and for the county within which said church or society is located, and not less than thirty days' notice of the hearing of said petition shall be given by advertisement in a newspaper published in said county, designated by the judge of said court. The said judge shall order such additional notice to be given, either by personal service or otherwise, as to him shall seem expedient.

§ 3. On evidence being furnished to the satisfaction of the said court or the judge thereof that the said church or religious society has ceased to hold services in and used said property for religious worship or service for a term of two years previous to such application, the said district court or judge thereof may

grant an order declaring such church or society extinct and thereon direct that all its temporalities shall be transferred to and thereupon shall be taken possession of by the central North Dakota organization or society of said church or denomination, or directing that the same be sold in such manner and upon such notice as shall be by the said court decreed, and that the proceeds thereof, after payment of debts of said church or society, be paid over to the said central society, association or convention. All property and proceeds from the sale of property so transferred to said central organization as hereinbefore provided, shall be used and applied for religious purposes within the State of North Dakota, and shall not be diverted for any other purpose.

Approved; March 5, 1915.

CHAPTER 95.

[S. B. No. 259—Albrecht.]

DOMESTIC CORPORATIONS.

AN ACT to Amend Section 5005 of the Compiled Laws of 1913, Relating to Non-profit Corporations.

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

§ 1. Section 5005 of the Compiled Laws of 1913 is amended and re-enacted to read as follows:

§ 5005. HOW FORMED.] A corporation for religious, educational, benevolent, charitable or scientific purposes or a commercial or social corporation not organized for profit may be formed in the manner provided in Chapter 12, amending Chapter 12 of the Civil Code of North Dakota.

Approved, March 5, 1915.

CHAPTER 96.

[S. B. No. 129—Albrecht.]

FOREIGN CORPORATIONS—RELATING TO.

AN ACT to Amend Section 5238 of the Compiled Laws of 1913, Relating to Foreign Corporations.

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

§ 1. AMENDMENT.] That Section 5238 of the Compiled Laws of 1913, be amended to read as follows:

§ 5238. FOREIGN CORPORATIONS CAN DO BUSINESS IN THIS STATE, WHEN.] No foreign corporation, association or joint stock company, except an insurance company, shall sell or otherwise dis-

pose of its capital stock or transact any business within this state, or acquire, hold or dispose of property real or personal within this state until such corporation shall have filed in the office of the Secretary of State a copy of its articles of incorporation, and amendments if any, together with a certificate to the effect that the charter of the corporation has not been cancelled and that it is engaged in active business under its charter, both of which copy of articles and certificate shall be certified to by the Secretary of State of the state in which such corporation was incorporated or by the officer authorized to issue charter to such corporation (or if incorporated in a foreign country, then by the officer authorized to issue corporation charter) and shall have complied with the provisions of this Chapter; *provided*, that the provisions of this Chapter shall not apply to corporations created for religious or charitable purposes solely, nor to the holding and disposing of such real estate as may be acquired only by foreclosure or otherwise, in liquidation of mortgages or other securities by corporations which may not have complied with the provisions of this Article.

Approved, March 5, 1915.

CHAPTER 97.

[H. B. No. 236—Steenson.]

CORPORATIONS—SPECIAL MEETINGS.

AN ACT to Amend Section 4553 of the Compiled Laws of North Dakota for the Year 1913, Relating to Calling of Special Meetings of Corporations.

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

§ 1. That Section 4553 of the Compiled Laws of North Dakota for the year 1913 be amended so as to read as follows:

§ 4553. WHEN CALLED BY A JUSTICE.] Whenever from any cause there is no person authorized to call or preside at a meeting of a corporation, any Justice of the Peace of the county or city where such corporation is established may, upon written application of three or more stockholders or members, issue a warrant to one of the stockholders or members directing him to call a meeting of the corporation by giving notice thereof, (which notice shall state the purpose of such meeting, time and place of holding the same, and shall be published three times, once in each week for three successive weeks, in some newspaper published in the county in which the principal place of business of the corporation is located,) or if none is published therein then in a newspaper printed at the seat of government, and justice may, in the warrant, direct such person to preside at such meeting, until a clerk is chosen and qualified if there is no other officer present legally qualified or authorized to preside thereat.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no mode of giving notice of special meetings of corporations where such is not provided in the by-laws thereof, this Act shall take effect and be in force on and after its passage and approval.

Approved, March 9, 1915.

CHAPTER 98.

[H. B. No. 31—Stinger]

VALIDATING AND RE-INSTATING CANCELLED CORPORATIONS.
AN ACT Reinstating and Validating the Charters of Corporations that Have Been Cancelled for Failure to Make Reports as Required by and Under Section 4518 of the Revised Codes of 1913.

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

§ 1. CHARTERS, VALIDATED. REPORTS FILED WITH THE SECRETARY OF STATE.] All corporations heretofore organized under the laws of the State of North Dakota, whose charters have become forfeited and cancelled under the provisions of Section 4518 of the Revised Codes of 1913, by reason of the failure to make and file with the Secretary of State a report as in said Section required, be and the same are hereby validated for all purposes. Upon condition, however, that all corporations desiring to come under the provisions hereof shall, on or before the first day of August, 1915, make and file with the Secretary of State full and complete reports as in said Section prescribed, pay a penalty of ten (\$10.00) dollars and all arrearages in fees, and the charters of any corporation complying with the provisions of this statute within said period are hereby declared valid in all respects.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that the charters of many corporations have been cancelled by reason of the failure to make reports as required by law; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 10, 1915.

COUNTY COURT

CHAPTER 99.

[S. B. No. 82—Murphy.]

AUTHORIZES COUNTY COURTS TO ACCEPT SURETY BONDS.

AN ACT Authorizing County Courts to Accept Surety Company Bonds for Executors, Administrators and Guardians for One-half the Amount Required When Personal Bonds are Furnished, Plus Ten Per Cent.

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

§ 1. SURETY COMPANY BONDS.] In all cases where bonds are required of executors, administrators or guardians under Section 8685 of the Compiled Laws of 1913, the court may in its discretion accept a surety company bond in lieu of a personal bond in a sum equal to not less than the aggregate value, as ascertained by the court, of the personal property and the rents, profits and income for one year of the real property belonging to the estate, plus ten per cent. And in all cases where an executor, administrator or guardian is required to give an additional bond as provided by Section 8686 of the Compiled Laws of 1913, the court may, in its discretion accept a surety company bond in lieu of a personal bond in a sum equal to not less than the probable amount to be realized upon the sale or mortgage, plus ten per cent.

Approved, February 18, 1915.

CHAPTER 100.

[S. B. No. 184—Hoverson.]

CHANGE OF VENUE IN NEW COUNTIES.

AN ACT to Define the Procedure for a Change of Venue of Probate Cases Pending in County Courts Where Counties have been Formed out of Territory Composed of Organized Counties.

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

§ 1. Whenever a proceeding shall be pending in a county court of a county in this state, which county shall have been divided and a new county formed from a part thereof, and such new county would be the proper county in which such proceeding should be instituted if the same was being instituted after the formation of such new county, the venue of such proceeding shall be changed to such new county upon application of any interested party. Such

change may be ordered by the court upon stipulation of all the interested parties to the proceeding who have appeared therein, or upon application notice for eight days by any interested party to all other parties that have appeared therein. Upon the filing of an order of the court changing the venue, the judge or clerk of court, if there be a clerk, shall at once certify and transmit to the county court of such new county all the original files and papers in such proceeding, together with a duly certified transcript of any proceedings or matters appearing in the permanent books or records of the court from which the proceeding is transferred.

There shall be no charge against any person on account of any such change of venue, but the work incident thereto shall be performed as a part of the official duty of the judge or clerk of the court, as the case may be.

Upon the filing of such original record, the court in which the same is filed shall have full jurisdiction of such proceeding the same as though originally brought therein.

Approved, March 9, 1915.

CHAPTER 101.

[S. B. No. 14—Jacobson.]

COSTS IN COUNTY COURTS WITH INCREASED JURISDICTION.

AN ACT to Amend and Re-enact Section 8957 of the Compiled Laws of North Dakota for 1913, Relating to Costs in County Courts Having Increased Jurisdiction.

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

§ 1. AMENDMENT.] That Section 8957 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 8957. COSTS.] When the prevailing party in a civil action has appeared therein by an attorney duly authorized to practice in the courts of this state, there shall be allowed for his re-imbursments and taxed the same costs and disbursements as provided by the Code of Civil Procedure when the amount exclusive of costs exceeds the sum of \$200.00 and no other costs or disbursements, and in all cases where less than \$200.00 is received, exclusive of costs, there shall be taxed and allowed to such prevailing party the same attorneys' fees and costs as are provided for in Sections 9107 and 9108 of the Compiled Laws of North Dakota of 1913.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and therefore this Act shall take effect immediately after its passage and approval.

Approved, February 26, 1915.

CHAPTER 102.

[S. B. No. 62—Jacobson.]

COUNTY COURTS WITH INCREASED JURISDICTION.

AN ACT Relating to County Courts Having Increased Jurisdiction, Fixing the Time to Answer in County Courts, Amending Sections 8944, 8945, 8949, 8952 and 8953 of the Compiled Laws of North Dakota for 1913, Relating to the Forms of Summons and Time to Answer Complaint, and in Garnishment Proceedings, and Providing for the Time of Service of Summons by Publication.

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

§ 1. AMENDMENT.] Section 8944 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 8944. REQUISITES OF SUMMONS.] The summons must contain the title of the action, specifying the court in which the action is brought, the name of the parties to the action, and shall be subscribed by the plaintiff or his attorney, who must add to his signature, his address, specifying a place within the state where there is a post office. The summons shall be substantially in the following form, the blanks being properly filled:

“STATE OF NORTH DAKOTA, } ss:
County of..... }

IN COUNTY COURT.

A. B.Plaintiff,

vs.

C. D.....Defendant.

SUMMONS.

The State of North Dakota to the above named defendant:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer upon the subscriber within twenty days after the service of this summons upon you, exclusive of the day of service, and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

.....
Plaintiff.

.....
Post Office.

Dated.....”

§ 2. AMENDMENT.] Section 8945 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 8945. FILING AND SERVICE OF PLEADINGS.] A copy of the complaint need not be served with the summons. In such case the summons must state that the complaint is or will be filed with the

clerk of the county court in the county in which action is commenced, and if the defendant within twenty days thereafter causes notice of appearance to be given and in person or by attorney demands in writing a copy of the complaint, specifying a place within the state where it may be served, a copy thereof must within twenty days thereafter be served accordingly, and after such service the defendant has twenty days to answer, but only one copy need be served on the same attorney. Where the summons states that the complaint is or will be filed with the clerk of court and the same is not so filed within twenty days after the date of the service of such summons the action will be deemed discontinued.

§ 3. AMENDMENT.] Section 8949 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 8949. WHEN SERVICE COMPLETE.] Service by publication is complete upon the expiration of twenty-one days after the first publication of the summons, or in case of personal service of the summons and complaint upon the defendant outside of the state, upon the expiration of twenty days after the date of such service.

§ 4. AMENDMENT.] Section 8952 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 8952. GARNISHMENT SUMMONS.] In all garnishment proceedings the plaintiff shall attach to his affidavit for garnishment a garnishment summons, which shall be substantially in the following form:

“STATE OF NORTH DAKOTA, { ss:
County of..... {

IN COUNTY COURT.

A. B. Plaintiff,

vs.

C. D..... Defendant, and

E. F..... Garnishee.

The State of North Dakota to said Garnishee:

You are hereby summoned, pursuant to the annexed affidavit, as a garnishee of the defendant, C. D., and required within twenty days after the service of this summons upon you, exclusive of the day of service, to answer according to law, whether you are indebted to or have in your possession or under your control any property, real or personal, belonging to such defendant, and to serve a copy of your answer on the undersigned at..... in the County of.....; and in case of your failure so to do, you will be liable to further proceedings according to law; of which the said defendant will also take notice.

Dated.....

L. M., Plaintiff's Attorney,

P. O. Address.....County, N. D.”

§ 5. AMENDMENT.] Section 8953 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 8953. ANSWER OF GARNISHEE.] The affidavit or answer of the garnishee must be served upon the attorney for the plaintiff within twenty days after the service of the garnishment summons, and such answer must be filed in the office of the clerk of the county court, upon order of the court the same as other pleadings in a civil action.

Approved, February 24, 1915.

CHAPTER 103.

[H. B. No. 439—Grow.]

SALE OF REAL PROPERTY OF INSANE PERSON.

AN ACT to Amend and Re-enact Section 2579 of the Compiled Laws of North Dakota of 1913, Relating to Expenses Chargeable Against the Estate of Insane Persons.

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

§ 1. AMENDMENT.] Section 2579 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 2579. EXPENSES CHARGEABLE AGAINST THE ESTATE OF INSANE PERSONS.] The amount of expense incurred by any county in this state for treatment and maintenance of any insane person in the State Hospital for the Insane shall be charged against the estate of such insane person; *provided*, that the insane person has no heirs within the United States dependent upon said estate for support; and *provided*, further, that no real property shall be sold during the life of the insane person, except for the maintenance and support of the family of said insane person, or when it is shown to be for the best interests of the estate, and in either case only upon order of the proper court and with the consent of the Board of County Commissioners of the proper county, and further *provided* that no personal property shall be sold under five years from the date of sending such insane person to the State Hospital for the Insane, unless by order of the proper court, where such property is liable to deteriorate in value during the time above specified, and when sold as above the county court shall order the proceeds thereof to be safely invested for the benefit of such insane person, or be used for the support and maintenance of the family of such insane person.

§ 2. EMERGENCY.] Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1915.

COUNTY COMMISSIONERS

CHAPTER 104.

[H. B. No. 176—Wiley.]

COMPENSATION AND OFFICE HOURS OF COUNTY COMMISSIONERS.
AN ACT to Amend and Re-enact Section 3533 of the Compiled Laws of North Dakota for 1913, Relating to Compensation and Office Hours of County Commissioners.

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

§ 1. AMENDMENT.] That Section 3533 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted and made to read as follows:

§ 3533. COMPENSATION ALLOWED. OFFICE HOURS.] County Commissioners shall each be allowed for the time they are necessarily employed in the duties of their office, the sum of five dollars (\$5.00) per day and their actual traveling expenses, which expenses allowed shall not exceed ten cents per mile necessarily traveled, while performing the duties of their office, in attending the meetings of the board and when engaged in other official duties, to be paid out of the general fund of the county, and their office hours shall not be less than from nine to twelve A. M. and two to five P. M., during regular or special session held by such board.

Approved, March 3, 1915.

CHAPTER 105.

[H. B. No. 229—Pitkin.]

LAYING OUT ROADS.

AN ACT to Amend and Re-enact Section 1923 of the Compiled Laws of North Dakota for the Year 1913, Relating to Laying Out, Altering or Discontinuing Roads.

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

§ 1. AMENDMENT.] Section 1923 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 1923. PETITION FOR LAYING OUT, ALTERING OR DISCONTINUING ROADS.] The board having jurisdiction as provided by the provisions of the preceding Section may alter or discontinue any road or lay out any new road upon the petition of not less than six legal voters who own real estate, or who occupy real estate under the

homestead laws of the United States, or under contract from the State of North Dakota, in the vicinity of the road to be altered, discontinued or laid out; said petition shall set forth in writing a description of the road and what part thereof is to be altered or discontinued, and, if for a new road, the names of the owners of the land, if known, over which the road is to pass, the point at which it is to commence, its general course, and the point where it is to terminate; *provided*, that all roads or parts thereof heretofore or hereafter laid out by authority of the Board of County Commissioners or township supervisors, and not open to public use within ten years from the time when so laid out, (or which shall thereafter be abandoned and not used for ten years) are hereby declared vacant; *provided*, further, that whenever any tract of land is surveyed or sold in tracts less than the original sub-division as established by the government survey thereof, so that any part thereof does not touch upon some of the lines now considered as public roads and so allow the owner of such tract access to a public highway, the Board of County Commissioners or board of township supervisors may, upon a petition as herein provided, open a cartway or highway along the lines of any such tract or tracts when in the judgment of such board such cartway or highway is necessary; *provided*, however, that no such cartway or highway shall exceed two rods in width unless in the judgment of such board a roadway two rods in width shall not be sufficient to accommodate the travel thereon.

Provided, that whenever a petition is received by the board having jurisdiction requiring a new road to be laid out, it shall be the duty of said board, when in its judgment circumstances warrant the same, to employ a competent surveyor to survey and lay out said road, and such survey shall include a line of levels to be run over the laid out road and a grade line to be established thereon, which grade line shall not be greater than ten per cent. when completed. In laying out said road the board may deviate or depart, or direct a deviation or departure from the road described in the petition when it is practicable and more inexpensive to do so in order to obtain a grade line not exceeding ten per cent. Such surveyor shall prepare a plan and profile of his survey and file a copy of the same with the township clerk of the County Auditor, as the case may be, and it shall be the duty of the board having jurisdiction to make such road, when completed, conform to the plan and profile of the surveyor as filed with the township clerk or County Auditor.

The provisions of this Chapter shall apply to all lands owned by the state or any institution thereof, or held by virtue of any contract with the state, and notice of the altering, laying out or discontinuing of any such cartway or highway shall be served by registered mail upon the Board of University and School Lands, not less than thirty days prior to any such board taking action in regard to altering, laying out or discontinuing such cartway or highway.

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

Approved, March 5, 1915.

CHAPTER 106.

[S. B. No. 212—Thoreson.]

GOPHERS, PRAIRIE DOGS, RABBITS AND CROWS—BOUNTY.

AN ACT to Amend Sections 2261 and 2262 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Levy of Tax to Destroy Gophers, Prairie Dogs, Rabbits and Crows.

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

§ 1. That Section 2261 of the Compiled Laws for 1913 is hereby amended to read as follows:

§ 2261. COUNTY COMMISSIONERS LEVY GOPHER TAX.] The Board of County Commissioners of every county in this state may, at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding one-half of one mill on the dollar of assessed valuation upon all real estate in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of gophers, rabbits, crows and prairie dogs in said county; the fund provided to be raised in accordance with this Section shall be denominated the "gopher, rabbit, crow and prairie dog destruction fund," and shall be kept separate and distinct by the County Treasurer, and shall be expended by the Board of County Commissioners at such time and in such manner as is by said board deemed best to secure the abatement and extermination of the gopher, rabbit, crow and prairie dog pest.

§ 2. That Section 2262 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 2262. PETITION REQUIRED.] It shall be the duty of the Board of County Commissioners of any county, on receiving a petition signed by not less than twenty per cent. of the total number of votes cast at the last general election held in such county, requesting them to do so, to offer a bounty or reward for each gopher, rabbit, crow and prairie dog destroyed during the months of April and May. The Board of County Commissioners when so petitioned, as herein provided, shall publish in the local papers of the county during the month of March of each year, the amount of bounty or reward to be paid for each gopher, rabbit, crow and prairie dog destroyed, the manner of ascertaining the number of gophers, rabbits, crows and prairie dogs destroyed and the manner of procedure necessary to obtain such reward.

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

Approved, February 27, 1915.

CHAPTER 107.

[S. B. No. 236—Sikes.]

COUNTY COMMISSIONERS MAY DEED BACK LAND.

AN ACT Authorizing the Board of County Commissioners to Convey Land, Which has been Donated to the County for a Specific Purpose, Back to the Donors, Their Heirs and Assigns, if Such Land is not Used for Such Purpose.

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

§ 1. The Board of County Commissioners of any county is hereby authorized to convey and deed land, which has been donated to the county for a specific purpose, back to the donors, or to their heirs or assigns, as the case may be, for a nominal consideration, if such land is not used for the purpose for which it was so donated if the donor, donors, or their said heirs and assigns, demand that such land be conveyed and deeded back to them.

§ 2. EMERGENCY.] An emergency exists in that there is no provision in law permitting the Board of County Commissioners to deed back land, which has been given to the county for a specific purpose, in case the land is not used for that purpose, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

CHAPTER 108.

[H. B. No. 118—Harris.]

PURCHASE OF ROAD IMPROVEMENTS AND MACHINERY BY COUNTY COMMISSIONERS.

AN ACT to Amend and Re-enact Section 1946 of the Compiled Laws of 1913, of North Dakota; Relating to the Expenditure of Money by Contract for Road Improvements and Road Machinery by the County Commissioners.

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

§1 AMENDMENT.] Section 1946 of the Compiled Laws of 1913 of North Dakota is hereby amended and re-enacted to read as follows:

§ 1946. FUND, HOW EXPENDED.] Such fund shall be expended only for road machinery and in grading, ditching and surfacing, in proper form and condition for public travel, such highways or parts of highways, howsoever established, as constitute the principal thoroughfares of the county, communicating with shipping points and market places resorted to by inhabitants of the county, for which the means otherwise provided are not, in the opinion of the County Commissioners, sufficient.

§ 2. **CONTRACTS TO BE ADVERTISED.]** All purchases of road machinery and other articles or contracts for the improvements of the highways which shall exceed the sum of one hundred dollars, shall be advertised in the manner as now provided by law for the purchase of county supplies.

§ 3. **EMERGENCY.]** Whereas, an emergency exists in that there is no provision in the laws providing for the County Commissioners to purchase road machinery, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 3, 1915.

COUNTY

CHAPTER 109.

[H. B. No. 37.—Stinger.]

COUNTY AGRICULTURAL ASSOCIATIONS.

AN ACT for the Amendment of Section 1867 of the Compiled Laws of North Dakota for 1913, Relating to County Fairs.

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

§ 1. **AMENDMENT.]** That Section 1867 of the Compiled Laws of North Dakota for 1913, relating to county fairs, be amended to read as follows:

§ 1867. **AMENDMENT. CERTAIN COUNTIES MAY AID. CONDITIONS. APPLICATION. LEVY OF TAX.]** If in any county, the taxable real estate and personal property within which has an assessed value of not less than one and one-half million dollars, there may be organized a county agricultural association all of whose executive officers and directors shall be citizens of said county, such association may apply to the County Board of Commissioners of such county for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits to be made at any fair to be held by any such association and to pay premiums and expenses that may be awarded on such exhibits. Applications for such grant shall be made in writing, and must show that such association is duly incorporated, the names and places of residence of all its executive officers, that it is the owner in fee of real property in such county, sufficient in area for the purpose of its fair and of the value of at least twenty-five hundred dollars. If such Board of County Commissioners shall be satisfied that the statements in such application are true and that such association intends in good faith to hold a fair within said county annually for the exhibition of agricultural, horticultural, mechanical and manu-

factured products of such county, live stock and such articles as are usually exhibited at such fairs, they may, at the time specified in Section 2133, levy a tax not to exceed, for the first year's grant of such aid, one-half of a mill on all the taxable property within such county and the same shall be collected as other taxes. If such tax be levied the Board of County Commissioners shall, not later than July thirty-first thereafter, pay to the secretary of such association the amount of the tax so levied and take the receipt of such association therefor.

Approved, February 23, 1915.

CHAPTER 110.

[H. B. No. 416—Morrison.]

CREATING COUNTY BOARD OF HIGHWAY IMPROVEMENTS.

AN ACT Creating a Board of Highway Improvements Within each County of this State, Providing for Their Election, Duties, Meetings and Compensation.

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

§ 1. There is hereby created in each county within the State of North Dakota, an organization to be known as the Board of Highway Improvements. Said board shall consist of one member from each road district within each county; the chairman of the board of supervisors shall be ex-officio member of said Board of Highway Improvements, and it shall be his duty to attend the meeting of said Board of Highway Improvements as hereinafter provided for.

§ 2. The Board of Supervisors of any district may by resolution elect one of the members as such member of the Board of Highway Improvements instead of the chairman of said board, in which event, said member so elected shall be the member for the year succeeding his election, and shall act in the place of the chairman of said Board of Supervisors, as a member of the Board of Highway Improvements.

§ 3. That said Board of Highway Improvements shall meet on the second Monday in March of each year at the county seat, and it shall be their duty to formulate plans and methods for the uniform working and establishing of highways within their county; and such methods as they shall adopt shall be followed in each of the districts of said county, *provided*, that no plan or resolution shall be adopted by said board that is in conflict with any law with reference to highways. A majority vote of all the members of the county present shall be sufficient to pass such resolution, or to establish such method as may be proposed by said board or any member thereof.

§ 4. It is the purpose of this Act to establish a board with full

authority to adopt rules and regulations whereby there may be a uniform system throughout the county for the construction and maintenance of highways, especially with reference to the establishing of grades and cuts, and the construction of bridges and culverts and approaches thereto; and it shall be the duty of the supervisors and road overseers in each of the townships or road districts to follow the method, rules and regulations adopted by the said board for the construction and maintenance of highways, unless otherwise ordered by any township supervisors.

§ 5. Each member attending said meeting of said Board of Highway Improvements as herein provided for, shall be allowed three dollars (\$3.00) per day for each day's attendance at the annual meeting, and five cents (5c.) per mile one way mileage, *provided*, that said meeting shall not continue for a longer period than two days; said per diem and mileage to be paid out of the road fund immediately after the regular or special meeting of the township board upon the filing of a verified statement by the members so attending such annual meeting of the Board of Highway Improvements.

§ 6. Said Board of Highway Improvements shall elect a secretary and president, and it shall be the duty of the secretary to provide a permanent record book and to keep a full and complete record of all resolutions and rules adopted and all methods and proceedings had at said annual meeting; the expense incidental to the keeping of such permanent record book and all expenses incidental to said organization to be pro-rated among the respective townships and paid on the filing of a verified statement by said secretary.

§ 7. This law shall not apply to streets, alleys or highways within any incorporated city, town or village within the state.

Approved, March 10, 1915.

CHAPTER 111.

[H. B. No. 228—Johnson.]

PERMITTING INCREASE OF COUNTY BRIDGE TAX.

AN ACT to Amend Section 2150 of the Compiled Laws of North Dakota for the Year 1913, Relating to State and County Tax Rate, Road Tax and Sinking Fund.

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

§ 1. AMENDMENT.] That Section 2150 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2150. The rate of the general state tax shall not be more than four mills on the dollar valuation; and for ordinary county revenue,

including the support of the poor, not more than eight mills on the dollar; and for roads and bridges, a poll tax of one dollar and a half, or one day's work, on every male person between the ages of twenty-one and fifty years; a bridge tax not to exceed four mills on the dollar, and a road tax not to exceed five mills on the dollar, valuation, to be paid in money or in labor at the rate of one dollar and a half per day, at the option of the person taxed, and the certificate that the person named therein has actually performed eight hours' labor for each day's work so certified, shall be received by the County Treasurer in discharge of said tax to the amount so certified; and a further tax not to exceed two mills on the dollar upon all taxable property in the county for emergency purposes; for county sinking fund, such rate as may be fixed by any funding act passed by the legislative assembly, or in the absence of a provision in any such act, or in counties that shall not have funded their indebtedness, then such rate as, in the estimation of the Board of County Commissioners, will pay one year's interest on all the outstanding debts of the county, with ten per cent. on the principal sum of such debts.

Approved, February 16, 1915.

CHAPTER 112.

[S. B. No. 180—Senate Committee on Appropriations.]

SALARIES COUNTY OFFICIALS BASED ON POPULATION.

AN ACT Providing for Salaries of County Auditors, County Treasurers, Registers of Deeds, County Judges, State's Attorneys and Assistants, Clerks of the District Courts and Sheriffs, and Repealing Sections 1137, 3492, 3500, 3506, 3508, 3512, 3520 of the Compiled Laws of North Dakota for 1913, the Same Being Sections 777, 2578, 2580, 2586, 2592, 2594 and 2598 of the Revised Codes for 1905 with any and all Amendments Thereto, and also Section 1 of Chapter 275 of the Session Laws of 1911.

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

§ 1. COUNTY AUDITOR'S SALARY.] The salary of the County Auditor shall be regulated by the population in his county according to the last preceding official state or federal census as follows: *Provided*, that no County Auditor shall receive more than twelve hundred dollars for his personal and official services in any one year in counties having a population of less than five thousand; one thousand five hundred dollars in counties having a population of five thousand and not exceeding seven thousand; eighteen hundred dollars in counties having a population exceeding seven thousand and not exceeding twelve thousand; two thousand dollars in counties having a population exceeding twelve thousand and not exceeding twenty thousand; two thousand two hundred dollars in counties

having a population exceeding twenty thousand and not exceeding twenty-five thousand; two thousand four hundred dollars in counties having a population exceeding twenty-five thousand and not exceeding thirty-five thousand; two thousand eight hundred dollars and no more, in counties having a population exceeding thirty-five thousand; which salary shall be paid monthly from the general county fund on the warrant of the County Auditor.

All moneys received as fees of every nature, kind or description in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the County Auditor at the end of each month into the general fund of the county.

§ 2. COUNTY TREASURER'S SALARY.] The salary of the County Treasurer shall be the same as that of the County Auditor, which salary shall be paid monthly from the general county fund on the warrant of the County Auditor. All moneys received as fees of every nature, kind or description in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the County Treasurer at the end of each month into the general fund of the county.

§ 3. SALARY OF REGISTER OF DEEDS AND THE CLERK OF THE DISTRICT COURT.] The salary of the Register of Deeds shall be regulated by the population in his county according to the last preceding official state or federal census, as follows: *Provided*, that no Register of Deeds and the Clerk of the District Court shall receive more than twelve hundred dollars for his personal services in any one year in counties having a population of less than five thousand; one thousand three hundred and fifty dollars in counties having a population of five thousand and not exceeding six thousand; one thousand five hundred dollars in counties having a population exceeding six thousand and not exceeding seven thousand; one thousand seven hundred dollars in counties having a population exceeding seven thousand and not exceeding ten thousand; one thousand eight hundred dollars in counties having a population exceeding ten thousand and not exceeding twenty thousand; two thousand dollars and no more in counties having a population exceeding twenty thousand, which salary shall be paid monthly from the general fund on the warrant of the County Auditor.

All moneys received as fees of every nature, kind or description in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the Register of Deeds and the Clerk of the District Court at the end of each month into the general fund of the county.

§ 4. SALARY AND EXPENSES OF THE COUNTY SUPERINTENDENT OF SCHOOLS.] The County Superintendent of Schools shall receive an annual salary equal to that paid to the Register of Deeds of his county, which salary shall be paid monthly on a warrant of the County Auditor on the County Treasurer, and in addition thereto he shall receive ten cents per mile for the distance actually and

necessarily traveled by him or his field deputy in the discharge of his duties within the county and in attendance at meetings of County Superintendents, called by the Superintendent of Public Instruction, as provided by law. He shall, at the end of every three months, make and furnish to the County Commissioners, an itemized statement, subscribed and sworn to, of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the Board of County Commissioners.

All moneys received as fees, of every nature, kind and description, in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the Superintendent of Schools at the end of each month, into the general fund of the county.

§ 5. SALARY OF THE COUNTY JUDGE.] The salary of the County Judge shall be regulated by the population in his county according to the last preceding official state or federal census, as follows: *Provided*, that no County Judge shall receive more than one thousand dollars for his personal services in any one year in counties having a population of less than five thousand; twelve hundred dollars in counties having a population of five thousand and not exceeding seven thousand; thirteen hundred and fifty dollars in counties having a population exceeding seven thousand and not exceeding nine thousand; fifteen hundred dollars in counties having a population exceeding nine thousand and not exceeding eleven thousand; seventeen hundred dollars in counties having a population exceeding eleven thousand and not exceeding fifteen thousand; eighteen hundred and fifty dollars in counties having a population exceeding fifteen thousand and not exceeding nineteen thousand; two thousand dollars and no more, in counties having a population exceeding nineteen thousand, which salary shall be paid monthly from the general county fund on the warrant of the County Auditor; *provided*, that the salary of the County Judge in counties having increased jurisdiction shall not be affected by the provisions of this Article; *provided*, further, that the maximum salary of County Judges in counties having increased jurisdiction shall be limited to two thousand five hundred dollars as provided by Section 8973 of the Compiled Laws of 1913.

All moneys received as fees, of every nature, kind and description in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the County Judge at the end of each month into the general fund of the county.

§ 6. SALARY OF SHERIFF.] The salary of the Sheriff shall be regulated by the population in his county according to the last preceding official state or federal census, as follows: *Provided*, that no Sheriff shall receive more than fifteen hundred dollars for his personal services in any one year in counties having a population of less than seven thousand; sixteen hundred and fifty dollars in counties having a population of seven thousand and not exceeding

nine thousand; one thousand eight hundred dollars in counties having a population exceeding nine thousand and not exceeding eleven thousand; one thousand nine hundred dollars in counties having a population exceeding eleven thousand and not exceeding thirteen thousand; two thousand dollars in counties having a population exceeding thirteen thousand and not exceeding fifteen thousand; two thousand one hundred dollars in counties having a population exceeding fifteen thousand and not exceeding seventeen thousand; two thousand two hundred dollars in counties having a population exceeding seventeen thousand and not exceeding nineteen thousand; two thousand three hundred dollars in counties having a population exceeding nineteen thousand and not exceeding twenty-three thousand; two thousand four hundred dollars in counties having a population exceeding twenty-three thousand and not exceeding twenty-four thousand; two thousand five hundred dollars in counties having a population exceeding twenty-four thousand and not exceeding twenty-five thousand; two thousand six hundred dollars in counties having a population exceeding twenty-five thousand and not exceeding twenty-six thousand; two thousand seven hundred dollars in counties having a population exceeding twenty-six thousand and not exceeding twenty-seven thousand; two thousand eight hundred dollars in counties having a population exceeding twenty-seven thousand and not exceeding twenty-eight thousand; two thousand nine hundred dollars in counties having a population exceeding twenty-eight thousand and not exceeding twenty-nine thousand; three thousand dollars and no more, in counties having a population exceeding twenty-nine thousand; which salary shall be paid monthly from the general county fund on the warrant of the County Auditor.

All moneys received as fees of every nature, kind or description in his official capacity, or commissions and compensation for services on boards created by law, excepting mileage and livery, shall be paid by the Sheriff at the end of each month into the general fund of the county.

§ 7. SALARY OF STATE'S ATTORNEY, ASSISTANT AND CLERK.] The salary of the State's Attorney shall be regulated by the population in his county according to the last preceding official state or federal census, as follows: *Provided*, that no State's Attorney shall receive more than eight hundred dollars for his personal services in any one year in counties having a population of less than six thousand; one thousand dollars in counties having a population of six thousand and not exceeding seven thousand; one thousand two hundred dollars in counties having a population exceeding seven thousand and not exceeding eight thousand; one thousand four hundred dollars in counties having a population exceeding eight thousand and not exceeding nine thousand; one thousand five hundred dollars in counties having a population exceeding nine thousand and not exceeding ten thousand; one thousand six hundred dollars in

counties having a population exceeding ten thousand and not exceeding twelve thousand; one thousand seven hundred dollars in counties having a population exceeding twelve thousand and not exceeding fourteen thousand; one thousand eight hundred dollars in counties having a population exceeding fourteen thousand and not exceeding sixteen thousand; two thousand dollars and no more, in counties having a population exceeding sixteen thousand; *provided*, that in counties having a population exceeding nineteen thousand an Assistant State's Attorney shall be appointed by the State's Attorney, who shall receive a salary fixed by the County Commissioners; *provided*, however, such salary shall not be less than six hundred dollars per annum, payable monthly; and in counties having a population exceeding twenty thousand the County Commissioners may, whenever they deem it necessary, and for such time as they deem necessary, by resolution, authorize the State's Attorney to appoint a clerk who shall be subject to discharge by the State's Attorney and whose salary shall be fixed by the County Commissioners and paid by the county. In counties having a population of less than nineteen thousand the salary of the Assistant State's Attorney, if one is allowed by the County Commissioners, shall be fixed by the County Commissioners, and in such counties, having a population of less than nineteen thousand, the County Commissioners may, whenever they deem it necessary, and for such time as they deem necessary, by resolution, authorize the State's Attorney to appoint a clerk in lieu of an Assistant State's Attorney, which clerk shall be subject to discharge at any time by the State's Attorney and whose salary shall be fixed by the County Commissioners and paid by the county, which salary shall be paid monthly from the general fund on the warrant of the County Auditor. All moneys received as fees, of every nature, kind and description, in his official capacity, or commissions and compensation for services on boards created by law, shall be paid by the State's Attorney at the end of each month into the general fund of the county.

§ 8. WHEN NOT TO APPLY.] The provisions of this Act shall not apply to the present term of officers elected or appointed prior to the taking effect of this Act; *provided*, further, that the salary of the officers herein enumerated shall be the same during the remainder of the term for which they may have been elected or appointed, as they are respectively receiving at the time this Act takes effect. Whereas, an emergency exists in that certain newly organized counties have now no adequate assessment on which to base the salaries fixed by law for county officers, this Act shall take effect and be in force from and after its passage and approval, as to such counties.

§ 10. REPEAL.] Sections 1137, 3492, 3494, 3500, 3506, 3508, 3512 and 3520 of the Compiled Laws of North Dakota for 1913, the same being Sections 777, 2578, 2580, 2586, 2592, 2594 and 2598 of the Revised Codes of North Dakota for 1905 with any and all

amendments thereto, and also Section 1 of Chapter 275 of the Session Laws of 1911 are hereby expressly repealed.

§ 10. All Acts and parts of Acts in so far as they are in conflict with this Act are hereby repealed.

Approved, March 8, 1915.

CHAPTER 113.

[H. B. No. 363—Tollack.]

COUNTIES LIABLE FOR COST OF CARE OF PATIENTS IN INSTITUTION FOR FEEBLE MINDED.

AN ACT Relating to the Care of the Feeble Minded, Providing that the Cost of Keeping Patients in the Institution for the Feeble Minded shall be a Charge Against the County Sending such Patient; that Persons Liable to Support such Defective Person shall, when Able, Pay the Expense of Treatment; and Amending Section 1717 of the Compiled Laws of 1913 and Repealing Section 1718 of the Compiled Laws of 1913.

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

§ 1. CHARGE ON COUNTY.] The expense of the care, board and treatment of each patient in the Institution for the Feeble Minded shall be a charge upon the county from which the patient is sent. Each county shall pay the sum of fifteen dollars per month for the care and treatment of each patient sent from such county to the State Treasurer.

§ 2. LEGAL RESIDENCE DETERMINED.] When the superintendent of the Institution for the Feeble Minded has been duly notified that a patient sent to the said institution from one county has a legal residence in another county, he shall thereafter hold and keep such patient at the expense of the latter county, and such holding shall apply to the expense already incurred in behalf of such patient and remaining unadjusted.

§ 3. PROVISIONS OF LAW APPLICABLE.] The legal residence of inmates and the adjustment between counties arising out of questions of legal residence, the method, time and manner of certifying the amounts due from the different counties, the method, manner and time of levying the taxes therefor, the penalties for failure of any county to pay, the time of payment, the limitation upon the use of the taxes levied for the care of the feeble minded, the procedure in the case of improper charges, the right of appeal, the application of the provisions hereof to present or future controversies as to proper charges and the expenses chargeable to the estates of deceased feeble minded, shall all be determined in the same manner as is provided in Sections 2570 to 2579 of the Compiled Laws for 1913, inclusive, in the case of insane persons and all the provisions of said Sections are hereby made applicable to the care, maintenance and treatment of feeble minded persons.

§ 4. AMENDMENT. That Section 1717 of the Compiled Laws of 1913 be amended to read as follows:

§ 1717. The person legally responsible for the support of any person admitted to the Institution for the Feeble Minded shall pay the sum of fifteen dollars per month during all the time such defective person is an inmate of the institution. This amount shall be paid to the County Treasurer monthly. If the person liable to pay this amount fails or neglects to make payment thereof upon demand by the Auditor, the Board of County Commissioners may direct the State's Attorney to bring an action in the name of the state against such person for the recovery of such payments as are delinquent.

This action shall be a civil action and shall be brought in the district court of the county responsible for the inmate in the Institution for the Feeble Minded. If the person liable for the support of such inmate be unable to pay such sum, for which inability the certificate of the County Judge of the county from which such inmate was admitted shall be prima facie evidence, such sum shall be a charge upon the county and no action shall be brought or maintained against a person unable to pay for the support of such inmate after the County Judge has issued the certificate herein provided.

§ 5. REPEAL.] That Section 1718 of the Compiled Laws of 1913 be and the same is hereby repealed.

Approved, March 10, 1915.

CHAPTER 114.

[S. B. No. 19—Paulson.]

PERMITS SALE OF COUNTY POOR FARMS.

AN ACT to amend Section 2529 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Purchase, Sale and Management of an Asylum for the Poor.

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

§ 1. AMENDMENT.] That Section 2529 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2529. ELECTION, PURCHASE, MANAGEMENT AND SALE.] It shall be lawful for the Board of County Commissioners in the several counties in the state after having submitted the question to the legal voters of the county at any special county or general election whenever the Commissioners may deem it advisable, and if at such election a majority of the legal voters shall vote in favor of the proposition, to purchase a tract of land in the name of the county, and build, establish and organize thereon, an asylum for the poor

and to employ some humane and responsible person, a resident of the county, to take charge of the same upon such terms, and under such restrictions as the board shall consider most advantageous for the interests of the county, who shall be called superintendent of the County Asylum; and it shall be lawful for the County Commissioners of two or more counties, after having been so authorized, by a majority of the legal voters of their respective counties, in the manner prescribed in this Section, jointly to purchase lands and erect asylums and to continue such joint ownership during their pleasure; and to do such other things necessary and proper for the relief of the poor within such counties as might be done by a county acting alone, *provided*, that the Commissioners of any county now owning and operating an asylum for the poor located over ten miles by the nearest traveled route, from the center of the county, and the same distance from the nearest village or city in this state having a passenger depot, may sell such asylum or poor farm at a price not less than the value to be established by the appraisers for state school lands in said county and purchase another tract of land, in the name of the county, more suitably situated, and build, establish and organize thereon an asylum for the poor as hereinbefore provided without first submitting the question to the voters of the county; *provided*, further, the cost of the land and buildings so purchased and erected must not exceed the amount realized from the sale of the first asylum or poor farm by over five thousand (\$5,000.00) dollars.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. EMERGENCY. Whereas, an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 5, 1915.

CHAPTER 115.

[H. B. No. 411—Petterson of Sargent.]

VERIFICATION OF ACCOUNTS AGAINST COUNTIES.

AN ACT to Amend Section 4223 of the Compiled Laws of North Dakota for 1913, Relating to the Verification of Bills, Claims, Accounts, or Demands Against the County, and Providing a Penalty for Falsely Certifying, or Certifying to any False Bill.

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

§ 1. AMENDMENT.] Section 4223 of the Compiled Laws of North Dakota for 1913, relating to the form of verification of bills, claims, accounts, or demands against the county, is hereby amended to read as follows:

§ 4223. ACCOUNTS MUST BE VERIFIED.] The verification required in Section 4223 of the Compiled Laws of North Dakota for 1913, shall be in substantially the following form:

CERTIFICATE.

I do hereby certify that the within bill, claim, account, or demand is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and of the value therein charged, and that no part of such bill, claim, account, or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here.....

.....
If signed for a firm or company show authority on this line.

Provided, that any officer, officers, or the Board of County Commissioners, before any of whom any bill, claim, account, or demand against the county shall come for audit and approval, may, if deemed necessary in his or their discretion, require to be furnished a statement made under oath, containing such other information as deemed necessary for the further verification of any bill, claim, account, or demand against the county or any of its undertakings.

Provided, that all blank voucher forms for bills, claims, accounts, or demands against the county or any of its undertakings, shall have printed thereon the following paragraph which prescribes the penalty for certifying to false or dishonest bills, claims, accounts, or demands against the county.

Provided, that any person, firm or company, falsely certifying, or certifying to any false bill, claim, account, or demand, as hereinbefore set forth, shall upon conviction forfeit his right to collect such bill, claim, account, or demand, or any part thereof, and shall further be subject to the penalty prescribed for one found guilty of committing a misdemeanor.

§ 2. EMERGENCY.] Whereas, the law now in effect, which requires that bills, claims, accounts, and demands against the county shall be sworn to, does not prevent the filing of fraudulent or dishonest claims and bills, and which requirements prove expensive and bothersome, and is but the following of an old custom entirely out of keeping with modern and economical methods of handling business, and whereas, the penalty prescribed in this Act, is entirely sufficient to prove effective, and it is further desirable that the annoyance and expense of complying with the old law be discontinued as soon as possible, therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved, March 10, 1915.

COUNTY SEAT

CHAPTER 116.

[S. B. No. 219—Mudgett.]

COUNTY SEAT REMOVAL.

AN ACT to Amend Section 2361 of the Revised Codes of 1905 as Amended by Chapter 61 of the Session Laws of 1907, Being Section 3236 Compiled Laws 1913, of the State of North Dakota, Relating to the Removal of County Seats and Prescribing the Votes Required Therefor.

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

§ 1. That Section 2361 of the Revised Codes of 1905 as amended by Chapter 61 of the Laws of 1907, being Section 3236 Compiled Laws 1913, of the State of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

§ 2361. BALLOT. HOW MARKED. NOTICE OF RESULT.] In voting on the question, each elector must vote for the place in the county which he prefers by placing opposite the name of the place the mark (X). When the returns have been received and compared and the result ascertained by the board, if two-thirds or more of all the legal votes cast by those voting on the proposition are in favor of any particular place, the board must give notice of the result by posting notices thereof in all the election precincts in the county and by publishing a like notice in a newspaper published in the county at least once a week for four weeks; *provided*, however, that if at a special election called upon a thirty day notice given as provided by Section 982, Compiled Laws, 1913, by the Board of County Commissioners who, by the filing of the petition, are required to call the same within fifteen days thereafter, and which election must be held prior to January 1st, 1917, in any county which, at the time said petition is presented to the Board of County Commissioners, has no court house, or has a court house building and jail the actual cash value whereof does not exceed the sum of ten thousand (\$10,000.00) dollars and which court house at the time of filing the petition is situated in a city, town or village the nearest boundaries of which are less than three (3) miles and 4,000 feet from one of the boundary lines of said county or in a city, town or village not upon a railroad, sixty per cent. of all the legal votes cast on the proposition at such election in favor of any particular place shall be sufficient to accomplish the removal of the county seat to such place and the notices herein required shall be given accordingly, *provided*, however, that this Act shall not affect county seats within four miles of the state boundary line, nor county seats situated on Sections 13 and 24.

§ 2. APPRAISERS, APPOINTMENT OF, OATH AND REPORT.] The actual cash value of said court house, or court house building and jail, shall be determined by three appraisers who shall be disinterested electors of the judicial district and who shall be appointed by the judge of the district court upon the application, in writing, without notice, by any one or more of the petitioners for such removal, which application may be presented to such judge at any time within ten days after the presentation of the petition; such appraisers shall be appointed in writing within ten days after the application is presented to the said judge and the appraisers shall qualify by taking and filing the oath required by Section 211 of the Constitution, with the County Auditor; they shall inspect said buildings and may hear testimony and they shall find the actual cash value thereof and report the same to the County Auditor in writing within twenty days after their appointment and their appointment and oath shall be filed with such report.

§ 3. APPRAISERS, COMPENSATION OF.] The appraisers shall receive compensation at the rate of five dollars per day for all time necessarily employed in the performance of their duties and the making of their report, together with their actual expenses; the same to be audited and allowed by the Board of County Commissioners; *Provided*, that the provisions of this Act shall not apply to county seats located near or on the border of the Missouri River.

§ 4. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved, March 13, 1915.

CHAPTER 117.

[S. B. No. 218—Mudgett.]

COUNTY SEAT ELECTIONS.

AN ACT to Amend and Re-enact Section 3239 of the Compiled Laws of the State of North Dakota for 1913 Relating to the Frequency of Holding an Election for the Removal of County Seats.

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

§ 1. AMENDMENT.] That Section 3239 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 3239. ELECTION HELD ONLY ONCE EVERY FOUR YEARS.] When an election has been held and at least two-thirds of the votes cast at such election are not cast for some other place than that fixed by law as the former county seat, no second election for the removal thereof must be held within four years thereafter; *provided*, however, that in counties wherein the county seat is not located on a railroad an election for the removal thereof may be held at any general election.

Approved, March 13, 1915.

DEEDS AND MORTGAGES

CHAPTER 118.

[H. B. No. 141—Purcell.]

LEGALIZING CERTAIN DEEDS AND MORTGAGES.

AN ACT to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages, and Other Instruments in Writing, and the Record Thereof, and Making the Same, or Certified Copies Thereof, Admissible in Evidence.

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

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages, and other instruments in writing, affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1915, and which have been filed or recorded in the proper counties of this state, be and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the Territory of Dakota or the State of North Dakota, or of any other state, territory, or county at the time of such execution, acknowledgment, witnessing, filing or recording to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS IN FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys in fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be legal and valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney in fact, may not have signed the same in the form provided by law in force at that time, or the same was not sealed or stamped as required by the laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in taking or certifying to the acknowledgments of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments, and it shall be, prima facie presumed that such officer acted within the scope of his authority.

Approved, February 10, 1915.

DENTISTRY

CHAPTER 119.

[H. B. No. 136—Williams.]

PROHIBITS STUDENTS FROM PRACTICING DENTISTRY.

AN ACT to Amend Sections 509 and 510 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Practice of Dentistry.

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

§ 1. AMENDMENT.] That Section 509 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 509. DENTISTRY DEFINED. INHIBITION. EXCEPTION.] Every person shall be deemed to be practicing dentistry within the meaning of this Section, who shall use the word or letters "Dentist," or "D. D. S." or any other letters or title in connection with his name, which in any manner represents him as engaged in the practice of dentistry, or who shall advertise, or permit it to be done, by sign, card, circular, hand bill, newspaper, or otherwise, that he can or will attempt to perform dental operations of any kind, treat diseases or lesions of the human jaw or replace lost teeth by artificial ones, or attempt to correct malposition thereof, or who shall for a fee, salary, or other reward, paid or to be paid, either to himself or to another person, perform dental operations of any kind, treat diseases or lesions of the human jaw or teeth, or replace lost teeth by artificial ones, or attempt to correct the malposition thereof. This Section shall not apply to those who upon invitation of a dental society shall perform dental operations of any kind for educational purposes, nor prevent any duly licensed physician or surgeon from extracting teeth, nor prohibit persons from performing merely mechanical work on inert matter in the dental office or laboratory.

§ 2. AMENDMENT.] That Section 510 of the Compiled Laws for 1913 is hereby amended to read as follows:

§ 510. EXAMINATION. LICENSE. REVOCATION. ASSUMED NAME.] Any person not already a licensed dentist in this state at the time of going into effect of this Act, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay fee of \$25.00 for the first examination and \$10.00 for each subsequent examination, which fees shall in no case be refunded. At the next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued to him by some dental college of good standing, of which standing the board shall be the judges. No person shall be permitted to take such examination unless he shall present

conclusive evidence to the board that he has a preliminary high school education, which shall entitle him to admission, without condition, to the freshman class in the College of Liberal Arts of the University of North Dakota. From and after the first day of January, 1919, every applicant for such examination shall, in addition to the foregoing requirements, present to the board satisfactory evidence of having successfully completed a preliminary course in study equivalent to at least one year's work in the College of Liberal Arts, at the University of North Dakota. *Provided*, however, that the privileges of such examination are not denied an applicant therefor who holds a license to practice dentistry in some other state than North Dakota prior to the passage of this Act. No holder of a degree or diploma from a foreign country or province which does not accept for examination the holder of a license to practice dentistry issued by the State Board of Dental Examiners of this state shall be eligible for such examination. The board shall give the applicant such an elementary, theoretical and practical examination as to thoroughly test his fitness for the practice of dentistry, and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology, and operative, surgical and mechanical dentistry. If the applicant successfully passes the examination he shall forthwith be registered upon the records of the board as a licensed dentist, and shall receive a certificate of registration signed by all members of the board, whereby he shall be authorized to practice dentistry in said state for a period of one year from the date of such certificate and as long as such certificate shall be duly renewed as hereinafter provided. *Provided*, that any dentist, who, for five years or more, has been in legal practice in another state of the United States having and maintaining a standard of laws regulating the practice of dentistry equal to that of this state and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and of his good moral character and professional attainments, and from the state dental society a written recommendation that he be admitted by reciprocity, may, at the discretion of the board, upon payment of a fee of \$50.00 be granted a license to practice in this state without theoretical examination. The board upon hearing, after twenty days' notice thereof, may revoke the license of any one who shall practice dentistry under any other name than the name which appears on his license. Any dentist may have his license revoked or suspended by the board for any of the following causes:

- (1) His conviction of a felony or misdemeanor involving moral turpitude in which case the record of conviction, or certified copy thereof, certified by the Clerk of Court, or by the judge in whose

court the conviction is had, shall be conclusive evidence of such conviction.

(2) For unprofessional conduct, or for gross ignorance or inefficiency in his profession. Unprofessional conduct shall mean the obtaining of any fee by fraud or misrepresentation, habitual intemperance, gross immorality.

The proceedings to revoke or suspend any license under the first sub-division hereof, must be taken by the board on a receipt of a certified copy of the record of conviction. The proceedings under the second sub-division hereof may be taken upon the information of another. All accusations must be in writing, verified by some person familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation, the board shall, if it deem the complaint sufficient, make an order setting the same for hearing at a specified time and place, and the secretary shall cause a copy of the order and the accusation to be served upon the accused, by delivery of the same to him personally, at least ten (10) days before the day appointed in the order of such hearing.

The accused must appear at the time appointed in the order and answer the charges and make his defense to the same, unless for sufficient cause the board assign another day for that purpose. If he does not appear after due service upon him of the accusation and order as aforesaid, the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges, or upon the hearing thereof the board shall find them or any of them, true, it may revoke his license or suspend it. The board and the accused may have the benefit of the services of the counsel duly licensed to practice law in this state. The board shall have the authority to administer oaths, to summon witnesses and to take testimony, by deposition or otherwise upon its hearing and when the board or the accused shall desire to secure the presence or testimony of any person before the board, said board or such accused may procure subpoenas from the Clerk of the District Court of the county wherein such hearing is to be had and the clerk of such court is hereby directed to issue such subpoenas in the name of the state commanding the persons whose names shall be given to such clerk by the board or by such accused person, to appear before the board at a certain time and place fixed by the board for such hearing and then and there testify upon such hearing. If any person so commanded to appear and testify shall fail or refuse to obey such subpoena, he shall be dealt with by the district court in the same manner and to the same effect as though such subpoena had commanded such person to appear and testify in a cause on trial in said court. Such person so commanded to appear and testify, shall be entitled to the same fees as witnesses in a district court, and such subpoena shall be served in the manner provided by law for the

service of subpoenas for trials in said courts and shall be substantially the same in form.

§ 3. EMERGENCY.] Whereas, an emergency exists in that the requirements of the law for the practice of dentistry are now unnecessarily stringent, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, February 26, 1915.

DISTRICT COURT

CHAPTER 120.

[H. B. No. 309—Bratton.]

CLERKS OF DISTRICT COURT TO RETAIN NATURALIZATION FEES.
AN ACT Authorizing Clerks of the District Court to Retain Fees for Naturalization Papers Collected Prior to January 1st, 1915.

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

§ 1. Any fees collected prior to January 1st, 1915, by Clerks of the District Court under the provisions of sub-divisions 13, 14 and 15 of Section 3498 of the Compiled Laws of North Dakota for the year 1913, for services performed in connection with naturalization papers and certified copies thereof, and which by reason of the misapprehension of law applicable thereto have not been covered into the county treasury of such county, may be retained by such clerks for their personal use. *Provided*, that this Act shall not apply to or affect fees collected subsequent to January 1st, 1915.

Approved, March 3, 1915.

DIVORCE

FORTY-SIX CHAPTER 121.

[S. B. No. 252—Albrecht.]

INSANITY CAUSE FOR DIVORCE.

AN ACT to Amend Section 4380 of the Compiled Laws of North Dakota to the Year 1913, Relating to Causes for Divorce.

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

§ 1. AMENDMENT.] That Section 4380 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 4380. CAUSES FOR DIVORCE.] Divorces may be granted for any of the following causes:

1. Adultery.
2. Extreme Cruelty.
3. Willful Desertion.
4. Willful Neglect.
5. Habitual Intemperance.
6. Conviction of Felony.

7. Insanity for a period of five years, the insane person having been an inmate of a state institution for the insane in the State of North Dakota, or an inmate of a state institution for the insane in some other state for such period, and affected with any one of the following types of insanity; paranoia, paresis, dementia præcox, Huntington's chorea, and epileptic insanity; *provided*, that no divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians who are recognized authorities on mental diseases, one of which physicians shall be the superintendent of the State Hospital for the Insane, the other two physicians to be appointed by the court before whom the action is pending, all of whom shall agree that such insane person is incurable; *provided*, however, that no divorce shall be granted to any person whose husband or wife is an inmate of a state institution in any other than the State of North Dakota, unless the person applying for such divorce shall have been a resident of the State of North Dakota for at least five years previous to the passage of this Act.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

CHAPTER 122.

[H. B. No. 327—Wiley.]

DISSOLUTION OF MARRIAGE.

AN ACT to Amend and Re-enact Section 4398 of the Compiled Laws of North Dakota for the Year 1913, the Same being Section 4067 of the Revised Codes of 1905, Relating to the Dissolution of Marriage.

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

§ 1. AMENDMENT.] That Section 4398 of the Compiled Laws of North Dakota for the year 1913, the same being Section 4067 of the Revised Codes of 1905, be amended so as to read as follows:

§ 4398: TERM OF RESIDENCE.] A divorce must not be granted unless the plaintiff has in good faith been a resident of the state for twelve months next preceding the commencement of the action and is either a citizen of the United States or has declared his intention to become such or is an Indian. *Provided*, however, that where the defendant is an Indian a copy of the summons and complaint in such divorce action shall be served upon the superintendent of the reservation on which the defendant resides in like manner as upon the defendant.

§ 2. REPEAL.] All Acts and parts of Acts in conflict with this Act are hereby expressly repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no definite provision of law permitting an Indian who has not become a citizen of the United States to procure a divorce, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1915.

DRAINS

CHAPTER 123.

[H. B. No. 148—Myhre.]

ESTABLISHMENT OF DRAINS.

AN ACT to Amend Section 2465 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Drains, the Establishment Thereof, and Appeals Therefrom.

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

§ 1. AMENDMENT.] That Section 2465 of the Compiled Laws of the State of North Dakota for the year 1913 be amended to read as follows:

§ 2465. If upon the examination by the Board of Drain Com-

missioners before the survey has been made, or if upon the hearing upon the petition or upon the trial in the district court it shall appear that there was not sufficient cause for making such petition, or that the proposed drain would cost more than the amount of benefit to be derived therefrom, the Board of Drain Commissioners shall deny the petition, and the petitioners shall be jointly and severally liable to such board for all costs and expenses incurred in the proceedings, to be recovered by such board by action. If it shall appear that there was sufficient cause for the making of such petition and that the proposed drain will not cost more than the amount of the benefits to be derived therefrom the Board of Drain Commissioners shall thereupon make an order establishing the drain, accurately describing it, and give the same a name by which it shall be recorded and indexed.

Provided, that any person whose land is assessed or may be assessed for the construction of a drain, under the provisions of this Chapter, shall have the right to appeal to the district court from the order of the Board of Drain Commissioners establishing the drain. Such appeal shall be taken and perfected within thirty days after the order establishing the drain is filed. The appellant must file with the Clerk of said Court and serve upon any member of said Board of Drain Commissioners a notice of appeal, and give an undertaking to be approved by said Clerk of the District Court in the sum of two hundred fifty dollars for the payment of the costs in the event that the appellant is unsuccessful in the district court. Such undertaking shall run in favor of the county in which the drain is located, and if located in more than one county it shall run in the name of either of the counties in which the drain is located. The judge shall hear said appeal not less than ten or more than thirty days after the filing of said appeal with the clerk, the day of hearing to be fixed by the court. The case shall be tried in all respects as a court case without a jury, and costs shall be allowed and taxed as costs are now taxed in said courts in civil actions and upon like notice. Upon said appeal being perfected as hereinbefore provided, the district court shall have authority upon such hearing to try and determine the question as to whether there was, in the first instance, sufficient cause for making the petition for the establishment of the drain, and whether the proposed drain will cost more than the amount of benefits to be derived therefrom.

Provided, further, that the right of appeal as herein given shall apply to drains already established where the construction of such drain has not already actually commenced, *provided* such appeal is taken and perfected within sixty days after the passage and approval of this Act.

Whereas, there is no adequate law now in force authorizing an appeal to the district court from an order establishing a drain and, as a consequence, an emergency exists, therefore this Act shall

be enforced and take effect from and after its passage and approval.
Approved, March 3, 1915.

CHAPTER 124.

[H. B. No. 355—Ness.]

PERMITTING CIVIL TOWNSHIPS TO BUILD DRAINS.

AN ACT Entitled, "An Act to Permit Townships Through their Board of Supervisors to Build Drains Within the Township and Outlets Therefor Without the Township, and to Provide the Manner of Assessing the Cost Thereof and Provide for its Payment."

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

§ 1. Whenever six resident freeholders of any organized township shall petition in writing the board of supervisors of any organized township to construct a drainage ditch within the township for the drainage of agricultural lands, or to construct a drainage ditch without the township as an outlet for road drainage ditches within the township, or both a ditch within the township and such outlet without the township, which petition shall state the general course of such ditch, it shall be the duty of such board to call a special township meeting of the people of the township, as provided for by Sections 3139 and 3140, Compiled Laws of North Dakota, 1913, for the purpose of considering the advisability of constructing such ditch.

§ 2. If at such meeting it is made to appear that such ditch is necessary and desirable and that the same will not cost more than three hundred dollars, the question shall be submitted to a vote of the voters present, whether such ditch shall be constructed by the township at a cost not to exceed three hundred dollars, and if a majority of such votes shall be in favor of the construction thereof it shall be the duty of the supervisors to proceed with all reasonable dispatch to have the same constructed and the cost thereof shall be paid out of the funds of the township.

§ 3. If it appears probable that such proposed ditch will cost more than three hundred dollars, or if a majority of the voters present shall not vote in favor of its construction, then the board of supervisors shall proceed as follows, to-wit: They shall require the petitioner to enter into a bond to the township, to be approved by the board, to pay all costs of surveys and preliminary examination by the board of the route of said proposed ditch in the event it shall be determined that such ditch will not be of more benefit than its cost.

The board must, upon the giving of such bond, proceed to inspect the proposed route and procure some competent person to make an estimate of its cost, and it shall then determine whether

the benefits to accrue from the drain exceed the cost, and if so determined it shall then be its duty to determine what lands will be benefited by the construction and the percentage of such benefit to the several pieces. A list of the benefits so found by the board stated in dollars and cents as to each of the several pieces shall then be made up plainly typewritten and posted in five public places in the township, accompanied by a notice that at a time therein stated, not less than ten days from the posting of such notices, the board will meet and review the fixing of such benefits and at such meeting any person feeling himself aggrieved may appear and offer reasons why the assessment of benefits should be reduced as to any piece of land, and the board shall then make such corrections and changes in such statement of benefits as the facts shall warrant, all of which proceedings shall be entered in the minutes of the township meeting kept by the clerk thereof. The record so entered shall show the amount of benefits charged against each piece of land affected and the amount so charged shall become a lien on the several pieces. It shall be the duty of the town clerk to certify the amount of such assessment against each piece of land to the County Auditor, who shall spread the same as a special assessment against the several pieces of land.

§ 4. The board of supervisors shall thereupon proceed as soon as practicable to have such ditches constructed, and it may either let a contract therefor or have the work performed by day labor under its supervision.

§ 5. No ditch shall be constructed under this Act that shall cost more than eight hundred dollars.

§ 6. The board of supervisors shall have authority to appropriate from the general fund of the township an amount not to exceed one hundred fifty dollars to aid in the construction of such ditch if in its judgment there is a general benefit to the property and roads of the township, as well as to the lands assessed, and it may also cause road ditches to be opened and connected with such ditch.

§ 7. In the construction of an outlet ditch under this Act the board may enter upon and deepen and improve any road ditch in existence, or construct a road ditch on any line of road through any other township, but if it does so it must so dispose of the dirt placed in the road as is consistent with the ordinary road work in the community, and leave such road in as good condition for travel as is consistent with the placing of new dirt thereon.

§ 8. EMERGENCY.] Whereas, an emergency exists in that no power now exists with townships to build drainage ditches, an emergency is declared to exist and this Act shall go into effect immediately upon its approval by the Governor.

Approved, March 12, 1915.

EDUCATION

CHAPTER 125.

[H. B. No. 96—Purcell.]

BOARD OF EDUCATION, CITY OF FARGO.

AN ACT to Amend and Re-enact Section 14 of an Act Entitled, "An Act to Amend an Act Providing a Board of Education for the City of Fargo, and Regulating the Management of the Public Schools Therein, Approved March 4, 1885, and to Repeal Section 24 of said Act."

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

§ 1. AMENDMENT.] Section 14 of "An Act to amend an Act providing a Board of Education for the City of Fargo, and regulating the management of the public schools therein, approved March 4, 1885," is amended and re-enacted to read as follows:

§ 14. (a) The board of education of said city is authorized and empowered, and it is its duty whenever the board deems it necessary for the efficient organization, establishment, and maintenance of schools in said city, or when the taxes authorized by law shall not be sufficient, or shall be deemed by the board burdensome upon the taxpayers of said city, to issue the bonds of said city in denomination of fifty dollars or some multiple of fifty, payable at a time not to exceed twenty-five years after date, and bearing interest at a rate not to exceed eight per cent. per annum, payable semi-annually on the first day of January and July of each year; and to show up on their face that they are issued for school purposes; the said board of education is authorized to cause the same to be sold at not less than par value, and the money realized therefrom deposited with the City Treasurer to the credit of said board of education; and when any indebtedness is so incurred, it shall be the duty of the board to provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due; *provided*, that at no time shall the aggregate amount of such bonds, including all other indebtedness, exceed fifty mills on the dollar of valuation of the taxable property of such district, to be determined by the last city assessment; *provided*, further, that the board of education shall at no time issue and there shall not be outstanding, bonds in the aggregate in an amount to exceed one hundred and sixty thousand dollars unless the issuance of bonds in excess of that amount be first authorized by the voters of the district as hereinafter prescribed.

(b) Before issuing bonds in excess of the aggregate amount of one hundred and sixty thousand dollars, the board of education

shall call an election for the purpose of submitting to the voters of the school district the question of issuing such bonds, notice of which shall be given in the manner prescribed by law for giving notice of the annual election for the several officers of the city, except that such shall be given fourteen days before such election. Such election shall be conducted and returns made in the manner provided for annual election of members of the board of education, and may be held at the time of the annual school election or at any other time named in the notice. The notice of such election shall clearly state the amount of bonds proposed to be issued, the rate of interest to be paid, the time in which they shall be made payable, the purpose for which they are to be issued, and the time and places such election will be held. At such election the voters shall have written or printed on their ballots "for issuing bonds" or "against issuing bonds," and if a majority of the votes cast upon that question is for issuing bonds such bonds shall be issued and negotiated by the board of education, otherwise such bonds shall not be issued, nor shall the question be again submitted for one year thereafter except for a different amount and then only upon the written petition of a majority of the voters of the district.

(c). Whenever bonds are issued under the provisions of this Act it shall be the duty of the board of education to notify the Auditor of the City of Fargo of any and all such issues of bonds, stating their amount, rate of interest, when due and to whom payable; and it shall be the duty of said City Auditor to register said bonds in a book to be provided for that purpose and he shall certify on the back of each of said bonds the fact that said bond has been duly registered by him in pursuance with the provisions of this Act, and that said bond is issued pursuant to law and is within the debt limit. The board of education may in its discretion invest for a limited time any part of the money so raised by taxation for the payment of said bonds or purchase such bonds before maturity, on such terms as it may deem advantageous whenever the sum on hand shall exceed five hundred dollars.

Said board from the proceeds of the sale and negotiation of such bonds may also in their discretion pay any indebtedness existing at the time of the passage of this Act, heretofore incurred, for the purchasing of school sites or the erection or improvement of school houses thereon.

§ 2. REPEAL.] Section 24 of said Act is hereby repealed.

§ 3. EMERGENCY.] Whereas, as emergency exists, therefore this Act shall be in force and effect from and after its passage and approval.

Approved, February 2, 1915.

CHAPTER 126.

[S. B. No. 244—Gibbens.]

AUTHORIZING BONDS FOR AGRICULTURAL TRAINING SCHOOLS.

AN ACT Entitled, "An Act, Authorizing Counties, in which County Agricultural and Training Schools have been Established, to Issue Negotiable County Bonds to Pay the Outstanding Warrants of such Institutions and to Meet the Current Expenses of Maintaining such Schools, in Anticipation of Funds to be Derived from State and County Levies; also, Providing for the Disposition of such Bonds and for the Levying of an Annual Tax, Sufficient to pay the Interest and also the Principal of such Bonds, When Due."

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

§ 1. COUNTY AUTHORIZED TO ISSUE BONDS.] Any organized county in this state which shall heretofore have established, or which may hereafter establish a County Agricultural and Training School, is hereby given the power and authority, by and through its Board of County Commissioners when in the judgment of said board it is deemed to be for the best interests of the county, to issue its negotiable bonds in the name of such county for the purpose of paying the current expenses of maintaining such schools in anticipation of funds levied for the maintenance by the state and county and to pay outstanding warrants of such institutions; *provided*, however, that no county shall, in any event, issue its bonds in any amount, which, with its prior bonded indebtedness, will exceed the maximum indebtedness allowed by law.

§ 2. \$10,000.00 BOND ISSUE AUTHORIZED.] Whenever the Board of County Commissioners of any such county shall be presented with a petition signed by all the members of the board of trustees of any County Agricultural and Training School, requesting such Board of County Commissioners to issue and negotiate bonds in the name of such county, for the purposes mentioned in Section 1 of this Act, the Board of County Commissioners of such county may, if in the judgment of such board it is deemed to be to the best interests of the county, issue negotiable bonds for such purposes in a sum of not to exceed ten thousand dollars (\$10,000.00); *provided*, that no bonds shall be issued, unless a building or buildings shall have been erected for such school and unless such school is in actual operation.

§ 3. ISSUANCE OF BONDS. RATE OF INTEREST.] Such bonds shall be in denominations of one hundred dollars (\$100.00), each, shall bear the date of their issue, and shall be made payable to bearer in not less than five, nor more than twenty, years from their date and shall bear interest at a rate not to exceed six per cent. per annum, payable semi-annually, with coupons attached for each interest installment. Such bond and coupons shall be signed by the chairman of the Board of County Commissioners and shall be

attested by the County Auditor. The seal of the county shall be affixed to each bond, but not to the coupons. Such bonds shall be printed, lithographed or engraved on bond paper, and shall state on its face that it is issued in accordance with the provisions of this Act. Such bonds may be made payable anywhere in the United States.

§ 4. TAX LEVY.] At or before the time of incurring such indebtedness or issuing such bonds, the Board of County Commissioners shall provide for the collection and levy of an annual tax on all the taxable property of the county, sufficient to pay the interest and also the principal thereof, when due, and the resolution of such board, providing for such tax and for the payment of the interest and principal of such debt shall be irrevocable until such debt be paid.

§ 5. REGISTRATION OF BONDS.] Such bonds, before being negotiated, must be registered in the office of the County Auditor of such county, who shall endorse on each of such bonds a certificate, signed by the County Auditor, stating that such bond or evidence of debt is issued pursuant to law, and is within the constitutional debt limit.

§ 6. SALE OF BONDS.] Such bonds need not be advertised for sale but may be negotiated by such board at private sale, but must not be sold for less than par.

§ 7. WHO MAY PURCHASE.] Such bonds may be purchased by the Board of University and School Lands, and may also be purchased by private parties.

§ 8. COUNTY TREASURER TO PAY. WHEN.] When such bonds, and the coupons thereto attached, mature, it shall be the duty of the County Treasurer to pay the sum on presentation out of any funds in his hands, applicable thereto, and he shall cancel them by writing or stamping across the face of each bond or coupon the words "paid this.....day of.....," inserting the date of payment.

§ 9. BONDS RETIRED BEFORE MATURITY.] After such bonds shall have been in force for three years, the Board of County Commissioners may, if deemed prudent to do so, by resolution, order said bonds to be retired, in whole or in part, and paid before maturity on any date when the semi-annual interest shall be due. The County Auditor must publish such resolution for three weeks in one of the official papers of the county, and it shall be the duty of the holders of such bonds to present the same and accept payment accordingly. If not so presented within ninety days from the publication of such notice, interest on such bonds shall cease in accordance with such resolutions.

§ 10. FUNDS, HOW HANDLED.] The money derived from the sale of such bonds must be paid to the County Treasurer and by him placed to the credit of such County Agricultural and Training School. At the regular August meeting of the board of trustees

each year the County Treasurer shall meet with the board and have an annual settlement of funds. It shall be the duty of the treasurer to see that a sum equal to at least 80 per cent. of such bond issue shall be kept on hand by the board at the time of such settlement to meet the payment of warrants during the ensuing year.

§ 11. EMERGENCY CLAUSE.] Whereas, there is no law to enable County Agricultural and Training Schools to raise money for the payment of the current expenses of such institutions until the time when the amounts levied for such purpose are actually paid into the county treasury in the shape of taxes, therefore, an emergency exists and for that reason this Act shall take effect and be in force from and after the date of its passage and approval.

Approved, March 2, 1915.

CHAPTER 127.

[S. B. No. 201—Nelson of Rolette.]

CONSOLIDATION OF SCHOOLS.

AN ACT to Amend and Re-enact Section 1190 of the Compiled Laws of 1913 of the State of North Dakota, Relating to the Consolidation of Schools.

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

§ 1. AMENDMENT.] That Section 1190 be amended and re-enacted to read as follows:

§ 1190. CONSOLIDATION OF SCHOOLS.] 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 school 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 two 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 schoolhouses already built or to sell such schoolhouses.

Approved, March 11, 1915.

CHAPTER 128.

[S. B. No. 127—Gardiner.]

COUNTY AID TO SCHOOLS.

AN ACT to Provide for County Aid to Rural, Graded and Consolidated Schools.

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

§ 1. PETITION. ELECTION.] Whenever a petition, signed by qualified electors of the county equal in number to ten per centum of the votes cast in the county for the candidates of all parties for the office of Governor at the last preceding general election, is presented to the Board of County Commissioners at least forty days prior to any general election praying that a tax be levied upon all taxable property in the county for the purpose of providing county aid to rural, graded and consolidated schools, the Board of County Commissioners shall submit such question to the people of the county at the next succeeding general election. Such question shall appear upon the ballot in the following form:

For county aid to rural, graded and consolidated schools .. []

Against county aid to rural, graded and consolidated schools []

If a majority of the electors voting upon the proposition be in favor of granting such aid, the County Commissioners shall levy a tax of not to exceed one mill on each dollar of assessed valuation of all taxable property in the county.

§ 2. APPORTIONMENT OF TAX.] The moneys derived from the tax so levied shall be apportioned among the rural, graded and consolidated schools of the county in the same manner as the moneys received from the state are now apportioned among such schools. When making the apportionment among the schools, the Board of County Commissioners shall consult with the County Superintendent of Schools and it shall be his duty to assist the Board of County Commissioners in making the apportionment of said moneys in the manner herein provided.

§ 3. EMERGENCY.] Whereas, an emergency exists in that no provision is made by law for county aid to rural, graded and consolidated schools, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

CHAPTER 129.

[H. B. No. 213—Purcell.]

FREE KINDERGARTENS.

AN ACT to Amend and Re-enact Section 1402 of the Compiled Laws of 1913, Relating to the Establishment of Free Kindergartens, Payment of Costs Thereof, Government Thereof, and Duty of Superintendent of Public Instruction.

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

§ 1. AMENDMENT.] That Section 1402 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 1402. The school board of any school district in the state, upon a petition signed by a majority of the legal voters in the district, shall establish and maintain free kindergartens in connection with the public schools of said district, for the instruction of children between four and six years of age, residing in said district; *provided* that in cities of over five thousand inhabitants such board shall establish and maintain such kindergarten upon petition of one-fifth of the legal voters; and shall establish such course of training, study and discipline and such other rules and regulations governing such preparatory or kindergarten schools as said board may deem best; *provided*, that nothing in this Act shall be construed to change the law relating to the taking of the census of the school population or of the apportionment of the state or county school funds among the several counties and districts in the state; *provided*, further, that the cost of establishing and maintaining such kindergartens may be paid from the school funds of said districts raised by direct taxation for such purpose, and the said kindergartens shall be a part of the public school system, and governed as far as practicable, in the same manner and by the same officers as are provided by law for the government of the other public schools of the state; *provided*, further, that no person shall be employed as a teacher in such kindergarten schools who has not passed a satisfactory examination in such subjects as the State Examining Board shall require. The State Examining Board shall adopt rules governing the examination of kindergarten teachers, and shall furnish County Superintendents with examination questions and the examination shall be held in the manner provided by law for the examination of teachers in the public schools; *provided*, further, that any person who shall complete the course of training for kindergarten teachers at the state normal schools shall be entitled to teach in the kindergarten schools of this state without examinations.

Approved, March 11, 1915.

CHAPTER 130.

[H. B. No. 264—Carey.]

HIGH SCHOOL GRADUATES MAY TEACH SCHOOL.

AN ACT to Amend and Re-enact Section 1369 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Accrediting of High School Diplomas as Second Grade Elementary Certificates.

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

§ 1. That Section 1369 of the Compiled Laws of North Dakota for the year 1913, be amended to read as follows:

§ 1369. HIGH SCHOOL DIPLOMAS.] Diplomas from North Dakota high schools doing four years' work, granted to graduates who have had psychology, school management and methods of instruction, and three senior-review subjects, shall be accredited as second grade elementary certificates; and if within two years from the date of the diploma the holder has had at least eight months' successful experience in teaching, he shall be entitled to a first grade elementary certificate.

Approved, March 11, 1915.

CHAPTER 131.

[S. B. No. 26—McLean.]

SINKING FUND FOR REDEMPTION OF SPECIAL SCHOOL DISTRICT WARRANTS.

AN ACT to Amend and Re-enact Section 1276 of the Compiled Laws of 1913, Relating to the Levying of Taxes in Special School Districts for the Payment of Interest on Bonds and Outstanding Warrants, and the Creating of a Sinking Fund to Redeem Same.

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

§ 1. AMENDMENT.] That Section 1276 of the Compiled Laws of 1913 be amended to read as follows:

§ 1276. LEVY FOR INTEREST AND SINKING FUND.] The board of education at the time of making its annual tax levy for the support of schools shall also levy a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this Article, and also to create a sinking fund for the redemption of such bonds, which it shall levy and collect in addition to the rate per cent. authorized by the provisions aforesaid for school purposes, and such amount of funds when paid into the treasury shall be and remain a special fund for such purpose only, and shall not be apportioned in any other way except as hereinafter provided. At or before the issuance of any bonds as herein provided the board shall by resolution provide for such annual levy to pay the

interest and to create such sinking fund, and such resolution shall remain in force until all such bonds and the interest thereon shall have been paid; *provided* that the provisions of this Section shall also apply to payment of all warrants issued for a legal purpose and outstanding on January 15th, 1915.

Whereas, an emergency exists in that the money created by this levy is needed for immediate use, therefore this Act shall take effect immediately after its passage and approval.

Approved, February 20, 1915.

CHAPTER 132.

[H. B. No. 239—Stinger.]

LIBRARIES FOR COMMON SCHOOLS.

AN ACT to Amend and Re-enact Section 1176 of the Compiled Laws of North Dakota, Relating to School Libraries.

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

§ 1. AMENDMENT.] That Section 1176 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 1176. FURNITURE, MAPS, REGISTER, SCHOOL LIBRARY.] The district school board shall, with the approval of the County Superintendent of Schools, furnish to each school all necessary and suitable furniture, maps, charts, globes, blackboards, and other school apparatus, including any dictionary which is recognized as a standard authority. The school register and all school blanks used shall be those furnished by the State Department of Public Instruction. It shall appropriate and expend each year not less than ten (\$10.00), or more than twenty-five (\$25.00), for each school of the district for the purpose of school library, to be selected by the school board and the teacher, from any list of books authorized by the Superintendent of Public Instruction, and furnished by him to the County Superintendent for that purpose; *provided*, that all books purchased for the library shall be bound in cloth or some material equally as durable; *provided* further, that when a school board of a common school, has purchased and has in their library two hundred books as afore provided, that the school board having such school under their supervision shall be obliged to expend not less than five dollars (\$5.00) annually, until such library shall contain, in good condition, three hundred volumes, after which said school board shall not be obliged to purchase so as to increase the number, but shall keep the books in good condition, and replace annually as many books as may become lost or destroyed.

Approved, March 11, 1915.

CHAPTER 133.

[H. B. No. 144—Sandbeck.]

MEDICAL INSPECTION OF PUPILS IN PUBLIC SCHOOLS.

AN ACT to Amend and Re-enact Section 1346 of the Compiled Laws of 1913, Relating to Medical Inspection of Pupils in the Public Schools.

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

§ 1. AMENDMENT.] That Section 1346 of the Compiled Laws of 1913 be amended to read as follows:

§ 1346. MEDICAL INSPECTION OF PUPILS IN PUBLIC SCHOOLS.] The board of any school corporation in this state may, and whenever petitioned by a majority of the persons having children attending the schools of the district, shall employ one or more physicians as medical inspectors of schools. It shall be the duty of the medical inspector to examine, at least once annually, all children enrolled in the public schools of the district, except those who present a certificate of health from a licensed physician, and to make out suitable records for each child, one copy of which shall be filed with the County or City Superintendent of Schools. Notice of physical defects of abnormal or diseased children shall be sent to the parents, with recommendations for the parents' guidance in conserving the child's health. The medical inspector shall co-operate with state, county and township boards of health in dealing with contagious and infectious diseases and to secure medical treatment for indigent children. It shall be the duty of the County and City Superintendents of Schools to co-operate with school boards in promoting medical inspection. He may arrange schools by groups, especially in the rural districts, for the purpose of inspection, and shall advise school boards with a view to securing the most efficient and economical administration of this law. The school board or board of education shall furnish all blanks and other needed supplies for this purpose.

Approved, February 12, 1915.

CHAPTER 134.

[S. B. No. 226—Gibbens.]

RE-NAMING SCHOOL DISTRICTS.

AN ACT to Amend and Re-enact Section 1145 of the Compiled Laws of 1913, Relating to the Naming of School Districts.

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

§ 1. AMENDMENT.] Section 1145 of the Compiled Laws of 1913 is amended to read as follows:

§ 1145. SCHOOL DISTRICTS. HOW NAMED.] Each school district constituted or formed under the provisions of this Article, shall

be designated a school district as distinguished from a civil township or congressional township and shall be named as follows: Each school district which consists of a civil township shall be named ".....School District of.....County, State of North Dakota," with the name of the civil township inserted in the blank before the word "school" and the name of the county in which it is situated inserted before the word "county." Each school district which consists of territory not organized into a civil township, but which has already a distinctive name, may by a majority vote at any annual school election, after such territory has been organized into a civil township, change such distinctive name to conform to the name given the civil township. Each school district consisting of territory not organized into a civil township which has no distinctive name shall be named "School District No..... of.....County, State of North Dakota," which is organized for school purposes under the district system at the taking effect of this Act, the several school districts shall retain and be known by the number which they have respectively at the time of the taking effect of this Act and any school district hereafter formed in any such county shall be known by the number next higher than that of the highest pre-existing numbered district.

Approved, March 9, 1915.

CHAPTER 135.

[H. B. No. 266—Johnson.]

ORGANIZATION NEW COMMON SCHOOL DISTRICTS.

AN ACT to Amend Section 1147 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Organization of New Common School Districts.

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

§ 1. AMENDMENT.] That Section 1147 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1147. NEW COMMON SCHOOL DISTRICTS. HOW ORGANIZED.] The Board of County Commissioners and County Superintendent may organize a new school district from portions of school districts already organized, if in their judgment the organization of a new district is desirable and necessary, upon being petitioned so to do by at least a majority of the school voters residing in the districts, whose boundaries will be affected by the organization of a new district, and by at least three-fourths of the residents of the territory to be included in the new district. No school district shall be organized under the provisions of this Section which shall have less than twenty thousand dollars assessed valuation and shall have residing therein less than twelve children of school age;

provided, that when the districts from portions of which such new district is sought to be organized, lie in two or more adjoining counties, such new district shall be organized by the concurrent action of the Boards of County Commissioners and County Superintendents of such counties; *provided*, further, that action on such organization shall be taken only at the July meeting of the County Commissioners when petitioned by a majority of the voters residing in each of the districts to be affected.

Provided, further, that the County Commissioners and County Superintendent of Schools may organize a new school district from portions of school districts already organized, if in their judgment a new school district is desirable and necessary, upon being petitioned so to do by at least three-fourths of the school voters residing within the territory to be included in the new district, *provided*, such proposed new district shall have an assessed valuation of at least one hundred twenty thousand dollars, and shall have an area equal to a congressional township or major fraction thereof, and shall have residing therein at least twelve children of school age, *provided*, that such organization will not leave the district from which such new district is sought to be organized with an area of less than one congressional township and an assessed valuation of at least one hundred fifty thousand dollars.

Approved, March 13, 1915.

CHAPTER 136.

[S. B. No. 91—Albrecht.]

GIVING COUNTY SUPERINTENDENT OF SCHOOLS AUTHORITY OVER CERTAIN SPECIAL DISTRICTS.

AN ACT to Amend Section 1252 of the Compiled Laws of 1913, of the State of North Dakota, Relating to Supervision of Schools in Special School Districts.

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

§ 1. AMENDMENT.] That Section 1252 of the Compiled Laws of 1913, relating to supervision of schools in special school districts be amended to read as follows:

§ 1252. SCHOOL UNDER SUPERVISION OF WHOM.] The schools of each special district shall be under the immediate supervision of the board of education or the school superintendent appointed by such board, *provided* that where no superintendent is appointed by the board, the schools of such district shall be under the supervision of the County Superintendent of Schools in the same manner as are the schools of a common school district.

Approved, February 13, 1915.

CHAPTER 137.

[S. B. No. 171—Jacobson.]

FIRE DRILL AND GUARDS FOR PUBLIC SCHOOLS.

AN ACT Requiring Fire Drills in the Public Schools Providing for Fire Guards, and Prescribing Penalties for the Violation Thereof.

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

§ 1. DUTIES OF TEACHERS AND SUPERINTENDENTS.] It shall be the duty of all teachers in the public schools of this state where any school has more than one room, to give at least two fire drills each month, and no such teacher shall draw his salary for any month until he has certified to the clerk of the school board that such fire drills have been given; *provided*, that in districts having a superintendent, such superintendent shall prescribe rules governing such fire drills for the schools under his supervision, and he shall not draw his salary until he shall have certified to the clerk of the school board or the secretary of the board of education that at least two such fire drills have been given in each school under his supervision, as provided for in this Act.

§ 2. DUTY OF COUNTY SUPERINTENDENT.] It shall be the duty of the County Superintendent of Schools to prescribe reasonable rules for giving fire drills in the rural schools of his county, with special reference to prairie fires, and any school board may direct that no teacher shall draw his salary until one fire drill each month shall have been given.

§ 3. FIRE GUARDS.] It shall be the duty of every school board in this state to provide such fire guards as they may deem reasonable around schools in their districts. Should any school board fail or neglect to provide such fire guards, it shall be the duty of the County Superintendent of Schools to notify such school board of such failure, and it shall be a misdemeanor for any member of such school board, after being so notified, to draw his salary until such guards have been made.

Approved, February 27, 1915.

CHAPTER 138.

[H. B. No. 8—Torfin.]

SCHOOL BOARDS MAY LEASE BUILDINGS.

AN ACT to Provide for and Regulate the Leasing of School Rooms and School Buildings and Equipment by Board of Education of Special School Districts in Certain Cases, and to Provide for the Levying of Taxes Therefor.

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

§ 1. POWER TO LEASE BUILDINGS.] Whenever any board of education of any special school district, not having funds or

credit available for construction or purchase, shall determine by resolution that additional school buildings or school rooms are necessary, and that it will be to the advantage of or for the best interests of the school district to rent such school buildings or school rooms and equipment, instead of buying or constructing the same, it may enter into a contract or lease for a term not to exceed twenty years, for the use of such building or buildings, to be constructed, re-arranged and equipped for the use of the district, at a quarterly, semi-annual or annual rental to be stated therein.

§ 2. PLANS AND SPECIFICATIONS.] In all cases wherein it shall appear that the annual rental of such rooms, building or buildings will exceed the sum of three hundred dollars, the said board of education must first prepare or cause to be prepared, plans and specifications of such proposed school building or rooms to be approved by the city board of health, and the State Superintendent of Public Instruction, and shall prepare or cause to be prepared the form or substance of the lease or contract to be entered into, and shall file copies of such proposed plans and specifications and lease or contract in the office of the clerk of the board of education, and at such other places as the board may by resolution designate. Such lease or contract shall include or provide an option or privilege on the part of the district to purchase, at a stipulated price, the property at any time during the term thereof in the manner provided by law for the purchase or erection of school buildings.

§ 3. ADVERTISE FOR BIDS.] It shall then be the duty of the clerk of the board of education to advertise in not less than one, or more than three newspapers within such special school district, not less than once each week for three successive weeks, for bids for the construction, remodeling, providing or furnishing of such building or rooms and equipment, the advertisement to state where the plans and specifications and proposed lease may be inspected and the time and place where and the conditions under which the bids will be received and opened, and the bids to specify the rate or rental per annum for which the bidder will supply the required rooms or building and equipment, and enter into the required contract. The board may reserve the right to accept or reject bids, and to require bidders to furnish bonds to insure their entering into the required contract and performing the same.

§ 4. TAX LEVY.] At the time of opening such bids, or at any subsequent meeting within three months thereafter, the board may accept the bid or bids appearing most advantageous to the district, and may enter into a contract as hereinbefore provided, for the providing of such building or rooms and equipment, and the rental and use thereof by the district. It shall then be the duty of the board forthwith, to levy a special tax against all the taxable property of the district, for a sufficient sum annually for the full term of such lease or contract, to cover the annual rental

therein provided for, and such tax shall be certified, entered and collected in the same manner as taxes to meet bond issues, and shall not be diverted or used for any other purpose, nor be subject to revocation nor rescission while said contract is in force and effect. If such contract be terminated prior to the end of the term for which such tax levy is made, then it shall be the duty of the board to revoke or rescind such tax levy and to certify such rescission to the County Auditor who will thereupon cancel the same for the unexpired term.

§ 5. **LEGAL CONSTRUCTION.**] The contracting for the payment of future annual rental of such school rooms, or school building and equipment shall not be construed as creating an indebtedness on the part of the district, nor as increasing any pre-existing indebtedness, nor operate to prevent the district at any future time from using its limit of credit under the constitution to the same extent as if no such lease or contract were made.

§ 6. **ELECTION.**] In case there should be filed with the clerk of the board of education, at any time prior to the opening of bids, or within ten days thereafter, a protest signed by not less than one-fourth of the legal voters of the district, protesting against the acceptance of any bid, or the entering into any such contract, then it shall be the duty of the board to call and hold a special election upon the notice and in the manner provided by law for elections upon the question of issuing bonds, and shall submit to the qualified electors the question of approving or disapproving the making of such contract, and if a majority of the electors voting at such election shall vote against the making of such contract, then no further proceedings shall be had for the same purpose until at some subsequent election a majority of the electors voting shall have signified their approval of the same.

§ 7. **EMERGENCY.**] Whereas, an emergency exists, in that in order for the benefits of this Act to accrue to any such school district in time for the opening of the next ensuing school year, it should become operative at once; therefore, this Act shall take effect immediately upon its passage and approval.

Approved, March 11, 1915.

CHAPTER 139.

[S. B. No. 191—Wartner.]

TAX LEVY IN GENERAL SCHOOL DISTRICTS.

AN ACT to Amend and Re-enact Section 1222 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for the Annual Tax Levies in General School Districts.

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

§ 1. **AMENDMENT.**] Section 1222 of the Compiled Laws of

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

§ 1222. SCHOOL BOARD TO LEVY TAX.] Each district school board shall have power and it shall be its duty to levy upon all property subject to taxation in the district, a tax for school purposes of all kinds authorized by law, not exceeding in the aggregate a rate of thirty mills on the dollar in any one year; *provided*, that such board may in addition thereto whenever there are past due warrants outstanding in said district levy not to exceed fifteen mills additional in any one year; *provided*, further, the provisions of this Section shall apply only to payment of warrants issued for a legal purpose and outstanding on July 1st, 1915. Such tax shall be levied by resolution of the board prior to the twentieth day of July of each year, which resolution shall be entered in the records of the proceedings of the board. The clerk shall immediately thereafter notify the County Auditor in writing of the amount of tax levied, and such notice shall be substantially the following form:

State of North Dakota,

ss.

County of

.....School District.

.....

To

County Auditor ofCounty:

Sir:

You are hereby notified that the school board of..... school districthas levied a tax of.....dollars upon all real and personal property in said school district for school purposes. You will duly enter and extend such tax upon the county tax list for collection upon the taxable property of such school district for the current year.

Dated atthisday of.....19...
.....District Clerk.

Approved, March 4, 1915.

CHAPTER 140.

[S. B. No. 284—Gibbens.]

TEACHERS' INSURANCE AND RETIREMENT FUND.

AN ACT to Amend and Re-enact Sections 1503, 1506, 1508, 1513 and 1515 of the Compiled Laws of 1913, Relating to the Teachers' Insurance and Retirement Fund.

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

§ 1. AMENDMENT.]. Section 1503 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1503. RETENTION OF ASSESSMENTS.] Each school district board, each board of education, or other managing body of each city, and of each school district, and of each village, and of each town operating its schools under the township system of school government, shall retain on every pay day from the salary of each teacher in their respective schools the amounts herein provided. Each teacher shall be furnished a statement by such board, showing the amount so deducted from his or her salary. In like manner, each County Superintendent and Assistant County Superintendent who has come within the provisions of the law must authorize the County Board of Commissioners to deduct the proper assessment from each of the twelve monthly payments of his salary.

§ 2. AMENDMENT.] Section 1506 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1506. ASSESSMENTS OPTIONAL FOR TEACHERS NOW TEACHING IN THE STATE.] Any person employed as teacher in said public schools when this Act takes effect, may, at any time before January 1, 1917, elect to join the fund and to come within the provisions of this Act, by notifying in writing the board of trustees of the teachers' insurance and retirement fund before January 1st, 1917.

§ 3. AMENDMENT.] Section 1508 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1508. TRANSMISSION OF MONEY TO COUNTY TREASURER.] Each such school district board, each board of education, or other managing body, and each Board of County Commissioners, shall each year, between the 20th and the 30th days of June, forward to the Treasurer of the county in which the school house of said teacher is located, a statement verified by the secretary, the clerk, or the auditor thereof, of the moneys so retained, in accordance with the provisions of this Act together with said moneys so retained. Said statement shall also include the following: Name and monthly salary of each of said teachers; number of months of school taught by each teacher in said public schools of the district, village, city, or county over which said school board or other managing body has jurisdiction during the school year for which the statement is made; the number of months constituting a school year in each such district, village, city or county; the total salary of each teacher; the total amount withheld from the salary of each teacher, in accordance with the provisions of this Act; the total amount withheld from the salaries of all of said teachers for the school year next preceding, and the total number of years such teacher has taught in the public schools of the state.

§ 4. AMENDMENT.] Section 1513 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1513. TRANSMISSION OF FUNDS TO THE STATE TREASURER.] Between the 15th day of July and the 1st day of August of each year, the County Treasurer shall transmit to the State Treasurer

all moneys which he has received from the school boards and from the Boards of County Commissioners in accordance with the provisions of this Act in the same manner that other moneys are transmitted to the State Treasurer; and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so received and transmitted to the State Treasurer as herein provided. The State Treasurer shall credit all moneys received under the provisions of this Act to the fund designated as the teachers' insurance and retirement fund.

§ 5. AMENDMENT.] Section 1515 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 1515. FUND TO BE SET ASIDE FROM COUNTY TUITION FUND AND TRANSMITTED TO STATE TREASURER.] Each County Treasurer shall annually set aside from the county tuition fund a sum equal to ten cents for each child of school age in his county and shall transmit this sum to the State Treasurer in the same manner that others are transmitted to the State Treasurer at the same time that he transmits the funds received from the school boards and the Boards of County Commissioners in accordance with Section 19, and shall certify under oath to the board of trustees of the teachers' insurance and retirement fund the amount so transmitted to the State Treasurer. The State Treasurer shall credit all moneys received in accordance with this Section to the fund designated as the teachers' insurance and retirement fund.

Approved, March 11, 1915.

CHAPTER 141.

[H. B. No. 287—Committee on Education.]

TRANSPORTATION OF PUPILS.

AN ACT to Amend and Re-enact Section 1342 of the Compiled Laws of North Dakota for the Year 1913, Relating to Compulsory Attendance, School Age and the Transportation of Pupils.

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

·§ 1. AMENDMENT.] That Section 1342 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 1342. SCHOOL AGE. WHO EXEMPT FROM COMPULSORY ATTENDANCE.] Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of eight and fifteen, inclusive, shall send or take such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian, or other person having control over any deaf, blind or feeble minded child or youth between the ages of seven and

twenty-one years of age shall be required to send such deaf child to the School for the Deaf at the City of Devils Lake for the entire school year unless excused by the superintendent or principal of such school, such blind child to the School for the Blind at Bathgate for the entire school year unless excused by the superintendent or principal of such school, and such feeble minded child to the Institution for the Feeble Minded at Grafton; *provided*, that such parent, guardian, or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school approved by the County Superintendent of Schools subject to appeal to the Superintendent of Public Instruction; that no school shall be approved by the County Superintendent of Schools or Superintendent of Public Instruction unless the branches usually taught in the public schools are taught in such schools.

2. That such child is actually necessary to the support of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

5. If no school is taught the requisite length of time within two and one-quarter miles of the residence of such child by the nearest route, such attendance shall not be enforced, except in cases of consolidated schools, where the school board has arranged for the transportation of pupils. In school districts where consolidated schools have not been established, the school board shall pay a sum not to exceed thirty-five cents nor less than fifteen cents per day to any one family living more than two and one-quarter miles from the nearest school, which shall be equitably based upon the number of children attending school from each family; *provided*, that the tender of such a daily compensation shall be construed as furnishing transportation and when such a tender is made by the school board, the compulsory attendance law shall apply to all children of school age living more than two and one-quarter and not to exceed five miles from school; *provided*, further, that the provisions for transportation shall not apply to deaf, blind and feeble minded children in this state, and this Section shall not be construed to apply to parents, guardians, or other person having control of any child or children between the ages of eight and fifteen, inclusive, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or

children for certain religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for the transportation of pupils.

Approved, March 11, 1915.

CHAPTER 142.

[H. B. No. 471—Lathrop Committee.]

TUITION AT INSTITUTIONAL MODEL SCHOOLS

AN ACT Requiring the Payment of Tuition for Attendance at any Model High or Graded or Elementary School Which is Operated, Maintained or in any Manner Connected with the State University, any Normal School or any Educational Institution of Higher Learning.

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

§ 1. That all students attending any model high, graded or elementary school which is operated, maintained or in any manner connected with the State University, any normal school, publicly maintained educational institution of higher learning in this state in which model, high, graded or elementary school members of the faculty or student body of such university, normal school or institution of higher learning teach there shall be paid by the school district in which said pupils reside to said institution as tuition for such attendance as follows: Not less than two and one-half dollars per month of actual membership per pupil in such model high school and not less than two dollars per month of actual membership per pupil in any such graded, or elementary school, *provided*, however, that such tuition is payable at the close of each term or semester.

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

Approved, March 11, 1915.

CHAPTER 143.

[H. B. No. 335—Leonard.]

LIMITING MILL LEVY FOR COMMON SCHOOL DISTRICTS.

AN ACT to Amend Section 1182 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] That Section 1182 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 1182. TAX LEVY. NOTICE TO COUNTY AUDITOR.] It shall have power to levy upon the property in the district a tax for school pur-

poses of not exceeding thirty mills on the dollar in any year, *provided*, however, that in districts having a high school an additional tax of ten mills on the dollar may be levied if a majority of the school voters of such district annually authorize such levy at the annual school election; notice that the question of levying such additional tax will be voted on at the election shall be given by posting the same in three of the most public places in the district, at least fourteen days prior to said election. The levy of such additional tax, if authorized by the voters as aforesaid, shall be made by a resolution of the board prior to the twentieth day of July.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the election provided for in this Act will take place prior to July 1st, 1915, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

CHAPTER 144.

[H. B. No. 345—Hedalen.]

FORTY-MILL LEVY FOR SPECIAL DISTRICTS.

AN ACT Amending Section 1258 of the Compiled Laws of North Dakota for the Year 1913, Providing for an Annual School Tax in Special School Districts.

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

§ 1. AMENDMENT.] Section 1258 of the Compiled Laws of North Dakota for the year 1913, providing for an annual school tax in special school districts.

§ 1258. ANNUAL SCHOOL TAX.] The Board of Education shall on or before the twentieth day of July of each year levy a tax for the support of the schools of the corporation, including any expenditures allowed by law, for the fiscal year next ensuing, not exceeding in any one year thirty mills on the dollar on all the real and personal property within the district which is taxable according to the laws of this state, the amount of which levy the clerk of the board shall certify to the County Auditor, who is authorized and required to place the same on the tax roll of such county to be collected by the County Treasurer as other taxes and paid over by him to the Treasurer of the Board of Education of whom he shall take a receipt in duplicate, one of which he shall file in his office and the other he shall forthwith transmit to the Clerk of the Board of Education. *Provided*, however, that in districts having a high school an additional tax of ten mills on the dollar may be levied if a majority of the school voters of such district annually authorize such levy at the annual school election; notice that the question of levying such additional tax will be voted on at the election, shall

be given by posting or publishing the same in the manner provided for the giving of notice of the election of the Board of Education in Section 1263 of the Compiled Laws of North Dakota for the year 1913. The levy of this additional tax, if authorized by the voters as aforesaid, shall be made by a resolution of the board prior to the twentieth day of July.

§ 2. EMERGENCY.] Whereas, an emergency exists in that the election provided for in this Act will take place prior to July 1, 1915, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

CHAPTER 145.

[S. B. No. 59—Rowe.]

PROVIDING UNIFORM TEXT-BOOKS.

AN ACT to Provide Uniformity of School Text-books in Each of the Common, Independent and Special School Districts; to Regulate the Sale and Price of Same; to Provide for Selection, Adoption, and Contract by Common School District Boards and Boards of Education of Independent and Special School Districts, and the Sale of same Through Purchasing Agents of such Boards, or the Purchase Direct of such Boards [Books] and Sale at Cost or Loan Free of Expense to Pupils.

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

§ 1. Before any person, firm, company or corporation shall offer for selection, adoption, contract, sale or exchange any school text-book or book for use in the schools of the State of North Dakota, such person, firm, company or corporation shall comply with the following conditions:

1. File a copy of such school text-book or book for use in the schools of the state in the office of the State Superintendent of Public Instruction with a sworn statement of the published list price; the lowest wholesale price; and the lowest exchange price; based upon three and five-year *contract* periods, at which said school text-book or book is sold or exchanged for an old book in the same subject of like grade and kind but a different series, to any school board, school corporation, or school commission anywhere in the United States.

2. File with the State Superintendent of Public Instruction a bond running to the State of North Dakota, with a responsible surety company authorized to do business in the State of North Dakota, as surety thereon in the penal sum to be determined by the State Superintendent of Public Instruction but not less than two thousand dollars nor more than ten thousand dollars conditioned as follows:

(a) That any book listed in said statement and in any other statement subsequently filed by said person, firm, company or corporation shall be supplied by the publisher to any school district or any school corporation in the State of North Dakota at the price and terms contained in said statement:

(b) That such price and terms so filed are to be reduced automatically in North Dakota whenever reductions are made by the publisher elsewhere in the United States so that at no time shall any book so filed and listed be sold to district school boards, boards of education or to their authorized purchasing agents at a higher price than is received for such book by the publisher elsewhere in the United States:

(c) That all text-books offered for sale, adoption, contract or exchange by the publisher in the State of North Dakota shall be equal in quality to those deposited in the office of the State Superintendent of Public Instruction as regards paper, binding, printing, illustrations, subject matter, and all particulars that may effect the value of such text-books:

(d) That in case an abridged or special edition of any book shall be prepared the person, firm, company, or corporation manufacturing the same shall sell such special edition to district school boards, boards of education of North Dakota or to their authorized purchasing agents at the same wholesale price at which the book is sold elsewhere:

(e) That no person, firm, company, or corporation filing their books in North Dakota under the provisions of this Act shall enter into any understanding, agreement or combination to control prices or restrict competition in the sale of school text-books.

§ 2. Such bond shall be approved by the Attorney General and upon such approval, said person, firm, company or corporation shall be licensed by the State Superintendent of Public Instruction to sell the book or books so filed in the State of North Dakota.

§ 3. It shall be the duty of the State Superintendent of Public Instruction to have printed and distributed to the clerks of district school boards, secretaries of boards of education of independent and special school districts and County Superintendents of Schools within six (6) months after this Act takes effect, a complete list of books filed with his department giving the prices and terms of sale; and the State Superintendent of Public Instruction shall have printed and distributed annually thereafter a supplementary list of text-books with prices and terms filed during the year, and all books used in the public schools of the State of North Dakota may be selected, adopted, and contracted for from said list by district school boards and boards of education, and books so designated and contracted for shall be used exclusively for three (3) or five (5) years during which time such books shall not be changed; *provided*, however, this shall not prevent school boards from using other supplementary books.

§ 4. If in any case any person, firm, company, or corporation, shall supply any district school board, board of education or purchasing agent of same, books inferior to the samples on file with the State Superintendent of Public Instruction, or charge a higher price than was filed or than the same are sold elsewhere in the United States, then it shall be the duty of the County Superintendent on written complaint filed with him by the school board of such a district to inform the State Superintendent of Public Instruction of the failure of said person, firm, company or corporation to comply with the terms of his filing. The State Superintendent of Public Instruction shall thereon notify the said person, firm, company or corporation of said complaint, and if said person, firm, company, or corporation shall disregard the notification and fail to comply with the terms of agreement filed with the State Superintendent, then the bond of said person, firm, company or corporation shall be forfeited, and the Attorney General shall upon written request of the State Superintendent of Public Instruction proceed to collect the full amount of said bond.

§ 5. No person, firm, company or corporation shall secure or attempt to secure the adoption, selection, contract or sale of any school text-book in this state by rewarding or promising to reward any teacher in any school in the state. No person, firm, company or corporation shall offer or give emolument money or any valuable thing, promise or work, or any other inducement to any teacher or school officer in any school district for any vote or promise of vote or for his influence for any school book to be used in this state; *provided*, that nothing in this Section shall be construed to prevent any person, firm, company, or corporation from giving, or any school officer or teacher from receiving a reasonable number of sample school books for examination with the view of obtaining information as to the text-book or series of books from which said officer shall give his vote, *provided*, further, that any school officer or teacher receiving for examination sample books, shall after such examination deliver such samples to the clerk of the school district and such books shall then become the property of the district.

§ 6. Boards of education and district school boards are hereby authorized and shall have the power to appoint agents or dealers to purchase, handle and sell the books which have been selected and contracted for, and it shall be unlawful for any dealer or for any purchasing agent of any school district to sell any books to pupils of the district listed with the State Superintendent of Public Instruction as herein before provided at a price to exceed fifteen per cent. advance on the net cost of the book as listed with the Department of Public Instruction and as named in the contract with the school district; *provided*, that to the selling price as above determined be added the net cost of transportation.

§ 7. School districts are hereby authorized to purchase text-books from the publisher at prices and terms listed with the State

Superintendent of Public Instruction and to sell said books to the pupils at said cost prices or at such prices as will include the cost of transportation and cost of handling. District school boards and boards of education shall have the authority and are authorized to purchase all necessary books for indigent pupils and pay for same out of the funds of the district, and to loan same free of expense to such pupils. The district school board or board of education shall purchase all books necessary for the use of teachers in conducting the work in the schools of the district where such teachers are employed and such books shall be paid for out of the funds of the district and be held as the property of the district.

§ 8. When a family removes from a school district, where free text-books are not provided, the school board of the district from which the family removes may purchase out of the funds of the district, the text-books in actual use by the children of such family at a fair price based upon the cost of the books and upon the condition of same: the books so purchased may be resold to other children in said district.

§ 9. When the district school board or board of education of any district deems it advisable, said board may provide for the free use of school text-books by the pupils of their school or schools, or whenever five or more legal voters of a common school district or ten per cent. of the legal voters of a consolidated, special or independent school district shall petition the board to submit to such district the question of providing free text-books to pupils attending such schools, it shall be the duty of such board to submit same to the legal voters of such district. Such questions may be submitted to a special meeting or at any annual meeting provided fourteen days notice is given thereof and by posting said notice on the school house or school houses of such district and in such other public place or places as the district school board or board of education deems advisable, and in all cases the notice of such meeting shall call attention to the fact that such question will be submitted, and in case a majority of the legal voters of such district present and voting at such meeting are in favor of such free text-books, it shall be the duty of the board to provide the same. All books purchased by school boards, as herein provided, shall be held as the property of the district and loaned to pupils of the district while pursuing a course of study therein, free of charge; but the school board shall hold such pupils responsible for any damage to, or loss of, or failure to return such books at the time and to the person that may be designated by the board of such district.

§ 10. Any person, firm, company or corporation violating any provision of this Act shall on conviction thereof be punished by fine not to exceed five hundred dollars, or by imprisonment not to exceed three months, or by both such fine and imprisonment at the discretion of the court.

§ 11. All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved, March 1, 1915.

ELECTIONS

CHAPTER 146.

[H. B. No. 185—Committee on Elections and Election Privileges.]

COUNTY CANVASSING BOARDS MEET SECOND FRIDAY AFTER ELECTION.

AN ACT to Amend Section 1009 of the Compiled Laws of North Dakota, 1913, Relating to Canvass of Votes, Abstract of Votes, Certificates of Election, Decision in Case of Tie, and Publication of Abstract of Votes.

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

§ 1. AMENDMENT.] That Section 1009 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 1009. ABSTRACT OF VOTES; CANVASS OF VOTES; CERTIFICATES OF ELECTION; TIE, HOW DECIDED; PUBLICATION OF ABSTRACT.] On the second Friday after each election, or as soon as the returns are received, the County Auditor shall call to his assistance a majority of the County Commissioners of the county or the County Treasurer, County Judge, and one County Commissioner, and none of the persons so called shall be a candidate for office, unless there is not sufficient of such officers who are not candidates, and shall proceed to open such returns and make abstracts of votes in the manner following from the certified statements prepared by the different inspectors of election in the various precincts. The abstract of votes for United States Senator, Member of Congress, Governor, State Auditor, Commissioner of Insurance, Commissioner of Agriculture and Labor, State Treasurer, Secretary of State, Attorney General, Commissioners of Railroads, Superintendent of Public Instruction and Lieutenant-Governor shall be on one sheet; the abstract of votes for members of the legislative assembly shall be on one sheet; the abstract of votes for county and precinct officers shall be on one sheet; and it shall be the duty of the County Auditor immediately to make out a certificate of election to each of the persons having the highest number of votes for county and precinct offices, respectively, and to deliver such certificate to the person entitled thereto on his making application to the County Auditor therefor; *provided*, that when a tie shall exist between two or more persons for the Senate or House of Representatives, if such district is within the boundary of one county, the Auditor of such county, and if

such district is within the boundaries of more than one county, then the County Auditor of the county casting the greater number of votes for the office of Governor, shall immediately by registered letter addressed to the respective candidates at their post office address, give notice to the several persons so having the highest and equal number of votes to attend at his office at a time appointed by him, which shall not be more than twenty days after the tie shall have been declared by such County Auditor and they shall then proceed publicly to decide by lot which of the persons so having the highest and equal number of votes shall be declared duly elected and such Auditor shall make and deliver to the person thus declared duly elected a certificate of his election as hereinbefore provided. It shall be the duty of the County Auditor of each county, on receipt of the returns of any election, to make out his certificate, stating therein the compensation to which the judges and clerks of election may be entitled for their services, and lay the same before the Board of County Commissioners at their next session, and the said board shall order the compensation aforesaid to be paid out of the county treasury. Immediately after canvassing the returns and making the abstract of votes as provided in this Section, the County Auditor shall make a certified copy of each abstract and forward it to the Secretary of State, and also cause to be published in the official newspapers of the county, in tabular form, the vote by precincts for each officer and proposition voted for at said election. Such publication to be paid for at a rate not exceeding the rate paid for publishing County Commissioners' proceedings. If the County Auditor is a candidate for office, he shall take no part in the canvass, but shall act as clerk of such board of canvassers, and the two officers called to the assistance of the County Auditor to make such canvass, shall call to their assistance a justice of the peace, and it shall thereupon be their duty at once to attend and canvass such returns as provided by law.

Approved, February 19, 1915.

CHAPTER 147.

[H. B. No. 20—Pettersen.]

DESIGNATION OF VOTING PLACES AT GENERAL ELECTIONS.

AN ACT to Amend and Re-enact Section 950 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Designating of Voting Places at General Elections.

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

§ 1. AMENDMENT.] That Section 950 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 950. PRECINCTS, HOW FORMED.] The Board of County Commissioners of each county in the state shall, at its first session after the taking effect of this Section, divide its county into election precincts and establish the boundaries of the same, if it has not heretofore done so, and the said Board of County Commissioners, whenever deemed necessary, shall sub-divide any precinct containing two or more congressional townships; *providing*, that every precinct so established shall comprise at least one congressional township. The entirety of civil townships, cities or villages as voting precincts shall be preserved when possible, except when such preservation would conflict with the provisions of this Section. In such case the civil township, city or village, except as hereinafter provided, shall be divided into two or more precincts, but in no case shall a precinct be composed of parts of two civil townships, or part of a township and city or village, excepting as hereinafter provided. Such Board of Commissioners shall designate one voting place in each precinct, *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 a general election 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 precinct until the next meeting of the Board of County Commissioners. when said Board of County Commissioners shall designate a voting place as herein provided; *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 in case of a city, instead of the board of supervisors, and a record shall be made thereof in the record books of such municipality. *Provided*, further, that when a voting place designated by the Board of County Commissioners in a precinct 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 precinct. The voting place in the town, village, city or unorganized precinct so designated shall be used as such until the Board of County Commissioners designate at its next succeeding meeting a voting place as herein provided. No precinct shall contain more than three hundred electors. If at any election hereafter held, more than three hundred votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report such fact to the Board of County Commissioners, which board shall, at its next regular meeting, divide such precinct as nearly as possible, so that the new precincts formed therefrom shall each contain two hundred and

fifty electors, as nearly as practicable; *provided*, that nothing in this Section 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; *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 three hundred, such township and incorporated city, town or village may have but one voting place.

Approved, February 4, 1915.

CHAPTER 148.

[H. B. No. 115—McClellan.]

COMPENSATION—ELECTION OFFICERS.

AN ACT to Amend and Re-enact Section 1045 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Compensation of Election Officers.

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

§ 1. AMENDMENT.] Section 1045 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1045. COMPENSATION OF ELECTION OFFICERS.] There shall be allowed to the several inspectors, judges and clerks of election of each county the sum of twenty-five cents for each hour they serve as such election officers, to be paid out of the county treasury on the warrant of the County Auditor; *provided*, however, that in no case shall an inspector, judge or clerk of election be paid for such service a sum exceeding four dollars.

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

Approved, March 5, 1915.

CHAPTER 149.

[H. B. No. 163—Hjelmstad.]

REDUCES TIME BETWEEN PRIMARY ELECTION AND MEETING OF
STATE CANVASSING BOARD.

AN ACT to Amend Sections 874 and 876 of the Compiled Laws of 1913, Relating to the Forwarding of the Abstract of Votes by County Auditors and the Meeting of the State Canvassing Board for Primary Elections.

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

§ 1. AMENDMENT.] That Section 874 of the Compiled Laws of 1913, be and is hereby amended to read as follows:

§ 874. ABSTRACT OF VOTES TRANSMITTED TO SECRETARY OF STATE.] It shall be the duty of the County Auditor of each county, under his official seal, excepting as provided in Section 875 of this Article, to return to the Secretary of State within twenty (20) days after the day of any primary election, a certified abstract under separate political designation or principle, of the number of votes cast in his county for every candidate for nomination for United States Senator, member of Congress, state officers, judges of the supreme and district courts and members of the legislative assembly. It shall also be the duty of the County Auditor to file with the Secretary of State a certificate showing the names and addresses of the persons nominated under the several political designations and principles for county office in his county. He shall seal up such abstracts and certificates without delay and transmit them to the Secretary of State by registered mail.

§ 2. AMENDMENT.] That Section 876 of the Compiled Laws of 1913 be and is hereby amended to read as follows:

§ 876. STATE BOARD OF CANVASSERS.] For the purpose of canvassing and ascertaining the result of any primary election the State Board of Canvassers shall meet at the office of the Secretary of State within thirty days next following a primary election, and be composed of the following members, viz: Clerk of the Supreme Court, Secretary of State, Superintendent of Public Instruction, and the chairman of the State Central Committee of the two political parties that cast the highest vote for Governor at the last general election. After taking the usual oath of office, the said board shall proceed to canvass publicly the primary election returns made by the several County Auditors. Three members of said board shall constitute a quorum and are authorized to make the canvass herein provided and to certify the result thereof.

Approved, February 23, 1915.

CHAPTER 150.

[S. B. No. 137—Wartner.]

UNITED STATES SENATORS—NOMINATION OF.

AN ACT to Amend Sections 852, 854 and 863 of the Compiled Laws of North Dakota for the Year 1913, Relating to Primary Elections and the Nomination of Candidates for the Office of United States Senator.

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

§ 1. AMENDMENT.] That Section 852 of the Compiled Laws of North Dakota be amended to read as follows:

§ 852. HELD, WHEN. WHAT OFFICES, FOR.] On the last Wednesday in June of every year in which occurs a general election there shall be held, in lieu of party caucuses and conventions, a primary election in the various voting precincts of this state, for the nomination of candidates for the following offices to be voted for at the ensuing general election, viz: Members of Congress, state officers, county officers, district assessors and the following officers on the years of their regular election, viz: Judges of the supreme and district courts, members of the legislative assembly, county commissioners, United States senators. For special elections for the officers enumerated herein the nominations shall be made as otherwise provided by law.

§ 2. AMENDMENT.] That Section 854 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 854. COUNTY AND LEGISLATIVE CANDIDATES. PETITION, FILING FEE.] Every candidate for a county or district office shall, not more than forty days nor less than thirty days, and before four o'clock P. M. of the thirtieth day prior to any primary election, present to the County Auditor a petition giving his name, post office address, the title of the office to which he aspires and the party which he represents, containing the names of five per cent. of the total vote cast for the candidate of the party which he represents, for the same position at the last general election; such names to be procured from at least one-fifth of the precincts of his district; *provided*, however, that in no case shall there be more than two hundred names.

Each name on the petition shall be that of a qualified voter and be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing. Upon the receipt of such petition by the County Auditor and the payment to him of the filing fee of three dollars (\$3.00), excepting candidates for County Commissioners, District Assessors, Surveyors, Coroner, County Constables and County Justices of the Peace, who shall pay no filing fee and when accompanied by an affidavit as provided in Section 853 relating to petitions required, fees and filing affidavit of candidate, such

County Auditor shall place the name of such applicant upon the primary election ballot in the columns of his party as hereinbefore provided.

When a legislative district is composed of more than one county, the petition herein provided for shall be filed with the County Auditor of the county where the candidate resides, and such County Auditor shall certify to the County Auditors of the other counties comprising such legislative districts the names of the candidates filing such petitions. The filing fees received as above by the County Auditor shall be turned over by him to the County Treasurer to be covered into the general fund.

§ 3. AMENDMENT.] That Section 863 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 863. NOMINATIONS FOR UNITED STATES SENATOR.] Party candidates for the office of United States Senator shall be nominated in the manner herein provided for nomination of candidates for state offices. The candidate receiving the highest number of votes at such primary election shall be the nominee of his party for the office of United States Senator, at the succeeding general election. The votes for candidates for United States Senator shall be canvassed and returned in the same manner as the votes cast for state officers. The Secretary of State shall place the name of the candidate of each party who receives the highest number of votes for the office of United States Senator upon the general election ballot to be used at the general election next following such primary election.

Approved, March 9, 1915.

CHAPTER 151.

[H. B. No. 102—Hjelmstad.]

REDUCES TIME BETWEEN GENERAL ELECTION AND MEETING OF STATE CANVASSING BOARD.

AN ACT to Amend Sections 1013 and 1015 of the Compiled Laws of 1913, Relating to the Forwarding of the Abstract of Votes by County Auditors and the Meeting of the State Canvassing Board.

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

§ 1. AMENDMENT.] That Section 1013 of the Compiled Laws of 1913, be and is hereby amended to read as follows:

§ 1013. COUNTY AUDITOR TO FORWARD ABSTRACT OF VOTES.] It shall be the duty of the County Auditor of each county, under his official seal, to return to the Secretary of State within twenty days following any general election, or any special election, a certified abstract of the votes cast in his county at such election for each candidate for state and congressional offices, electors for

president and vice-president, judges of the supreme and district courts, members of the legislative assembly and for amendments to the Constitution or proposition submitted by the legislative assembly; *provided*, that the County Auditor shall make a separate certified abstract of the votes cast for persons for electors of president and vice-president of the United States. He shall seal up such separate abstract and endorse it: "Presidential Election Returns" and without delay transmit it to the Secretary of State by registered mail. It is also hereby made the duty of the County Auditor to file with the Secretary of State, at the same time as he transmits the certified abstract of the votes cast in his county, a certificate showing the names and addresses of the persons who were elected to the various county offices in his county.

§ 2. AMENDMENT.] That Section 1015 of the Compiled Laws of 1913 be and is hereby amended to read as follows:

§ 1015. STATE CANVASSING BOARD, MEETING OF.] For the purpose of canvassing and ascertaining the result of such election, the State Board of Canvassers shall meet at the office of the Secretary of State on the first Tuesday in December next after a general election and within thirty days after a special election, and the Secretary of State shall notify the other members of the board of the same.

Approved, February 20, 1915.

EMERGENCY COMMISSION

CHAPTER 152.

[H. B. No. 216—Smith of Ward.]

POWERS OF EMERGENCY COMMISSION.

AN ACT Relating to an Emergency Board, and to Repeal Sections 1821, 1823 and 1824 of the Compiled Laws of 1913.

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

§ 1. EMERGENCY COMMISSION.] An Emergency Commission consisting of the Governor, the Secretary of State, and the State Auditor is hereby established which shall exercise the powers and perform the duties hereinafter specified. 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.

§ 2. Whenever it shall be made to appear to the Emergency Commission by an itemized, verified petition of any board of control, board of regents, commission or officer authorized to expend public funds that an emergency exists, the Emergency Commission shall assume that an emergency exists demanding such action and may order money transferred from one fund to another fund belonging to or appropriated for the same institution or board or the same state enterprise, or in an extremity to authorize money to be drawn from the state treasury to meet the emergency until such time as the legislative assembly can make appropriation available therefor. An endorsement by the Emergency Commission of the itemized petition of a board of control, board of regents, commission or person heretofore mentioned shall be sufficient authority for the forming of any of the acts hereby delegated to the Emergency Commission; *provided*, however, the term emergency shall be limited to calamities or unforeseen happenings subsequent to the time of the making of appropriations to be effected by such transfer and which were clearly not within the contemplation of the legislative assembly and the Governor at the time of making such appropriation. And in no event shall it be within the authority of the Emergency Commission to increase the amounts to be expended for any specific purpose by more than ten per cent., and this shall only be done to meet a deficiency arising in an attempt to carry out the purpose of the appropriation.

§ 3. It shall be the duty of the chairman of any board of control, board of regents, or other board or officer, authorized by the Emergency Commission to make extraordinary expenditures or use of funds transferred or made available through an order of the Emergency Commission, to make an itemized report to the Governor under oath, within two weeks after the close of each month during which any money shall have been expended or liability incurred pursuant to the order of the Emergency Commission showing the amount of money expended and for what purpose and showing what contracts have been made involving the expenditure of money in the future. The time covered by such report shall be the calendar month next preceding the date of said report.

§ 4. It shall be unlawful for any board of control, board of regents, commissioners, directors or other officers having the control or management of any public institution or institutions of the state or any state activity or enterprise or having in any manner whatsoever the responsibility of disbursing or expending any money appropriated by the state, either directly or indirectly, or in any manner whatsoever to expend or agree or contract to expend in connection therewith any amount in excess of the sum appropriated therefor, or to use an amount appropriated for any specific purpose or fund or for any other purpose without first having secured from the Emergency Commission an order duly made and entered, authorizing such use of such fund.

§ 5. This Act shall not be construed as a legislative construction that any existing law gives to said Emergency Commission any broader or different powers than are herein declared. *Provided*, that all acts of the present and prior Emergency Commissions of this state authorizing the transference of money appropriated for one purpose to another purpose or from one fund to another fund are hereby validated and legalized.

§ 6. Any officers mentioned in this Act who shall fail to make the report specified in Section 3 of this Act or who shall in any report made to the Governor willfully make a misrepresentation or misstatement of the facts regarding such expenditures or other facts embodied in the report shall be guilty of a misdemeanor.

§ 7. REPEAL.] Sections 1821, 1823 and 1824 of the Compiled Laws of 1913 are hereby repealed, and all other Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved, March 13, 1915.

EMINENT DOMAIN

CHAPTER 153.

[H. B. No. 293—Haraldson.]

RIGHT OF EMINENT DOMAIN TO ELECTRIC LIGHT PLANTS.

AN ACT to Amend and Re-enact Section 8203 of the Compiled Laws of North Dakota for 1913, Relating to the Eminent Domain.

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

§ 1. AMENDMENT.] That Section 8203 of the Compiled Laws of North Dakota for 1913, be and the same is hereby amended to read as follows:

§ 8203. EXERCISED FOR WHAT PUBLIC USES.] Subject to the provisions of this Chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the government of the United States.

2. Public buildings and grounds for the use of the state and all other public uses authorized by the legislative assembly of this state.

3. Public buildings and grounds for the use of any county, incorporated city, village, town or school; canals, aqueducts, flumes, ditches or pipes for conducting water for the use of the inhabitants of any county, incorporated city, village or town; or for draining any county, incorporated city, village or town; raising the banks of streams, removing obstructions therefrom and widening, deepening or straightening their channels; roads, streets and alleys

and all other uses for the benefit of any county, incorporated city, village or town, or the inhabitants thereof which may be authorized by the legislative assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.

4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads, railroads and street railways, electric light plants and power transmission companies, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mains and for irrigating purposes, draining and reclaiming lands.

5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit or conduct of the tailings or refuse from mines; also mill dams.

6. By-roads leading from highways to residences and farms.

7. Telegraph and telephone lines.

8. Sewerage of any incorporated city, or any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the state, or of any college or university.

9. Cemeteries and public parks.

§ 2. EMERGENCY.] Whereas, an emergency is hereby declared to exist in this that there is no law now on our statute books giving electric light plants the right of eminent domain, now therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

COCAINE AND HEROIN

CHAPTER 154.

[S. B. No. 67—Porterfield.]

PROHIBITING SALE OF COCAINE AND HEROIN.

AN ACT to Amend Sections 2942 and 2943, Compiled Laws of North Dakota for the year 1913, the same Being an Act to Prevent the Adulteration, Misbranding and Selling of Adulterated and Insufficiently Labeled Drugs or Medicines, Restricting or Prohibiting the Sale of Certain Drugs and Providing a Penalty for the Violation Thereof.

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

AMENDMENT.] That Sections 2942 and 2943, Compiled Laws of North Dakota for the year 1913 be, and the same are hereby amended to read as follows:

§ 2942. DRUGS AND MEDICINES TO BE LABELED.] Every proprietary product, drug, medicine, or beverage containing any alcohol, morphine, opium, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilid, croton oil, cotton root, ergot, oil of tansy, or oil of savin, or any derivative, salt or preparation of any such substance contained therein, shall be labeled in plain, open Gothic letters printed on a white background by themselves and immediately following the name of the product showing the name, the proportion or percentage of each of the foregoing constituents, and the said facts shall be set forth on the face or principal label, also upon the carton or container.

§ 2943. COCAINE AND HEROIN. HOW SOLD.] No product or preparation shall be sold, offered for sale, or given away which contains cocaine or any of its salts or derivatives, and no delivery of cocaine or of its salts shall be made in this state except upon the written prescription of a duly licensed North Dakota physician, dentist, or veterinarian, and the said prescription shall not be refilled. That no product or preparation shall be manufactured, sold, or offered for sale, or given away containing any heroin, and that no person shall be permitted to have in his or her possession any preparation which contains heroin or any of its salts or derivatives, and no delivery of heroin or of any of its salts or derivatives shall be made in this state except on the written prescription or order of a physician duly licensed to practice in North Dakota, and said prescription or order shall not be refilled. It shall be unlawful for any duly registered physician or licensed dentist to write, issue, deliver, or dictate either directly or indirectly any prescription containing heroin for any habitual user, and it shall be unlawful for any licensed veterinarian or dentist to write, issue, deliver or dictate either directly or indirectly any prescription for a human being of any preparation containing heroin. Any person violating any of the provisions of this Section shall, upon conviction, be punished by a fine of not to exceed \$1,000.00, nor less than \$100.00, or, by imprisonment in the State Penitentiary not more than one year or, in the County Jail not more than six months, or by both such fine and imprisonment, and if such person be a licensed physician, dentist, veterinarian, or druggist, his license may be declared forfeited.

Approved, March 1, 1915.

EXEMPTIONS

CHAPTER 155.

[S. B. No. 193—Albrecht.]

EXEMPTIONS—ABSOLUTE.

AN ACT to Amend Section 7739 of the Compiled Laws of North Dakota for the Year 1913, Relating to Cases in Which Only Absolute Exemptions are Allowed.

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

§ 1. AMENDMENT.] That Section 7739 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 7739. CASES IN WHICH ONLY ABSOLUTE EXEMPTIONS ARE ALLOWED.] No personal property, except absolute exemptions shall be exempt from execution or attachment in an action for laborers' or mechanics' wages, or for a debt incurred for property obtained under false pretenses; and no personal property shall be exempt from such process in an action for the collection of bills of a legally practicing physician or nurse for professional service or medicine, or in action for the collection of a bill for board, medicine or attendance furnished patients at any hospital in this state, or in an action for the collection of a bill for wearing apparel, clothing and groceries, other provisions except the absolute exemptions and household and kitchen furniture, stoves and two cows, the value of which exclusive of absolute exemptions, shall not exceed five hundred dollars (\$500.00), which value in case of dispute shall be determined by appraisers to be selected in accordance with the provisions of Section 7120; *provided*, this Act shall not apply to accounts and debts contracted prior to passage of this Act.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1915.

CHAPTER 156.

[H. B. No. 280—Moore.]

PARTNERSHIP EXEMPTIONS.

AN ACT to Amend and Re-enact Section 7741 of the Compiled Laws of 1913, Relating to Partnership Exemptions.

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

§ 1. AMENDMENT.] That Section 7741 of the Compiled Laws of 1913 be amended to read as follows:

§ 7741. PARTNERSHIPS CAN CLAIM BUT ONE EXEMPTION.] A partnership firm can claim but one exemption of five hundred dollars (\$500.00) in value or alternative property when so applicable, instead thereof, out of the partnership property. All partnership property claimed as exempt shall constitute a part of the exemptions of the several partners, the same being divided in proportion to the interests of the partners in the firm assets, and in no case shall the aggregate exemptions of the several partners exceed the amount which would have been allowed to them if the partnership had not existed; *provided*, however, that the provisions of this Section shall not apply to, or effect, any debt contracted prior to the taking effect hereof.

Approved, March 5, 1915.

CHAPTER 157.

[H. B. No. 386—Harris.]

RELATING TO EXEMPTIONS.

AN ACT to Amend and Re-enact Section 7738 of the Compiled Laws of North Dakota for the Year 1913, Relating to Notice to Debtor and Time Allowed for Claiming Exemptions in Cases Where Personal Property is Levied Upon.

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

§ 1. AMENDMENT.] That Section 7738 of the Compiled Laws of 1913 be amended to read as follows:

§ 7738. NOTICE TO DEBTOR. CLAIM WITHIN THREE DAYS.] In all cases of a levy upon personal property by the Sheriff, Constable or other officer, he must give notice thereof, by copy, to the debtor, his attorney, agent or wife, or failing conveniently to find either, to such child as is described in Section 7736; and the debtor or such other person for him must claim or demand the benefit of these exemptions within three days after such notice from the officer. Said notice must have written or printed upon its face, the further notice to the debtor, that if exemptions are claimed or demanded such claim must be made within three days after service of notice.

Approved, March 3, 1915.

FARMS

CHAPTER 158.

[S. B. No. 125—Thoreson.]

CLOSING FENCE GATES ON FARMS.

AN ACT to Amend Section 10088 of the Compiled Laws of 1913, Relating to the Closing of Gates, and to Repeal Section 10089 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 10088 be amended to read as follows:

§ 10088. GATES TO BE CLOSED.] No person or persons opening a gate or bars in a fence inclosing farm premises shall leave such gate or bars open, unless such person or persons shall be in lawful possession of such premises.

§ 2. REPEAL.] That Section 10089 of the Compiled Laws of 1913 be, and the same is hereby repealed.

Approved, February 19, 1915.

FORNICATION

CHAPTER 159.

[S. B. No. 317—Committee on Judiciary.]

FORNICATION.

AN ACT to Define the Crime of Fornication and Providing Punishment Therefor.

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

§ 1. Every male and female person who are not married to each other who shall have voluntary sexual intercourse are separately guilty of the crime of fornication. A female under eighteen years of age and under age of consent fixed in Section 9563 which defines the crime of rape, is nevertheless by her voluntary intercourse guilty of fornication as herein defined. Any person over eighteen years of age violating any of the provisions of this Act shall be punished by a fine of not more than \$100.00 or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment. When any person under eighteen years of age is accused of said crime, such minor shall be proceeded against under the provisions of Chapter 23 of the Code of Criminal Procedure of the Compiled Laws of North Dakota for 1913 and Acts amendatory thereof.

Upon proof of the marriage of the guilty parties at any time before conviction, the prosecution under this Section shall be dismissed.

Approved, March 8, 1915.

FUGITIVES FROM JUSTICE

CHAPTER 160.

[H. B. No. 466—Lathrop Committee.]

FUGITIVES FROM JUSTICE.

AN ACT to Amend and Re-enact Section 11162 of the Compiled Laws of 1913, Relating to Fugitives from Justice.

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

§ 1. That Section 11162 of the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 11162. GOVERNOR MAY DEMAND FUGITIVES. APPOINT AGENTS FOR RETURN OF. PAYMENT OF AGENTS.] The Governor of this state may, in any case authorized by the Constitution and laws of the United States, demand of the executive authority of any other state or territory within the United States, any fugitive from justice or any person charged with the commission of treason, felony or other crimes in this state, and appoint agents to receive such persons for and on behalf of this state. The account of any such agent or agents employed for such purpose shall in cases of treason and felony be paid by the state upon the approval of the Attorney General, and for other crimes be audited by the Board of County Commissioners of the county in which the crime was committed, and paid by such a county; *provided*, that only the Sheriff of said county, or one of his deputies, or a Constable or policeman thereof, shall be appointed such agent, and such agent shall not be paid more than his actual expenses, and a per diem of three dollars while in actual discharge of his duty.

Approved, March 9, 1915.

GAME AND FISH

CHAPTER 161.

[H. B. No. 300—Committee on Game and Fish.]

GAME AND FISH LAW.

AN ACT Relating to Game and Fish, for the Propagation, Protection, and Preservation of Wild Birds, Wild Animals and Fish, Creating a State Game and Fish Board, Providing for Game Wardens, Game and Fish Commissioners and for Open Seasons for Taking or Killing Certain Game Birds, Game Animals, Fur-Bearing Animals and Fish. Providing for Resident and Non-resident Licenses and Providing Penalties for the Violations Thereof and to Repeal Sections 10262, 10263, 10264, 10264a, 10265, 10266, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, 10294, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, of the Compiled Laws of North Dakota for 1913.

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

§ 1. OWNERSHIP OF GAME IN STATE.] The ownership of and title to all wild birds, fish and fur-bearing wild animals in the State of North Dakota is hereby declared to be in the state, and no fish, wild birds, or wild animals which are protected by law shall be caught, taken, killed, or trapped, in any manner or at any time, or had in possession, except the person so taking, catching, killing, trapping or having in possession shall consent the title of said fish, wild birds, or wild animals shall be and remain in the State of North Dakota for the purpose of regulating and controlling the use and disposition of the same after such catching, taking, killing or trapping; any person catching, taking, killing, trapping or having in possession any wild birds or animals at any time, or in any manner shall be deemed to consent that the title to the same shall be and remain in the state for the purpose of regulating the use and disposition thereof, and such possession shall be deemed consent of such person as aforesaid, whether said game or fish were taken within or without the state.

§ 2. GAME WARDEN DISTRICTS.] The State of North Dakota shall be divided into two districts to be known as "Game District No. 1" and "Game District No. 2." Game District No. 1 shall consist of the following counties and their further sub-divisions: Benson, Bottineau, Burke, Cavalier, Divide, Eddy, Grand Forks,

McHenry, McKenzie, Mountrail, Nelson, Pembina, Pierce, Ramsey, Renville, Rolette, Towner, Walsh, Ward, Williams; Game District No. 2 shall consist of the following counties and further sub-divisions: Adams, Barnes, Billings, Bowman, Burleigh, Cass, Dickey, Dunn, Emmons, Foster, Golden Valley, Griggs, Hettinger, Kidder, LaMoure, Logan, McIntosh, McLean, Mercer, Morton, Oliver, Ransom, Richland, Sargent, Sheridan, Sioux, Slope, Stark, Steele, Stutsman, Traill, Wells.

§ 3. BOARD OF CONTROL, GAME AND FISH COMMISSIONER, TERMS, APPOINTMENTS, MEETINGS, COMPENSATION, RULES AND REGULATIONS.] The North Dakota Game and Fish Board is hereby created, consisting of three members and the Game and Fish Commissioner to be appointed by the Governor. One member of such board shall be appointed for two years commencing on or before the first day of April, 1915, and two members shall be appointed for four years. Thereafter such appointments shall be made for a term of four years, commencing on the expiration of each term. Vacancies arising from any cause shall be filled by the Governor. Said board shall hold its first meeting on the second Tuesday of the month succeeding its appointment and shall organize by electing one member of said board president, one vice-president and one secretary. A quorum of said board shall consist of two members. The North Dakota Game and Fish Board after its organization may hold its meetings at any point in the state at such time and place as the president may designate, and there must be at least four regular meetings each year. The president of the board shall have the power to call special meetings whenever, in his judgment, it becomes necessary. The president and the vice-president of the board shall receive as compensation for their services the sum of five dollars per day for each day in attendance at and necessary for going to and returning from such meetings, and all expenses actually and necessarily incurred incident to such meetings, and the secretary of the board shall receive not to exceed the sum of twelve hundred dollars per year and actual expenses necessarily incurred in the performance of his official duties, which sums shall be paid by the State Treasurer out of the game and fish fund, upon vouchers of the board duly certified by the president and secretary thereof. Each member of the North Dakota Game and Fish Board shall give bonds to the state in the sum of five thousand dollars, to be approved by the Governor, and the member chosen as secretary shall maintain an office, keep a record of the acts of the board, formulate its reports and keep a record of its expenditures. The board shall establish rules and regulations and employ the most efficient and practical means to carry out the provisions of this Act. It shall require of the Chief Wardens monthly and annual reports in full, a copy of which shall be mailed to each member of such board, stating the number of deputy wardens appointed, their addresses, number of arrests, convictions and fines and other

matters necessary to the enforcement of the provisions of this Act. In the performance of their duties as members of the Game and Fish Board, as Game Wardens, as Game and Fish Commissioners, all such persons after having been legally appointed as provided in this Act, and during the terms for which they are in active service, shall each of them be exempt from any or all liability to any persons for acts done or permitted or property destroyed under and by virtue of the authority of the law.

§ 4. POWERS AND DUTIES OF THE BOARD.] Said board shall enforce the laws of this state, involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

1. The propagation and preservation of such variety of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this Act and the publication of such information and reports.

3. The power to purchase and lease, for the state, control, construct, mark, designate and manage all state fish hatcheries, state game farms, game refuges, game reserves and game reservations that are now, or may hereafter be owned, leased or controlled for such purposes.

4. The receiving from the United States Commissioner of Fisheries or other persons and the gathering, purchase and distribution to the waters of this state of all fish spawn or fry.

5. The taking of fish from public waters of the state for the propagation and stocking of other waters therein. The taking alive at any time, by any means, under the personal supervision of any member of the board, or someone appointed by them, any birds or animals for propagating purposes, or for the exchange with other states for game birds and animals of other species.

6. The seizure and disposition of all wild birds, wild animals and fish, either taken, killed, transported or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights, automobiles, vehicles or other instrumentalities unlawfully used or held with intent to use in pursuing, taking or attempting to take, concealing or disposing of the same, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for carrying out the provisions of this Section as said board may deem most expedient.

§ 5. REPORTS AND RECORDS.] Said board shall, on or before December 31st of each even-numbered year, submit to the Governor a detailed report of its actions, including the amount of money received from all sources, and inventory of all birds, game, fish, dogs, guns, seines, nets and other property seized and sold, the names of the purchasers, and the amount received, and statement of its disbursements. The books and vouchers of said board shall be subject to examination by the Public Examiner at all times.

§ 6. CHIEF GAME WARDENS.] The board shall appoint a Chief Game Warden for each of the game districts mentioned in Section 2 of this Act who shall devote all his time to the discharge of his duties, and shall receive compensation therefor the sum of fifteen hundred dollars per year and actual expenses necessarily incurred in the discharge of his official duties. He shall act as such Chief Game Warden during the biennial period in which he is appointed, (biennial period for appointments shall be construed as ending April 1st of odd-numbered years) and be subject to the board's direction. He shall not be engaged in or have any other business that will in any way interfere with his duties as such Chief Game Warden. It shall be his duty to devote all his time to the practical and actual work of enforcing the provisions of this Act in seasons requiring the actual work of deputy wardens in the field. Before entering upon the discharge of his duties he shall give a bond to the State of North Dakota with securities or security to be approved by the Governor, in the penal sum of five thousand dollars, conditioned for the faithful performance of his duties and the accounting of all state property coming into his hands.

§ 7. GAME AND FISH COMMISSIONER.] The Governor shall appoint a State Game and Fish Commissioner who shall devote all his time to the discharge of his duties, and shall receive as compensation therefor the sum of fifteen hundred dollars per annum and actual expenses necessarily incurred in the discharge of his duties, which shall be paid from the state game and fish fund if no special appropriation has been made. He shall act as such Game and Fish Commissioner during the biennial period in which he is appointed, and when the board is not in session he is hereby authorized to exercise in its name all the rights, powers and authority vested in said board relating to and pertaining to the propagation and distribution of game and fish.

§ 8. OTHER EMPLOYEES.] The board may also appoint and remove at pleasure not to exceed one State-wide Deputy Game Warden for each game district, and one regular Deputy Game Warden for each judicial district, such Judicial District Game Wardens to serve for a period not to exceed four months during each year, which months shall be designated by the Game and Fish Board, unless in the opinion of the board an emergency exists which requires special work for which the board may authorize the Chief Game Wardens to assign the judicial district wardens for extra duty for such periods and places as conditions require, for the better protection of the game of the state. *Provided*; further, the Chief Game Warden in each district may appoint one or more special State-wide Game Wardens in each county in their respective districts, who shall serve for such a time and in such manner as the Chief Game Warden may direct. They shall serve as such special State-wide Game Wardens without compensation, except as provided in Section 21 of this Act. Such regular Deputy Game Wardens as

are appointed by the board, shall receive as full compensation for their services, not to exceed one hundred dollars per month and actual expenses incurred in the performance of their duties. Each Deputy Game Warden shall devote his whole time to the work, under the direction of the Chief Game Warden of the district for which he is appointed. At the close of each week he shall mail to the Chief Game Warden an itemized statement of his expenses, and attach thereto vouchers for all moneys so expended by him, together with a statement showing his daily activities during said week. The salaries and expenses of all employees shall be paid from the state game and fish fund. Each Deputy Game Warden shall, without delay, report to the Chief Game Warden of his district all violations known to him and convictions secured, and give a detailed statement of the same. The board shall also appoint a Deputy Game and Fish Commissioner, who shall act as assistant to and under the direction of the State Game and Fish Commissioner, in the care of the state fish hatchery and in the distribution, breeding and capture of such game birds, animals and fish as the board may direct, for which he shall receive not to exceed fifteen hundred dollars per year and actual expenses necessarily incurred in the discharge of his official duties. He shall devote his entire time to the work and reside at a location designated by the board.

§ 9. OTHER OFFICIALS, ATTORNEYS.] The Attorney General, State's Attorneys, Sheriffs, Constables and other peace officers are hereby required and it is made their duty to enforce the provisions of this Act. Such attorneys shall appear for said board in all civil actions in which it or its wardens may be interested officially, and shall appear in the prosecution of criminal actions arising under this Act.

§ 10. EXECUTION OF WRIT.] All members of the Board of Control and all wardens and commissioners and deputies appointed by such board, shall have full power and authority to serve and execute all warrants and processes of law issued by the court in enforcing the provisions of this Act, or any other law of this state relating to the preservation and propagation of game and fish, in the same manner as any Constable or Sheriff may serve and execute the same, and any person not drawing a salary from the game and fish fund shall be entitled to fees in all cases wherein fines are paid, and for the purpose of enforcing the provisions of this Act they may call to their aid any Sheriff, Deputy Sheriff, Constable or police officer or any other person, and it shall be the duty of all Sheriffs, Deputy Sheriffs, Constables or police officers and other persons, when called upon, to enforce and aid in enforcing the provisions of this Act. The Chief Wardens, any member of the board, and any deputy shall have the power to arrest without warrant any person or persons found in the act of violating any

law enacted for the purpose of protecting or propagating game and fish.

§ 11. BONDS FOR DEPUTY WARDENS.] Each District Game Warden and Game and Fish Commissioner shall give bonds to be approved by the board and filed with the Secretary of State, conditioned for the faithful discharge of their respective duties, to the amount of one thousand dollars. Special Deputy Wardens and other persons employed by the board, shall give bonds when required.

§ 12. DUTIES OF CHIEF GAME WARDENS.] It shall be the duty of each Chief Game Warden to keep a complete and correct record of all his transactions, in a record book for that purpose, showing dates of appointments of deputies, names of persons violating the game and fish laws, date of arrest, amount of fines and costs (separately) imposed, and the names of the justice or magistrate before whom the persons appeared. All such records shall be open to the public when requested and the State Chief Game Warden shall make full report of all matters of record to the Game and Fish Board; such report to be made annually on the fifteenth day of December of each year, and in said report to make such recommendations as in his judgment are necessary for the better protection, preservation and propagation of wild birds and wild animals and fish, and the enforcement of laws governing the same.

§ 13. TERMS DEFINED. AGENCY NO EXCUSE.] The words "sell" and "sale" as used in this Act shall be construed as meaning any sale or offer to sell, or having in possession with intent to sell, use or dispose of the same contrary to law. The word "person" shall be deemed to include partnerships, associations and corporations, and no violation of any provision of this Chapter shall be excused for the reason that the prohibited act was done as the agent or employee of another, nor that it was committed by or through an agent or employee of the person so charged. The word "possession" shall be deemed to include both actual and constructive possession, as well as the control of the article referred to. The term "waters of this state" shall be held to include all the boundary waters of the state, and the provisions of this Act shall be deemed to extend and be in force and effect over, upon and in all thereof. The term "any part thereof" or "the parts thereof" whenever used in this Act shall be deemed to include the hides, horns, hoofs of any animal so referred to, and the plumage and skin and every other part of any bird so referred to.

§ 14. INSPECTION OF HOTELS, RESTAURANTS, COLD STORAGE PLANTS AND OTHER PLACES.] The members of the Game and Fish Board and any Game Wardens shall from time to time inspect hotels, restaurants, cold storage houses or plants, meat markets, ice boxes, cars and ice houses, commonly used for storing meats, game or fish for private parties, including all buildings used for such purposes, and tents, conveyances, vehicles, automobiles, wagons and

camps which they have reason to believe contain game, for the purpose of determining whether game is kept therein in violation of the provisions of this Act. Any person in possession or control or in charge of any hotel, restaurant, cold storage plant, meat market, ice box, car, ice house, tent, camp or vehicle of any nature, or any part thereof, who refuses or fails to permit a member of the Game and Fish Board or Game Warden or deputy to enter any such places or any part thereof, or any receptacle therein, for the purpose of making such inspection is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or over fifty dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than ten days or over twenty days for the first offense, or both at the discretion of the court, and upon conviction for a second offense, shall be punished by imprisonment in the county jail for a period of not less than twenty or over thirty days.

§ 15. CONTRABAND GAME. SEIZURE AND SEARCH.] Any bird, animal, fish, or any part thereof, caught, killed, shipped or had in possession or under control, contrary to any of the provisions of this Act, is hereby declared to be contraband. The board, all Game Wardens, Sheriffs and their deputies, Constables and police officers, shall seize and take possession of any and all birds, animals, or fish, or any part thereof, which has been caught, taken, killed or had in possession or under control or shipped contrary to any provision of this Act. Any court having jurisdiction may upon complaint showing probable cause for believing that any bird, animal, fish, or any part thereof, caught, taken, killed, or had in possession or under control by any person, or shipped or transported contrary to the provisions of this Act, is concealed or illegally kept in any building, car or receptacle, shall issue a search warrant and cause a search to be made in any such place for any such birds, animals, fish or any parts thereof, and may cause any building, inclosure or car to be entered, and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever to be broken open and the contents thereof examined. All such officers taking or seizing such birds, animals or fish or any part thereof shall at once report all facts attending the same to the board. The same penalty shall attach as Section 14 of this Act.

§ 16. WITNESSES.] In any prosecutions under the provisions of this Act, the participant in the violation thereof may testify as a witness against any other person violating the same without incriminating himself in so doing. The evidence so given shall not be used in any criminal proceedings for such violation.

§ 17. LIMITATIONS TO PROSECUTIONS.] All prosecutions under this Act shall be commenced within two years from the time the offense is committed.

§ 18. EXCHANGE SPECIMENS.] The board may secure by purchase or otherwise, and exchange specimens of game birds, game

animals or fish with the Game Commission or State Game Warden of other states for breeding purposes.

§ 19. FINES, DISPOSITION OF.] All fines collected under any of the provisions of this Act shall be paid in to the county treasury of the proper county to be added to the state school fund.

§ 20. DISPOSITION OF OTHER MONEYS.] All moneys collected by the board upon licenses issued by it, by the sale of game seized and sold and from all other sources except fines, shall be paid into the general fund for the State of North Dakota, to be credited to the Game and Fish Commission fund, to be used for the purpose of enforcing the provisions of this Act; *provided*, that any surplus money accumulating to the credit of the Game and Fish Commission fund may be used for the propagation of game and fish.

§ 21. REWARDS.] The following rewards may be paid by the board out of any fund subject to its order to any person or persons making complaint thereof upon the arrest and conviction of any person violating any of the provisions of this Act, or any enactments involving deer, antelope, moose, or elk, beaver or otter, the sum of twenty-five dollars; any game bird or fish or other violation ten dollars; *provided*, however, that this Section shall not apply to any Game Warden regularly employed and receiving salary from the said board.

§ 22. PERMITS.] The Game and Fish Board may issue permits to breed or domesticate any of the protected game birds and animals; permits to any holder of a resident hunting license to ship not to exceed in any one season ten protected game birds to other points within the state than his home, such permits to be attached to the shipment; permits to any holder of a resident hunting license to retain in his possession or in cold storage for his own private use for a longer period than five days after the close of the regular open season, not to exceed twenty pinnated or sharp tailed grouse or any combination of the same; or thirty wild ducks or wild geese or any combination of the same; but in no case shall the total of all birds combined, for any one person exceed fifty in number; permits to properly authenticated persons to make collections of protected birds and animals for scientific purposes. All holders of permits for domesticating protected game birds and animals must report to the secretary by the first of December of each year the result of their experiments and increase, if any. The board may, at its discretion also issue permits for the shipment within or without the state of any such live protected game and animals, *provided* the permit is attached to the shipment. All applications for permits must be made to the secretary of the Game and Fish Board in writing and state the name and address of the applicant, the number of his license and designate the location where such protected game birds and animals are to be kept or collected. It shall be unlawful for any one to retain, ship or collect protected game birds or animals without having first procured permits as herein provided. Any

person violating the provisions of this Act shall be guilty of a misdemeanor.

§ 23. NESTS AND EGGS.] No person shall at any time take or have in possession or under control, or needlessly break up or destroy or in any manner interfere with any nest, or the eggs of any kind of birds, the killing of which is at any and all times prohibited.

§ 24. MANNER OF TAKING.] No person shall at any time catch, take or kill any of the birds or animals mentioned in this Act in any other manner than by shooting them with a gun held to the shoulder of the person discharging the same, except as herein otherwise especially provided.

§ 25. TRAPS, SNARES, BLINDS, LIGHTS, ETC.] No person shall at any time set, lay, prepare, or have in possession, any trap, snare, artificial light, net, bird line, swivel gun or contrivance whatever for the purpose of catching, taking or killing any of the protected game birds and animals in this Act mentioned, except that natural blinds, which are stationary, and decoys and boats anchored or tied in natural blinds may be used in hunting wild ducks and wild geese; no person shall shoot from any sunken boat, nor from any artificially disguised boat, nor from any moving boat, nor from any boat in open waters of the state, nor shall any person use or cause to be used any floating battery, electric, steam or gasoline or other boat or floating vessel or rifle for the purpose of driving or raising any game birds from their resting or feeding places in any waters of this state, nor to use rifles in pursuing or hunting ducks or geese nor to use any vehicle or automobiles for the purpose of disturbing geese while feeding or resting. Shooting from any vehicle or automobile is strictly prohibited.

§ 26. HOURS FOR SHOOTING.] No person shall hunt, pursue, catch, shoot at, or in any way molest any of the game birds or animals mentioned in this Act within the borders of the state during the time elapsing between actual sunset and sunrise.

§ 27. DOGS, USE OF.] No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs. No person shall train or run any dog or dogs owned or controlled by them, known as "bird dogs" including pointers, setters, droppers or spaniels, or allow same to run loose in fields or upon land in which game birds may be found, or are apt to be frequented by game birds between the first day of April and the first day of August (both inclusive) following of each year.

§ 28. ENTERING GROWING GRAIN.] No person shall at any time enter into any field with grain thereon, growing, standing, shocked grain or bunched flax or corn not his own with intent to take or kill any bird or animal, nor permit any dog with which he shall be hunting to do so for such purposes, without permission from the owner or person in charge thereof.

§ 29. TRESPASSING—SIGNS.] It shall be unlawful for any person

or persons to enter upon the premises of another for the purpose of hunting or pursuing game or to hunt or pursue game upon the premises of another without having first obtained permission of the person legally entitled to grant the same; *provided*, that the owner of said land or premises shall have placed at a conspicuous point alongside of the public highway a sign giving notice that no hunting will be permitted on said land or premises. Any person or persons entering upon the premises of another without permission as provided, who shall at the time of so entering have in his or her possession any gun or firearm shall prima facie be presumed to have entered said premises for the purpose of hunting game within the meaning of this Act. Any person violating the provisions of this Act shall upon conviction thereof be punished by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not less than one and not more than ten days, or both such fine and imprisonment.

§ 30. GAME KILLED IN ANOTHER STATE.] No person shall at any time have in his possession or under his control within this state, any bird, animal or fish, or any part thereof, which has been caught, taken or killed unlawfully outside of this state at a time when it is unlawful to have in possession or under control such birds, animals or fish, or parts thereof, if caught, taken or killed in this state, or which have been unlawfully taken or killed outside of this state or unlawfully shipped therefrom into this state.

§ 31. POSSESSION OF GAME AND FISH PRESUMPTION.] The possession or having under control by any person of any bird, animal or fish, or any part thereof, the killing of which is at any time herein prohibited, shall be prima facie evidence that it was the property of this state at the time it was caught, taken or killed, in this state; also that such possession or having under control at any time, when the killing, taking or possession thereof is by this Act declared to be unlawful, shall be prima facie evidence that such taking and killing occurred during the closed season, to disprove which it shall be necessary for the party in possession thereof to show that at the time it was caught, taken or killed outside or within this state, and that he was lawfully in possession thereof.

§ 32. SKINS.] Nothing in this Act shall be construed as prohibiting the buying, shipping, or having in possession at any time the skins of fur-bearing animals killed within or without the state, heads or trophies, or hides of moose, deer, caribou, or antelope killed within or without the state upon proof that the hide was taken at a time when such taking and killing was lawful.

§ 33. GAME BIRDS. SEASON FOR KILLING.] No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white-

breasted or sharp-tailed grouse, quail, partridge, Chinese ring-neck or English pheasant, Hungarian partridges, wild duck of any variety, wild goose of any variety, brant of any variety, or aquatic fowl whatever, or any part thereof, except: First, that any snipe, prairie chicken or pinnated grouse, white-breasted or sharp-tailed grouse, wood cock, golden plover may be killed or had in possession between the seventh day of September and the first day of November, both inclusive, following. Second, that any wild duck of any variety or any wild goose or brant of any variety may be killed and had in possession between the seventh day of September and the first day of December, both inclusive, following. After the seventh day of September, 1918, it shall be lawful to kill and have in possession crane of any variety or swan, between the seventh day of September and the first day of December, both inclusive, following. Any person violating the provisions of this Section shall be punished by a fine of not less than twenty-five or more than fifty dollars for each bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both fine and imprisonment in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this Section.

§ 34. DEER, SEASONS FOR KILLING.] No person shall hunt, shoot, catch, kill, trap or in any manner destroy any deer within the boundary limits of the State of North Dakota before the tenth day of November, 1920, and after the tenth day of November, 1920, it shall be unlawful to kill any doe or female deer or male fawn or "spike" buck, and it shall be unlawful to hunt, shoot, catch, kill, or in any manner destroy any male deer except antlered bucks, not to exceed one in number in any one season, from the tenth day of November to the thirtieth day of November, both inclusive, of succeeding years. Residents of the state are required to take out a special deer hunting license therefor, which shall be sold in the same manner and under the same conditions as other resident licenses and the charges therefor shall be one dollar each. No person who has not resided within the State of North Dakota for six months preceding the date of his application shall hunt, shoot, kill, catch, take or in any manner destroy any deer without first having secured a non-resident hunting license as provided in Section 38 of this Act, and then only one male, antlered deer between the tenth day of November and the thirtieth day of November, both inclusive, of each year after the tenth day of November, 1920. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction therefor shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this Act.

§ 35. LICENSES FOR RESIDENT AND NON-RESIDENT HUNTERS, PROFESSIONAL DOG TRAINERS, AND TAXIDERMISTS—HOW PROVIDED.] All persons are prohibited from hunting, taking or killing any protected game or bird in this state without having first procured a hunting license, as prescribed in this Act. It shall be unlawful for any person over sixteen years of age to take, trap, kill or capture in any manner any mink or muskrat without having first procured a license therefor. It is hereby provided, however, that no license is required for any resident of this state to hunt, fish or trap on lands owned by him or actually cultivated by him, or any member of his family residing permanently with him, during the open season as provided for in this Act. All persons who accept money for training dogs, commonly used for hunting purposes, are hereby declared to be professional dog trainers and must secure licenses for that purpose. All persons are prohibited from practicing taxidermy for pay without first having secured a license therefor. The expiration of all licenses shall be on the following dates each subsequent to their issuance; hunting licenses on the first day of December, trapping licenses on the fifteenth day of April, professional dog trainers' licenses on the sixth day of September, taxidermist licenses on the thirty-first day of December. The North Dakota Game and Fish Board shall provide the necessary blank forms for applications and licenses of all kinds and distribute them among those authorized to sell said licenses.

§ 36. RESIDENT LICENSES—COST—HOW ISSUED—APPLICATIONS—FORMS—GAME AND FISH SHIPMENTS.] Applications for resident hunting licenses shall show the applicant is a bona fide resident of the state and for six months has been a resident of the county in which a license is sought, shall give his residence, post office address, shall contain a description of his person as to his height, weight, color of his hair and eyes, and shall be verified by some freeholder of the county, other than the applicant, acquainted with the facts as set forth in the application; and it is provided further that if any person selling licenses is in doubt as to the question of the residence of the applicant an affidavit on that point may be required additional to the usual application. Resident hunting, trapping, professional dog training and taxidermist licenses may be sold by the County Auditors, members of the Game and Fish Board and by all bonded Game Wardens. When sold by members of the Game and Fish Board or the bonded appointees of the board the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer who shall credit the amount to the game and fish fund. No such resident license shall be transferable. Resident hunting licenses shall be sold for one dollar each, resident trapping licenses for one dollar each, resident professional dog trainers' licenses for one dollar each, taxidermist licenses for one dollar each. Resident licenses, when issued, shall describe the licensee, designate his place of residence and have

printed upon it in large figures the year for which issued and the words "Not Transferable." Any resident of the state having procured a resident hunting license as required, and being lawfully in possession of any protected game birds or animals mentioned in this Act, may ship by common carrier or when same is accompanied by the person legally in possession of said protected game birds, animals, or fish, may carry on the same train or other conveyance, to his home address in the county in which he resides not to exceed a two days' bag limit of any protected game birds or animals. Any common carrier is hereby permitted to receive for shipment any such protected game birds or animals or fish, in proper seasons only, when same is plainly marked with a suitable tag bearing the name of the licensee, his address and the number of his license, when shown the license by the actual licensee or agent, and when the shipments are not enclosed in any box, trunk, can, bag or any receptacle that may prevent easy inspection of contents. Any resident of the state who shall hunt, trap, practice taxidermy for pay, or train dogs professionally without having first procured a license therefor as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days nor more than thirty days for each offense, or by both such fine and imprisonment, and each violation of this Act shall be a distinct and separate offense.

§ 37. NON-RESIDENT LICENSES—COST—HOW ISSUED—APPLICATIONS—FORM—GAME SHIPMENTS.] Every person, not a resident of this state for six months prior to application for any license provided herein is prohibited from hunting, taking or killing any protected game bird, or animal unless he shall have first procured a non-resident hunting license for which he shall pay the sum of twenty-five dollars. Every person not a resident of this state for six months is prohibited from taking, trapping, killing or capturing in any manner any mink or muskrat unless he shall have first procured a non-resident trapping license for which he shall pay the sum of twenty-five dollars. Every person not a resident of this state for six months is prohibited from acting as a professional dog trainer, unless he shall have first obtained a non-resident professional dog trainers' license for which he shall pay the sum of twenty-five dollars. Such non-resident licenses may be sold by any member of the Game and Fish Board or bonded Game Wardens or bonded Game and Fish Commissioners or County Auditors, when countersigned by the secretary of the North Dakota Game and Fish Board. When sold by members of the Game and Fish Board, or bonded appointees the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer, who shall credit such amounts to the game and fish fund, to be used for the enforcement

of the game laws as provided in this Act. Said non-resident licenses shall describe the licensee, designate the place of residence, and have printed on them in large letters the year for which issued and the words "Non-resident License" and "Non-transferable." Any non-resident having procured such non-resident hunting license may carry with him on leaving the state not to exceed twenty pinnated grouse or sharp-tailed grouse, or twenty of the same combined, or thirty wild ducks, wild geese or brant, or a total of fifty of all birds combined. After November tenth, 1920, he may also take one male, antlered deer or any part thereof. Any common carrier is hereby permitted to carry any such protected game birds and animals when same is accompanied and carried on the same train or conveyance by the person who displays a non-resident license identifying him and who is legally in possession of the same, *provided* that the same is plainly marked with a suitable tag, bearing the name and address of the licensee, and number of his non-resident hunting license and there is attached thereto a special tag provided on the non-resident license form, and when the protected game birds or animals are not concealed in any box, trunk, bag, can or receptacle that prevents easy inspection of its contents. Any non-resident of this state who shall hunt, trap, fish or train dogs professionally, without first having procured a non-resident license therefor as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than forty days, or by both such fine and imprisonment, for each and every offense. Each violation of this Section shall be a distinct and separate offense.

§ 38. RESIDENT HUNTING LICENCES TO ACTUAL SETTLERS WHO ARE RECENT ARRIVALS.] Resident licenses may be issued by and in the discretion of the secretary of the Game and Fish Board to actual settlers who may not have been in the state or county the required time immediately preceding the application for the license, provided a satisfactory affidavit of some bona fide resident of the state setting forth the actual conditions, accompanies the application.

§ 39. COUNTY AUDITORS—BONDS—REPORTS—FEES.] The bonds required under the general and special laws of the State of North Dakota to be given by County Auditors shall hereby be construed as applying to all the duties required of such County Auditors under the provisions of this Act, including the liability for all moneys required to be collected or received under the terms of this Act for the sale of licenses or otherwise, and for each license sold by him each County Auditor shall collect the charges authorized under this Act and retain as his compensation for the additional duties prescribed of such officer by this Act, for all licenses sold by him,

the fee of ten cents for each resident license, and the fee of one dollar for each non-resident hunting license and fifty cents for each non-resident trapping license, and the remainder he shall transmit to the State Treasurer, who shall credit the same to the game and fish fund to be used under the direction of the Game and Fish Board as provided in this Act. The retention by such County Auditor of such specified fees for his personal use is hereby legalized and authorized. Each County Auditor shall keep all applications for licenses on file, subject to the inspection by members of the Game and Fish Board and all Wardens, at all times, prior to the first day of December of each year, at which time all applications and unused or mutilated licenses of whatever nature shall be forwarded to the secretary of the Game and Fish Board, together with a complete report of all license sales during the previous twelve months. Each County Auditor shall transmit to the State Treasurer on the fifteenth days of September, December and April of each year, whatever license funds, less his personal fees, he may have received since preceding remittances, and at the same time notify the secretary of the Game and Fish Board of the amount of such remittances.

§ 40. FORFEITURE OF LICENSES.] All persons convicted of violations of the provisions of this Act, shall, in addition to the fines and imprisonment provided, also forfeit any licenses held by them for privileges they have violated and no license shall be issued to such person for the remainder of such season.

§ 41. MISREPRESENTATIONS OR ALTERATIONS.] Any person who makes any misrepresentation in his application for license, or makes any alterations in licenses already procured, shall, upon conviction thereof, be fined not less than fifty dollars, nor more than one hundred dollars and costs of prosecution, or imprisonment in the county jail for a term of not less than twenty-five days or by both such fine and imprisonment.

§ 42. NO DUPLICATE LICENSES.] No official issuing licenses shall have the authority to issue duplicate licenses to those who have lost their licenses without the re-payment of the license fee.

§ 43. COMMON CARRIERS.] Any agent, servant, or employe of any transportation company or common carrier who shall receive for shipment or transport any protected game birds or animals from any person without a license showing him to be lawfully in possession of such game birds or animals, shall be punished by a fine of not less than ten dollars nor more than twenty-five dollars, or by imprisonment in the county jail not less than ten nor more than thirty days.

§ 44. DUTY OF COMMON CARRIER.] No transportation company or common carrier shall receive for transportation or attempt to transport any protected game bird or animal or fish except during the open season for same, as provided for in this Act.

§ 45. MINK AND MUSKRAT.] No person shall take, catch or

kill any mink or muskrat between the fifteenth day of April and the fifteenth day of November, (both inclusive) following; *provided* that when any of the animals mentioned in this Section are doing damage to, or destroying property, the person whose property is being destroyed may kill them at any time. No person shall at any time destroy a muskrat house.

§ 46. BEAVER AND OTTER.] No person shall take, kill, catch, or trap any beaver or otter except that it is hereby provided, that upon the request of any freeholder accompanied by an affidavit to that effect, that beaver on his lands are doing damage to, or destroying property, said beaver may be removed or killed, or their dams destroyed, under the direction of members of the Game and Fish Board or bonded Game Wardens; *provided* further, that when any such beaver are killed, the hides shall be preserved and sold and the money forwarded to the secretary of the board to be transmitted by him to the State Treasurer, who shall credit such amounts to the state game and fish fund. Any violation of this Act shall be a misdemeanor and any person or persons convicted thereof shall be fined not less than one hundred nor more than two hundred dollars, and costs of prosecution, or imprisonment not less than ten days nor more than thirty days, or by both such fine and imprisonment at the discretion of the court.

§ 47. TURNING MONEY OVER—NEGLECT—PENALTY.] Any person who shall fail, refuse or neglect to turn over as provided in this Act, any moneys collected or authorized to be collected under the provisions of this Act, or who shall fail, neglect or refuse to turn over and deliver all applications, mutilated and unused licenses and permits shall be fined not less than one hundred dollars, nor more than five hundred dollars and costs of prosecution, and civil action may be begun by the board against his bondsmen to recover any money not turned over according to the provisions of this Act.

§ 48. TAXIDERMISTRY. HOW REGULATED.] Hereafter it shall be unlawful within the State of North Dakota for any person who shall engage in conducting a taxidermist business, as the term is commonly understood, to prepare or mount any skins or dead bodies of any protected game birds or animals for profit, without having first secured a license therefor, which shall be granted to any person by the Game and Fish Board. All taxidermists must keep a register in which a list of names of all persons who furnish them with raw or unmounted specimens shall be kept, together with the species of bird or animal received, and by whom sent, and shall exhibit this register, together with all unmounted skins in his possession to any member of the Game Board or bonded Game Warden upon request, and each taxidermist must make reports of his work, giving the name of all specimens mounted and the names and addresses of the person for whom the work is done, to the secretary of the Game and Fish Board on the first of each month. Upon con-

viction of any holder of a taxidermist license for violating any of the provisions of this Section his license shall be forfeited for the remainder of that year and he shall be punished by a fine of not less than ten nor more than twenty-five dollars and costs of prosecution.

§ 49. PROFESSIONAL DOG TRAINERS. HOW REGULATED.] It shall be unlawful for any person to train in open fields, any dogs, commonly used for hunting purposes, between the first day of April and the first day of August. All persons who train dogs, commonly used for hunting purposes, and receive pay therefor are hereby declared to be professional dog trainers and must procure licenses therefor. It shall be unlawful for any person training dogs to shoot, kill, maim, or wound any protected game bird, or to carry any shot gun or rifle while training dogs. All applications for professional dog trainers' licenses must state the locality in which they wish to train and upon conviction for any violation of the game laws of the state, the licenses shall also be declared forfeited for that season.

§ 50.—HARMLESS BIRDS. GAME BIRDS DEFINED.] No person shall kill, catch, take, ship or cause to be shipped to any person within or without the state, purchase, offer or expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, living or dead, any wild birds other than a game bird, nor any part thereof, irrespective of whether said wild bird was captured or killed within or without the state, and for the purposes of this Act the following only shall be considered game birds: The anatidæ, commonly known as geese, brant, river and sea ducks; the limeolæ, commonly known as plover, snipe, woodcock; the gallinæ, commonly known as pinnated grouse, (prairie chicken) sharp-tailed grouse (white-breasted grouse), pheasants of all varieties, quail, ruffed grouse or partridge; the gruidæ or cranes of all varieties; the railidæ or rails and coots; the columbidæ or pigeons or doves; *provided* that black birds, crows, English sparrows, sharp-shinned hawks and Cooper hawks and great horned owls and cormorants may be killed and had in possession at any time, but nothing herein contained shall be construed to prevent the keeping and sale of imported song birds as domestic pets.

§ 51. ILLEGAL ACTS—PENALTIES FOR GOING AFIELD WITH GUNS.] Any person traveling in any manner in any part of this state off the public highway, outside of the immediate bounds of the inhabited parts of any village, town or city in possession of any kind of a shot gun, with or without a dog or dogs commonly used or kept for the purposes of use in hunting any game birds mentioned in this Act, from the first day of June to the sixth day of September (both inclusive) each year, shall be presumed to have violated or attempted to so violate the provisions of this Act as to unlawful hunting, shooting or taking of game birds, as mentioned in this Act, the hunting, taking or shooting of which is

prohibited during said time. The use of traps, snares and all other devices used to take game birds as defined in this Act is hereby prohibited and subjects the person using the same to all penalties, prescribed in this Section for hunting, shooting, snaring, trapping or taking any of the game birds and the fact that any snares, traps or other devices used for the purpose of trapping, snaring or taking such game birds, are found in the possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person of the provisions of this Act. Any person convicted of violation or attempted violation of any provisions of this Section shall be punished by the fine herein prescribed. Any person convicted of the violation of any of the provisions of this Section shall be fined not less than ten dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or both fine and imprisonment at the discretion of the court.

§ 52. BAG LIMIT OF GAME BIRDS.] No person shall in any one day take, catch, kill or destroy to exceed ten each pinnated grouse, (prairie chicken), sharp-tailed grouse, (white-breasted) grouse, turtle dove, plover of any variety, or ten of the same combined, or have in possession at any one time to exceed twenty of each, or all combined; nor more than fifteen each of wild duck of any variety, wild geese of any variety, rails, woodcock or snipe of any variety, or of the same combined, or have in possession at any time to exceed thirty each, or all of the same combined. Any person violating any provisions of this Section shall, upon conviction, be punished by a fine of not less than twenty-five dollars, nor more than fifty dollars, for each and every bird, and cost of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than thirty days, or by both such fine and imprisonment, in the discretion of the court, for each and every bird so killed or destroyed, or had in possession contrary to the provisions of this Section.

§ 53. ANTELOPE, MOOSE AND ELK.] No person shall hunt, shoot at, catch, kill or trap or in any way destroy any antelope, moose or elk within the boundary limits of the State of North Dakota. Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than three months nor more than six months, or by both fine and imprisonment in the discretion of the court.

§ 54. SALE OF GAME BY COMMISSION.] The Game and Fish Board is hereby authorized to sell to residents of the state, at the highest market price obtainable therefor, all furs, fish, game animals or game birds now or which may hereafter come into its posses-

sion. The proceeds thereof shall be turned into the state treasury and credited to the Game and Fish Commission fund. A record of such sales, including the name of the purchaser and the price paid, shall be kept by the Chief Game Warden of the district in which the sale is made.

§ 55. RESISTING THE BOARD OF CONTROL OR ITS WARDENS.] Whoever shall resist or obstruct the board or any member thereof, or any warden or other officer of this state in the discharge of his duties under this Act, shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than fifty nor more than one hundred dollars and cost of prosecution, or by imprisonment in the county jail for not less than twenty nor more than thirty days for each and every offense.

§ 56. CLAIMS AGAINST THE GAME AND FISH FUND VERIFIED. How.] No bill, claim, account or demand against the game and fish fund shall be audited, allowed or paid until a full itemized statement in writing shall be filed with the secretary of the board. And where charges are made for money expended in attending meetings of the board or for money expended in the performance of official duties, all items of one dollar or more shall be covered by a sub-voucher signed by the party to whom the money was paid. The sub-voucher shall show the date, at what price and for what the money was paid. The sub-voucher shall be forwarded with the statement and said statement shall be verified by the oath of the party making it. All statements, bills or claims filed with the secretary, when duly certified to by the president and secretary of said board, shall be mailed to the State Auditor. The State Auditing Board shall audit such claims and draw warrants upon the State Treasurer for the amounts so allowed, to be paid out of the game and fish fund.

§ 57. GAME REFUGES.. HOW DONATED BY OWNERS—UNDER WHAT TERMS—LENGTH OF TIME—FOR PROTECTION OF WILD LIFE—REGULATIONS FOR CONTROL—PENALTIES.] Any person, partnership or corporation owning or having control by lease or otherwise for the required time, of lands within the State of North Dakota, may establish thereon a game refuge by filing a written application with the secretary of the Game and Fish Board giving (a) the name of the owner or lessee, or in case of the lessee, the written consent of both the owner and lessee, (b) the time for which the refuge is to be established, in no case less than ten years from the date the application is filed, (c) the extent and legal description of the land, in no case to be less than ten acres, and not to exceed in all six sections in any one township, (d) a brief dedication of the land to the State of North Dakota for the purpose of a game refuge, (4) each owner or lessee, if the latter the written agreement of both, must waive all rights of himself or members of his family to hunt, shoot, trap or kill any protected game bird or animal, during the life of the dedication of the land to the state as a game

refuge and after the filing of this application in due form and the acceptance by the State Game and Fish Board, the same shall constitute a game refuge within the meaning of this Section. A proper record subject to public inspection shall be kept by the secretary of the Game and Fish Board in which shall be registered by counties, the names and donors, the time of the dedication and the legal description of the lands so dedicated as game refuges. The Game and Fish Board may, in like manner, establish one or more game refuges on any unsold public lands of the state, which shall be registered with the game refuges on private lands, as hereinbefore set forth, the duration of the public land refuges being until they become the property of private persons or until canceled by such Game and Fish Board. It is further provided that under the same terms and conditions, the owner or owners of land surrounding or adjoining any lake within the state, may dedicate the lake to the state for breeding, resting and refuge places for waterfowl. All lands and lakes so set aside and established as game refuges shall be under the protection of the state, and it shall be unlawful to hunt with any firearms of any description, with or without dogs, commonly used for hunting purposes, within one hundred and fifty feet of the boundaries outside thereof, and any person who shall, within the limits of the one hundred and fifty feet of the outside of any game refuge, shoot, trap, kill, wound in any manner, take or capture, or drive out of the refuge for the purpose of killing or capturing any protected game bird or animal, or shall be found within the limits of any game refuge with firearms of any kind, shall, upon conviction, be punished by a fine of not less than fifty dollars nor more than one hundred dollars and by imprisonment in the county jail not less than ten days nor more than sixty days. Any person convicted of a second offense shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars and costs of prosecution and by imprisonment in the county jail not less than sixty days and not more than six months. Each game refuge shall, after it has been established as provided, be posted at each corner and along its outer line at least each eighty rods with a sign upon which shall be the words "State Game Refuge." The owner or lessee of any land or lakes so set aside as a game refuge, shall not themselves nor permit immediate members of his own family nor any other person or persons to hunt, carry firearms, therein, except that if he has reason to believe there are within the game refuge any carnivorous birds or animals, or if he finds any carnivorous birds or animals, he may, with the knowledge and a written permit from the secretary of the Game and Fish Board, hunt and kill and trap any and all such carnivorous or unprotected birds or animals found within such game refuge, as by nature injure or kill protected game birds and animals living therein.

§ 58. DEFACING WARNING SIGNS.] The board shall mark all game farms, game reservations, breeding grounds and resting places

under its protection and no person shall mutilate, destroy, tear or pull down or shoot at such designating marks or other special or general warning signs or cards for the protection of game animals and birds. It shall also be unlawful to destroy any signs on posted lands. Any violation of this Section shall be a misdemeanor.

§ 59. ILLEGAL TO HIRE ANOTHER TO HUNT.] No person shall hire another person to hunt for him. No person shall hunt for remuneration for another.

§ 60. TRESPASSING GAME RESERVES.] That all islands that have appeared or may appear in the waters of Devils Lake, North Dakota, are hereby reserved, appropriated and set aside as a bird reserve and it shall be unlawful for any person to hunt, shoot, kill, wound or injure any protected bird, or to rob or destroy any protected bird nest or eggs on said reserve at any season of the year. It shall also be unlawful for any person to hunt or trap on the national game reserve in Sully's Hill National Park in Benson county, near Devils Lake, or in any other national or state game reserve or game refuge that has been or may hereafter be established within the boundaries of the State of North Dakota. Every violation of this Section shall be declared a misdemeanor, and shall be punishable by a fine of not less than ten or more than fifty dollars, or by imprisonment in the county jail for not more than thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 61. CARRYING AND DISPLAYING LICENSES.] All persons holding licenses under this Act shall carry them on their persons when engaged in hunting, trapping, fishing or in practicing taxidermy or training dogs professionally, for which licenses are required and shall on the request or demand of any member of the Game and Fish Board or any Game Warden of the State of North Dakota, immediately show the license to the officer making the request or demand. Failure or refusal to show such license or needless delay in showing such licenses shall be a misdemeanor.

§ 62. IMPERSONATING GAME WARDENS.] Any person who impersonates a Game Warden or claims to have such authority, without having been formally appointed as herein provided shall be guilty of a misdemeanor.

§ 63. USING LICENSE OF ANOTHER.] It shall be unlawful for any person to use the license of another for the purposes for which any licenses are required or to attempt to deceive any Game Warden or other official by claiming such license as his own. Such illegal use of licenses shall be a misdemeanor.

§ 64. ACTIONS AGAINST GAME WARDENS.] No criminal action shall be started against any Game Warden for false arrest without the approval of the State's Attorney.

§ 65. RUFFED GROUSE OR PARTRIDGE, PHEASANTS, QUAIL.] Ruffed grouse or partridge, pheasants of all kinds and quail may be propagated, bred and distributed under the direction of the Game

and Fish Board and it shall be unlawful for any person or persons to hunt, shoot, kill, take, trap, or in any manner destroy, maim or wound any of these birds, except as authorized by the Game and Fish Board. After October first, 1917, an open season on ruffed grouse or partridge shall be declared for the first ten days of each October in the counties of Bottineau, Cavalier, Pembina, and Rolette, the bag limit to be five birds only per day for each licensed hunter, and no hunter shall be permitted to have more than fifteen ruffed grouse or partridges in his possession at one time. Any violations of this Section shall be a misdemeanor.

§ 66. GREEN HIDES.] It shall be unlawful and is hereby prohibited for any person or persons to have in possession any green hides of any mink or muskrat for a longer time than five days after the closing of the season for the taking of the same, and all such hides, traps or other equipment used in the violation of this Section may be seized, confiscated and sold by any Warden and the possession of such green hides is prima facie evidence of guilt.

§ 67. ILLEGAL HUNTING. ILLEGAL OWNERSHIP OF GUNS OR RIFLES. PENALTIES.] It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to hunt, shoot, capture, take, kill, trap, snare or in any manner destroy, wound or maim any wild bird or animal, either game or otherwise, of any description, in this state, except in defense of person or property; and to that end it shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become such, to either own or be possessed of a shot gun or rifle of any make. Each and every person violating any provision of this Section shall, upon conviction thereof, be sentenced to pay a fine of not less than twenty-five dollars, nor more than fifty dollars and costs of prosecution, or to serve not less than ten days nor more than thirty days in the county jail, or both such fine and imprisonment at the discretion of the court; *provided* that in addition to the before-named penalty, all guns of the before mentioned kinds found in the possession or under the control of such persons not citizens of the United States or who have not declared their intention to become such, shall upon conviction of such person, or upon his signing a declaration of guilt, be declared forfeited to the State of North Dakota, and shall be sold as provided in this Act. For the purposes of this Section any person not a citizen of the United States or who has not declared his intention to become such, who shall reside or live within the boundaries of the State of North Dakota for ten consecutive days shall be considered a resident, and shall be liable to the penalties imposed for violation of the provisions of this Section. The possession of a shot gun or rifle at any place outside of buildings within this state by any person not a citizen of the United States or who has not declared his intention to become such, shall be conclusive proof of a violation of this Section and prima facie evidence

of guilt, and shall render any person convicted thereof liable to the penalty as fixed in this Section. The presence of a shot gun or rifle at any place outside of a permanent house, within a camp of any description, within this state, occupied or controlled by any person not a citizen of the United States or who has not declared his intention to become such, shall be prima facie evidence that such shot gun or rifle is owned or controlled by the person occupying or controlling the property in which such shot gun or rifle is found, and shall render any such person liable to the penalty imposed in this Section. Notice of the seizure of all guns or rifles under the provisions of this Section shall be sent to the secretary of the Game and Fish Board by the Chief Game Warden of the district in which said seizure is made, and the shot gun or rifle so seized, shall, after the conviction of the illegal owner or possessor thereof, be sold as provided under the provisions of this Act. It shall be made the duty of all members of the Game and Fish Board, all Game Wardens, all Game and Fish Commissioners, all Sheriffs, Deputy Sheriffs, Constables, police or other peace officers of the State of North Dakota to arrest, without warrant, any person whom they have reason to suspect as being unlawfully in possession of shot guns or rifles as provided in this Section. Such arrests may also be made upon Sunday. Each of the before-named officials shall have the power and authority to inspect any car, wagon, automobile, cart, conveyance, vehicle, box car, passenger car, tent, box, bag, can, locker, chest, crate, basket or other receptacle, outside of permanent buildings. Nothing in this Section shall be construed as applying to any person who shall have established a permanent residence and resided in this state continuously for three years.

§ 68. GAME AND FISH COMMISSIONER. POWERS. DUTIES.] The State Game and Fish Commissioner shall have charge of all state game farms and fish hatcheries and appurtenances. He shall supervise the breeding, propagation, capture and distribution of such game birds and animals as the Game and Fish Board directs. Both the Game and Fish Commissioner and the Deputy Game and Fish Commissioner shall have the same powers of arrest as Chief Game Wardens and State-wide Deputy Game Wardens. The Game and Fish Commissioner shall examine all state waters and wherever suitable waters are found, he shall arrange to plant, stock or deposit such fish as are available. He shall co-operate with the United States Commissioner of Fisheries, make application, receive, apportion and deposit such fish spawn or fry received throughout the public waters of this state. He shall co-operate with and assist clubs and individuals in the stocking of the lakes and streams of this state with fish. He shall, with the consent of the Game and Fish Board remove or take by any means from any of the public waters of the state containing a surplus of fish any reasonable quantity for the stocking of other public waters of the state, or to be used for hatching or propagating purposes, or for

exchange with other states for equal numbers of other species, but in no case shall the numbers so taken be so great as to perceptibly deplete such lake or stream. No individual, club, society or person shall have authority or power to remove or take from any of the public waters of the state, for exchange, propagation or scientific purposes any fish excepting only under the personal supervision of the State Game and Fish Commissioner or some one appointed by him. The State Game or Fish Commissioner may take or cause to be taken at any time by any means from any of the public waters of the state any suckers, carp or pickerel. The Game and Fish Commissioner shall make general monthly reports and detailed annual and biennial reports of his work, and a copy must be mailed to each member of the board. He shall keep a book showing the expenditures of his department and on or before the first day of December of each year report in detail all expenditures of his department during the season and make estimates for the succeeding year.

§ 69. COMMISSIONER'S BOND.] The State Game and Fish Commissioner before entering upon the discharge of duties shall give a bond to the State of North Dakota with securities or security, to be approved by the Governor, in the penal sum of five hundred dollars conditioned for the faithful performance of his duties and the accounting of all state property coming into his hands.

§ 70. FISH MAY BE TAKEN WHEN.] No person shall catch, take, kill or have in possession or under control for any purpose whatever any of the fish hereinafter mentioned, within the periods herein limited, to-wit: Any species of trout or land-locked salmon between the first day of October and the first day of May, (both inclusive), following. Any black, gray, or oswege bass between the fifteenth day of October and the first day of June (both inclusive) following. Any species of pike, crappie or perch, between the fifteenth day of October and the fifteenth day of May (both inclusive) following.

§ 71. FISH PROTECTED WHEN PLANTED.] All planted fish or fish eggs placed in the public waters of this state for the purpose of propagation, breeding or growth shall be and are hereby protected for a period of five years from the time of such planting.

§ 72. NETS. SEINES. PRIMA FACIE EVIDENCE.] No person shall use, set or have in possession, or under control, or upon his premises with intent to use, or set any net or seine for the purpose of catching or taking any fish from the public waters of this state. The fact that any nets or seines are found in use, being used, in possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violation or attempted violation by such person, of the provisions of this Section. Any person convicted of the violation of this Section shall be punished by a fine of not less than ten dollars, nor more than twenty dollars, or by imprisonment in the county jail for not less than ten days nor more than

twenty days, or by both such fine and imprisonment in the discretion of the court.

§ 73. DRUGS AND EXPLOSIVES FORBIDDEN.] No person shall lay, set, or use any drug, poison, lime, medicated bait, fish berries, dynamite or other deleterious substance whatever, or lay, stretch, or place any tip-up snare, fish trap, set or trot line, wire, string, rope or cable of any sort in any of the public waters of this state, with intent thereby or therewith to catch, take, kill or destroy any fish; *provided*, that a minnow seine not exceeding twenty feet in length may be used for taking minnows for bait, from the first day of May to the fifteenth day of October.

§ 74. PROHIBITED DEVICES. DISPOSITION.] All boats, lights and other contrivances and devices used in the illegal taking, catching, killing and destroying of fish in the public waters of this state, are hereby declared to be, and are a public nuisance. The Chief Game Wardens, District Game Wardens, Special Game Wardens, all members of the Game and Fish Board, the State Fish Commissioner, Sheriffs and their deputies, police officers, and Constables shall, without warrant or process, take, seize, abate and destroy any, and all of the same while being used, had or maintained for such purpose, and no liability shall be incurred thereby to any person.

§ 75. FISHWAYS.] Any person owning, erecting, managing or controlling any dam or other obstruction across any river, creek or stream within or forming the boundary line of this state, shall construct in connection with such dam, a durable and efficient fishway in such manner and of such shape and size as the State Game and Fish Board may direct. Such fishway shall be kept in good repair by the person so owning, controlling, managing, operating or using such dam or obstruction. If any person fails to construct or keep in good repair durable and efficient fishways as herein provided, for the space of ten days after notice, the board may construct or repair the same, and the cost thereof, may be recovered from the owner or any person managing, or being in control thereof, in a civil action brought in the name of the State of North Dakota. Any money so recovered shall be credited to the state game and fish fund. All fishways heretofore or hereafter erected in any dam or obstruction across any of the streams of this state shall at all times be under the supervision and control of the board. Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor.

§ 76. FISHING NEAR FISHWAYS FORBIDDEN.] No person shall catch, take or kill any fish in any lake or stream within four hundred feet of any fishway, or have in his possession or under his control any fish so caught, taken or killed.

§ 77. FISH HOUSES.] No person shall erect, have or maintain on the ice in any waters of this state, any fish house, structure, inclosure or shelter whatever to protect the person of the occupant while engaged in fishing through the ice.

§ 78. FISH SCREENS.] The board may cause to be placed in lakes having an outlet into the waters outside of the borders of this state, a fish screen of such size and construction as to prevent the escape of fish into waters outside the border of this state; *provided*, that such screen shall in no way obstruct or interfere with the natural flow of water in such outlet.

§ 79. SAWDUST DEPOSIT.] Any person who deposits any sawdust or other refuse in any lakes or streams of water wherein the state or government has deposited any fish, fish eggs or fry, or may deposit any such fry, or where any game fish naturally abound, shall be deemed guilty of a misdemeanor.

§ 80. FISH, MANNER OF TAKING.] No person shall take, catch, kill or destroy in any manner than by angling for them with a hook and line held in the hands or attached to a rod so held, nor with more than one line nor with more than one rod, nor more than one hook or an artificial lure attached thereto any protected fish; *provided*, that pickerel, suckers, red-horse, carp and bull heads may be taken with a spear or dip net at any time except that a set net seine may be used in Des Lacs Lake and a drag net seine may be used in the Mouse river anywhere in North Dakota and that a drag net seine may be used in Long Creek in Divide county, but no artificial light shall be used in taking of said fish.

§ 81. FISH MAY BE TAKEN, SIZE.] No person shall at any time catch, take or kill, or have in possession, or under control any black, gray or oswego bass, trout of any species, land-locked salmon, pike, or wall-eyed pike, that are less than ten inches in length, or perch less than six inches long, measurements in each case to be made from tip of the head or snout to the end of the tail. Any person catching any of the above named species of fish that are less than specified inches in length, shall immediately return them to the water from which they were taken with as little injury to the fish as possible.

§ 82. FISH TO BE TAKEN, NUMBER.] No person in any one day shall catch, take, kill or destroy to exceed fifteen each black, gray, or oswego bass, trout of any species, land-locked salmon, perch, crappie, or pike, or fifteen of the same combined, or have in possession at any time to exceed fifty each or all of the same combined. Any person violating any provision of this Section shall upon conviction be punished by a fine of not less than ten dollars nor more than twenty-five dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment in the discretion of the court, for each and every fish in excess of the number legally allowed to be taken by the provisions of this Section.

§ 83. FISH, SALE OF.] No person shall have in possession for sale or with intent to sell, expose, or offer for sale, or sell to any person at any time, any species of trout, black, gray or oswego

bass or any species of pike, crappie, perch or land-locked salmon which have been caught within the borders of this state.

§ 84. GENERAL PENALTY.] Any person or persons who violate any provisions of this Act for which penalty has not been heretofore specifically provided, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than ten dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty nor more than thirty days, or both at the discretion of the court.

§ 85. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

Sections 10262, 10263, 10264, 10264a, 10265, 10266, 10267, 10268, 10269, 10270, 10271, 10272, 10273, 10274, 10275, 10276, 10277, 10278, 10279, 10280, 10281, 10282, 10283, 10284, 10285, 10286, 10287, 10288, 10289, 10290, 10291, 10292, 10293, 10294, 10295, 10296, 10297, 10298, 10299, 10300, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10312, 10313, 10314, 10315, 10316, 10317, 10318, 10319, 10320, 10321, 10322, 10323, 10324, 10325, 10326, 10327, of the Compiled Laws of North Dakota are hereby expressly repealed.

Approved, March 11, 1915.

CHAPTER 162.

[H. B. No. 103—Isaak.]

UNLAWFUL TO KILL DEER UNTIL NOVEMBER, 1920.

AN ACT Amending Section 10298 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Season for Killing Deer.

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

§ 1. AMENDMENT.] Section 10298 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 10298. DEER. SEASON FOR KILLING.] No person shall hunt, shoot, catch, kill, trap or in any way destroy any deer within the boundary limits of the State of North Dakota before November 10th, 1920, and after November 10th, 1920, it shall be unlawful to kill any doe or female deer, and it shall be unlawful to hunt, shoot, catch, kill, trap or in any way destroy any male deer, except from November 10th to November 30th, both inclusive. Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction therefor shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this Section.

Approved, February 10, 1915.

GARNISHMENT

CHAPTER 163.

[H. B. No. 140—Leonard.]

AFFIDAVIT DENYING LIABILITY IN GARNISHMENT PROCEEDINGS.

AN ACT to Amend and Re-enact Section 7574 of the Compiled Laws of North Dakota for the Year 1913, Relating to Affidavit Denying Liability in Garnishment Proceedings.

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

§ 1. AMENDMENT.] That Section 7574 of the Compiled Laws of 1913 be amended to read as follows:

§ 7574. AFFIDAVIT DENYING LIABILITY.] Within thirty days from the service of such garnishee summons the garnishee may, if the truth warrants, serve upon the plaintiff and may file, and upon order of the court shall file, in the office of the Clerk of the District Court, the same as other pleadings in a civil action, his affidavit in the following form, substantially:

STATE OF NORTH DAKOTA, {
County of..... } ss:

.....Court.
A. B., plaintiff,
vs.
C. D., defendant, and
E. F., garnishee.

E. F., being duly sworn, says that on the.....day of
....., A. D. 19...., he was served with a
garnishee summons in the above entitled action; that he was then
and is now in no manner and upon no account whatever indebted
or under liability to the defendant (naming him), and that he then
had and now has in his possession or under his control, no real estate
and no personal property, effects or credits of any description what-
ever, belonging to said defendant or in which he has any interest;
and is in no manner liable as garnishee in this action.

.....
Subscribed and sworn to before me this.....day of
....., A. D. 19...

Thereby the proceeding against such garnishee shall be deemed discontinued, and the plaintiff shall pay the garnishee one dollar for his costs, unless within thirty days thereafter the plaintiff serves notice on such garnishee, that he elects to take issue on his answer

to the garnishee summons and will maintain him to be liable as garnishee, in which case the issue shall stand for trial as a civil action, in which the affidavit on the part of the plaintiff shall be deemed the complaint, and the garnishee's affidavit the answer thereto.

Approved, February 10, 1915.

GLANDERS AND DOURINE

CHAPTER 164.

[H. B. No. 463—Turner and Westdal.]

GLANDERS AND DOURINE HORSE FUND.

AN ACT to Designate the Glandered Horse Fund as the Glanders and Dourine Horse Fund, and to Provide for the Appraisalment of Animals and Indemnification to Owners for Animals Destroyed for Dourine, and the Payment Therefor.

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

§ 1. DESIGNATING GLANDERS AND DOURINE HORSE FUND.] The fund indicated in Section 2736, Compiled Laws of State of North Dakota for the year 1913, as the Glandered Horse Fund shall hereby be designated as the Glanders and Dourine Horse Fund.

§ 2. DIVERTING FUND.] All moneys now in or hereafter deposited in the Glandered Horse Fund shall be placed in the Glanders and Dourine Horse Fund and shall be preserved inviolate for the payment of claims for indemnity allowed for animals destroyed for either glanders or dourine.

§ 3. APPRAISEMENT. HOW MADE.] Whenever the State Live Stock Sanitary Board, or its authorized agent shall deem the slaughter of a stallion, gelding, mare or jackass necessary for being infected with dourine, the value of such animals shall be determined by the actual market selling-price and the appraisalment made accordingly by an agent of the State Live Stock Sanitary Board. *Provided*, that the maximum appraisalment for any grade stallion, gelding, mare or jackass shall be one hundred .(\$100.00) dollars, and the maximum appraisalment for any purebred registered stallion, mare or jackass shall be one hundred fifty (\$150.00) dollars. *Provided*, that the indemnity paid by the state shall be a sum equal to the indemnity paid in each case by the Federal Government.

§ 4. INDEMNIFICATION FOR ANIMALS DESTROYED FOR DOURINE.] The owner of any animal, appraised, condemned and destroyed for

dourine shall be paid one-half the appraised value, as provided in Section 3 of this Act, when such appraisement, condemnation and destruction of animal has been properly certified to by the agent of the Live Stock Sanitary Board; *provided*, that the right of indemnity shall not exist and payments shall not be made in the following cases:

1st. For animals belonging to the United States or the State of North Dakota, or any city, county, township or village in the state.

2nd. When the owner or claimant at the time of coming into possession of the animal or animals knew such animal or animals to be diseased with dourine or exposed to such disease.

3rd. For animals found to have been diseased at the time of their arrival in this state.

4th. For animals that are brought into the state to do contract work.

5th. When the animal or animals at the time of their destruction have been in the state less than six months.

6th. When the owner or owners shall have been guilty of negligence or willfully exposing his or their animal or animals to the influence of infected animals.

7th. When the owner or claimant is not a resident of the State of North Dakota.

All claims shall be approved by the State Auditing Board, and the State Auditor shall issue warrants against the Glanders and Dourine Horse Fund for the amount of indemnity.

§ 5. EMERGENCY.] An emergency exists from the fact that the state has become obligated to the Federal Government to incur the expense of one-half the indemnity for animals destroyed for dourine, and there is no designated fund out of which the warrants to be issued for such claims can be paid; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

HALLS FOR PUBLIC PURPOSES

CHAPTER 165.

[H. B. No. 219—L. L. Twichell.]

AUTHORIZES CITIES, VILLAGES, TOWNSHIPS AND SCHOOL BOARDS
TO PAY RENTALS OF HALLS USED FOR PUBLIC PURPOSES.

AN ACT Authorizing and Empowering City Councils, City Commissioners, Village Trustees, Township Supervisors and School Boards to Pay the Rental of Halls and Auditoriums, when Used for Public Purposes, and to Provide by Taxation Therefor.

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

§ 1. AUTHORITIES MAY PAY RENTAL OF HALL AND PROVIDE FUNDS THEREFOR, BY TAXATION.] The city council, city commission, village trustees, or township supervisors, of any city, village or township, or the school board of any school district, are hereby authorized and empowered to pay the rental of any hall or auditorium when the same shall be used for any public meeting or purpose, and no charge is made for admission thereto, and may annually provide by taxation a sum sufficient for defraying any such expense for rental as they may anticipate for the coming year, *provided*, however, that this Act shall not apply to any city where there exists a public hall owned by a municipality, suitable for the purpose.

§ 2. MAY PAY RENTAL OUT OF OTHER FUNDS UNTIL TAX AVAILABLE.] Until such funds so provided shall become available, it shall be lawful for the council or city commission of any city, the trustees of any village, the supervisors of any township, or the school board of any school district, to pay out of funds on hand, not otherwise appropriated or required, such sums as they may deem a fair rental for any hall or auditorium when used for a public meeting as above provided.

§ 3. EMERGENCY.] Whereas, an emergency exists in that such officials are not now authorized or empowered to pay the rental of any hall or auditorium when used for public purposes, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1915.

HAIL INSURANCE DEPARTMENT

CHAPTER 166.

[H. B. No. 465—Lathrop Committee.]

CLERK HIRE—HAIL INSURANCE DEPARTMENT.

AN ACT Amending Section 176 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the Insurance Commissioner in Connection with the Hail Insurance Department.

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

§ 1. AMENDMENT.] Section 176 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 176. HAIL INSURANCE DEPARTMENT. DUTIES.] A Hail Insurance Department of the State of North Dakota is hereby established and the Commissioner of Insurance shall also be the Commissioner of Hail Insurance, and the management of said Hail Insurance Department shall be under his supervision. He shall have authority to expend out of the Hail Insurance Fund the sum of twelve hundred dollars annually for assistance and clerical hire to conduct such business. He shall also prepare and provide the necessary blanks, books, stationery and postage, and cause the same to be delivered to the proper officers and persons. The Hail Insurance Department shall insure growing grain in any county in the state against loss by hail upon the terms and in the manner hereinafter set forth, and shall draw up and furnish form of hail insurance policy; *provided*, that all of the expenses incurred under this Act shall be audited and allowed by the State Auditing Board.

Approved, March 5, 1915.

HERD LAW

CHAPTER 167.

[H. B. No. 78—Stinger.]

AMENDING HERD LAW.

AN ACT to Amend Section 10193 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] That Section 10193 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 10193. EXCEPTIONS.] The provisions of the last Section shall not be construed to include any jack, stallion, bull or ram, kept in any herd that is attended by a herder and the jack, stallion, bull or ram is kept with such herd by the herder.

Approved, January 28, 1915.

HIGHWAYS

CHAPTER 168.

[H. B. No. 328—Dean.]

PAYMENT OF HIGHWAY TAXES.

AN ACT to Amend Section 1990p of the Compiled Laws of 1913, Relating to the Payment of Highway Taxes.

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

§ 1. AMENDMENT.] That Section 1990p of the Compiled Laws of 1913 be amended to read as follows:

§ 1990p. ROAD LABOR OF TAXPAYERS.] Any taxpayer in any township, who so elects, shall notify the township overseer of highways before May 1st, of his intention to work out his road tax, and the township overseer shall file a list of such names with the township clerk before May 15th. *Provided*, that in unorganized territory the district overseer of highways or the deputy county superintendent of highways shall file said list with the County Auditor. Said taxpayers shall then be employed on the highways at the time and place at which the district overseer or the deputy county superintendent of highways shall designate. The compensation for this labor shall be paid as provided in Chapter 149 of the Session Laws of 1911. In all cases when the taxpayer elects to work out road taxes and when a warrant is drawn in his favor on the township treasury for the amount of taxes worked out by him, such warrants, if not paid when presented because of lack of funds shall not draw any interest whatever, but the County Treasurer shall credit the person named therein with the face value thereof without the computation of any interest, *provided*, however, that the face value of warrant does not exceed the amount of his road taxes for that year. Whenever a taxpayer elects not to pay his road taxes in [cash] labor he shall be deemed to accept the conditions here prescribed and shall not be entitled to any interest upon warrants drawn in the manner herein provided.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force immediately after its passage and approval.

Approved, March 9, 1915.

HISTORICAL SOCIETY

CHAPTER 169.

[H. B. No. 481—Lathrop Committee.]

STATE HISTORICAL SOCIETY.

AN ACT to Amend Section 380 of the Compiled Laws of 1913, Relating to the State Historical Society, Prescribing its Powers and Duties, Repealing Sections 381, 382, 383, 384 and 385 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 380 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 380. STATE HISTORICAL SOCIETY. POWERS. EX-OFFICIO MEMBERS OF BOARD. AUDITING BOARD TO AUDIT ALL BILLS.] State Historical Society of North Dakota shall be the trustee of this state, and as such shall faithfully expend and apply all money received from the state, to the uses and purposes directed by law, and shall hold all its present and future collections and property for the state, and shall not sell, mortgage, transfer or dispose of it in any manner, or remove from the historical rooms in the Capitol at Bismarck, any article therein without authority of law; *provided*, this Article shall not prevent the sale or exchange of any duplicates that the society may have or obtain; and *provided*, that the secretary of the said society shall have power to withdraw for temporary use such of the collections as shall be needed for the compilation and editing of the publications of this society, and that such of the collections as may be needed for exhibition purposes may be withdrawn for that purpose by the authority of the board of directors; and *provided* further that books and collections may be withdrawn temporarily from the library and museums under such rules as the directors may prescribe. The Governor, Auditor, Secretary of State, Commissioner of Agriculture and Labor, and Superintendent of Public Instruction, shall be ex-officio members of the board of directors of said society, and shall take care that the interests of the state are protected. All bills or claims against the state arising by reason of expenditure authorized by the society for the purposes provided by law, shall be examined and audited by the State Auditing Board in the same manner as other claims are examined, audited, allowed or rejected, and the State Auditing Board shall protect the interests of the state in the matter of claims or bills presented against it, contracted under the provisions of this Article.

§ 2. DUTIES.] It shall be the duty of the society, subject to the supervision of the Auditing Board, as hereinbefore provided:

1. To collect books, maps, charts and other papers and materials illustrative of the history of this state in particular and of the west generally.

2. To obtain from the early pioneers narratives of their exploits, perils and adventures.

3. To procure facts and statements relative to the history, progress and decay of our Indian tribes so as to exhibit faithfully the antiquities and the past and present resources and conditions of this state.

4. To purchase books to supply deficiencies in the various departments of its collection, and especially reports on the legislation of other states, on railroads and geological surveys and of educational and humane institutions for legislative reference, and such other books, maps, charts and materials as will facilitate the investigation of historical, scientific and literary subjects. The Secretary of State shall furnish to the State Historical Society, for reference and exchange purposes, fifty copies each of every state publication.

5. To thoroughly catalogue the entire collections of said department for the more convenient reference of all persons who have occasion to consult the same. The state shall bind the unbound books, documents, manuscripts and pamphlets, and especially newspaper files containing legal notices, in the possession of the State Historical Society.

6. To prepare biennially for publication a report of its collections and such other matters relating to the transactions of the society as may be useful to the public. There shall be printed by the state one thousand five hundred copies of the biennial volume of collections of the State Historical Society, five hundred copies of which shall be bound in cloth and the remainder authorized by law shall be bound in pamphlet form. In addition to this the state shall print such separates of various portions of the volume, not to exceed fifty each, as may be desired by the society for special distribution. The State Historical Society shall have charge of the distribution and sale of the foregoing volumes and separates and the board shall account for such proceeds to the State Auditing Board.

7. To keep its rooms open at all reasonable hours on business days for the reception of the citizens of this state who may wish to visit the same, without fee.

8. Whenever any grant, devise, bequest, donation or gift or assignment of money, bonds or choses in action, or of any property, real or personal, shall be made to the State Historical Society, such society is hereby directed to receive and accept the same and the right and title thereto in the name of the state.

§ 3. POWERS OF BOARD AS TO HISTORICAL SITES AND RELICS.] The State Historical Society may from time to time receive contributions of historical sites and relics or money for the purchase of such sites or relics, and may purchase such sites or relics. When land shall be contributed or purchased as herein provided for his-

torical purposes the title shall vest in the State of North Dakota and the land may be placed in the custody of the Old Settlers' Association of the respective counties in which such sites are located, and may be improved and used by them for public park purposes and for the accumulation and care of relics of historical interest. When relics are contributed or purchased they shall be placed in the custody of the State Historical Society, and those of a local historical nature may be loaned to the county Old Settlers' Associations when proper provision has been made for their care and preservation. The money contributed for the purchase of historical relics or sites shall be placed in the hands of the State Treasurer and shall be paid out on warrant of the State Auditor when approved by the Board of the State Historical Society or a majority of its members.

§ 4. REPEAL.] That Sections 381, 382, 383, 384, and 385 of the Compiled Laws of North Dakota for the year 1913, are hereby expressly repealed.

Approved, March 10, 1915.

HOTELS

CHAPTER 170.

[S. B. No. 255—Lindstrom.]

HOTELS AND BOARDING HOUSES—SANITARY CONDITIONS.

AN ACT to Amend Section 2984 of the Compiled Laws of 1913, Relating to the Equipment and Sanitary Conditions in Hotels, Restaurants and Rooming Houses.

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

§ 1. AMENDMENT.] That Section 2984 of the Compiled Laws of 1913 be amended to read as follows:

§ 2984. SANITARY PROVISIONS.] Every hotel shall be well drained, constructed and plumbed according to established sanitary principles; shall be kept clean and in a sanitary condition, and free from effluvia arising from any sewer, drain, privy or other source within control of the owner, manager, agent or other person in charge; shall be provided with water closets or privies properly screened, for the separate use of males and females, which water closets or privies shall be disinfected as often as may be necessary to keep them at all times in a sanitary condition.

All bedrooms shall be kept free from vermin and the bedding in use shall be clean and sufficient in quantity and quality; all sheets shall be at least eight feet in length; each guest shall be furnished with two towels; in case bedrooms are carpeted the carpet or carpets

thereon shall be taken up and thoroughly cleaned at least once each year; no rusted tin or iron vessel or utensil shall be used in cooking food, and all foodstuffs shall be kept in a clean and suitable place, free from dampness and contact with dirty water; the floors, closets, cupboards and walls of all kitchens shall at all times be kept free from dirt and no dust or grease shall be allowed to collect thereon; a metal container shall be provided to hold ashes where such ashes are stored in or around the hotel building. In all cases where a patient having an infectious or contagious disease has been confined in a hotel room such room shall upon the removal of such patient be closed and fumigated, and upon the completion of such fumigation the certificate of a reputable physician to that fact shall be forwarded to the hotel inspector. In all hotels or lodging houses where fifty cents or more per night is charged for lodging the sheets and pillow cases shall be changed after the departure of each guest, and within three months after the taking effect of this Article it shall be unlawful to have upon a bed of any such hotel or lodging house any mattress of a lower grade than that commonly known to the trade as cotton felt combination; each mattress shall weigh at least thirty-five pounds unless it be a hair mattress, in which case it shall weigh thirty pounds or more. Each hotel, rooming house or restaurant where fifty cents or more per meal is charged shall keep in its main public washroom individual towels or paper towels in full view and reach of all guests at all hours. Each room shall be properly ventilated by at least one window, and by a doorway leading into the hall. Every hotel and restaurant where rooms are rented to lodgers by the day, by the week or by the month shall during the winter months be equipped with storm windows on hinges in such a way that the storm windows may be opened and closed at will; in lieu of such hinged storm windows the said places may be equipped with windows having slides therein that open and close over an opening of not less than ten by ten inches. During the summer months all such hotels, restaurants and rooming houses shall equip their windows with screens adequate to keep out flies and mosquitoes.

Approved, February 27, 1915.

HUSBAND AND WIFE

CHAPTER 171.

[H. B. No. 359—Leonard.]

RIGHTS AND LIABILITIES OF HUSBAND AND WIFE.

AN ACT to Amend Section 4414 of the Compiled Laws of 1913, Relating to Separate and Mutual Rights and Liabilities of the Husband and Wife.

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

§ 1. AMENDMENT.] That Section 4414 of the Compiled Laws of 1913 be amended to read as follows:

§ 4414. SEPARATE AND MUTUAL RIGHTS AND LIABILITIES.] Neither the husband nor the wife, as such, is answerable for the acts of the other.

§ 2. The earnings of the wife are not liable for the debts of the husband, and the earnings and accumulations of the wife and of her minor children living with her, or in her custody, while she is living separate from her husband, are the separate property of the wife; *provided*, however, that husband and wife shall be jointly and severally liable for any debts contracted by either while living together, for necessary household supplies, of food, clothing and fuel and for shelter for themselves and family, and for the education of their minor children.

§ 3. The separate property of the husband is not liable for the debts of the wife contracted before the marriage.

§ 4. The separate property of the wife is not liable for the debts of her husband, but is liable for her own debts contracted before or after marriage.

§ 5. No estate is allowed the husband as tenant by courtesy upon the death of his wife, nor is any estate in dower allotted to the wife upon the death of her husband.

Approved, March 4, 1905.

INSURANCE

CHAPTER 172.

[H. B. No. 165—Liudahl.]

ORGANIZATION OF MUTUAL INSURANCE COMPANIES.

AN ACT Providing for the Organization, Regulation and General Management of County and District Mutual Fire, Lightning and Cyclone Insurance Companies, and Repealing Acts and Parts of Acts in Conflict Therewith.

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

ARTICLE I.

§ 1. Any number of persons, not less than fifty, residing in not more than ten counties in this state, who collectively own property of not less than one hundred thousand dollars in value, which they desire to insure, or any number of persons not less than twenty-five, residing in any one county, owning property of not less than twenty-five thousand dollars in value, which they desire to insure, may form a corporation for mutual insurance against loss or damage by fire, lightning or cyclone, or all of the above, which shall possess the powers and be subject to the duties and liabilities of other insurance companies, except as hereinafter provided:

The principal office of the corporation must be located within the limits of the county or counties in which the incorporators reside. The name of the county, together with the word "county" shall be embraced in the corporate name of the company when organized by the residents of a single county. *Provided*, that any corporation, organized under the provisions of this Act for mutual protection against loss or damage by tornadoes, wind storms, and cyclones only, may operate and issue policies in all the counties of the state, but shall in all other matters be regulated and limited by the provisions of this Act.

§ 2. Such persons shall file with the Commissioner of Insurance a declaration of their intention to form a company for the purpose expressed in the preceding Section, which declaration shall be signed by not less than three of the incorporators, and shall be accompanied by sufficient evidence of the execution of bona fide application for such insurance to the number and amount stated in the preceding Section, and which said declaration shall contain a copy of the articles of incorporation proposed to be adopted by said incorporations. Such articles of incorporation shall set forth the name of the corporation, the name of the city, town or village in which the business office of such company is to be located, and the intended duration of the company, and if it is found conformable

to this Act and not inconsistent with the laws and Constitution of this state, the Commissioner of Insurance shall thereupon deliver to such persons a certified copy of its articles of incorporation, and a certificate to the effect that said corporation has complied with all the requirements of law, which, on being filed in the office of the Register of Deeds of the county where the principal office of the corporation is located shall be its authority to commence business and issue policies, and such certified copy of the articles of incorporation and of such certificate may be used for or against such company, with the same effect as the original, and shall be conclusive evidence of the fact of the organization of such corporation.

§ 3. The number of directors shall be not less than five (5) and not more than fifteen (15), a majority of whom shall constitute a quorum to do business, to be elected by the members of said company in the manner provided by the by-laws of said company, and, if not otherwise provided, by ballot, of whom one-third shall be elected for one year, one-third for two years and one-third for three years, and until their successors are elected and qualified; in all subsequent elections, except to fill vacancies, one-third of said board of directors shall be elected for three years; said election shall be held at the annual meeting of the company which shall be held on the second Thursday of January of each year, unless otherwise provided by their by-laws. In the election of the first board of directors each incorporator shall be entitled to one vote. At every subsequent election each person insured shall be entitled to one vote for each director to be elected. Twenty members shall constitute a quorum at such annual meeting for the transaction of business.

§ 4. The directors shall elect from their number, a president, and a vice-president, and shall also select a secretary and treasurer, who may or may not be members of the company, all of whom shall hold their office for one year, and until their successors are elected and qualified, provided that the office of secretary and treasurer may both be held by one person.

§ 5. The treasurer and secretary shall each give bonds to the company for the faithful performance of their duties in such amounts as shall be prescribed by the board of directors.

§ 6. Such corporation and its directors shall possess the usual powers and be subject to the usual duties of corporations and directors thereof and may make by-laws, not inconsistent with the Constitution or laws of this state, as may be deemed necessary for the management of its affairs in accordance with the provisions of this Act; also to prescribe the duties of its officers and fix their compensation, and to alter and amend its by-laws when necessary.

§ 7. Any person owning property within the limits of the territory in which such company is authorized to transact business may become a member of such company by insuring therein, and shall be entitled to all the rights and privileges appertaining there-

to; but no person not residing within said territory shall become a director of said company.

§ 8. No company formed under the provisions of this Act shall insure any property beyond the limits of the territory comprised in the formation of such company, nor shall it insure any property other than detached dwellings, their contents; farm buildings, their contents; country school houses, furniture, books and fixtures; country churches, furniture and other contents; automobiles, only while in the buildings on premises; live stock on the premises or anywhere within the limits of said territory; farm machinery and vehicles in the buildings or on the premises including threshing machines while not in service, only, and hay or grain in stack on said premises; said policies may cover loss or damage to live stock, harness and vehicles temporarily taken from the territory of the company; *provided*, said live stock, harness and vehicles be not removed to exceed twenty-five miles from the territory of the company. Said policies shall be issued for not to exceed five years, and not to extend beyond the limited duration of said company. Nor shall any policy be issued covering property located within the platted limits of any incorporated city, town or village in this state.

§ 9. Any such company may classify the property insured therein at the time of issuing policies thereon under different rates corresponding as nearly as may be to the greater or less risk from fire or lightning and loss which may attach to each several buildings insured.

§ 10. Every person insured under the provisions of this Act shall give his undertaking, bearing even date with the policy so issued to him, binding himself, his heirs and assigns, to pay his pro rata share to the company of all losses or damages by fire, lightning or cyclone, which may be sustained by any member thereof, which said undertaking shall be filed with the secretary in the office of said company before the issuance of such policy, and shall remain on file in the office except when required to be produced in court as evidence. He shall also at the time of receiving such insurance pay such percentage in cash, or such reasonable sum named in the policy as may be required by the rules and by-laws of the company.

§ 11. Every member of such company who may sustain loss or damage by fire, lightning or cyclone, shall immediately notify the secretary of such company, or in case of his absence, the president thereof, which officer shall forthwith ascertain and cause to be adjusted in manner provided for in the by-laws of said company, or forthwith convene the directors of said company, whose duty it shall be to appoint a committee of not more than three members of such company to ascertain the amount of such loss, and in case of the inability of the parties to agree upon the amount of damage the claimant shall choose a disinterested party, and the company shall choose a disinterested party, who shall constitute a board of arbitra-

tion to settle such loss, and in case these parties cannot agree, they shall choose a third party to act with them and such board of arbitration shall have power to examine witnesses and to determine all matters in dispute and the decision of such board shall be final. Any officer or member of such company acting as an adjuster, and the members of any board of arbitration which may be appointed in accordance with the provisions of this Section shall have full power to subpoena witnesses, administer oath, examine witnesses and take acknowledgments while acting in the capacity of such adjuster or member of board of arbitration.

§ 12. Whenever the amount of any loss shall have been ascertained if it exceed the amount of cash funds of the company applicable to the payment of such loss, the president shall convene the directors of the company, who shall make an assessment sufficient at least to pay such loss from all members of the company in proportion to the amount of insurance carried. *Provided*, that, if there be no quorum present, the secretary shall enter the fact on his journal and the names of the directors present, whereupon the president, secretary and treasurer shall proceed to estimate the rate per cent. necessary to cover the loss and expense thereby incurred, and assess the same upon all the insured members of the said company, which said assessment shall be valid and shall be collected in the same way as though it had been made by the board of directors, in the regular manner. The board of directors may levy and collect an assessment for the purpose of providing funds for the payment of current expenses of the company or for the purpose of establishing a permanent loss fund, which permanent loss fund shall at no time exceed one per cent. of the insurance in force, and such assessments so levied shall be collectable in the same manner as assessment made for the payment of current losses. In case an assessment made shall not be collected at the time same is due and the amount actually collected is insufficient to pay the losses or expenses of the company, then a second assessment shall be made in the manner above provided upon the policy holders who have paid their assessment for an amount that shall be sufficient to pay all losses and expenses in full. Such assessments shall be made from time to time until a sufficient amount is collected to pay all losses and expenses in full. In case any such delinquent assessment is collected after other assessments have been made and collected, then such assessment so collected shall be added to the permanent loss fund.

§ 13. It shall be the duty of the secretary whenever such assessments shall have been completed to notify every member of such company by letter sent to his last known post office address, postage prepaid, of the amount of such assessment, the purpose for which made, and if for the payment of certain losses, the amounts of such losses, the sum due from such member as his share of such assessment, the time when and to whom payment shall be paid which time shall not be less than thirty nor more than sixty days from the

date of such notice. The board of directors shall have authority, in their discretion to borrow money for the payment of any unpaid losses, said borrowed money to be repaid from moneys collected from the next ensuing assessment levied in accordance with the provisions of this act.

§ 14. Suits at law may be brought against any member of said company who shall neglect or refuse to pay any assessment made upon him under the provisions of this Act; and the directors of any company so formed who shall willfully refuse to neglect to perform the duties imposed upon him by the provisions of this Act, shall be liable in their individual capacity to any person sustaining such loss. Suits at law may also, be brought and maintained against such company, by members thereof, for losses sustained, if payment is withheld after such losses have become due.

§ 15. Any members of such company may withdraw therefrom by surrendering his policy for cancellation at any time while the company continues to transact the business for which it was organized, by giving notice in writing to the secretary thereof, and paying his share of all claims then existing against said company; *provided*, that by the withdrawal of such member, the number of members remaining in such company shall not be reduced below the original number of incorporators, or that the assets will not be reduced below the amount at the time of incorporation; *provided*, further, that the company shall have power at any time to terminate or cancel any policy, by giving the insured written notice to that effect and returning to such insured any unearned premium which he may have paid, pro rata.

§ 16. Non-residents of any county in this state, owning property therein, may become members of any company incorporated under this Act, and shall be entitled to all the rights and privileges pertaining thereto, except that they cannot become directors of such company.

§ 17. No company formed under the provisions of this Act shall continue for a longer term than thirty years.

§ 18. The secretary of the company shall prepare and submit to the members thereof, at each annual meeting, a copy of the annual statement required to be filed with the Commissioner of Insurance, as provided in Section 4949 of the Compiled Laws of 1913, of the State of North Dakota.

§ 19. In all other respects companies organized under the provisions of this Act shall be subject to the provisions of the general laws of the State of North Dakota relating to such insurance companies.

§ 20. Any such companies now organized and transacting business in this state, whose articles of incorporation or by-laws or any part of them conflict with the provisions of this Act, shall within a reasonable time after the passage and approval of this Act, amend

such articles or by-laws to conform to the provisions hereof and file such amendments with the Commissioner of Insurance.

§ 21. All Acts or parts of Acts which conflict with the provisions of this Act are hereby repealed.

Approved, March 9, 1915.

CHAPTER 173.

[S. B. No. 103—Englund.]

LIFE INSURANCE POLICIES, EXEMPTING FROM CLAIMS OF CREDITORS.

AN ACT to Exempt Policies of Life Insurance and Annuities from the Claims of Creditors, in Certain Cases.

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

§ 1. The surrender value of any policy of life insurance, which policy of insurance would upon the death of the insured be payable to the wife or children or any relative of the insured dependent or liable to be dependent upon him for support, shall be absolutely exempt from the claims of creditors of the insured, and no creditor and no court or officer of a court acting for the creditors of such insured shall have the right under any circumstances to elect for the insured to have such policy of insurance surrendered or in any wise converted into money; and no such policy of life insurance and no property right therein belonging to the holder and no value thereof shall, under any circumstance, be subject to seizure under any process of any court.

Approved, March 5, 1915.

CHAPTER 174.

[S. B. No. 109—Porter.]

MUTUAL HAIL INSURANCE COMPANIES.

AN ACT to Amend and Re-enact Section 4896 of the Compiled Laws of the State of North Dakota for the year 1913.

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

§ 1 AMENDMENT.] Section 4896 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4896. MUTUAL INSURANCE COMPANIES ENGAGED IN HAIL BUSINESS, WHEN.] No mutual insurance company hereafter organized under the laws of this state shall engage in the business of hail insurance in this state without first filing a bond in the office of the

Commissioner of Insurance in the sum of twenty-five thousand dollars (\$25,000.00), said bond to be satisfactory in form and surety to the Commissioner of Insurance, and no mutual hail insurance company now or hereafter organized under the laws of any other state or county shall be admitted to engage in the business of hail insurance in this state without having net cash assets in the sum of one hundred thousand dollars (\$100,000.00) above its liabilities and without first depositing and thereafter keeping on deposit with the Treasurer of this state the sum of twenty-five thousand dollars (\$25,000.00) in money, or first mortgage loans on real estate in the State of North Dakota or certificates of deposit issued by banks in North Dakota, both mortgage and certificate to be approved by the Commissioner of Insurance, said mortgages or deposits to be of the face value of twenty-five thousand dollars (\$25,000.00), the said bond and said deposit conditioned for the carrying [out] of its contracts and obligations incurred by its policies.

Approved, March 9, 1915.

CHAPTER 175.

[H. B. No. 73—Hjort.]

SALARIES OF OFFICERS AND AGENTS OF LIFE INSURANCE COMPANIES.

AN ACT to Amend and Re-enact Section 4859 of the Compiled Laws of 1913, and Repealing Section 4860 of the Compiled Laws of 1913, Relating to the Salaries of Officers and Agents of Life Insurance Companies.

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

§ 1. EXPENSES OF OFFICERS, HOW REGULATED.] No domestic life insurance company shall pay any salary, compensation or emolument to any officer, trustee or director thereof, nor any salary, compensation or emolument amounting in any one year to more than five thousand dollars to any one person, firm or corporation unless such payment be first authorized by a vote of the board of directors of such life insurance company. No such life insurance company shall make any agreement with any of its officers, trustees or salaried employees whereby it agrees that for services rendered or to be rendered he shall receive any salary, compensation or emolument that will extend beyond a period of twelve months from the date of such agreement; and no officer, director or trustee, who is paid a salary for his services of more than one hundred and fifty dollars per month, shall receive any other compensation or emolument; *provided*, that the limitation as to time contained herein shall not be construed as preventing a life insurance company from entering into contracts with its agents for the payment of renewal commissions. No such company shall grant any pension to any officer,

director or trustee thereof or to any member of his family after his death.

§ 2. Said Section 4860, laws of 1913, and all Acts, or parts of Acts in contravention of this Act, are hereby repealed.

Approved, February 10, 1915.

INTEREST

CHAPTER 176.

[H. B. No. 2—Everson.]

REDUCES LEGAL AND CONTRACT RATE OF INTEREST.

AN ACT to Amend and Re-enact Sections 6072 and 6073 of the Compiled Laws of North Dakota for the Year 1913, Relating to Legal Rate of Interest and Usury.

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

§ 1. AMENDMENT.] That Section 6072 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 6072. LEGAL RATE OF INTEREST SIX PER CENT.] Interest for any legal indebtedness shall be at the rate of six (6) per cent. per annum unless a different rate is contracted for in writing, and all contracts shall bear the same rate of interest after they become due as before, unless it clearly appears therefrom that such was not the intention of the parties.

§ 2. AMENDMENT.] That Section 6073 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 6073. USURY DEFINED.] No person, firm, company or corporation shall directly or indirectly take or receive, or agree to take or receive, in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods, or things in action than ten (10) per cent. per annum; and in the computation of interest the same shall not be compounded. Any violation of this Section shall be deemed usury; *provided*, that any contract to pay interest not usurious on interest overdue shall not be deemed usury.

§ 3. REPEAL.] All Acts and parts of Acts in so far as they are in conflict with this Act are hereby repealed.

Approved, January 25, 1915.

JUSTICE COURT

CHAPTER 177.

[H. B. No. 167—Leonard.]

GIVES STATE RIGHT OF CHANGE OF VENUE IN JUSTICE COURT.

AN ACT to Amend Section 10598 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 10598 of the Compiled Laws of 1913 be amended to read as follows:

§ 10598. CHANGE OF PLACE OF TRIAL.] Whenever a person accused of a public offense is brought before a justice of the peace for examination, and at any time before such examination is commenced, he files with such justice his affidavit stating that by reason of the bias or prejudice of said justice he believes he cannot have a fair and impartial examination before him, such justice must transfer said action, and all the papers therein, including a certified copy of his docket entries, to another justice of the same county, if there is another justice in said county qualified to act; *provided*, that unless the parties agree upon the justice to whom said action shall be transferred, it shall be sent to the nearest justice of the county. The State's Attorney, or his assistant, may, in the same manner and for the same reasons as the defendant, obtain a transfer of such action from the justice before whom the action was commenced, or from the justice to whom it has been transferred on the application of the defendant. When the action has been once transferred, by one party, it shall, on motion of the other party as herein provided, be transferred to the nearest qualified justice in the county, unless the parties agree upon a justice to whom said action shall be transferred. The place of examination cannot be changed more than once by each party under this Section.

§ 2. EMERGENCY.] Whereas, an emergency exists this Act shall take effect and be in force from and after its passage and approval.

Approved, February 26, 1915.

JUSTICE OF THE PEACE

CHAPTER 178.

[H. B. No. 40—McMillan.]

FEES OF THE JUSTICE OF THE PEACE.

AN ACT Amending Section 3530 of the Compiled Laws of North Dakota for the Year 1913, Relating to Fees of the Justice of the Peace.

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

§ 1. AMENDMENT.] Section 3530 of the Compiled Laws of North Dakota for the year 1913 is hereby amended so as to read as follows:

§ 3530. FEES TO BE CHARGED.] Justices of the peace shall be entitled to charge and receive the following fees:

1. Docketing each cause, twenty-five cents.
2. Taking affidavit, twenty-five cents.
3. Filing petition, bill of particulars or other paper necessary in a cause, ten cents.
4. Issuing summons, warrant, subpoena, order of arrest or venire for jury, fifty cents.
5. Issuing execution, order of sale, or writ of attachment and entering return therein, fifty cents.
6. Issuing writ of restitution and entering return therein, one dollar.
7. Administering oath or affirmation to witness, ten cents.
8. Entering judgment in any cause, fifty cents.
9. Taking acknowledgment of deed or other instrument, twenty-five cents.
10. Swearing jury, twenty-five cents.
11. Copy of appeal, copy of pleadings or other papers for any purpose, for each ten words, one cent.
12. Taking depositions, for each ten words, one cent.
13. Certificate, twenty-five cents.
14. Taking information and complaint, fifty cents.
15. Discharge to jailer, twenty-five cents.
16. Dismissal, discontinuance or satisfaction, twenty-five cents.
17. Written notice to party, ten cents.
18. Filing notice and opening judgment for re-hearing, fifty cents.
19. Each adjournment, fifty cents.
20. Performing marriage ceremony, three dollars.
21. Each day's attendance upon the actual trial of a cause, two dollars.
22. Taking and approving bail bond, twenty-five cents.

23. Entering voluntary appearance of defendant, twenty-five cents.
 24. Issuing attachment, fifty cents.
 25. Entering motion or order, ten cents.
 26. Order of reference to arbitrators, fifty cents.
 27. Entering award of arbitrators, twenty-five cents.
 28. Commission on money collected on judgment without execution shall be one per cent. on the amount.
- Approved, February 13, 1915.

JUVENILE COURT

CHAPTER 179.

[S. B. No. 210—Mallough.]

JUVENILE COURT.

AN ACT to Amend Chapter 177 of the Laws of 1911 (Same Being Sections 11402 to 11428, inclusive, Compiled Laws 1913), Entitled "Juvenile Court," by Adding Thereto Certain Provisions Giving the Court Power when Necessary to Appoint District Juvenile Commissioners, Guardians ad litem, and to Make Rules and Regulations Prescribing their Duties and Fixing their Compensation; also to Enact Such Other Provisions Which are Best Calculated to Carry out the Purpose of said Chapter 177.

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

§ 1. In order to more fully carry out the provisions of Chapter 177 of the Laws of the State of North Dakota for the year 1911, entitled "Juvenile Court," (same being Sections 11402 to 11428, inclusive, Compiled Laws 1913) the district judges of the different districts, if in their judgment the exigency of the situation requires, shall have the power to appoint some suitable and discreet person of either sex of good moral character, as a juvenile commissioner. Said commissioner shall have power to administer oaths; take acknowledgments of instruments; receive complaints and issue warrants for the arrest of persons thereon; to examine fully into the merits of each case; issue subpoenas; compel the attendance of witnesses before him, and to report them to the district judge for contempt proceedings for non-attendance or refusal to be sworn or testify as provided by Section 8200 Compiled Laws 1913; to make such temporary order for the custody and control of the child or children thus brought before him, as he may deem proper, and generally have the usual powers of a referee as provided by Article VII of Chapter 11 of the Code of Civil Procedure for the trial of civil actions, in addition to the powers herein specially given. *Pro-*

vided, however, that when in the opinion of such commissioner or that of the court a final order for the custody or control of such child or children becomes necessary, either by sending the same to the Reform School or other institution of this state; or to deprive the parents of their custody, and giving the same to some other person or persons, either for the purpose of temporary control or permanent adoption, it shall be the duty of such commissioner to make findings and report the same with his recommendations to the district judge, who shall fix a reasonable time and place for hearing, and make such final judgment or order in the case as he shall deem proper and right. The venue of all complaints shall be in the county where the child resides or where the cause for which it is sought to arrest such child exists or was committed. All complaints shall be made in the name of the state as plaintiff and the child as defendant. The action thus brought shall be deemed pending in the district court of such county from the time of filing the complaint in said court until finally disposed of by the district judge. Final hearings may be had either at the county seat of the county where the venue is laid, or in the county where the district judge has his permanent chambers, as such judge shall direct.

§ 2. At the hearings heretofore referred to, whether before the juvenile commissioner or court, any parent, guardian or other person showing that they have an interest in said proceedings, may appear and be heard upon the merits of the case. The court shall have, under this Act, authority to appoint guardians ad litem who shall have full power to appear for such child or children, and consent to their adoption or take such other action as may be deemed best for the temporary as well as permanent interests of his said wards; and said courts shall also have all the power with reference to the appointment of guardians as is now provided by law and especially by Section 7399 Compiled Laws 1913.

§ 3. Said juvenile commissioner so appointed shall keep a record of all his proceedings in a suitable docket kept for that purpose. All necessary books, blanks, place for doing business, stationery and postage for the use of said commissioner in his official business for each county shall be furnished at the expense of the respective counties, by the Board of County Commissioners thereof.

§ 4. Said juvenile commissioners shall receive as full compensation for their services such an amount per diem as shall be approved by the district judge for all the time actually and necessarily employed in the duties of their office, not in any case exceeding the sum of five dollars per day. Such per diem and expenses to be apportioned by said judge between the several counties where the work originates or is done. Such compensation to be paid monthly by the County Treasurers of such counties respectively on bills duly made out and verified as other bills or accounts against the county, and upon an order of the district judge.

§ 5. The purpose and intent of this Act is not to take from the

court or judge any power he may now possess, but rather to supplement the efficiency of the work of the district court or judge by casting upon the juvenile commissioner the labor of caring for details and making it only necessary for the judge to act when he can or when it becomes necessary to exercise a judicial function by trying a case or making a final order, and to that end said commissioners shall be subject to appointment and removal by the district judge as he may deem necessary.

§ 6. EMERGENCY.] Owing to the fact that the crowded condition of the work of the district judges renders it impossible for them to give proper attention to the details of the juvenile courts, an emergency exists and therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1915.

LAND CONTRACT

CHAPTER 180.

[S. B. No. 124—Steele.]

LAND CONTRACTS—FORECLOSURE OF.

AN ACT to Amend Section 8122 of the Compiled Laws of North Dakota for the Year 1913, Relating to Foreclosure of Land Contracts.

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

§ 1. That Section 8122 of the Compiled Laws of North Dakota for 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 8122. TIME ALLOWED.¹ Such vendee, or purchaser, or his assigns, shall have thirty (30) days after the service of such notice upon him in which to perform the conditions or comply with the provisions upon which the default shall have occurred and upon such performance and upon making such payments, together with the costs of service of such notice, such contract or other instrument shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein. If, however, such vendee, or purchaser, or his assigns, shall not complete such performance or make such payment within the thirty (30) days herein provided, then and in that event the contract shall be terminated and shall not be re-instated by any subsequent offer of performance or tender of payment. No provision in any contract for the purchase of land or an interest in land shall be construed to obviate the necessity of giving the aforesaid notice and no contract shall terminate until such notice is given, any provision in such contract to the contrary

notwithstanding, but the notice herein required shall not be deemed necessary where the contract in question is sought to be terminated by an action at law or in equity brought for that purpose upon failure to perform.

In all cases of cancellation by notice of any such contract which has been recorded in the office of the Register of Deeds, a copy of the notice of cancellation served upon the vendee together with an affidavit of service and an affidavit of vendor or his assigns that the default of vendee under the terms of the contract were not cured within thirty days from the date of service of such notice, shall be recorded in the office of the Register of Deeds.

§ 2. All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists for this Act, same shall be in full force and effect from and after the date of its passage and approval.

Approved, March 4, 1915.

LIENS

CHAPTER 181.

[S. B. No. 49--Hamilton.]

LIENS FOR SERVICE OF SIRES.

AN ACT to Amend Section 2775 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Liens for the Service of Sires.

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

§ 1. AMENDMENT.] That Section 2775 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2775. PROCEDURE TO OBTAIN LIEN, PENALTY AND FORECLOSURE.] The owner of any stallion who shall have complied with all of the provisions of this law, shall have a lien upon the offspring and upon the mare served, upon filing at any time within 18 months after the service in the office of the Register of Deeds of the county in which said mare was kept at the time of service, a statement of the account thereof, together with a description of the mare served. Such lien shall exist for a period of two years from the filing of such statement, and shall have priority over all other liens or incumbrances upon the offspring; such lien shall attach at the time of service of such stallion and shall not be lost by reason of the sale, exchange or removal from the county in which such mare was kept

at the time of service, or other disposition without the consent of the person holding the lien.

Every person having in his possession or under his control any mare and offspring upon which there is known to him to be an existing lien for the service of a stallion as provided herein, who removes from the county, conceals, sells, or in any manner disposes of, otherwise than as prescribed by law, such mare or offspring without the consent of the holder of such lien, is guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than twenty-five dollars and not more than fifty dollars.

At any time after the filing of such lien when the amount therein specified shall have become due, the lien may be enforced by a sale of property covered thereby, upon the notice and in the manner provided for the foreclosure of mortgages upon personal property, and costs and fees for such foreclosure shall be the same as provided for in Section 8132 of the Compiled Laws of the State of North Dakota for the year 1913.

Approved, February 20, 1915.

LIVE STOCK SANITARY BOARD

CHAPTER 182.

[S. B. No. 158—Hyland.]

LIVE STOCK INSPECTION.

AN ACT to Amend and Re-enact Sections 2762a, 2762b, 2762c, 2762d, 2762f, 2762h and 2762i, Relating to the Admission of Live Stock into the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 2762a of the Compiled Laws of North Dakota for the Year 1913 is hereby amended so as to read as follows:

§ 2762a. HORSES, MARES, MULES AND ASSES.] All horses, mares, mules and asses brought into the State of North Dakota must be accompanied by health certificates, including mallein test certificates, certifying that the animals have been examined and mallein tested within thirty days previous to the date of shipment and found to be free from all contagious and infectious diseases; and every stallion brought into the State of North Dakota must be accompanied by a certificate of health certifying that said stallion is free from any contagious, infectious or transmissible disease or unsoundness, as provided in Section 2765 of the Compiled Laws of North Dakota for the year 1913.

§ 2. AMENDMENT.] That Section 2762b of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2762b. CATTLE.] All cattle brought into the State of North Dakota must be accompanied by a certificate of health, and all cattle over six months of age which can be used for dairy or breeding purposes must be accompanied by a health certificate and tuberculin test chart, stating that all such animals over six months of age have been tuberculin tested and found to be free from tuberculosis and all other contagious and infectious diseases.

§ 3. AMENDMENT.] That Section 2762c is hereby amended so as to read as follows:

§ 2762c. SHEEP.] All sheep brought into the State of North Dakota must be accompanied by a certificate of health, specifically stating that they are free from scabies and lip and leg ulceration, and have not been exposed thereto within thirty days prior to shipment, and that they are free from any indications of any contagious or infectious diseases.

§ 4. AMENDMENT.] That Section 2762d of the Compiled Laws of North Dakota for the year 1913 is hereby amended so as to read as follows:

§ 2762d. SWINE.] All swine brought into the State of North Dakota must be accompanied by a certificate of health stating that no infectious swine disease exists or has existed in the locality where the shipment originated, and from which the swine came, within a period of six months, *provided* that when such swine are certified by a duly accredited federal or graduate veterinarian to have been immunized fifteen days prior to shipment by the Dorset-Niles-McBride or some other anti-hog cholera serum, prepared or approved by the United States Department of Agriculture, said swine shall be admitted upon such certificate. All swine to be exhibited in the State of North Dakota at state or county fairs must be accompanied by a certificate showing that such swine have been immunized fifteen days prior to shipment by the Dorset-Niles-McBride or some other anti-hog cholera serum prepared or approved by the United States Department of Agriculture. To prospective exhibitors from the State of North Dakota the required amount of serum shall be furnished free of charge upon application to the State Live Stock Sanitary Board.

§ 5. AMENDMENT.] That Section 2762f of the Compiled Laws of North Dakota for the year 1913 is hereby amended so as to read as follows:

§ 2762f. TESTS.] All certificates of health shall be issued and all tuberculin and mallein tests shall be made by a federal or state veterinarian, deputy state veterinarian, or by a graduate veterinarian whose inspections and tests are endorsed by officer in charge of live stock sanitary work in the state where the said inspection or test is made, and subject to the regulations of the North Dakota

State Live Stock Sanitary Board. All such mallein and tuberculin tests must conform to the standard tuberculin and mallein tests of the United States Department of Agriculture.

All mallein, tuberculin and serums used must be manufactured or approved by the United States Department of Agriculture.

§ 6. AMENDMENT.] That Section 2762h of the Compiled Laws of North Dakota for the year 1913 is hereby amended so as to read as follows:

§ 2762h. HEALTH CERTIFICATES.] The original certificate certifying to the aforesaid tests must be made on official federal or state blanks, and must accompany said shipment to its destination. When such original certificate is made, a duplicate thereof must immediately be mailed to the State Live Stock Sanitary Board of this state, and failure so to do shall be deemed cause to refuse acceptance of any more certificates from persons guilty of this negligence. The owner or owners of said stock must also have a copy of said certificate to show on the demand of any federal or state official.

§ 7. AMENDMENT.] That Section 2762i of the Compiled Laws of North Dakota for the year 1913 is hereby amended so as to read as follows:

§ 2762i. PENALTY—RESPONSIBILITY OF RAILROADS—DUTY OF STATE'S ATTORNEY.] Any person, firm or corporation, other than a railroad corporation, which shall bring live stock into the State of North Dakota in violation of the provisions of law, or in violation of any rule or regulation of the State Live Stock Sanitary Board, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or by imprisonment in the county jail of not less than thirty days nor more than ninety days. Any railroad which shall convey, carry, or transport live stock in the State of North Dakota which have not been inspected and tested in accordance and in compliance with the provisions of law and the rules and regulations of the State Live Stock Sanitary Board, shall be guilty of a misdemeanor, and shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars for each offense.

When live stock has been brought into the state in violation of law and contrary to the rules and regulations of the Live Stock Sanitary Board, the State Veterinarian or the duly accredited agent of the State Live Stock Sanitary Board shall notify the State's Attorney of the county into which said live stock has been brought, and it shall be the duty of such State's Attorney, immediately upon receiving such notice, to bring and prosecute an action against any person, firm or corporation charged therein with bringing, transporting, or importing live stock contrary to the provisions of law or the rules and regulations of the State Live Stock Sanitary Board, and the failure of any State's Attorney to commence such action

within a reasonable time shall be deemed neglect of duty and shall be cause for his removal from office.

Approved, March 11, 1915.

MATERNITY HOSPITALS

CHAPTER 183.

[S. B. No. 213—Committee on Public Health.]

REGULATING MATERNITY HOSPITALS.

AN ACT Regulating Maternity Hospitals, Boarding Houses for Children, and the Business of Placing Children; Fixing Liability for the Care of Children and Providing for their Removal; Prohibiting the Sending of Pregnant Women to Other Counties Where Their Children Become Public Dependents and Prescribing Penalties for Violation of this Act.

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

§ 1. MATERNITY HOSPITAL. LICENSE.] That it shall be unlawful for any person, firm, corporation or association to conduct or maintain a maternity hospital, to conduct or maintain a boarding house for children, or to engage or assist in conducting a place for placing children as herein defined; without having in full force a written license therefor from the district court of the county in which such maternity hospital, boarding house or boarding home is conducted and maintained; *provided*, that nothing in this Act shall apply to any state institution maintained and operated by this state.

§ 2. MATERNITY HOSPITAL. DEFINITION.] The term maternity hospital as used in this Act shall be held to mean a house or other place maintained or conducted by any one who advertises himself or holds himself out as having or conducting a maternity hospital or boarding house; or a house or any other place in which any person receives, cares for or treats, within a period of six months, more than one woman during pregnancy, or during or after delivery, except women related to him by blood or marriage; *provided*, however, that nothing herein shall be construed to prevent a nurse from practicing her profession under the care of a physician in the home of the patient, or in a regular hospital other than a maternity hospital or boarding house for children.

§ 3. BOARDING HOUSE FOR CHILDREN. DEFINITION.] The term boarding house for children as used in this Act shall be held to mean a house or other place conducted or maintained by any one who advertises himself or holds himself out as conducting a boarding house for children, or who receives illegitimate children, or who has in his custody or control two or more children unattended by parents or guardians, for the purpose of providing such children

with food or lodging, excepting children related to him by blood or marriage or who have been legally adopted by him.

§ 4. BOARDING HOME FOR CHILDREN. DEFINITION.] The term boarding home for children as used in this Act shall be held to mean any children's home, orphanage, or other institutions, associations, organization or individual engaged in receiving, caring for and finding homes for orphans, dependent and neglected children.

§ 5. PLACING CHILDREN. DEFINITION.] Whoever advertises himself or holds himself out as placing or finding homes for, or otherwise disposing of children, or whoever, within a period of six months, actually places, or assists in placing, in homes of persons other than relatives, or causes or assists in causing the adoption or disposal otherwise of more than two children shall be deemed as engaged in or assisting in conducting a business of placing children.

§ 6. LICENSE. HOW ISSUED. CONTENTS.] The judge of the district court shall have the power to grant licenses to persons or organizations to maintain maternity hospitals, or boarding houses for children, or to engage in or assist in conducting the business of placing children as defined in Sections 2, 3, and 5 of this Act, upon the payment of a fee of twenty-five dollars to the Clerk of Court, said fee to be turned into the county treasury and used to defray the expenses incurred by said district judge in carrying out the provisions of this Act. No license shall be granted for a term exceeding one year. It shall state the name of the licensee, the particular premises in or at which the business shall be carried on and the number of women or children that may be treated, maintained, boarded or cared for at any one time; and said license shall be posted in a conspicuous place in the house or other place at which the business is conducted. No greater number of women or children shall be kept at one time on the premises than is authorized in the license, and no women or children shall be kept or disposed of within a building or place not designated in the license. The record of such license when issued, shall be kept by the Clerk of Court, who shall forthwith give a copy of said license to the Board of Health of the city or county in which the licensed business is to be conducted. The judge of district court shall designate a person to visit and inspect, the premises and investigate the manner of conducting the business licensed. Such person shall have the right to call for and examine the records required by this Act to be kept, and to inquire into all matters concerning such hospital and house and the women and children therein, and it shall be the duty of the licensee to give all reasonable information to such persons and afford them every reasonable facility for examining the records, inspecting the premises and seeing the inmates thereof. Every such visit, inspection and investigation made by a city or county Board of Health shall be reported by that board to the judge of the district court.

§ 7. RULES AND REGULATIONS.] It shall be the duty of the

judge of district court to provide such general regulations and rules for the conduct of all maternity hospitals and boarding houses for children and for the business of placing children as shall seem advisable to said judge and not inconsistent with any of the provisions of this Act. The judge of district court may revoke such license when in his discretion any provision of this Act is violated; or in any case where, in the opinion of the judge, such maternity hospital or boarding house for children is maintained without due regard to the health, comfort and morality of the inmates, or without due regard to the common rules of hygiene, or when any of such children have been placed in homes, given in adoption or otherwise disposed of without proper provision or regard for the health, comfort, maintenance, and moral welfare of the children. The judge of district court shall note such revocation upon the face of the record thereof and shall give notice, in writing, of such revocation to the licensee by delivering the notice to him in person, or leaving it on the licensed premises, and shall forthwith notify the Board of Health of such city and county in which such premises are situated.

§ 8. ADMISSION OF PATIENTS. RECORD. REPORT.] Every person, firm, corporation or association that conducts, or holds a license to conduct a maternity hospital as herein defined, shall, upon the admission of any woman or patient, make a report in a form to be prescribed by the judge of district court, wherein shall be entered by the true and correct name of such woman or patient, together with all her places of residence during the year preceding her admission to such hospital. Within twenty-four hours after a woman is admitted to a maternity hospital, a report of such admission shall be made to the judge of the district court. Every birth which takes place in any such maternity hospital shall be attended by a legally qualified physician or licensed midwife and a record shall be kept by the persons conducting such hospital, containing the date of the birth of the child, together with the name, sex and color thereof, the name and address of the mother of such child and of the physician or licensed midwife attending the birth. If the mother shall refuse to give a given name to such child, the persons in charge of the hospital shall give the same a given name and enter it in the records of the birth. The surname of the child shall be that of the father, whether such child is legitimate or illegitimate, if the name of the father is known. A copy of the records mentioned in this Section shall be sent to the judge of the district court within two days after the birth of such child.

§ 9. BIRTH AND OTHER RECORDS.] Every person, firm, corporation or association that is conducting a maternity hospital, a boarding house for children, or is placing children, as defined in this Act, or is holding a license as provided herein, shall keep a record in a form to be prescribed by the judge of district court wherein shall be entered the name, age, sex and color of every child born on his

premises or brought to him for placing, or finding a home for, or giving out for adoption, or otherwise disposing of the same, together with the name and address of each of the parents of said child; the name of every woman and of every child who dies while in his care, together with the date of such death; also the name and residence of the person with whom the child is placed or by whom it is adopted; this entry to be made within twenty-four hours after such child is given out, taken away or disposed of in any manner. A correct copy of such record shall be sent to the judge of district court at such times as the judge shall require.

§ 10. EXPENSES COLLECTIBLE FROM COUNTY.] The necessary expenses of the confinement of the mother of an illegitimate child and the care of the child in any maternity hospital, or other place designated for the care of such child by the judge of the district court, shall, unless paid within four months after such confinement, be a charge upon and collectible from the county in this state in which such woman had legal residence immediately before entering such maternity hospital, and shall be paid by the proper officials of such county upon due proof thereof, to the person or institution entitled to reimbursement, or judge of district court; and an illegitimate child which becomes a public charge may immediately be taken, by a person authorized by the judge of district court, at such time as said judge shall deem advisable, to the county in which the mother had legal settlement at the time such child became a public ward, and shall thereafter continue to be a charge upon such county until otherwise provided for. The expenses incurred in taking such child to said county shall be paid by said county. The expenses collectible from the county for the mother of an illegitimate child during her confinement shall be one dollar (\$1.00) per diem, and the expenses collectible from the county for an illegitimate child shall be thirty-five cents (35) per diem for the maintenance and traveling expenses in addition thereto. In case it is impossible to establish the legal settlement of any child or the mother thereof it shall become a ward of the county in which it was born; *provided*, that nothing herein shall be construed to dispense with the necessity of making any child a public ward by the juvenile court having jurisdiction or the judge thereof in vacation, but the presence of such child before said court or judge shall not be necessary in case the infant be of tender years.

§ 11. MOTHERS FROM ANOTHER STATE. REMOVAL.] Whenever the mother of an illegitimate child, who is without means, has come from another state into North Dakota and remained therein during her confinement, after the child is born and the mother is able to travel, she and the child may be taken to her residence in such other state by some person authorized by the judge of district court.

§ 12. PLACING OF CHILDREN.] Unless duly licensed or authorized by the judge of district court, no person other than said judge shall give out for adoption a child, or place such child under the

permanent care and control of any person other than a relative of such child, or give any such child to any person or to a firm, corporation or association, or receive any such child, for the purpose of placing it under the permanent care and control of any person other than a relative of such child.

§ 13. BOARDING HOME—ISSUE OF LICENSE.] Said judge of district court is hereby empowered to grant a license for one year to any boarding home for children that he believes is needed and is for the public good and that is conducted by reputable and responsible persons or associations.

§ 14. PENALTY.] Any person who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than three hundred (\$300.00) dollars, or by imprisonment for not more than one year, or both.

Approved, March 4, 1915.

MOTHERS' DAY

CHAPTER 184.

[H. B. No. 92—Watt.]

MOTHERS' DAY.

AN ACT to Amend and Re-enact Section 1916 of the Compiled Laws of North Dakota for the Year 1913, Relating to "Mothers' Day."

Whereas, Mothers' Day is observed by other states and by the people of the United States on the second Sunday in May of each year, and

Whereas, It is desirable that Mothers' Day in North Dakota should come on the same date as the day observed by other states and by the nation, therefore,

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

§ 1. AMENDMENT.] That Section 1916 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1916. It shall be the duty of the Governor each year to designate the second Sunday in May as Mothers' Day, and the Governor shall issue a proclamation requesting the people of the state to assemble on that Sunday in their churches or at such other place or places as may be most convenient and proper for the purpose of paying respect and tribute to our mothers.

§ 2. An emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 5, 1915.

MOTHERS' PENSIONS

CHAPTER 185.

[H. B. No. 119—Lathrop.]

MOTHERS' PENSIONS.

AN ACT to Provide for the Support of Needy Women who are the Mothers of and who are Compelled to Support one or More Children Under Fourteen Years of Age.

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

§ 1. In every county in the State of North Dakota any woman, who has one or more children under fourteen years of age who are dependent upon her for support, shall receive an allowance of not more than fifteen dollars a month for each such child, such sum to be paid out of the county treasury as hereinafter provided.

§ 2. CONDITIONS ON WHICH ALLOWANCE SHALL BE MADE.] Such allowance shall be made by the county court and only upon the following conditions:

1. The child or children for whose benefit the allowance is made must be living with the mother.

2. The allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children.

3. The mother must, in the judgment of the county court, be a proper person morally, physically and mentally for the bringing up of her children.

4. When the allowance shall be necessary, in the judgment of the county court, to save the child or children from neglect.

5. No person shall receive benefit under this Act who shall not have been a resident of the county in which the application is made for at least one year previous to the making of such application.

6. If the county court finds that the funds allowed under this Act are not used judiciously, he may order the allowance made in supplies and provisions, in which case it shall be administered by the overseer of the poor in the township, village, or city in which the applicant lives, or by some proper person appointed by the County Judge.

§ 3. ALLOWANCE TO CEASE WHEN.] When any child shall reach the age of fourteen years any allowance made to such mother for the benefit of such child shall cease.

§ 4. COURT MAY MODIFY—WHEN.] It being the purpose of this Act to provide conditions under which dependent children may

grow into useful citizens, when in the judgment of the county court allowance made under it is failing of this purpose the court may modify or discontinue such allowance to the mother of such child or children.

§ 5. COURT TO KEEP RECORD OF ALLOWANCE.] In each case where an allowance is made under the provisions of this Act an entry to that effect shall be made upon the records of the county court making such allowance, and the County Judge shall notify the County Commissioners, the County Auditor and County Treasurer that such allowance shall be made and it shall be the duty of such officers to make provision for and pay such allowance monthly until notified by the county court that it shall be discontinued.

§ 6. APPLICATION AND PROCEDURE.] Application may be made in writing to the county court by a person desiring aid, or by some citizen in her behalf, stating residence, number of dependent children and ages, and a statement of her income and probable needs in order to maintain her home. The court shall set a day for a hearing, giving notice in writing to the overseers of the poor, where applicant resides; to the County Commissioners and the applicant and other parties known by the judge to be interested; which hearing shall be not less than fifteen days from date of such notice. The County Commissioners, overseers of the poor or any tax-paying citizen may file a statement with the County Judge, or may appear in person on the day set for hearing, in support of, or protesting against application being granted, and may appeal to the district court for reversal or modification of the county court's action on such application.

§ 7. THIS ACT TO SUPPLEMENT EXISTING LAWS.] This Act is intended to supplement existing laws for aid of the poor, and is for the specific purpose of furnishing permanent aid to mothers who come under its provisions. In cases of temporary aid, it shall be granted under such laws as exist for such purpose; nothing in this Act shall be so construed as to change the proportionate payment by county, city, incorporated village, or township.

§ 8. EMERGENCY.] An emergency is hereby declared to exist in that there is no adequate provision of law providing for the support of needy women mentioned in this Act; therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

MECHANICS' LIENS

CHAPTER 186.

[S. B. No. 98—Bronson.]

MECHANIC'S LIEN—LIMITATION.

AN ACT to Amend and Re-enact Section 6826 of the Compiled Laws of North Dakota for the Year 1913, Relating to Mechanics' Liens, the Time of Commencing Suit and Limitation Thereupon.

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

§ 1. AMENDMENT.] Section 6826 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 6826. REQUIRING SUIT TO BE COMMENCED; LIMITATIONS THEREON.] Upon the written demand of the owner, his agent or contractor, served on the person holding the lien, such suit shall be commenced within thirty days thereafter, if the debt for which the lien is security is due, and, if not due, within thirty days after the same becomes due or the lien shall be forfeited. But no lien shall be valid or effective as such, nor shall the same be enforced in any case, and the clerk of the said district court shall cancel of record any such lien, unless the holder thereof shall assert the same either by complaint or answer within six years after the date of the last item of his claim as set forth in the recorded lien account, or within six years after the same becomes due, if such lien account shows that the same is not then due; *provided*, however, that all mechanics' liens or claims, that may be filed therefor and which have existed for the full term of six years prior to the taking effect of this Act, may be enforced and may be asserted either by complaint or answer at any time within one year after the taking effect thereof; *provided*, further, in case a summons and complaint or answer, asserting the validity of such lien, is not filed in the office of the Clerk of Court in which the lien is filed within the limitation herein provided, then the Clerk of Court shall upon request of any interested person cancel said lien of record.

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

Approved, March 9, 1915.

NATIONAL GUARDS

CHAPTER 187.

[S. B. No. 260—Mudgett.]

NATIONAL GUARD.

AN ACT to Amend Sections 2348, 2352, 2358, 2358a, 2366, 2402, and 2411 of the Compiled Laws of North Dakota for the Year 1913, Relating to the National Guard, Defining Military Offenses and Prescribing the Penalties Therefor, Making it a Misdemeanor to Show Discrimination Against any Person Wearing a Uniform of the Army, Navy, Marine Corps or Revenue Cutter Service of the United States or of the National Guard of this State, Making it a Misdemeanor to Injure or Destroy Government Property and Exempting Members of the National Guard from the Payment of Poll Tax.

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

§ 1. AMENDMENT.] That Section 2348 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2348. HOW MILITIA SHALL BE ENROLLED. PENALTY FOR FAILURE TO MAKE OUT LIST.] It shall be the duty of the assessor in each assessor's district in this state, when making the assessment, to make out a list containing the names of all persons in the respective districts liable to perform military duty, and to file a copy of such list with the County Auditor when he makes his assessment returns. Such list shall state the names, residence, age and occupation of the persons enrolled and their previous or existing military or naval service. Any assessor who shall fail to make out such list and file it with the County Auditor, as herein provided, shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars, in the discretion of the court.

§ 2. AMENDMENT.] That Section 2352 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2352. STAFF OF THE GOVERNOR.] The staff of the Governor shall consist of one adjutant general, with the rank of brigadier general, who shall perform the duties of quartermaster general; one judge advocate general with the rank of major, who shall perform the duties of inspector general; one chief of supply, with the rank of colonel, who shall perform the duties of paymaster-general and commissary-general, and, when a vacancy shall occur in the office of chief of supply, by reason of death, resignation or promotion of the present chief of supply, the title of this office shall thereafter be paymaster-general, with the rank of major, and the said paymaster-general shall thereafter perform the duties of commis-

sary-general and chief of supply. The personal staff of the Governor shall consist of nine aides-de-camp. Three of such number shall be detailed by him from the commissioned officers of the national guard holding commissions on the active list of the grade below that of colonel, and shall have the rank of colonel, and their appointment shall operate as commission as aides-de-camp, but shall not add to the actual grade in the guard of the officers so appointed. Such aides-de-camp shall not be relieved from duty with their respective organizations when such organizations shall be performing any ordered duty. The Governor is also authorized to appoint additional aides-de-camp, with the rank of lieutenant-colonel, not to exceed six in number, and without restriction as to the source of selection. All of these staff officers shall be appointed by the Governor, shall hold office during his pleasure, and their commissions or detail, as staff officers shall expire with the term of office of the Governor appointing them; *provided*, however, that whenever any officer mentioned in this Section shall be in the service of the United States government his rank in such service shall correspond with the rank prescribed by the United States War Department for the national guard in which he is serving as such officer.

§ 3. AMENDMENT.] That Section 2358 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2358. COMMISSIONED OFFICERS. OFFENSES AND PENALTIES.] A military offense includes any delinquency or violation of the laws, rules, regulations, or orders governing the militia or national guard, as well as those governing the army and navy of the United States, applicable to the militia or national guard and the offenses in this Chapter enumerated, and shall be defined as similar offenses are in the articles of war and laws and regulations governing the United States army. Upon conviction of a military offense, any commissioned officer of the national guard may be dismissed from the service, cashiered, fined not more than one hundred dollars and costs of prosecution, or reprimanded, or any or all of said punishments may be inflicted. If sentenced to be cashiered, he shall be disqualified thereby from holding any military commission. If fined, he may be imprisoned in a county jail until the fine is paid, not exceeding sixty days, and shall forthwith be committed to the custody of the Sheriff in execution of the judgment. Any such officer may be tried by court-martial for the following offenses in time of peace:

1. Willful disobedience of orders, or aiding or abetting others therein.
2. Insult or disrespect to superiors.
3. Mutiny, desertion, or cowardice.
4. Drunkenness on duty.
5. Neglect of duty, or leaving post or command.
6. Making a false report, muster, account, certificate, or return.

7. Conduct to the prejudice of good order and military discipline.

8. Oppression of any under his command.

9. Embezzlement or misappropriation of military or company funds, or wrongful conversion of military property.

10. Willfully wasting or destroying any such property.

11. Conduct unbecoming an officer and a gentleman.

12. Wrongfully disclosing or making improper use of a watchword or parole.

13. Any other violation of the laws, regulations, or orders governing the national guard, as well as articles of war governing United States army, consistent with this Chapter.

§ 4. AMENDMENT.] That Section 2358a of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2358a. HOW GOVERNED.] The militia while in active service shall be governed by the military law of the state, and the rules and articles of war of the United States; and when any troops are in the field, or are assembled for the purpose of taking the field, for the purposes aforesaid, the senior ranking officer of the troops present shall take command; *provided*, that no person shall be eligible to a command in the militia of this state except citizens of the United States or persons who have declared their intention to become such.

(b) NON-COMMISSIONED OFFICERS AND PRIVATES. OFFENSES AND PENALTIES.] Upon conviction of an enlisted man for a military offense, he may be dishonorably discharged or, if a non-commissioned officer, reduced to the ranks, or fined not more than fifty dollars and costs of prosecution, or reprimanded. If fined, upon default of payment he may be imprisoned in a county jail not more than thirty days. Any or all of said penalties may be inflicted upon a single sentence. Any such enlisted man may be tried by court-martial in time of peace, for:

1. Any of the first seven offenses mentioned in Section 2358.

2. Fraudulent enlistment.

3. Willfully injuring or destroying state or government property, or wearing uniform or equipments while not on duty without permission.

4. Violation of any provision of this Chapter, or of any rule or regulation of the guard.

(c) ABSENCE OR TARDINESS. OFFICERS.] Any officer may also be tried by court-martial and fined not exceeding ten dollars and costs of prosecution, or in default be imprisoned in the county jail not exceeding five days, for non-attendance or tardiness at any drill, parade, encampment, inspection or other duty ordered by authority each day being a separate offense.

(d) SAME—PRIVATES.] Any enlisted man may be tried by court-martial or summary court for non-attendance or tardiness at

any drill, parade, encampment, inspection, or other duty ordered by competent authority; and, in case of absence, each day thereof shall be a separate offense. Upon conviction, he shall be fined not exceeding ten dollars and costs, or be imprisoned not more than five days, and shall be forthwith committed to the custody of the Sheriff in execution of the judgment.

(e) INJURY, ETC., OF MILITARY PROPERTY.] Arms, uniforms, and accoutrements issued by the state, or purchased with military funds, shall be used only by members of the guard, and by them only in the discharge of military duty. Every person, whether a member of the guard or not, who shall willfully or wantonly injure, destroy, withhold, sell, or dispose of any article so issued, or refuse to deliver or pay for the same upon lawful demand, shall be guilty of a misdemeanor.

§ 5. AMENDMENT.] That Section 2366 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2366. ORGANIZATION.] The strength and organization of units of the militia shall be as prescribed by such regulations and orders of the War Department of the United States as are now in force or shall be promulgated by proper authority from time to time.

§ 6. AMENDMENT.] That Section 2402 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2402. MILITARY COURTS.] The military courts of this state shall be:

1. General Courts-martial.
2. Special Courts-martial.
3. The Summary Court.
4. Courts of Inquiry.

The constitution and jurisdiction of courts-martial, the form and manner in which the proceedings of military courts shall be conducted and recorded and the forms of oath and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revision shall be governed by the articles of war and by such other laws, orders and customs as are now in force or as shall be promulgated from time to time for the government and procedure of like courts-martial of the United States, except as hereinafter provided.

§ 7. AMENDMENT.] That Section 2411 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2411. PURCHASE OF UNIFORMS AND EQUIPMENTS.] All uniforms and equipments used by the national guard of this state shall be procured by the adjutant-general from the United States government, or other sources, and shall conform to those in use by the regular army of the United States; and it shall be unlawful for

any common carrier, inn-keeper or proprietor or lessee of any place of public amusement or entertainment, or any agent, servant, or representative of any such common carrier, inn-keeper, proprietor or lessee as aforesaid, to debar from the full and equal enjoyment of the accommodations, advantages, facilities or privileges of any public conveyance on land or water or any inn or any place of public amusement or entertainment, any person in service of the army, navy, marine corps or revenue cutter service of the United States, or of the national guard, or otherwise in the military or naval service of the United States, or of this state, wearing the uniforms prescribed for him by law, regulation of the service, or custom, on account of his wearing such uniform, or of his being in such service. Any person, corporation or association violating the provisions of this Section shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than fifty dollars nor more than one hundred dollars in the discretion of the court.

§ 8. The first payment of the officers' clothing allowance as provided for in Section 2422 shall be made to each officer immediately upon his acceptance of his first commission.

§ 9. EXEMPT FROM POLL TAX.] Each member of the North Dakota national guard shall be exempt from the payment of poll tax and any person who has served at least ten years as member of the national guard and who has an honorable discharge shall be forever exempt from the payment of poll tax.

§ 10. EMERGENCY.] Whereas, an emergency exists in that the national guard of North Dakota is in a large measure deprived of federal aid until the provisions of this Act are enacted into law, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1915.

OIL INSPECTION

CHAPTER 188.

[S. B. No. 96—Kretschmar.]

OIL INSPECTION.

AN ACT Providing for the Inspection of Refined Petroleum, Illuminating Oils, Gasolines and Other Low Flash Test Petroleum Products, Providing for Ports of Entry, Appointment of a State Inspector of Oils and Deputies, Fixing the Salaries of the Same, and Defining Chemical and Other Tests.

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

§ 1. OIL INSPECTOR. APPOINTMENT OF DEPUTIES. SALARIES.] The Governor shall, by and with the advice of the Senate, appoint a suitable person, a citizen of this state, who is not engaged directly or indirectly in the manufacturing, dealing or vending of petroleum, illuminating oils, gasolines or other petroleum products hereinafter mentioned, whose title shall be State Inspector of Oils, and whose term of office shall be two years, commencing on the first Tuesday of April, succeeding his appointment, or until his successor shall be appointed and shall qualify. Said State Inspector shall appoint a Deputy Inspector at all points designated as ports of entry, whose salary shall be as hereinafter provided. The said State Inspector of Oils and his deputies shall have the right, and it shall be his duty to enter into or upon the premises of any manufacturer, dealer, vendor of refined petroleum oils or gasolines at any time for the inspection of such oils and gasolines, and to inspect any books or paper of such manufacturers, dealers or transportation companies pertaining to the shipment or sale of such oils or gasolines, and all receptacles in which such oils or gasolines are or may be contained. Such State Inspector of Oils shall receive an annual salary of twenty-five hundred dollars, payable monthly on the first day of each calendar month, and each and all of such deputies shall receive salaries payable monthly on the first day of each calendar month, unless otherwise ordered by the State Inspector of Oils as follows:

At ports of entry, where the total number of barrels inspected is in excess of eight thousand per annum, the salary shall be fifty dollars per month. At ports of entry, where the total number of barrels is in excess of fifteen thousand per annum, the salary shall be seventy-five dollars per month.

All ports of entry where the total number of barrels is in excess of twenty-five thousand per annum the salary of Deputy Oil Inspectors shall be one hundred dollars per month; *provided* that the

salary of the Deputy Oil Inspectors at the designated points of entry shall be based upon the last annual report of the State Oil Inspector as to the amount of barrels of oil inspected. All other deputies shall receive a salary of not less than ten dollars per month nor more than thirty dollars per month, as in the judgment of the State Inspector of Oils is just compensation for services performed.

The State Inspector of Oils shall make and file with the State Auditor on or before the fifth day of each month, monthly statements, under oath, of all inspections made by himself and his deputies under the provisions of this Article.

§ 2. STATE AUDITOR'S DUTIES.] It shall be the duty of the State Auditor to furnish the State Treasurer with a summary of inspection fees due the State of North Dakota, designating the name and address of consignors and the amount of inspection fees, on or before the tenth day of each month.

§ 3. STATE TREASURER'S DUTIES.] It shall be the duty of the State Treasurer to receive all inspection funds, fees or fines from the State Oil Inspector and to furnish receipt therefor. The said fund shall be known as the "Oil Inspection Fund" against which all necessary expenses incurred in connection with the enforcement of this Act, court or attorney's fees, or matters of record, shall be charged against the fund, and any moneys remaining in the state treasury January 15th of each year shall be then transferred to the General Fund.

§ 4. PAYMENT OF FEES.] On the first day of each and every month every Deputy Inspector of Oils shall transmit to the State Inspector of Oils all inspection fees received during the preceding month. The State Inspector of Oils shall on or before the tenth day of each and every month transmit to the State Treasurer all funds received for inspection fees during the month preceding. All inspection fees due to the State of North Dakota where oil companies or others execute bonds to guarantee payment of fees shall be made direct by the consignor or consignee of said petroleum products to the State Oil Inspector on or before the fifteenth day of each calendar month.

§ 5. OATH. BOND.] The State Inspector of Oils and his deputies shall each, before entering upon the discharge of his duties, take oath or affirmation, according to the Constitution of this state, and the laws thereof, and shall file the same with the Secretary of State. The said State Inspector of Oils shall execute a bond to the State of North Dakota in the penal sum of five thousand dollars, with such surety as shall be approved by the Governor of the state, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the State of North Dakota, and of all persons aggrieved by the act or failure of act of the State Inspector of Oils, and the same shall be filed with the Secretary of State. Each such Deputy Inspector of Oils shall, before entering upon the discharge of his duties, execute a bond to

the State of North Dakota in the penal sum of not less than one thousand dollars, nor more than five thousand dollars, as the State Inspector of Oils shall prescribe, which bond shall be approved by the Governor and filed with the Secretary of State; and such bond shall be conditioned for the faithful performance of the duties herein imposed and shall be for the use of the State of North Dakota and all persons aggrieved by the act or failure of act of such Deputy Inspector of Oils.

§ 6. OIL COMPANIES MAY EXECUTE BOND TO GUARANTEE PAYMENT OF FEES.] Any person, firm or corporation shipping into the state petroleum, illuminating oils, gasoline, or other petroleum products for sale, or manufacturing within the state such petroleum, illuminating oils, gasoline or other petroleum products may execute a bond to the State of North Dakota in the penal sum of not less than five hundred dollars. In case the inspection fees of any person, firm or corporation exceed the amount of five hundred dollars for any calendar month, such person, firm or corporation shall execute a bond to the State of North Dakota for twice the amount of the maximum fees paid by such person, firm or corporation for any month of the preceding calendar year, with such surety as shall be approved by the Governor of the state, conditioned for the faithful payment of inspection fees herein imposed, which bond shall be for the use of the State of North Dakota, and shall be filed with the Secretary of State not later than April first, 1915. *Provided*, that any person, firm or corporation doing business in the state at the time of the taking effect of this Act, shall file such bond not more than thirty days after shipment of the first consignment into the state. *Provided*, that any person, firm or corporation doing business in this state as herein provided for, not furnishing a bond, shall pay the amount due for each and every inspection before such petroleum products are released by the inspector.

§ 7. INSPECTOR'S APPARATUS TO BE FURNISHED. CHEMIST EMPLOYED.] The State Inspector of Oils shall immediately upon the appointment and qualification of the deputies named in Section 1, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this Article. He may also purchase from time to time the apparatus for making tests of petroleum, illuminating oils, gasolines and other petroleum products as hereinafter provided and pay the necessary office, travel and other expenses of the department. For the purpose of making chemical and photometric tests, as hereinafter provided for, the State Oil Inspector shall provide the necessary apparatus and employ to work under his direction competent chemists at the Agricultural College and University to make such tests as are called for by the provisions of this Act or as in the judgment of the State Oil Inspector are essential for the better enforcement of the laws pertaining to petroleum products and to afford full protection to the public. There shall be paid to each of such institutions, for mak-

ing such tests, the sum of three thousand dollars annually to be taken from the Oil Inspection Fund. It shall be the duty of the chemists employed at the Agricultural College and University to make tests of such illuminating, fuel, power and lubricating oils as are submitted to them to determine the value of the oils for the purposes claimed, said tests being made under such provisions and regulations as may be established by the State Oil Inspector.

§ 8. INSPECTOR'S DUTIES.] Except as hereinafter provided, all illuminating, fuel or power oils, the product of petroleum, or into which petroleum or any product of petroleum enters or is found as a constituent, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used for illuminating, fuel or power purposes in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such oils held or offered for sale or sold by any manufacturer, vendor, person, firm or corporation in this state for illuminating, fuel or power purposes, and if upon such tests and examinations, said oils shall meet the requirements hereinafter specified, he shall affix to the receptacle containing same, his brand showing the date of his inspection, his name, and the words "Approved, flash test not less than one hundred (100) degrees, fire test not less than one hundred twenty-five (125) degrees Fahrenheit." But if such illuminating oils, so tested shall not meet such requirements, hereinafter specified, the words "Rejected for illuminating purposes," shall be marked in plain letters upon the receptacle containing the same.

All oils, the product of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall conform to the following requirements:

The color shall be water white when viewed by transmitted light through a layer of oil four inches deep. It shall not give a flash test below one hundred (100) degrees Fahrenheit, closed cup test, Elliott cup, and shall not have a fire test below one hundred twenty-five (125) degrees Fahrenheit, Elliott cup.

Every person, firm or corporation selling or delivering said illuminating oil in bulk by means of portable tanks or tank wagons, or at retail, shall, in lieu of the stamp or brand above provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof, in the following words, figures and terms:

"This is to certify that the illuminating oil covered by this sale has a flash test of not less than one hundred (100) degrees, and a fire test of not less than one hundred twenty-five (125) degrees, and has been inspected and approved by the State Oil Inspector and complies with North Dakota chemical tests."

Provided, so called fuel oils and other petroleum products test forty (40) degrees Beaume or lower at a temperature of sixty (60) degrees Fahrenheit, shall be inspected as in this Act provided and

the same shall be labeled "fuel oil" or "distillate," as the case may be, and the fee for inspection and branding or labeling the same shall be five (5) cents per barrel. It is not the intent of this provision to include lubricating oils.

The State Oil Inspector shall take or cause to be taken samples of all products provided for in this Article at such times as he deems necessary and as found in the possession of dealers or users of said products and cause the same to be examined.

The State Oil Inspector is authorized to publish and distribute bulletins giving information with regard to oils, gasolines and their usage.

§ 9. DUTY OF SELLER. PENALTY.] All oils the products of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall likewise conform to the following, which shall be known as the chemical tests, to-wit:

(a) Such illuminating oils shall not contain water or tar-like matter, nor shall they contain more than a trace of any sulphur compound.

(b) After being subjected to inspection as herein provided, and having withstood all inspection tests, any such so inspected oil may, with the consent of the Oil Inspector, be colored.

(c) It shall be the duty of the State Oil Inspector or his deputy to at least once in each thirty days have a chemical test made at the State University and the State Agricultural College, demonstrating whether or not such oils contain more than four (4) per cent. residue after being distilled at a temperature of five hundred and seventy (570) degrees Fahrenheit, and shall not contain more than six (6) per cent. of oil distilling at three hundred and ten (310) degrees Fahrenheit when one hundred (100) cubic centimeters of the oil are distilled from a side-neck distilling flask two and three-fourths inches in diameter, the length of the neck between the body of the flask and the side tube being two and one-half inches, said flask to be covered with a closely adherent jacket of asbestos paper; also determination of the amount of sulphur compounds in said oils, which shall not contain more than a trace of any sulphur compound, together with such burning tests as may be necessary to determine the photometric value of the oils, which shall not, in the photometric test, when burning under normal conditions, show a fall of more than twenty-five per cent. in candle power in a test of not less than six nor more than eight hours duration; consuming ninety-five per cent. of the oil. The result of such chemical tests shall be included in the annual report of the State Inspector of Oils to the Governor. The failure of the State Inspector of Oils to have the above tests made shall render him liable to a fine of one hundred dollars for each offense. In case any corporation, company or individual, manufacturer or vendor has or offers for sale for illuminating purposes oils which do not

comply with the hereinbefore prescribed tests, the State Inspector of Oils shall reject such oils for illuminating purposes, and the offending officer of any such corporation or company or the manufacturer, vendor or individual having or offering for sale for illuminating purposes such oils shall be deemed guilty of a misdemeanor.

§ 10. DUTY OF SELLER. PENALTY.] All gasolines and all petroleum products having a flash test of less than one hundred (100) degrees Fahrenheit, closed cup test, Elliott cup, whether manufactured in this state or not, shall be inspected as provided in this Article before being sold or offered for sale or used in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such gasoline and petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, held or offered for sale in this state for gravity. The gravity of said gasoline and said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall be determined by the Tagliabus standard registered hydrometer, Beaume scale at a temperature of sixty (60) degrees Fahrenheit. After making said examination and test, he shall affix to the receptacle containing the same, his brand showing the date of inspection, his name and the word "inspected."

Every person, firm or corporation selling or delivering any of the said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in this state, in barrels or packages, shall plainly stencil or label on each barrel or package containing the same, the words, "Gravity not less than..... degrees Beaume. Unsafe for illuminating purposes. For power purposes only," inserting in the blank space, left therefor, a Beaume gravity not higher than the actual Beaume gravity of the contents of said barrel or package, at a temperature of sixty (60) degrees Fahrenheit. Every person, firm or corporation selling or delivering said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, by means of portable tanks or tank-wagons, or at retail, shall in lieu of the stamp, brand or label hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery of the same in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale is unsafe for illuminating purposes, has a gravity test of not less than.....degrees Beaume, and has been inspected by the State Inspector of Oils. For power purposes only."

Inserting in the blank space left therefor a Beaume gravity not higher than the actual Beaume gravity, at a temperature of sixty (60) degrees Fahrenheit, of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale. *Provided*, nevertheless, that all gasolines sold or offered for sale in this state for household purposes, shall, when one

hundred cubic centimeters are subjected to distillation in a flask as described for distilling oil, show not less than three (3) per cent. distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than six per cent. residue at two hundred and eighty-four (284) degrees Fahrenheit, which shall be known as the chemical test for gasoline sold or offered for sale in this state for household purposes.

Every person, firm or corporation selling or delivering any such gasoline in barrels or packages shall plainly stencil or label on each barrel or package containing the same, the words "Gravity not less than degrees Beaume. Unsafe for illuminating purposes. Sold for household purposes."

Every person, firm or corporation, selling or delivering such gasoline in bulk by means of portable tanks or tank-wagons, or at retail, shall, in lieu of the stamp or brand hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes; has a gravity test of not less than degrees Beaume; has been inspected by the State Inspector of Oils and complies with the North Dakota chemical test for gasoline for household purposes."

Inserting in the blank space left therefor a Beaume gravity not higher than the Beaume gravity of the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale, at a temperature of sixty (60) degrees Fahrenheit.

Any person, firm or corporation, selling or offering to sell within this state, gasoline for household purposes which does not comply with the foregoing requirements, shall be guilty of a misdemeanor.

§ 11. BRAND TO BE STAMPED ON CONTAINERS.] Every person, firm or corporation offering for sale or selling or manufacturing within the state, such illuminating oils, gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall stamp or brand every package, barrel or cask containing the same with the name of the brand contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline or any petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, shall be branded before being shipped into the state, "unsafe for illuminating purposes."

§ 12. DUTY OF INSPECTOR, OF TRANSPORTATION COMPANY. PENALTY.] It shall be the duty of the State Inspector of Oils to forward to each of the transportation companies whose lines enter the state, and to the State Auditor, a list of the ports of entry which have been created at once upon entering upon the duties of his office, and to report to such companies and State Auditor new ports of entry as they may be established, together with the names of the

deputies at each port; and the transportation company bringing petroleum, illuminating oils, gasolines, petroleum products, of less than one hundred (100) degrees Fahrenheit, flash test, into the state, subject to the inspection as herein provided, shall stop and hold for inspection at points designated as ports of entry, all consignments of such goods, and a failure to do so will be a misdemeanor on the part of the transportation company and its representative in charge, and punishable by a fine not to exceed one hundred and fifty (150) dollars, or by imprisonment not to exceed thirty (30) days or both. Any person, firm or corporation or individual, bringing into the state such goods in the same manner are subject to the same regulations and penalties, except as to notification of ports of entry and deputies; and for their notification, notices shall be posted at every transportation company's station in each port of entry.

§ 13. INSPECTION FEES.] Each and every Inspector and Deputy Inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this Article, shall charge the consignor or consignee of such goods the sum of five (5) cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Every such Inspector and Deputy Inspector, shall keep an accurate record of all such goods inspected, rejected, branded or certified to by him, which record shall state the date of such inspection, the number of packages, barrels, casks, or tanks approved, the number rejected, the name of the person for whom inspected, the name of the person to whom consigned, with his address, the sum of money charged for such inspection, and such records shall be open to all persons interested. The State Inspector of Oils shall, in the month of January, in each year, make and deliver to the Governor a report of his acts, and those of his deputies, during the year preceding, together with remarks and suggestions for the benefit of the service, which shall include a copy and summary of the report submitted by said deputies as provided for in this Section.

§ 14. INSPECTION REPORTS.] A record of all inspections shall be made in quadruplicate in a carbon copy book; one copy shall be retained at the port of entry where inspection is made; on the day of inspection one copy of the report shall be forwarded to the consignor or consignee, one copy to the State Inspector of Oils, and one copy to the State Auditor, either on the date of inspection or on or before the fifth day of the succeeding month at the discretion of the State Inspector of Oils. On the first day of each month each deputy shall furnish to the State Inspector of Oils and State Auditor a summary of any and all inspections made by him during the preceding month, including the name and address of every consignor or consignee and the amount of inspection fees, due. One

copy of the monthly summary shall be retained at each port of entry.

§ 15. INSPECTOR AND DEPUTIES SHALL NOT DEAL IN PETROLEUM PRODUCTS.] It shall be unlawful for the State Inspector of Oils, or his Deputies, to directly or indirectly while in office, traffic in any of the the illuminating oils, gasoline or other petroleum products which he has been appointed to inspect. Any person violating the provisions of this Section shall be subject to a penalty of not exceeding five hundred (500) dollars, and be removed from office.

§ 16. STATE'S ATTORNEY SHALL PROSECUTE IN CERTAIN CASES.] It shall be the duty of the State Inspector of Oils, or any of his Deputies, or any person having cognizance of any violation of the provisions of this Article, to forthwith make complaint to the State's Attorney for the county in which the offense is alleged to have been committed, against the person or persons so offending, and it is hereby made the duty of such State's Attorney to represent and prosecute on behalf of the state all cases of offense arising under the provisions of this Article. Any Inspector or State's Attorney who willfully refuses or neglects to carry out the provisions of this Section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be removed from office.

§ 17. FALSE BRAND. ADULTERATIONS. PENALTY.] It shall be unlawful for any person, firm or corporation, whether vendor, dealer or manufacturer, to have, use, sell, attempt to sell or deliver to any person in this state for illuminating purposes any of the illuminating oils hereinbefore mentioned, until the same shall have been inspected and approved, and branded, labeled, or certified, according to the provisions of this Act. It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to have, use, sell, attempt to sell, or deliver to any person in this state any of the gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, until the same shall have been inspected and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person to falsely brand and label any package, barrel or cask, or falsely certify to the contents of any tank car, tank or tank-wagon containing said illuminating oils or said gasoline or said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, or to deliver therefrom, for the purpose of deceiving the purchaser thereof in any manner, as to the contents of the same. It shall be unlawful for any person to dispose of any empty barrel, cask or package that has once been used for said illuminating oils or gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, and has been branded or labeled in accordance with this Act, before thoroughly canceling, removing or effacing the inspection brand of the same.

It shall be unlawful for any person, firm or corporation to adulterate with paraffin or other substances, for the purpose of sale

or use, any of the illuminating oils specified in this Article, nor shall any person sell or offer for sale for illuminating purposes, oils which shall omit a combustible vapor at a temperature of less than one hundred (100) degrees Fahrenheit, according to the test herein described.

Any person violating any of the provisions of this Section shall be deemed guilty of a misdemeanor and shall be subject to a penalty not to exceed five hundred (500) dollars fine, or imprisonment in the State Penitentiary not exceeding one year, or both such fine and imprisonment.

§ 18. CONTAINERS. PENALTY.] It shall be unlawful for any person, firm or corporation to keep for sale or use, or to sell any gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in any barrel, cask, package, can or receptacle, unless the same is painted red, or to keep for sale or use or to sell any petroleum, illuminating oils, in any barrel, cask, package, can or container if the same is painted red, *provided*, however, that in the case of gasoline, benzine or naphtha being sold in bottles for cleaning and similar purpose, it shall be deemed sufficient if the contents are so designated by red label securely pasted or attached thereto, bearing the words "Gasoline," "Benzine," "Naphtha," as the case may be; *provided*, however, that the provisions of this Section shall not apply to any barrel, cask, or other receptacle, the capacity of which is over sixty gallons.

Any person, firm or corporation violating any of the provisions of this Section shall be punished by a fine of not more than twenty-five (25) dollars, or by imprisonment in the county jail of not to exceed sixty (60) days or both.

§ 19. PENALTY.] Whoever shall use, sell or cause to be sold unlawfully for illuminating purposes, any of the illuminating oils specified in this Article, which are below one hundred (100) degrees Fahrenheit, flash test, as tested by the official test as herein described, shall be liable to any person purchasing such oils or to any person injured thereby for any damage to any person or property arising from the explosion thereof.

§ 20. REMOVED FROM OFFICE IN CERTAIN CASES.] It shall be the duty of the Governor whenever he shall find that the State Inspector of Oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this Article, to promptly remove him from office. It shall be the duty of the State Inspector of Oils to promptly remove from office any of his deputies who shall prove to be unfaithful or dishonest in the discharge of his duties.

§ 21. PORTS OF ENTRY DESIGNATED. How.] The State Inspector of Oils is authorized to designate as ports of entry, points where public necessity requires inspections should be made; but in no case shall any place be designated as a port of entry unless there shall have been received at such place at least one thousand barrels during the preceding year.

§ 22. EXPENSES PAID OUT OF OIL INSPECTION FUND.] All expenses and salaries shall be paid out of the Oil Inspection Fund on the order of the State Inspector of Oils.

§ 23. Nothing in this Act shall be construed to exempt from inspection and payment of fees any illuminating or fuel oils, gasolines, power oils or distillates.

§ 24. REPEAL.] Chapter 214 of the Session Laws of North Dakota for the year 1913, and all Acts or parts of Acts in conflict herewith are hereby repealed.

§ 25. EMERGENCY.] Whereas, an emergency exists in that the state is not adequately protected and inspection fees are not collected, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 25, 1915.

PAROLE

CHAPTER 189.

[S. B. No. 301—Sub-Committee, Appointed from Committees on Judiciary and and State Affairs.]

RELATING TO PAROLE.

AN ACT to Amend Sections 11230 and 11231 of the Compiled Laws of the State of North Dakota for 1913, Relating to Parole of Persons Confined in the Penitentiary.

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

§ 1. AMENDMENT.] Section 11230 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 11230. WHAT INMATES MAY NOT BE PAROLED.] The following described persons shall not under any circumstances be paroled from the Penitentiary.

1. A person convicted and sentenced for the crime of murder, either in the first or second degree.

2. A person finally convicted, in any jurisdiction, of a felony, other than that for which he is being punished.

3. A person who has not maintained a good record at the Penitentiary for at least six months previous to his parole.

§ 2. AMENDMENT.] Section 11231 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 11231. REQUIREMENTS PRECEDENT TO PAROLE.] No parole shall be granted to any person confined in the Penitentiary unless:

1. The Warden, in writing, recommends his parole to the Board of Experts.

2. The Board of Experts unanimously approve and endorse said recommendation.

3. The friends of such person have furnished satisfactory evidence to the Board of Experts, in writing, that employment has been secured for him with some responsible citizen and certified to be such by the judge of the county or district court of the county where such citizen resides.

4. The Board of Experts is convinced that he will conform to rules and regulations adopted by said board.

§ 3. All Acts or part of Acts in so far as they conflict herewith are hereby repealed.

Approved, March 4, 1915.

PENITENTIARY

CHAPTER 190.

[S. B. No. 310—Sub-Committee Appointed from the Committees on Judiciary and State Affairs.]

EMPLOYMENT OF INMATES OF PENITENTIARY.

AN ACT to Amend Sections 11270 and 11273 of the Compiled Laws of North Dakota, for 1913, Relating to the Employment of the Inmates of the Penitentiary, and the Sale of Its Products, Under the Direction of the Board of Control and Disposition of the Receipts of the Brickyard.

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

§ 1. That Section 11270 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11270. EMPLOYMENT OF INMATES OF THE PENITENTIARY.] The State Board of Control is hereby authorized and empowered to employ the labor of the prisoners of the State Penitentiary, or so much thereof as not otherwise employed, in the manufacture of brick, which may be sold at a price fixed by said State Board of Control, to make needed repairs, additions or improvements to the public buildings of the state, or in the event that there is a surplus of brick on hand over and above the brick needed for the aforesaid purpose, the State Board of Control may dispose of said brick to private parties.

§ 2. AMENDMENT.] That Section 11273 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11273. SALE OF PRODUCTS. BOARD OF CONTROL. USE OF RECEIPTS.] The receipts of such sales shall be deposited with the

State Treasurer, to the credit of the brickyard fund, and so much thereof as is necessary, may be used under proper voucher, approved by the State Board of Control, in payment of the expenses incurred in connection with the manufacture of brick and the necessary repairs, upkeep, purchase of machinery and other requirements of the brickyard. The receipts of the brickyard over and above the necessary expense in maintaining the same shall be deposited with the State Treasurer, to the credit of the miscellaneous earnings of the Penitentiary and shall be used under the discretion of the State Board of Control to augment any of the funds of the Penitentiary. It shall be the duty of the Warden to keep an accurate account of all labor and cost of materials, supplies, equipment and machinery used in the manufacture of brick, which shall be charged directly to the brickyard fund.

Approved, March 4, 1915.

CHAPTER 191.

[S. B. No. 308—Sub-Committee, Appointed from the Committees on Judiciary and State Affairs.]

PAY OF CONVICTS.

AN ACT to Amend Sections 11261, 11262, 11263, 11264, 11265, 11266, 11267, 11268 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Employment, Care, Treatment and Compensation of Prisoners Confined in the State Penitentiary, and to Repeal Section 11269 of said Compiled Laws.

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

§ 1. AMENDMENT.] That Section 11261 of the Compiled Laws of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11261. EMPLOYMENT OF CONVICTS CONFINED IN THE STATE PENITENTIARY.] The State Board of Control of the penal and charitable institutions, and the Warden of the State Penitentiary, shall employ all prisoners sentenced to the State Penitentiary in all necessary work within and around the Penitentiary in maintaining the institution, or in carrying on the work of the industries established at the Penitentiary, or at other state institutions or on the public highways of the state. The State Board of Control shall establish rules and regulations relating to care, treatment and management of all prisoners wherever they may be employed. Prisoners shall be employed, in so far as practicable, on the work to which they are best adapted, and will make it possible for them to improve and acquire greater skill that they may earn a livelihood when paroled or discharged from the institution.

§ 2. AMENDMENT.] That Section 11262 of the Compiled Laws

of the State of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11262. EMPLOYMENT OF PRISONERS AT OTHER STATE INSTITUTIONS AND BY COUNTIES ON THE PUBLIC ROADS.] The State Board of Control may employ such prisoners it may deem advisable, who are not needed in carrying on the work at the Penitentiary, or the industries established at the Penitentiary, upon work at other state institutions, or upon the construction and improvement of public highways, under the following conditions, as hereinafter set forth. Prisoners may be employed, under proper supervisors and guards, to improve the grounds and perform other labor at the various institutions, controlled and maintained by the state, and when so employed, such institution shall pay all salaries and necessary expense of maintenance, including cost of transportation to and from the Penitentiary, and furnish the necessary tools and equipment required in carrying on said work. Prisoners may be employed upon the public highways of any county, when an agreement has been entered into by the State Board of Control, and the Board of County Commissioners of such county and upon the same conditions as the employment of prisoners at state institutions. Prisoners shall be at all times under the supervision of the Warden, and the State Board of Control, and under the direct charge of proper officers and guards appointed by them. Prisoners so employed shall be placed upon their honor not to attempt to escape. They shall be clothed in plain, inconspicuous garb, and shall not be compelled to work more than ten hours in any one day.

§ 3. AMENDMENT.] That Section 11263 of the Compiled Laws of North Dakota is hereby amended to read as follows:

§ 11263. TOOLS AND EQUIPMENT.] The Warden, under the direction of the State Board of Control, shall procure the necessary machinery, tools, and equipment to properly carry on and conduct the work and industries of the Penitentiary.

§ 4. AMENDMENT.] That Section 11264 of the Compiled Laws of North Dakota for the year 1913, is hereby amended to read as follows:

§ 11264. COMPENSATION.] Prisoners engaged in carrying on the work of the Penitentiary, and industries established thereat, or at other state institutions, or upon public highways, shall receive not less than ten cents nor more than twenty-five cents per day for work actually performed, the maximum compensation to be determined by the State Board of Control. The Warden shall assign a reasonable daily task to be performed by each prisoner, and the compensation of the prisoner shall be determined by the amount of work he performs on such task. All prisoners, faithfully performing the daily task assigned, shall receive the maximum compensation determined by the State Board of Control, and whenever it becomes necessary in carrying on the work at the Peniten-

tiary or otherwise above mentioned, for a prisoner to labor in excess of ten hours per day, he shall receive such additional compensation as allowed by the State Board of Control, not to exceed ten cents per hour. The compensation of all prisoners working at the Penitentiary or the industries carried on thereat, shall be paid out of such funds of the Penitentiary or the funds of the industries carried on at the Penitentiary as the State Board of Control shall designate.

§ 5. AMENDMENT.] That Section 11265 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11265. DISPOSITION OF MONEYS EARNED.] The Warden of the State Penitentiary shall keep an inmates account ledger in which shall be opened an account with each inmate and the earnings of each inmate to whom money is paid, shall be distributed monthly as herein provided in the temporary aid account, the prisoners' general benefit fund, and the personal account of each prisoner and the defendant relative account of such prisoners as have relatives dependent upon them for support, and the Warden shall furthermore keep an accurate account [of] for all moneys deposited from any source whatsoever to the inmates personal account and also an account of the inmates general benefit fund, showing in each case all receipts and expenditures. The earnings paid to all prisoners having dependent relatives shall be distributed as follows: There shall be mailed monthly to the dependent relative of each prisoner, upon request, fifty per cent. of his gross earnings and five per cent. of each prisoner's gross earnings shall be deposited monthly to the credit of the prisoners' general benefit fund, and five per cent. to be placed to the credit of his personal account. The remaining forty per cent. of the prisoner's gross earnings shall be deposited monthly to the credit of his temporary aid account, until he shall have accumulated the sum of fifty (\$50.00) dollars to his credit, or such portion thereof as he shall have earned at the expiration of his sentence which sum shall be paid him in full upon his final discharge. All moneys earned by a prisoner having a relative dependent upon him for support, after he has accumulated the sum of fifty (\$50.00) dollars to his credit in the temporary aid account shall be apportioned as follows: There shall be mailed monthly to said dependent relative of each prisoner upon request, seventy-five per cent. of the gross earnings of said prisoner, and ten per cent. deposited to the credit of the prisoners' general benefit fund and the remaining fifteen per cent. placed to the credit of his personal account. The gross earnings paid to all prisoners not having relatives dependent upon them for support, shall be distributed as follows: Five per cent. of the moneys earned by each prisoner shall be placed to the credit of the prisoner's personal account and five per cent. of the money earned by each prisoner shall be placed to the credit of the prisoners' general benefit fund, and the remainder placed to the credit of

the temporary aid account of each prisoner until he shall have accumulated the sum of fifty (\$50.00) dollars, to his credit or such portion thereof as he shall have earned at the expiration of his sentence, which sum shall be paid him in full upon his final discharge. The gross earnings of a prisoner having no relatives dependent upon him for support, after accumulating the aforesaid fifty (\$50.00) dollars, shall be distributed equally, one-half to be placed to the credit of his personal account and the other half to the credit of the prisoners' general benefit fund which fund provides for the maintaining of the entertainments and amusements carried on for the benefit of all prisoners at the Penitentiary. Any prisoner who requires medical, surgical or dental treatment, not provided by the state, may use the money to his credit in any fund to defray the expense of such treatment. This money to the credit of any prisoner who escapes or violates parole, shall be used to pay for the expense of apprehension and capture, and if said escaped prisoner or parole violator is not apprehended and captured within the time of one year from the date of his escape, the money to the credit of such escaped prisoner or parole violator shall be forfeited and turned into the credit of the prisoners' general benefit fund. *Provided*, however, that in case such escaped prisoner or parole violator is apprehended and captured at any time after the expiration of one year, the money to the credit of such escaped prisoner or parole violator which has been transferred to the prisoners' general benefit fund shall revert from the prisoners' general benefit fund, in so far as necessary in paying for the expense incurred in apprehending and capturing said escaped prisoner or parole violator.

§ 2. AMENDMENT.] That Section 11266 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11266. MERIT SYSTEM.] The Warden of the State Penitentiary, with the approval of the State Board of Control, shall establish rules and regulations relating to the conduct of prisoners and shall prescribe penalties for the infraction and violation thereof. Such rules, regulations and penalties shall be printed in legible English, and posted in each cell of the Penitentiary, and to such prisoners who cannot read English, they shall be translated and explained to said prisoners in their native language.

§ 7. AMENDMENT.] That Section 11267 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11267. EXTRA "GOOD TIME."] Upon recommendation of the Warden, the Board of Control may allow extra good time to prisoners in addition to the good time now granted by law, *provided*, however, such extra good time shall not be computed upon the term of the sentence, but upon the time of their imprisonment. In computing such extra good time, it shall in no case

more than equal the good time now provided by law, and in allowing such extra good time, it is herein specifically provided that it must be earned by good conduct and diligent work.

§ 8. AMENDMENT.] That Section 11268 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 11268. FINES FOR MISCONDUCT OF PRISONER.] The Warden, with the approval of the State Board of Control, shall institute and maintain a uniform system of fines and penalties to be deducted from the compensation and good time credited to any prisoner for misconduct or refusal to perform the daily task assigned him.

§ 9. REPEAL.] That Section 11269 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

§ 11269. APPROPRIATION.] That Section 11269 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved, March 8, 1915.

CHAPTER 192.

[H. B. No. 30—McQuillan.]

SALARY PENITENTIARY FIELD OFFICER.

AN ACT to Amend Section 10955 of the Compiled Laws of 1913, Relating to the Duties and Salary of the Field Officer Appointed by the State Board of Control of Penal and Charitable Institutions.

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

§ 1. AMENDMENT.] That Section 10955 of the Compiled Laws of 1913 be amended to read as follows:

§ 10955. FIELD OFFICER.] The State Board of Control of penal and charitable institutions may appoint and employ one officer to be known as Field Officer for the Penitentiary and State Training School who shall receive a salary of not to exceed twelve hundred dollars per annum and who shall be an employee of the State Penitentiary and who shall give his entire time to Penitentiary duties when not otherwise employed as Field Officer, and whose duty it shall be without additional salary or compensation other than that for necessary expenses, to carefully look after the welfare of all persons whose sentences have been suspended, and those who have been paroled from said institution after a period of imprisonment therein.

EMERGENCY.] An emergency is hereby declared to exist wherein the present salary is entirely inadequate to meet the requirements of the office. Therefore this bill shall become a law immediately upon its passage and approval.

Approved, March 10, 1915.

CHAPTER 193.

[S. B. No. 282--Overson.]

MINORS TO BE TRANSFERRED FROM REFORM SCHOOL TO PENITENTIARY.

AN ACT to Amend Section 11281 of the Compiled Laws of 1913, Relating to the Commitment of Minors, Who have been Convicted of Felonious Crimes, to the Reform School During Good Behavior.

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

§ 1. AMENDMENT.] That Section 11281 of the Compiled Laws of 1913 be amended to read as follows:

§ 11281. WHO MAY BE SENT TO REFORM SCHOOL. PROCEDURE.] Whenever any person under the age of twenty years shall, in any district court or county court having increased jurisdiction of this state, be found guilty of a crime or public offense, other than murder, such court may, if in its judgment the accused is a proper subject therefor, instead of entering judgment against such person, direct by an order to be entered in the minutes of the court that such person be committed to the State Reform School until such person attains the age of twenty-one (21) years. Whenever any such person convicted of a felony in the district court or in a county court having increased jurisdiction becomes incorrigible after commitment to such school, and because of insubordination, misconduct or any other cause, becomes a menace to the discipline and order in the school and exerts a demoralizing influence upon the other inmates, the committing court may, upon application of the Superintendent of the Reform School, setting forth the facts, endorsed by the Board of Control, make an order transferring such inmate to the Penitentiary. No other trial or proceeding shall be necessary, and every minor convicted of a felony and committed to the Reform School shall be liable to transfer as herein provided.

Approved, March 4, 1915.

PROHIBITION

CHAPTER 194.

[H. B. No. 114—Smith of Kidder.]

DEFINING CRIME OF BOOTLEGGING.

AN ACT Defining the Crime of Bootlegging, Fixing the Punishment Therefor, and Repealing Sections 10144 and 10145, Compiled Laws of the State of North Dakota, 1913, being Chapter 60, Session Laws, 1913.

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

§ 1. BOOTLEGGING DEFINED.] Any person who shall sell or barter any intoxicating liquor upon any premises or place, public or private, within the State of North Dakota, not owned, kept, maintained or controlled by him; or, who shall act, directly or indirectly, with or without compensation, as the agent of another in connection with the purchase, or sale of intoxicating liquors; or, who shall solicit, procure or receive from any person, any order, providing for the purchase, sale or furnishing of intoxicating liquors, either for delivery from within or from without this state, except from those authorized by law to sell or barter the same within this state; or, who shall aid, assist or abet in the commission of such crime, shall be guilty of the crime of bootlegging.

§ 2. PENALTY.] Every person convicted of the crime of bootlegging shall be punished by imprisonment, shall be punished by a fine of not less than \$200.00 or more than \$1000.00, and by imprisonment in the county jail for not less than ninety days or more than one year, or by imprisonment in the State Penitentiary under an indeterminate sentence of from one year to three years; and for the second and each succeeding offense shall be punished by imprisonment in the State Penitentiary under an indeterminate sentence of not less than two or more than five years.

§ 3. Sections 10144 and 10145, Compiled Laws of the State of North Dakota, 1913, being Chapter 60, Session Laws of the State of North Dakota, 1913, are hereby repealed.

Approved, March 3, 1915.

CHAPTER 195.

[H. B. No. 265—McMillan.]

PROCEDURE IN INJUNCTIONAL CASES.

AN ACT to Amend Section 10117 of the Compiled Laws 1913 (Same being Section 9373 Revised Codes 1905) by Making More Definite the Procedure in Cases of Lease Hold Premises Held Under an Injunction; Providing a Means Whereby Innocent Owners May Cancel a Lease Thereof and Further Providing for the Continuing the Action for a Period of One Year and Increasing the Breadth of the Operation of such Injunction by Making it Personal and Apply to Clerks, Servants and Agents, and to Include any Place within the State.

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

§ 1. That Section 10177 of the Compiled Laws 1913 (same being Section 9373 Revised Codes 1905) be and the same hereby is amended to read as follows:

All places where intoxicating liquors are sold, bartered or given away, in violation of any of the provisions of this Chapter, or where persons are permitted to resort for the purpose of drinking intoxicating liquors as a beverage or where intoxicating liquors are kept for sale, barter or delivery in violation of this Chapter, are hereby declared to be common nuisances; and if the existence of such a nuisance is established, either in a criminal or equitable action, upon the judgment of a court or judge having jurisdiction, finding such place to be a nuisance, the Sheriff, his deputy, or under Sheriff, or any Constable of the proper county or marshal of any city where the same is located, shall be directed to shut up and abate such place by taking possession thereof, if he has not already done so under the provisions of this Chapter and by taking possession of all such intoxicating liquors found therein, together with all signs, screens, bars, bottles, glasses and other property used in keeping and maintaining such nuisance and such personal property so taken possession of shall, after judgment, be forthwith publicly destroyed by such officer, and the owner or keeper thereof or any person who, in any manner, by using such place for the illegal purposes forbidden herein, or otherwise aids, abets, or assists in any violation of this Section or Chapter, shall, upon such conviction, be adjudged guilty of maintaining a common nuisance, and shall for the first offense be punished by a fine of not less than \$200 nor more than \$1000, and by imprisonment in the county jail not less than ninety days nor more than one year, and for the second and every successive offense be punished by imprisonment in the Penitentiary not exceeding two years and not less than one year; and said officer abating such nuisance shall securely close said building, erection or place where such nuisance was located, as against the use or occupation of the same for saloon purposes, and keep the same securely closed for the period of one year

(unless sooner released as hereinafter provided), and any person breaking open said building, erection or place, or using the premises so ordered to be closed, shall be punished for contempt, as hereinafter provided, in case of violation of injunctions; *provided*, however, that when lease hold premises are closed under a temporary injunctional order or have been adjudged to be a nuisance, the owner thereof shall have the right to terminate the lease by giving three days' notice thereof, in writing to the tenant, and when this is done, if the said owner shall prove to the court that he was without fault, and neither knowingly, nor without knowledge negligently permitted the keeping or maintaining of the nuisance complained of, the premises shall be turned over to the owner upon the order of the court or judge as hereinafter set forth. But the release of the property shall be upon the condition that the nuisance shall not be continued, and the return of the property shall not release any lien upon said property occasioned by any prosecution of the tenant. If the owner appears and pays all costs of the proceedings and files a bond with sureties to be approved by the clerk in the full value of the property to be ascertained by the court or judge, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein within the period of one year thereafter the court, or in vacation time the judge may, if satisfied of his good faith, order the premises taken and closed under the order of abatement, to be delivered to said owner; and if the proceeding is an action either at law or in equity and bond is given and costs therein paid, the action shall be dismissed at the end of one year from the date of the service of the temporary injunctional order, if in an equity case, or the closing of the premises if in a criminal case; in the meantime and in either form of action the premises where such nuisance was kept and maintained, shall be regarded as being under a restraining order of the court, a violation of which will subject the violator to punishment for contempt as hereinafter provided; *provided*, however, that the release of the property under the provisions of this Section shall not release it from any judgment, lien or penalty, or liability to which it may be subject under any statute or law. *Provided*, further, that when an injunction, either temporary or permanent, has been granted, under the provisions of this Chapter, the same shall be binding personally on the defendant or defendants, throughout the entire state, and for the violation of such injunction in any place in the State of North Dakota, the offending party shall be punished as for contempt according to the rules in this Chapter prescribed.

§ 2. All Acts and parts of Acts in conflict with these amendments are hereby expressly repealed.

§ 3. An emergency having arisen in the fact that the law is insufficient to afford adequate relief when agents violate law and in case of persons owning lease hold premises, and also in cases

where parties under injunctive order continue their violation of the law elsewhere than as in the place specifically mentioned in the injunctive proceedings, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1915.

CHAPTER 196.

[H. B. No. 60—Lathrop.]

PROHIBITING USE OF FICTITIOUS NAME IN RECEIPTING FOR INTOXICATING LIQUOR.

AN ACT Regulating the Receiving or Receipting for Intoxicating Liquor, Prohibiting such Under Fictitious Name or Appellation, and Fixing Penalty for Violation Thereof.

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

§ 1. Any person who shall receive or receipt for any intoxicating liquor not consigned to himself, or a member of his family of the age of majority, or who shall use any fictitious name or appellation and receive or receipt for intoxicating liquor thereunder shall be guilty of a misdemeanor.

Approved, March 5, 1915.

CHAPTER 197.

[H. B. No. 58—Everson.]

PEACE OFFICERS TO REPORT LAW VIOLATIONS.

AN ACT Stating the Duties of Certain County, Township, Village or Town Officials and Prescribing Penalty for Refusal or Failure to Act Thereon.

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

§ 1. It shall be the duty of the State's Attorney, Assistant State's Attorney, Sheriff, Deputy Sheriff, Constable, Marshal, or police officer of any county, township, city, village, or town in the State of North Dakota, having any evidence, knowledge or notice of any violation of the prohibition, pure liquor, gambling, cigarette, snuff, pool hall, bawdy house, prostitution, white slave or habit forming drug laws of North Dakota to diligently investigate the same and seek evidence of such violation and the names of witnesses by whom such violation may be proved, and in the case of said peace officers to report the same to the State's Attorney of the county in which such violation occurs and give him every assistance in the prosecution of the violators of said laws.

§ 2. EMERGENCY.] Whereas, there is no adequate statement of the duties herein defined, now therefore an emergency is hereby declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 18, 1915.

PUBLIC HEALTH

CHAPTER 198.

[H. B. No. 50—Thompson.]

AUTHORIZES REMOVAL OF SUPERINTENDENT OF PUBLIC HEALTH.

AN ACT to Amend Section 404, of the Compiled Laws of North Dakota for the Year 1913, Relating to the County Board of Health, and How Composed.

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

§ 1. AMENDMENT.] That Section 404 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 404. BOARD, HOW COMPOSED.] There is hereby established County Boards of Health, composed of a president, vice-president and superintendent; the State's Attorney in each county shall be president of the county board; the County Superintendent of Schools shall be vice-president, and the Board of County Commissioners shall at the first meeting of the board each year appoint a Superintendent of Public Health for the county, who shall be learned in medicine, and hold a license to practice medicine and surgery within the state, and the several persons appointed shall hold their offices for one year and until their successors are elected and qualified.

Provided, however, that whenever the State Board of Health has reason to believe that the County Superintendent of Public Health is failing to perform his duties as prescribed by law they may report the case to the Board of County Commissioners, and the latter may, after proper hearing, at their next meeting declare the office vacant, and appoint another physician in his place for the remainder of the unexpired term.

Approved, January 28, 1915.

PUBLIC OFFICERS

CHAPTER 199.

[S. B. No. 64—Bond.]

REMOVAL OF PUBLIC OFFICERS.

AN ACT to Amend and Re-enact Sections 686, 688, 690, 691, 692, 693, 694 and 695, Compiled Codes of North Dakota, 1913, Relating to the Removal of Public Officers by the Governor.

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

§ 686. CHARGES, HOW MADE AND BY WHOM PROSECUTED.] The complaint or charges against any such official authorized to be removed by the Governor shall be entitled in the name of the State of North Dakota and shall be filed with the Governor. It may be made upon the relation of any five qualified electors of the county in which the person charged is an officer, or by the State's Attorney of such county, and such complaint and charges shall be filed by the Attorney General when directed to do so by the Governor. When the officer sought to be removed is other than the State's Attorney, it shall be the duty of the State's Attorney or other competent attorney upon request of the Governor to appear and prosecute, and when the proceedings are brought to remove the State's Attorney the Governor shall request the Attorney General, or other competent attorney to appear on behalf of the state and prosecute such proceedings.

§ 688. SPECIAL COMMISSIONER TO HEAR AND TAKE TESTIMONY. SUSPENSION OF OFFICER.] Whenever charges are filed against any such officer, the Governor shall appoint as a special commissioner a competent person learned in the law to hear and report the testimony for and against the accused, and to file his report of said testimony, to be used on the hearing. Such testimony shall be reduced to writing, and when said testimony is not taken by a shorthand reporter, each witness shall subscribe his name to his testimony when the same is so reduced, and the Governor, in his discretion may, if in his judgment the best interests of the state shall require it to be done, by written order to be delivered to such officer, suspend such accused officer from the performance of duty during the pendency of the hearing. If the Governor shall so suspend the accused, he shall immediately notify the board or persons authorized to fill a vacancy of such office, and thereupon such board or persons shall, within five days after receipt of such notice, appoint some competent person to fill such office and perform the duties thereof ad interim.

§ 690. Whenever testimony has been taken upon charges filed against any officer, as hereinbefore provided, it shall be the duty of the special commissioner to forthwith report all such testimony and proceedings, to the Governor, and file the same in his office, and thereupon the Governor shall fix a time and place for the hearing on a day not more than ten days from the date of the filing of the commissioner's report, and not less than five days from the date of the services of notice of such hearing upon the accused, at which hearing the accused shall be entitled to be heard in person or by attorney. If upon such hearing the charges are sustained, the Governor shall forthwith make the order in writing removing such officer from his office and cause a copy of such order to be delivered to the accused and one copy to be delivered to the board or persons having the authority to fill a vacancy in such office, and thereupon such board or persons shall, within five days thereafter, appoint some competent person to fill such office and perform the duties thereof, unless the accused had, prior to the final hearing, been suspended as hereinabove provided, and an ad interim appointment made. In such case the person appointed to such office ad interim shall continue until the expiration of the term for which the accused was elected or appointed; *provided*, however, that in all cases where the accused person so removed deems himself aggrieved thereby, he shall be entitled to appeal from the decision of removal so made by the Governor to any district court in this state upon a filing a notice of appeal therefrom in the office of the Secretary of State within fifteen days after the date thereof. Such notice to set forth the grounds of appeal and thereupon the accused person shall be entitled to a trial de novo in such court, as now provided by law; *provided*, that such trial be not held in the county wherein the accused resides.

§ 691. The fees of the special commissioner herein provided for shall be six dollars per day, and in addition thereto said special commissioner shall receive his mileage from his residence to the place of trial the same as is allowed by law to Sheriffs, and shall have power to employ a stenographer who shall be paid fifteen cents per folio for original transcript of testimony and five cents per folio for copies required, said expenses to be itemized by said commissioner and filed with his report and findings and audited and allowed by the Governor, and witnesses giving testimony before such commissioner shall to a number to be limited by the commissioner be allowed the same fees as witnesses in district court. In proceedings to remove a county officer such fees shall be paid by the county upon allowance by the county board in the same manner as other claims against the county, and if a municipal or township officer, then by the city council, board of city commissioners or township board, in the same manner as other claims against the municipality.

§ 692. When a special commissioner shall have been appointed,

as herein provided for, such commissioner shall forthwith take an oath and file the same with the Governor that he will impartially and to the best of his knowledge and ability, without fear, favor or prejudice hear, and cause to be taken, all the testimony and evidence offered and received at the hearing for and in behalf of the prosecution and accused, together with all papers and other exhibits offered by either party and carefully preserve the same; that he will cause all of the oral testimony offered and received at the hearing to be correctly and fully transcribed, and as speedily as may be after the hearing attest the same as a full, true and complete record of all evidence and testimony, including all exhibits offered and received at said hearing by either party, and cause the same to be filed with the Governor. Upon having taken and filed such oath the commissioner shall have authority to issue subpoenas for persons and subpoenas duces tecum and administer oaths to witnesses the same as now conferred upon justices of the peace, and such subpoenas may be directed to any Sheriff, Constable, chief of police or city marshal, who shall immediately serve the same, and such officer shall be entitled for his services in serving the same, such fees as are now allowed to constables for serving subpoenas in justice court, and such fees shall be paid in the same manner as herein provided for witness fees and commissioner's fees. The procedure in taking the testimony as herein provided shall be the same as is now provided by law in the district court as to admissibility of testimony, and such commissioner shall, upon taking and filing his oath, have the same powers as are now conferred upon district judges and shall rule on, admit or exclude testimony accordingly, and he shall have the power to punish for contempt in the same manner as is now provided by law for contempt in the district court.

§ 693. When charges are preferred against any of the officers mentioned in this Act by qualified voters other than the State's Attorney or Attorney General, as provided in Section 686, and upon such hearing it shall appear that such charges were not preferred in good faith, then all of the costs of the proceedings under this Act, not exceeding the sum of three hundred dollars, may in the discretion of the Governor be taxed to the persons making such charges, and when such charges are made by such relators there shall be filed, together with such charges, a good and sufficient indemnity bond in the sum of three hundred dollars, to be approved by the Governor, binding such relators to the payment of such costs upon the failure to maintain such charges as herein provided.

§ 694. If the costs shall be taxed against the persons preferring charges against any of the officers mentioned in Section 685, it shall be the duty of the Governor to certify such costs to the State's Attorney of the county affected, together with the indemnity bond filed with said charges, and it shall then be the duty

of such State's Attorney to commence action on the bond and reduce the same to judgment and cause said judgment to be filed in the office of the Clerk of the District Court of such county, and to proceed to collect the same; and such certificate of the Governor shall be prima facie evidence of the amount of costs therein contained.

Approved, March 9, 1915.

PURE FOOD AND BEVERAGES

CHAPTER 200.

[S. B. No. 208—Porterfield.]

PURE FOOD AND BEVERAGES.

AN ACT to Prohibit the Adulteration and Misbranding of Foods and Beverages and the Selling of Adulterated and Unwholesome Foods and Beverages; Providing for the Labeling of Foods and Beverages; and Prescribing Penalty for Failure to Comply with the Provisions of this Act.

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

§ 1. ADULTERATING AND MISBRANDING FOODS AND BEVERAGES.] It shall be unlawful for any person, either himself or while acting as agent or servant of any other person or corporation, to manufacture for sale, offer, or have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this Act. The having in possession of such adulterated, unwholesome, misbranded or insufficiently labeled article or articles shall be deemed prima facie evidence of the violation thereof. For the purpose of this Act all confections, condiments, extracts, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed articles of food.

§ 2. The office of Food Commissioner and State Chemist is hereby created, said office to be located at the Agricultural College at Fargo.

§ 3. WHAT CONSTITUTES ADULTERATION. IMPROPER LABELING.] Any article of food or beverage shall be considered as misbranded, unwholesome, adulterated or insufficiently labeled, as the case may be, within the meaning of this Act:

FIRST. If it contains any form of added mineral color, aniline dye or other coal tar dye, or if colored (and not in violation of clause six of this Section) with a harmless vegetable dye or color and the name thereof is not given on the label; *provided*, the Food

Commissioner may exempt from the provisions of this clause such dyes or colors as he deems proper for use in food products or beverages.

SECOND. If it contains any added formaldehyde, benzoic acid, sulphurous acid, boric acid, nitrous acid, salicylic acid, hydrofluoric acid, pyrolignous acid, copper, saccharin, dulcin, glucin, beta-naphthol, abrasol, oxides of nitrogen, or any salt or antiseptic compound derived from these products, or any other added ingredient of a deleterious or harmful nature in any quantity whatsoever. *Provided*, nothing in this Act shall be deemed to prohibit the use of household spices and condiments or of the smoking of meats and fish with wood smoke applied directly as generated.

THIRD. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength of food value so that such articles of food or beverage when offered for sale shall deceive or tend to deceive the purchaser, or if any substance or substances other than dyes, flavoring or preservatives permitted by this Act have been added to it which deceive or tend to deceive the user or purchaser as to the true qualities of the article or beverage, or which cause the article or beverage to appear to be superior to or different from its real qualities.

FOURTH. If any inferior or cheaper substance or substances have been substituted wholly or in part for any of the natural or proper ingredients of such product, article, or beverage, so that the product, when sold, shall deceive or tend to deceive the purchaser.

FIFTH. If any necessary or valuable constituent of the article has been in whole or part abstracted.

SIXTH. If it be an imitation of or offered for sale under the specific name of another article.

SEVENTH. If it be labeled, branded, colored, coated, treated, or stained, whereby damage or inferiority is concealed, so as to deceive or mislead the purchaser, or if it be falsely labeled in any respect, or if it purport to be a foreign article when not so. It shall be unlawful to color or to treat any food product or beverage so as to make it an imitation of another article, or to make it appear of superior quality or of a higher grade than it really is so that it may deceive or mislead the purchaser.

EIGHTH. If it consists wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substance, or if such substance or substances be used in the preparation thereof, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter, or if it be produced, stored, transported or kept in a condition that would render the article diseased, contaminated, or unwholesome, or if it is the milk of an animal fed upon a substance unfit for the food of dairy animals.

NINTH. If every package, bottle or container does not bear the

true net weight, measure or numerical count, as hereinafter provided for, the name and address of the real manufacturer or jobbers, and the true grade or class of the product, or, in case of compounds, mixtures, or blends, it does not show, in accordance with regulations provided for by the Food Commissioner, the true composition of the said product when essential to public welfare and to prevent fraud and deception, the same to be expressed on the face of the principal label in clear and distinct English words in black type on a white background, said type to be in size uniform with that used to name the brand or producer, or in a form to be approved by the Food Commissioner.

TENTH. Every article of food or beverage as defined in the statutes of this state shall be sold by weight, measure or numerical count and as now generally recognized by trade custom, and shall be labeled in accordance with the provisions of the food and beverage laws of this state. Only those products shall be sold by numerical count which cannot well be sold by weight or measure. All weights shall be net, excluding the wrapper or container, and shall be stated in terms of pounds, ounces and grains avoirdupois weight, and all measure shall be in terms of gallons of two hundred and thirty-one (231) cubic inches or fractions thereof, as quarts, pints, and ounces. Reasonable variations shall be permitted and tolerations therefor shall be established and promulgated by the Food Commissioner.

ELEVENTH. If the article of food or beverage is inferior to the standard prescribed by the Food Commissioner for such article of food or beverage and is labeled or offered for sale as complying with such standard, or if it is not labeled or offered for sale under the designation prescribed by said Food Commissioner to indicate its grade of purity, quality and strength as compared with the standard for such product.

Provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

FIRST. If it be a compound or mixture of recognized food products not included in definitions sixth, eighth and ninth of this Section, and if it be properly labeled or tagged to comply with the other provisions of Section 3.

SECOND. In the case of candies, confections and chocolates, if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances or aniline dye, or other coal tar dyes or other poisonous colors, shellac, resinous bodies, paraffin, flavors, alcoholic liquor, or products detrimental to health, and are correctly labeled to comply with all the other provisions of this Act.

Provided, further, that upon the outside and the face of every box, can, or package containing baking powder or any mixture or compound intended for use as a baking powder or leavening agent for cooking, there shall be affixed a light colored label upon which shall be printed with black ink and in clear, legible type the name

and address of the manufacturer and, in a form to be prescribed by the Food Commissioner, a true statement showing the constituents and ingredients of the product.

Provided, further, that in the case of perishable goods put up in bulk, sodium benzoate or other less harmful preservatives may be used in proportion not to exceed one part in two thousand in such products and under such regulations as may be determined upon and proclaimed by the Food Commissioner at the Agricultural College at Fargo. This clause shall not be applicable to any case at any time where products can be commercially produced without the use of chemical preservatives. Where the use of preservatives is permitted the fact shall be clearly set forth on the face label in a form and manner to be prescribed by the Food Commissioner at the Agricultural College at Fargo.

§ 4. STANDARDS. HOW FIXED.] The Food Commissioner at the Agricultural College at Fargo is, with the approval of the board of trustees, hereby authorized and directed to prescribe standards of purity, quality and strength for all recognized food products in this state, not fixed by statute, and to fix approximate designations which shall disclose to the purchaser the relative purity, quality and strength of the product as compared with the standard for such product.

§ 5. FOOD COMMISSIONER, HOW APPOINTED.] It shall be the duty of the board of trustees, or governing board of the North Dakota Agricultural College and Experiment Station, to appoint a Food Commissioner and State Chemist as a member of the Agricultural College whose duty it shall be to enforce all the provisions of this Act, and the said board of trustees may employ, for the assistance of the Food Commissioner, such other chemists, scientific aids, experts, agents and employees as may be deemed necessary for the proper enforcement of this Act.

§ 6. FOOD COMMISSIONER AND STATE CHEMIST TO MAKE ANALYSES.] The Food Commissioner and State Chemist at the Agricultural College at Fargo shall make analyses of food products and beverages on sale in North Dakota suspected of being adulterated, misbranded or in violation of this Act, at such times and places and to such extent as he may determine and shall make such experiments and investigations as he deems necessary for gathering information for the better enforcement of the food laws; and the Sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this Act, and such Food Commissioner, agent or agents thereof and Sheriff shall have free access at all reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exists, and such Commissioner, agents, or Sheriff, upon tendering the market price of said article may take from any person, firm or corporation samples of any articles suspected of

being adulterated as aforesaid. The provisions of this Act shall apply to all hotels, restaurants, boarding-houses, public institutions or places where foods, or meals are served for pay.

§ 7. PENALTY FOR SO DOING.] Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall for each offense be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, and all necessary costs, including the expense of analysing such adulterated articles when said person has been found guilty under this Act.

§ 8. SEIZURES. HOW MADE.] Any article of food or beverage that is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this Act, and which is in the possession of any person, firm or corporation in this state for the purpose of being offered for sale or to be sold or delivered in this state for food or as a beverage shall be liable to be proceeded against in the district court of the county where the same may be found and seized for confiscation by a process of libel for condemnation. The proceedings in such cases shall conform as near as may be to the proceedings followed in such cases under the Food and Drugs Act of the United States in the federal district courts, except that the proceedings shall be at the suit of and in the name of the State of North Dakota. And if the articles or beverages so seized in such proceeding shall be found by the court to be unwholesome within the meaning of this Act, then the court shall render judgment ordering the destruction thereof; but if the same are found to be adulterated, misbranded or insufficiently labeled but not unwholesome then the court shall render judgment for the sale thereof in the manner and upon the notice usual in sales of personal property upon execution and proceeds of such sale shall be paid into the treasury of the county where the seizure was made to the credit of the general fund.

Provided, however, that upon payment of the costs and charges of such proceedings and the execution and delivery of a good and sufficient bond to be approved by the court, to the effect that such articles or beverages as seized shall not be sold contrary to the provisions of this Act, the court may, if the food or beverage seized is not unwholesome, by order direct such articles or beverages to be surrendered to the owner thereof and the proceedings shall be dismissed.

§ 9. DUTY OF STATE'S ATTORNEY.] It shall be the duty of the Attorney General and the State's Attorney to prosecute all persons violating any of the provisions of this Act when the evidence thereof has been presented by the Food Commissioner and State Chemist as provided for in Sections 11 and 12 of this Act; and to institute and conduct proceedings for seizure and condemnation of foods and beverages as provided in this Act when it shall appear that such foods or beverages are kept, manufactured, or offered for sale in violation of this Act.

§ 10. CITIZENS MAY SEND SAMPLE OF FOOD OR BEVERAGE FOR ANALYSIS.] Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food or food products, or beverages, in the original package to said Food Commissioner to be analyzed, and such article, if not before analyzed, shall be analyzed and included in the next bulletin or report of the Food Commissioner as provided for in Section 13 of this Act.

§ 11. FACTS, HOW TRANSMITTED.] Whenever said Food Commissioner shall find by analysis that adulterated, misbranded or insufficiently labeled food products or beverages have been on sale in this state, he shall forthwith transmit the facts so found to the Attorney General and to the State's Attorney of the county in which said food product was found.

§ 12. CERTIFICATE OF EVIDENCE.] Every certificate duly signed and acknowledged by the State Chemist at the Agricultural College at Fargo relating to the analysis of any food, food product or beverage, shall be presumptive evidence of the facts herein stated.

§ 13. FOOD COMMISSIONER TO MAKE ANNUAL REPORT.] The said Food Commissioner shall make an annual report to the Governor upon adulterated food products, and said report shall be published by the state, and the said Food Commissioner is further authorized to publish or cause to be printed from time to time such bulletins as are found necessary for setting forth the results of analysis and investigations made under this Act, and in June and December of each year the said Food Commissioner shall furnish to the Auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the reason for classing the same as illegal. The County Auditor of each county shall cause the said list to be printed in the official papers of such county. Said publication shall be made in July and January of each year and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the Board of County Commissioners.

§ 14. DUTY OF SHERIFF OR ANY COUNTY HEALTH OFFICER ON PRESENTATION OF COMPLAINT OF VIOLATION OF THIS ACT. COMPENSATION.] It is hereby made the duty of the Sheriff or any County Health Officer of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this Act, to at once proceed to obtain by purchase a sample of the adulterated food, food products, or beverage complained of, and forward the same to the said Food Commissioner for analysis, marking the package or wrapper containing the same for identification with the name of the person from whom procured, the date on which the same was procured, and the substance therein contained. For his services hereunder the said Sheriff or County Health Officer shall

be allowed the same fees for travel as are now allowed by law to Sheriffs on service of criminal process, together with such compensation as may be by the County Commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said Commissioners and paid by his said county as other bills of said Sheriff or County Health Officer.

§ 15. NO ACTION IN COURT.] No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this Act.

§ 16. REPEAL.] All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

§ 17. EMERGENCY.] Whereas, an emergency exists, in that the present food law is imperfect and affords inadequate protection against the sale of misbranded food products and beverages, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

RAPE

CHAPTER 201.

[S. B. No. 187—Overson.]

RAPE—DEFINING.

AN ACT to Amend and Re-enact Sections 9566 and 9567 of the Compiled Laws of North Dakota for 1913, and Defining the Crime of Rape and Fixing the Degrees Thereof and Punishment Therefor, and Repealing Sections 9568 and 9569.

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

§ 1. AMENDMENT.] Section 9566 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 9566. RAPE IN THE FIRST AND SECOND DEGREES DEFINED. PUNISHMENT.] Rape is rape in the first degree:

1. In all cases in which the person committing the offense is twenty-four years of age, or over, at the time of the commission of the offense, and,

2. In all cases in which the offense is committed under the conditions described in sub-divisions 2, 3, 4, 5, 6 and 7 of Section 9563, or either of them, and in which the person committing the offense is twenty years of age, or over, at the time of the commission of the offense.

Rape is rape in the second degree :

1. In all cases in which the offense is committed under the conditions described in sub-divisions 2, 3, 4, 5, 6 and 7, of Section 9563, or either of them, and in which the person committing the offense is seventeen years of age and under twenty years of age at the time of the commission of the offense ; and,

2. In all other cases in which the person committing the offense is twenty years of age and under twenty-four years of age and the female is under eighteen years of age at the time of the commission of the offense.

Rape in the first degree shall be punished by imprisonment in the State Penitentiary for not less than one year.

Rape in the second degree shall be punished by imprisonment in the State Penitentiary for not less than one year, or, in case the defendant is a minor, either by imprisonment in the State Penitentiary for not less than one year or by committment to the State Reform School for not less than one year in the discretion of the court.

§ 2. AMENDMENT.] Section 9567 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 9567. RAPE IN THE THIRD DEGREE DEFINED.] Rape committed by a person under seventeen years of age at the time of the commission of the act and under the conditions described in sub-divisions 2, 3, 4, 5, 6, and 7 of Section 9563, or either of them, or in other cases with the apparent consent of the female, and she is under the age of eighteen years, is rape in the third degree and a person found guilty thereof shall be punished by confinement in the Reform School not less than one nor more than three years, at the discretion of the court.

§ 3. Sections 9568, 9569 Compiled Laws of 1913 are hereby repealed.

Approved, March 9, 1915.

RAILROADS

CHAPTER 202.

[H. B. No. 154—Gunthorpe.]

RAILROADS TO BUILD FENCES.

AN ACT to Amend Section 4646 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Duty of Railroads to Build and Maintain Fences.

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

§ 1. AMENDMENT.] That Section 4646 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 4646. WHEN REQUIRED TO FENCE.] Any person, persons or corporation owning land by or through which any railroad has been or may be constructed, who has enclosed or may enclose the same or any part thereof, and adjacent to the line of such a railroad, with either a good and sufficient fence or a hog-tight fence, may demand of such railroad company that it enclose its line next thereto with a good and sufficient fence or a hog-tight fence, corresponding in class of fence to that maintained by the owner, and maintain the same in good repair and condition until released therefrom by the owner of said tract or until the owner of said tract shall have ceased for one year to maintain in good condition and repair his portion of the fence around such enclosure. *Provided*, that the following shall constitute a hog-tight fence for the purpose of this Act: A woven-wire fence not less than twenty-six inches high with not less than seven cables and meshes not to exceed six inches in length. The bottom mesh shall be not more than three inches wide; the second not more than three and one-half inches wide, the third not more than four inches wide, the fourth not more than four and one-half inches wide, the fifth not more than five inches wide, and the sixth not more than six inches wide. The bottom wire of the said woven-wire fence shall be placed not to exceed two inches from the surface of the ground. And in addition to the woven-wire already prescribed there shall be not less than three barbed wires placed above said woven wire. The first barbed wire above the woven-wire shall be placed four inches above the top of the woven-wire fence. The second barbed wire shall be placed eight inches above the first barbed wire; and the third barbed wire shall be placed eight inches above the second barbed wire; in all, forty-eight inches. The posts shall be of ordinary size for fence purposes and set in the ground at least two feet deep and not to exceed six-

teen feet apart. The barbs on the barbed wire shall not exceed six inches apart, said wire to be of not less than No. 13 standard gauge. Approved, February 20, 1915.

CHAPTER 203.

[H. B. No. 6—Noyes.]

CLEANING OF CATTLE CARS.

AN ACT to Provide for the Sanitation, Disinfection, and Cleaning of Railway Cars Used for Transportation of Live Stock, and Prescribing Penalties for the Violation Thereof.

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

§ 1. DUTY OF RAILROAD COMPANY TO CLEAN AND DISINFECT CARS.] It shall be the duty of every person, firm, company or corporation operating a railroad within the State of North Dakota to cause every railroad car that has contained live stock destined to any railway terminal or market center to be thoroughly cleaned by removing all litter, manure or refuse from said car, and cause said car to be disinfected in such manner as may be now or hereafter be approved by the Bureau of Animal Industry of the United States Department of Agriculture before being used for the transportation of live stock into this state.

§ 2. CERTIFICATES.] Any car loaded with live stock in accordance with the provisions of Section 1 of this Act shall have a certificate attached to the shipping bill in substantially the following form: "This is to certify that Car No..... this day loaded with live stock for transportation from.....to....., by....., the owner of said live stock, (or by..... the agent of said....., owner) was disinfected and cleaned before said live stock was loaded therein, as prescribed by law.

Given under my hand this.....day of....., 19...
.....
Agent for
Railway,N. D."

A duplicate of said certificate shall also be posted in a conspicuous place on said car. The failure to furnish and post said certificates shall be presumptive evidence of a failure to comply with Section 1 of this Act.

§ 3. PENALTY.] Any railway company violating any of the provisions of this Act by failing to disinfect and clean said car in the manner and at the time required herein, shall be guilty of a misdemeanor, and shall be fined in a sum not less than fifty (\$50.00) dollars and not more than five hundred (\$500.00) dollars.

§ 4. EMERGENCY.] Whereas, an emergency exists in the fact that there is no adequate provision of law for the disinfection and

cleaning of railway cars used for the transportation of live stock into the State of North Dakota, this Act shall take effect and be in force from and after its approval and passage.

Approved, February 18, 1915.

CHAPTER 204.

[H. B. No. 159—Odland.]

RELATING TO STOCK YARDS.

AN ACT to Compel Railroad Companies to Maintain Suitable Stock Yards for the Convenience of the Public; to Restrain any Person from Using the Stock Yards for any Other Purpose than Shipping; and to Provide a Penalty for the Violation Thereof.

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

§ 1. Every railroad company operating in the State of North Dakota shall, when ordered by the Railroad Commissioners, erect and maintain at all stations, stock yards for the loading of live stock to be shipped over their line, and shall provide said yards with suitable sheds, feed racks, watering troughs and scales, and shall provide a supply of water, if practicable, connected directly with such watering troughs in said yards.

§ 2. No person shall use the railway company's stock yards for feeding or housing live stock when such live stock is not shipped or moved after receiving shipment within forty-eight hours without permission from the company.

§ 3. Any person or railroad company failing to comply with the provisions of Section 1 and Section 2 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00).

Approved, March 5, 1915.

CHAPTER 205.

[H. B. No. 398—Grow.]

RELATING TO CORPORATIONS.

AN ACT to Amend Section 4510 of the Compiled Laws of North Dakota for the Year 1913, Relating to Corporations.

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

§ 1. AMENDMENT.] That Section 4510 of the Compiled Laws of 1913 be amended to read as follows:

§ 4510. FEE IN CASE OF INCREASE OF STOCK.] No increase of

the capital stock of any corporation heretofore or hereafter formed, other than those excepted in the last Section, shall be valid until such corporation shall have paid into the state treasury the sum of five dollars for every ten thousand dollars, or fraction thereof, of such increase in the capital stock of such corporation; *provided*, that a railroad corporation, incorporated in one or more other states, shall be required to pay such fee on only such proportion of such increase in said railroad corporation's capital stock, as said railroad corporation's mileage in this state bears to the total mileage of said railroad corporation in the several states of its incorporation.

Approved, March 5, 1915.

CHAPTER 206.

[S. B. No. 178—Gronvold.]

PROHIBITING CHILDREN FROM TRESPASSING UPON RAILROAD PROPERTY.

AN ACT to Protect Minors from Accidents Resulting from Trespassing Upon the Premises or Right-of-Way of Railroad Companies and Giving Station Agents Powers of Peace Officers in Certain Cases, Prohibiting Minors not Having Business With Railroad Companies from Approaching in Close Proximity to the Yards or Rolling Stock of Such Companies and Providing a Penalty.

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

§ 1. APPROACHING CARS OR ENGINES.] No person under fifteen years of age, unless accompanied by parent or guardian, not having business with the railroad company requiring him so to do, shall approach closer than ten feet to any engine, car, train or other rolling stock upon the tracks or in the yards, bridges or terminals of any railway company in this state.

§ 2. ENTERING UPON PREMISES OF RAILROADS.] No person under fifteen years of age, unless accompanied by parent or guardian, shall enter any round house, shops, yards or bridges upon the railway tracks, the right-of-way or other places of danger owned by railway companies within the state unless such minor has business calling him to such places.

§ 3. NOTICES POSTED.] Every railway company in this state shall post in conspicuous places upon its round houses, shops and other dangerous places suitable placards and signs warning trespassers under this Act having no immediate business with such railway company to keep off their premises.

§ 4. AGENTS, PEACE OFFICERS.] The station agents of railway companies, while on duty in this state as such agents, are hereby invested with the authority of peace officers of the state. They

may arrest such minors for playing or trespassing on the right-of-way or premises of such railway companies; such arrests, however, shall not be made by such agents unless the railway company has complied with the provisions of this Act relating to the posting of notices, warnings, signs and placards. Agents acting as peace officers shall not receive any fee for arrests made according to the terms of this Act. If any station agent makes arrests contrary to the provisions of this Act, his principal, upon conviction thereof, shall be liable to the person arrested in damages for false imprisonment.

§ 5. *Provided*, nothing in this Act shall be construed as diminishing in any way the liability of railroad companies in case of accident.

§ 6. PENALTY.] Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one dollar nor more than five dollars.

Approved, March 4, 1915.

CHAPTER 207.

[S. B. No. 216—Wartner.]

EMPLOYERS' LIABILITY.

AN ACT Relating to the Liability of Common Carriers by Railroad to their Employees in Certain Cases.

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

§ 1. That every common carrier by steam railroad, while engaged in commerce to which the regulative powers of the state extends under the Constitution of the United States, and of the State of North Dakota, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or in case of the death of such employee, to his or her personal representative for the benefit of the surviving widow, or husband, or children of such employee, and if none, then to the next of kin dependent upon such employee, if such injury or death resulting in the whole or in part from the negligence of any officers, agents, or employees of such carrier, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, road-bed, works, boats, wharves, or other equipment.

§ 2. That in all actions hereafter brought against any such common carrier by a steam railroad under or by virtue of any of the provisions of this Act to recover damages for personal injuries to any employee, or where such injuries have resulted in his death, the fact that the employee had been guilty of contributory neg-

ligence, shall not bar a recovery; but the damages shall be diminished by the jury in proportion to the amount of negligence attributed to such employee. *Provided*, that no such employee who may be injured or killed, shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any state or federal statute enacted for the safety of employees, contributed to the injury or death of such employee.

§ 3. That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or death of any of its employees, such employee shall not be held to have assumed the risk of his employment, in any case where the violation by such common carrier of any state or federal statute enacted for the safety of employees, contributed to the injury or death of such employees.

§ 4. That any contract, rule, regulation, or devise whatsoever the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this Act, shall, to that extent, be void. *Provided*, that in any action brought against such common carrier, under or by virtue of any of the provisions of this Act, such common carrier may set off therein, any sum it has contributed or paid to any insurance relief benefit or indemnity that may have been paid to the injured employee or to the person entitled thereto on account of the injury or death, for which said action was brought.

§ 5. That no action shall be maintained under this Act, unless commenced within two years from the date the cause of action accrued.

§ 6. That the term common carrier as used in this Act, shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier.

§ 7. That any right of action given by this Act to a person suffering injury shall survive to his or her person represented for the benefit of the surviving widow or husband and children of such employee, and if none, then to such employee's parents, and if none, then to the next of kin dependent upon such employee; but in such case, there shall be only one recovery for the same injury.

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

Approved, March 11, 1915.

RAILROAD COMMISSIONERS

CHAPTER 208.

[H. B. No. 356—Harty.]

REGULATING RATES PUBLIC UTILITY CORPORATIONS.

AN ACT Prescribing the Manner in which Rates to be Charged by Persons, Firms or Corporations for Water, Gas or Electricity for Light, Heat or Power May be Regulated and Placing Such Regulation Under the Control of the Board of Railroad Commissioners.

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

§ 1. Whenever the City Council or Commission of any city or the governing body of any town or village, organized under the laws of the State of North Dakota, shall by vote of the majority of such body adopt a resolution or when petitioned by 20 per cent. of the qualified electors of any city, town or village in this state as to municipality owned plants, complaining that the rate charged within the municipality by any person, firm or corporation furnishing either water, gas or electricity for light, heat or power to said municipality or to the inhabitants thereof is excessive, and setting forth as near as may be the particulars wherein it is claimed that the rate charged is excessive, the auditor or other officer charged with the duties usually devolving upon a City Auditor, shall, within ten days after the adoption of such resolution forward a certified copy of the same to the Board of Railroad Commissioners for the State of North Dakota, and shall at the same time furnish to said Board of Railroad Commissioners a statement showing the names and business addresses of the persons, firms or corporations furnishing the water, gas or electricity to the said municipality or the residents thereof the price of which is complained.

2. As soon as may be after the receipt of such resolution and information provided for in Section 1 by the Board of Railroad Commissioners, the said board shall make or cause to be made a preliminary investigation of the matters complained of, and, if on such investigation such complaint appears to be well founded then the said Board of Railroad Commissioners shall fix a time for a hearing on such complaint and upon the fixing of such time shall notify the said municipality by mailing a notice to its auditor or other officer charged with the usual duties of a City Auditor and shall also notify any person, firm or corporation furnishing such water, gas or electricity the price of which is complained of, of the date and place of such hearing, giving to such parties not less than thirty days' notice thereof.

§ 3. Upon such hearing proceedings shall be had according to the general rules of procedure in equity cases and the president of the Board of Railroad Commissioners shall have power to issue process commanding the presence of witnesses who can be served within the State of North Dakota and the production of such books and records as are within their control.

§ 4. Upon the completion of such hearing the said Board of Railroad Commissioners shall make findings of fact and on such findings shall make an order fixing and establishing a just and reasonable rate as a maximum to be charged for the ensuing five years for the commodity the rate for which is then under investigation, and said board shall cause notice in writing to be given to the said municipality and to the person, firm or corporation engaged in furnishing the commodity the price of which has been so fixed, fixing the time when such rate shall take effect, which shall not be less than sixty days after the service of such notice upon such municipality and such person, firm or corporation aforesaid.

§ 5. The purpose and intent of this law is to place the regulation of the rate to be charged by persons, firms or corporations operating within the State of North Dakota and furnishing water, gas and electricity for light, heat or power to any municipality or the residents thereof under the control of the Board of Railroad Commissioners subject only to the rights of such person, firm or corporation to have the action of such board reviewed in the usual manner in an equitable proceeding in the courts of the State of North Dakota.

§ 6. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved, March 10, 1915.

CHAPTER 209.

[S. B. No. 139—Englund.]

TELEPHONE COMPANIES, PLACING UNDER CONTROL OF RAILROAD COMMISSIONERS.

AN ACT Placing Telephone Companies Under the Supervision of the Board of Railroad Commissioners, Giving said Commissioners Power to Compel Physical Connections Between Telephone Systems, to Regulate the Rates and Charges of Telephone Companies, and to Control Constructions and Operation of Telephone Plants, and Providing Penalties for the Violation of Orders Promulgated by the Board of Railroad Commissioners.

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

§ 1. TELEPHONE COMPANY DEFINED.] The words, "telephone company," as used in this Act, shall embrace all persons, firms, corporations or other organizations engaged in the business of

furnishing means of communication by telephone, within the State of North Dakota.

§ 2. TELEPHONE COMPANIES DECLARED TO BE COMMON CARRIERS.] All persons, firms, corporations and other organizations engaged in the business of furnishing means of communication by telephone, within this state, are hereby declared to be common carriers, and the Board of Railroad Commissioners of this state is hereby given general supervision of such common carriers.

§ 3. SCHEDULES OF RATES TO BE FILED WITH THE COMMISSION.] The Commission shall have power to require every such telephone company, within such times as it shall fix and in such form and detail as it may require, to file with said Commission schedules showing all rates and charges which are established and in effect at the time, for any service rendered to the public by such telephone company within this state, and also to file with and as a part of every such schedule all rules and regulations that in any manner affect the rates charged or to be charged for such service, and such telephone company shall not thereafter make any changes in said schedules, rates or charges other than those named in said schedule, without first securing the consent of the Commission.

§ 4. SCHEDULE OF RATES TO BE ON FILE FOR PUBLIC INSPECTION.] The Commission may require any telephone company to keep on file and accessible to the public, at any city, village or town in which the telephone company has an office, a schedule of such rates and charges as the Commission may deem necessary.

§ 5. HEARING FOR CHANGE IN SCHEDULE OF RATES OR INADEQUACY OF SERVICE.] Whenever any telephone company, municipality, or twenty-five (25) patrons of a telephone company within any municipality or territory contiguous thereto, shall make complaint to the Commission of the unreasonableness or inadequacy of any rate or charge, or inadequacy of service rendered by such telephone company, the Commission shall fix a date for a hearing and give reasonable notice thereof to the parties interested and after such hearing had, shall fix a reasonable rate or schedule of rates, or order such telephone company to furnish and maintain such service as its patronage may warrant.

§ 6. DISCRIMINATION UNLAWFUL.] It shall be unlawful for any telephone company to make or give any undue or unreasonable preference or advantage to any person, firm or corporation, or to subject any person, firm or corporation to any undue or unreasonable prejudice or disadvantage in the service rendered by it to the public, or charge or receive for any such service rendered, more or less than the rates, tolls and charges provided for in the schedules then on file with the Board of Railroad Commissioners, *provided*, that nothing in this Act shall be construed to prevent any telephone company from furnishing free telephone service, or service at reduced rates to its officers, agents, servants or employees.

§ 7. THE BOARD OF RAILROAD COMMISSIONERS MAY REQUIRE

ACCOUNTS TO BE FILED AND PRESCRIBED FORMS OF BOOKS TO BE USED.] The Commission may require telephone companies to keep and render to said Commission in the manner and form prescribed by it, uniform and true accounts of all business transacted, said Commission may also prescribe the forms of all books, accounts and records required to be kept by telephone companies, and each telephone company shall keep and render its books, accounts and records accurately and faithfully in the manner and form prescribed by the Commission, and shall comply with all directions of the Commission relating to such books, accounts and records. All such books, accounts and records required to be kept and rendered to the Commission, and all books, accounts and records which the Commission shall require to be kept by such telephone company, shall conform as nearly as possible to similar forms prescribed by the Interstate Commerce Commission. Whenever the Commission shall have prescribed forms of any books, accounts and records, no telephone company shall keep any other books, accounts and records of its business than those prescribed or approved by the Commission or prescribed by the laws of the United States, except auxiliary and explanatory accounts and records. The Commission shall cause to be prepared suitable blanks for all reports required to be rendered to it, and shall furnish such blanks to each of said telephone companies.

§ 8. VALUE OF PROPERTIES MAY BE DETERMINED.] The Commission shall have power to investigate and determine the value of all the property used or useful by such telephone company, whenever it deems the determination of such value necessary in order to properly carry into effect any of the provisions of this Act. Before the final determination of the value of the property of any such carrier, the Commission shall give reasonable notice to parties interested, hold a public hearing as to such valuation at which hearing any party interested may appear and be heard. The Commission may at any time, upon its motion make a re-valuation of said property.

§ 9. PERMIT TO BE OBTAINED FOR CONSTRUCTION OF PLANTS.] No telephone company shall exercise any rights or privileges for the purpose of constructing in any town, village or city of this state any new plant, duplicating any existing plant or any part thereof, or the removal or discontinuance of any plant or any part thereof, without first having obtained the permission and approval of the Board of Railroad Commissioners.

§ 10. UNNECESSARY DUPLICATION OF EXCHANGES PROHIBITED.] Whenever any telephone company furnishes adequate service and supplies the reasonable wants of the people of the city or community in which it is operating, and complies with the orders of the Commission, said Commission shall not grant to any other telephone company the right to compete with such carrier until after a public hearing of all parties interested, and finding by the Commissioners that the public convenience and necessity may require such com-

peting plant, *provided*, that nothing in this Act shall be held to prevent any telephone company from extending its lines within the limits of any city or village in which it is at the time lawfully operating a local telephone exchange.

§ 11. PHYSICAL CONNECTION. JOINT RATES. COST OF PHYSICAL CONNECTION, AND PHYSICAL CONNECTION DEFINED.] Every telephone company shall permit a physical connection or connections to be made and furnish telephone service between its telephone system or toll lines and the telephone system or toll lines operated by another such company at any common point, providing that the construction and equipment of each company affected is such as to permit of an efficient joint service whenever public convenience and necessity requires such physical connection or connections, and such physical connection or connections will not result in the substantial injury to the owner or to the users of such telephone companies nor in any substantial detriment to the service to be rendered by such companies. The Commission shall have the power on reasonable notice and hearing as in this Act provided, to order physical connections and prescribe joint rates or charges for service by or over such connected lines, and in case such through lines and joint rates be not established by telephone companies named in any such order, within the time specified, the Commission shall have the power, by order to establish the same and fix the just and reasonable rates and charges to be charged for such through service and to declare the portion thereof to which each of said companies affected thereby shall be entitled and the manner in which the same shall be secured and paid. The cost of making such physical connection or connections shall be shared by the companies making such connection or connections in such portion as they shall agree upon or in case of disagreement the Commission shall enter an order directing one of the companies which is to be joined by physical connection with another to perform the actual work of connecting up the two lines, or telephone companies, as the case may be, and file with the Commission a statement of the cost of performing the work ordered, as soon as the work ordered shall have been completed, and after such statement has been filed the Commission shall order such company joined to pay such share of the expenses of making such connection as the Commission may deem just and reasonable. The term, "physical connection," as used in this Section shall mean such number of trunk lines or complete wire circuits and connections as may be required to furnish reasonably adequate telephone service between such different telephone companies, or different telephone systems.

§ 12. PROCEDURE OF HEARING BEFORE THE COMMISSION.] Upon the filing with the Commission of any complaint under this Act, the Commission shall fix a date for the hearing of such complaint and shall mail to the telephone company, municipality or persons against whom such complaint is made, or other persons interested

in said complaint, a copy thereof and give reasonable notice of the date set for hearing said complaint prior to such hearing, to the telephone company of which complaint is made, or any municipality or other persons who may be interested in the subject matter of said complaint, such telephone company, municipality or other persons interested may appear and make written answer thereto, and shall be entitled to be heard and introduce evidence thereon. The Commission shall have the power and upon the demand of any party appearing in said proceeding shall appoint a shorthand reporter who shall take the evidence offered or introduced at said hearing. The Commission shall have the power to require any party to said hearing, to produce any books, records, papers or other documents material to said inquiry, and shall have the power to subpoena and compel the attendance of any witnesses. At the conclusion of any hearing, the Commission shall make a finding of fact, and issue their order in accordance therewith, and such facts shall be prima facie evidence in any proceeding to enforce the order made on such hearing.

§ 13. OTHER SECTIONS WHICH MAY APPLY.] Except as otherwise provided in this Act, or except where the same may in any way conflict with any of the provisions herein contained the following Sections of the Compiled Laws of North Dakota for the year 1913, and all amendments thereof shall apply also to telephone companies, to-wit: Sections 4719, 4726, 4727, 4729, 4730, 4731, 4732, 4733, 4736, 4738, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4759, 4761 and 4763.

§ 14. PENALTY.] Whenever the Commission shall enter an order in compliance with the provisions of this Act, it shall be compulsory for such person or company upon whom such order is served to comply with said order and failing to do so, such person or company in default shall forfeit to the State of North Dakota, on suit by the State's Attorney of the county wherein such default occurred, the sum of ten dollars (\$10.00) for each and every day they so neglect to comply with such order of the Commission.

§ 15. THE WORD, "COMMISSION" DEFINED.] The word "Commission" wherever used in this Act shall mean, "The State Board of Railroad Commissioners."

§ 16. REPEAL.] All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed in so far as they are inconsistent herewith; *provided*, however, that the provisions of this Act shall not abrogate or repeal any existing powers now possessed by any city, town or village in this state.

§ 17. EMERGENCY.] Whereas, an emergency is declared to exist in this that there is now no adequate law for the control of telephone companies, this Act shall take effect and be in force immediately from and after its passage and approval.

Approved, March 1, 1915.

REPEAL

CHAPTER 210.

[H. B. No. 468—Lathrop Committee.]

APPROPRIATION FOR IMMIGRATION PROMOTION—REPEAL.

AN ACT Repealing Section 649 of the Compiled Laws of North Dakota for the Year 1913, Providing an Appropriation for the Commissioner of Agriculture and Labor for the Purpose of Promoting Immigration.

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

§ 1. REPEAL.] Section 649 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved, March 10, 1915.

CHAPTER 211.

[S. B. No. 309—Sub-Committee, Appointed from the Committees on Judiciary and State Affairs.]

REPEAL OF LAW GIVING BOARD OF TRUSTEES RIGHT TO PAROLE PRISONERS.

AN ACT to Repeal Section 11229 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Parole by Board of Trustees.

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

§ 11229. BOARD OF TRUSTEES, MAY PAROLE. RULES. APPROVAL.] That Section 11229 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby repealed.

Approved, March 5, 1915.

CHAPTER 212.

[H. B. No. 472—Lathrop Committee.]

RELATING TO APPROPRIATION FOR CONTINGENCY FUND FOR COMMISSIONER OF INSURANCE.

AN ACT to Repeal Section 650 of the Compiled Laws of North Dakota for the Year 1913, Relating to Appropriation for Contingency Fund for Commissioner of Insurance.

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

§ 1. REPEAL.] That Section 650 of the Compiled Laws of North Dakota for the year 1913, is hereby repealed.

Approved, March 9, 1915.

CHAPTER 213.

[H. B. No. 408—Petterson.]

RELATING TO ADJUSTMENT OF DELINQUENT TAXES.

AN ACT to Repeal Sections 2269, 2270, 2271, 2272 and 2275 of the Compiled Laws of North Dakota for 1913, all Relating to the Adjustment of Delinquent Taxes Due the State from Counties.

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

§ 1. REPEAL.] Sections 2269, 2270, 2271, 2272 and 2275 of the Compiled Laws of North Dakota for 1913, all relating to the adjustment of delinquent taxes due the state from counties, are hereby repealed.

§ 2. EMERGENCY.] Whereas, a bill is now before the Fourteenth Legislative Assembly, providing a simple and more efficient manner of adjusting delinquent taxes due the state by counties, and for the further reason that the sections named foregoing refer to a certain Commission, which Commission is not named in our laws and as the Sections named foregoing are very vague, and entirely unnecessary, therefore this Act shall become effective and be in full force and effect immediately upon its passage and approval.

Approved, March 5, 1915.

CHAPTER 214.

[H. B. No. 383—Thompson of Sargent.]

RELATING TO SINKING FUND OF THE TWINE PLANT.

AN ACT to Repeal Section 11246 of the Compiled Laws of North Dakota for 1913, which Section Relates to the Sinking Fund of the Twine Plant.

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

§ 1. REPEAL.] Section 11246 of the Compiled Laws of North Dakota for 1913, is hereby repealed.

Approved, March 5, 1915.

CHAPTER 215.

[H. B. No. 384—Thompson of Sargent.]

RELATING TO VOUCHERS AND WARRANTS.

AN ACT to Repeal Section 646 of the Compiled Laws of North Dakota, for 1913, Relating to Filing and Numbering of Vouchers and Warrants.

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

§ 1. REPEAL.] Section 646 of the Compiled Laws of North Dakota for 1913, relating to the filing and numbering of vouchers and warrants, is hereby repealed.

§ 2. EMERGENCY.] This law having been enacted in 1901 to cover certain conditions then existing, and the law being unnecessary under now existing conditions, this Act shall become effective immediately upon its passage and approval.

Approved, March 5, 1915.

CHAPTER 216.

[H. B. No. 128—L. I. Twichell.]

REPEAL.—GLANDERED HORSE TAX.

AN ACT to Repeal Section 2736 of the Compiled Laws of the State of North Dakota of 1913, Having to do with a Tax to Provide a Glandered Horse Fund.

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

§ 1. REPEAL.] Section 2736 of the Compiled Laws of North Dakota of 1913, having to do with a tax to provide a glandered horse fund, is hereby repealed.

Approved, March 4, 1915.

CHAPTER 217.

[S. B. No. 307—Sub-Committee, Appointed from the Committee on Judiciary and State Affairs.]

REPEAL OF LAW GIVING PAY TO CONVICTS IN TWINE PLANT.

AN ACT to Repeal Sections 11253, 11254 and 11255 of the Compiled Laws of North Dakota for the Year 1913, Relating to Operation of Twine Plant.

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

§ 11253. LENGTH OF WORKING DAY. OVERTIME.] That Section 11253 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby repealed.

§ 11254. COMPENSATION TO INMATES.] That Section 11254 of the Compiled Laws of the State of North Dakota for the [year] 1913 is hereby repealed .

§ 11255. RULES AND REGULATIONS.] That Section 11255 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby repealed.

Approved, March 5, 1915.

CHAPTER 218.

[H. B. No. 469—Lathrop Committee.]

COLLECTION FEES OF COUNTY TREASURERS IN CONNECTION WITH STATE LANDS.

AN ACT Repealing Section 328 of the Compiled Laws of North Dakota for the Year 1913, Relating to Collection Fees of County Treasurers, in Connection with State Lands.

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

§ 1. REPEAL.] Section 328 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

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

Approved, March 5, 1915.

CHAPTER 219.

[S. B. No. 238—Vail.]

REPEALING CERTAIN PROVISIONS OF UNIFORM ACCOUNTING LAW.

AN ACT to Repeal Sections 1807b, 1807c, 1807d, 1812, 1813, 1814, and 1817, all of the 1913 Compiled Laws of North Dakota, and all Relating to a Uniform System of Accounting.

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

§ 1. REPEAL.] The following Sections in the Compiled Laws of North Dakota for 1913, relating to a uniform system of accounting, are hereby repealed.

§ 1807b, entitled "Describing Books to be Used, Forms of Such Books, Forms of Vouchers, Receipts, Checks. Receipt to Take Place of Duplicate Voucher to State Auditor. Forms of Expense Lists."

§ 1807c, entitled "Exceptions."

§ 1807d, entitled "State Auditor Makes Forms."

§ 1812, entitled "Duty of State Auditor and Treasurer."

§ 1813, entitled "Duplicate Monthly Pay Rolls. Bills for Supplies, Etc."

§ 1814, entitled "Manner of Filing Bills, Etc. Duplicates Sent to State Auditor."

§ 1817, entitled "State Auditor to Draw Warrants on Receipt of Expense Lists."

§ 2. EMERGENCY.] Whereas, the legislative assembly of 1913 did pass laws providing for the preparation and installation of a uniform system of accounting for the state offices and institutions, which uniform system is being prepared and installed by a reliable firm of certified expert accountants, and as the above named Sections do add confusion to the work of preparation and installation of a proper system of uniform accounting, therefore this Act shall become effective immediately upon its passage and approval.

Approved, March 5, 1915.

SALE OF PERSONAL PROPERTY

CHAPTER 220.

[H. B. No. 208—Fraser.]

SALE OF PERSONAL PROPERTY UNDER EXECUTION.

AN ACT to Amend Section 7744 of the Compiled Laws of North Dakota for 1913, Relating to the Sale of Personal Property Under Execution.

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

§ 1. AMENDMENT.] That Section 7744 of the Compiled Laws of North Dakota for 1913 be amended to read as follows:

§ 7744. SALE OF PERSONAL PROPERTY UNDER EXECUTION.] The officer who levies upon personal property by virtue of an execution must before he proceeds to sell the same cause public notice to be given of the time and place of such sale for at least ten days before the day of sale. The notice must be given by advertisement published in some newspaper printed in the county or sub-division, said newspaper to be designated by the judgment creditor or his attorney, or, in case no newspaper is published therein, by posting advertisements in five public places in the county. If the levy be upon crops, when harvested, such crops may, at the option of the judgment creditor, be sold in the nearest usual market therefor, at any time, after such levy, in the usual manner, at the market price thereof, in such market and without the notice hereinbefore provided; in which case, however, the notice of levy shall contain a statement where and when such crops will be sold; but should the judgment debtor, his agent or attorney, at the time of making said

levy give notice to the officer making said levy that said judgment debtor intends to settle said judgment, said officer shall hold said grain ten days before making sale thereof. The usual and reasonable charges for such sale and the transportation of such grain to such market shall be deemed proper expenses chargeable as costs in such proceedings, and in case notice above provided for is served on the officer reasonable charges for storing said grain. Perishable property may be sold by order of the court or a judge thereof, prescribing such notice, time and manner of sale as may be reasonable, considering the character and condition of the property.

Approved, March 4, 1915.

SALE OF REAL PROPERTY

CHAPTER 221.

[H. B. No. 426—Blanchard.]

SHERIFF'S CERTIFICATE ON MORTGAGE SALE.

AN ACT Amending and Re-enacting Section 8084 of the Compiled Laws of North Dakota for the Year 1913, Relating to Sheriff's Certificates on Mortgage Foreclosure Sale. Contents and Recording of Such Certificate.

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

§ 1. AMENDMENT.] That Section 8084 of the Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 8084. CERTIFICATE OF SALE. CONTENTS. RECORD.] Whenever any real property shall be sold by virtue of a power of sale contained in any mortgage the officer making the sale shall immediately give to the purchaser a certificate of sale containing:

1. A particular description of the real property sold.
2. The price bid for each distinct lot or parcel.
3. The whole price paid.
4. The costs and fees for making the sale.

Such certificate must be executed and acknowledged and must be recorded in the office of the Register of Deeds of the county wherein the real property is situated within sixty days from the date of said sale, and such Sheriff's certificate or a certified copy thereof certified by such Register of Deeds shall be taken and deemed evidence of the facts therein recited and contained.

Approved, March 9, 1915.

CHAPTER 222.

[H. B. No. 425—Blanchard.]

SHERIFF'S CERTIFICATE ON EXECUTION SALE.

AN ACT Amending and Re-enacting Section 7751 of the Compiled Laws of North Dakota, for the Year 1913, Relating to Sheriff's Certificate on Execution Sale, Purchaser's Rights, and the Recording of Such Certificate.

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

§ 1. AMENDMENT.] That Section 7751 of the Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 7751. PURCHASER'S RIGHT. SHERIFF'S CERTIFICATE.] Upon a sale of real property the purchaser is substituted to and acquires all the right, title, interest and claim of the judgment debtor thereto; and when the estate is less than a leasehold of two years' unexpired term, the sale is absolute. In all other cases the real property is subject to redemption as provided in this Chapter. The officer must give to the purchaser a certificate of sale, containing:

1. A particular description of the real property sold.
2. The price bid for each distinct lot or parcel.
3. The whole price paid.
4. When subject to redemption it must be so stated.

Such certificate must be executed by the officer and acknowledged or proved as is or may be required by law for deeds of real property and must be recorded in the office of the Register of Deeds of the county wherein the real property is situated within sixty days from the date of said sale, and such Sheriff's certificate or a certified copy thereof certified by such Register shall be taken and deemed evidence of the facts therein recited and contained.

Approved, March 9, 1915.

CHAPTER 223.

[H. B. No. 59—Lathrop.]

REDEMPTION FROM SALES OF REAL PROPERTY UNDER EXECUTION AND MORTGAGE FORECLOSURE SALES.

AN ACT to Amend Section 7754 and Section 7758 of the Compiled Laws of North Dakota, 1913, Relating to Redemption from Sales of Real Property Under Execution, and Mortgage Foreclosure Sales.

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

§ 1. AMENDMENT.] Section 7754 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

§ 7754. PAYMENT OF AND PERIOD OF REDEMPTION.] The judgment debtor or redemptioner may redeem the property from the purchaser within one year after the sale on paying the purchaser the amount of his purchase with nine per cent. interest thereon together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest at the same rate on such amount; and if the purchaser is also a creditor, having a prior lien to that of the redemptioner other than the judgment under which such purchase was made, the amount of such lien with interest.

§ 2. AMENDMENT.] Section 7758 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

§ 7758. REDEMPTION. FILING OF CERTIFICATE.] In no case shall the debtor be required to pay more to effect a redemption than the purchase price with nine per cent. interest from the day of sale and all taxes and assessments paid with nine per cent. interest thereon from the date of payment, notwithstanding the fact that he seeks to redeem from a redemptioner. If the debtor redeems, the effect of the sale is terminated and he is restored to his estate. Upon a redemption by the debtor the person to whom the payment is made must execute and deliver to him a certificate of redemption acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the Register of Deeds of the county in which the property is situated, and the Register of Deeds must note the record thereof in the margin of the record of the certificate of sale. In case the debtor redeems from a redemption or who has to effect his redemption paid liens on the property, other than for taxes or assessments, the redemptioner shall be subrogated to all the rights of the former holders of such liens, and the filing of written notices of such redemptions as required by Section 7756 shall constitute notice of the rights of such redemptioner in and to all the liens so held by him as equitable assignee as fully as if formal written assignments thereof had been recorded. All the statutes relating to redemptions from execution sales shall govern sales on mortgage foreclosure and these provisions shall apply to all sales hereafter made.

Approved, March 4, 1915.

SECRETARY OF STATE

CHAPTER 224.

[S. B. No. 283—Nelson of Rolette.]

BLUE BOOK—DISTRIBUTION.

AN ACT to Amend Sections 92 and 93 of the Compiled Laws of 1913, Relating to the Printing and Distribution of the Legislative Manual or North Dakota Blue Book.

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

§ 1. AMENDMENT.] That Sections 92 and 93 of the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 92. BLUE BOOK TO BE PRINTED FOR DISTRIBUTION.] The Secretary of State shall cause to be printed a sufficient number of Blue Books for distribution to the members of the legislative assembly, state institutions, elective state officers and their appointees, elective county officers, public libraries, legal newspapers, state high schools, and district schools of the state. *Provided* that it shall be the duty of the County Superintendent of Schools to certify to the Secretary of State on the first day of March of each year in which the legislature is in session, or as soon thereafter as possible, the total number of district schools in his county, in the libraries of which one copy of the Blue Book is placed.

§ 93. PROCEDURE FOR DISTRIBUTION OF BLUE BOOKS.] The Secretary of State shall furnish and distribute, transportation collect, the Legislative Manual or Blue Book as follows: Five copies to each member of the legislative assembly; sixty copies to the State Historical Society for exchange with other historical societies, seventy-five copies to the State Law Library for exchange with other state law libraries; sixty copies to the State Agricultural College for exchange purposes; two copies to each public institution maintained by the state; one copy to each elective officer of the state and one copy to each appointee of elective state officers; two copies to each state high school to be placed in the school library and one copy to each legal newspaper in the state. Five hundred copies of the Blue Book shall be held in the office of the Secretary of State for distribution among the members of the next succeeding legislature. Upon receiving the certificate from the County Superintendent, provided for in the preceding Section, the Secretary of State shall consign a number of Blue Books to the County Superintendent which shall be equal to the number of district schools certified as provided herein. The County Superintendents shall upon receipt of such consignment distribute the same among the district schools of his county, and it shall be his duty to see that each

and every school within his jurisdiction is provided with a Blue Book. The remaining copies shall be held for distribution to residents of the state upon application to the Secretary of State accompanied by an amount of money sufficient to cover the cost of postage and packing as may be determined by the Secretary of State.

The printing and binding of the Legislative Manual known as the North Dakota Blue Book shall be let as are other classes of state printing upon competitive bidding to the lowest bidder.

Approved, March 11, 1915.

CHAPTER 225.

[S. B. No. 128—Wartner.]

SECRETARY OF STATE'S FEES.

AN ACT to Amend Section 129 of the Compiled Laws of 1913, Relating to the Fees to be Collected and Charged by the Secretary of State.

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

§ 1. AMENDMENT.] That Section 129 of the 1913 Compiled Laws be amended to read as follows:

§ 129. FEES.] The Secretary of State for services performed in his office must charge and collect the following fees:

1. For a copy of any law, resolution, record or other document or paper on file in his office, twenty-five cents per folio.
2. For affixing his certificate and seal to any document, one dollar.
3. For affixing his signature and seal without a certificate, fifty cents.
4. For filing and recording articles of incorporation of domestic corporations for profit, five dollars; other domestic corporations, two dollars
5. For filing and recording copy of articles of incorporation, copy of charter and copy of by-laws of foreign corporations intending to do business in this state, twenty dollars.
6. For filing and recording certificates of appointment of attorney, five dollars.
7. For issuing a certificate of corporate existence of domestic corporations, three dollars.
8. For issuing a certificate of authority to transact business to foreign corporations, three dollars.
9. For recording official bonds, two dollars.
10. For each commission or other document signed by the Governor and attested by the Secretary of State, except pardons and military commissions, three dollars.
11. For searching records and archives of the state, one dollar.

12. For filing and recording notice of removal of place of business, three dollars.

13. For filing certificate of increase or decrease of capital stock, three dollars.

14. For issuing certificate of increase or decrease of capital stock, three dollars.

15. For filing certificate of continuance of existence of a corporation, three dollars.

16. For issuing such certificate, three dollars.

17. For recording miscellaneous records, papers or other documents, twenty-five cents per folio, and for filing any paper not otherwise provided for, one dollar. But no member of the legislative assembly, or state or county officer can be charged for any search relative to matters appertaining to duties of his office, nor must he be charged any fee for a certified copy of any law or resolution passed by the legislative assembly, relative to his official duties. All fees must be paid in advance, and when collected must be paid into the state treasury at the end of each month and placed to the credit of the salary fund.

EMERGENCY.] Whereas, an emergency exists for the passage of this law, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 13, 1915.

STATE BOARD OF AUDITORS

CHAPTER 226.

[H. B. No. 407—Thompson of Sargent.]

RELATING TO STATE BOARD OF AUDITORS.

AN ACT to Amend Section 369 of the Compiled Laws of North Dakota for 1913, Relating to the Membership and Duties of the State Board of Auditors.

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

§ 1. AMENDMENT.] Section 369 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 369. MEMBERSHIP OF BOARD OF AUDITORS. DUTIES.] There is hereby created a Board of Auditors for the State of North Dakota, which shall consist of the Secretary of State, the State Auditor and the Attorney General, whose duty it shall be to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any out-going Treasurer to his successor in office, and report the same to the Governor.

Approved, March 5, 1915.

STATE AUDITING BOARD

CHAPTER 227.

[S. B. No. 237—Vail.]

DUTIES OF STATE AUDITING BOARD.

AN ACT to Amend Section 375 of the Compiled Laws of North Dakota for 1913, relating to the State Auditing Board and its Duties.

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

§ 1. AMENDMENT.] Section 375 of the Compiled Laws of North Dakota for 1913, relating to the State Auditing Board and its duties, is hereby amended to read as follows:

§ 375. STATE AUDITING BOARD. DUTIES.] The Governor, State Auditor, Attorney General, State Treasurer, and Secretary of State, 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 such 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 such 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 think 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.

§ 2. EMERGENCY.] Whereas, the present law does not cover fully what bills shall come before the Auditing Board, this Act shall become effective immediately upon its passage and approval.

Approved, March 4, 1915.

State Board of Chiropractic Examiners

CHAPTER 228.

[S. B. No. 116—Englund.]

CHIROPRACTIC EXAMINERS—CREATING BOARD OF.

AN ACT Creating a State Board of Chiropractic Examiners, to Regulate the Practice of Chiropractic in the State of North Dakota, Defining Chiropractic, Providing for Licensing Chiropractors and to Prescribe Penalties for the Violation of this Act.

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

§ 1. BOARD HOW APPOINTED.] The Governor of the State of North Dakota shall within thirty (30) days after the taking effect of this Act appoint a State Board of Chiropractic Examiners, and said board is to be composed of five (5) practicing chiropractors of integrity and ability who shall be residents of the State of North Dakota, holding a diploma giving them the degree of doctor of chiropractic, and who shall have practiced chiropractic continually within the state for a period of at least two (2) years, and shall not all be graduates of the same school or college of chiropractic. Said members shall be so classified by the Governor that the term of office of one shall expire January 1, 1916, one January 1, 1917, one January 1, 1918, one January 1, 1919, and one January 1, 1920; annually thereafter the Governor shall appoint one member who shall be a licensed practitioner to serve for a period of five (5) years and shall fill all vacancies in said board caused by death, resignation or otherwise, as soon as practicable.

§ 2. MEETINGS WHEN HELD. EXPENSES HOW PAID. LICENSES HOW ISSUED.] The board shall hold regular meetings for examinations at such places as it may designate on the first Tuesday of January and July of each year, and such special meetings as it may from time to time appoint. The board shall by appropriate rules and regulations make provisions for the payment of the expenses of its members, but all such expenses shall be paid out of application fees. Three (3) members of the board shall constitute a quorum and no license to practice chiropractic shall be granted except upon the affirmative vote of at least three of such members. The board shall keep a record of all its proceedings and also a register of applicants for license, showing the names and location of the institutes from which applicant holds the degree of doctor of chiropractic, together with the date of his or her diploma. Said register shall also show whether the applicant was licensed or rejected, and such register shall be prima facie evidence of all matters therein recorded. Said Board of Chiropractic Examiners shall convene

within thirty (30) days after their appointment, and elect a president, a vice-president, a secretary and treasurer from their membership, and such officers shall hold their office until the first regular meeting in January, or until their successors are elected and qualified. The said board shall have a seal.

§ 3. EXAMINATIONS. HOW CONDUCTED. LICENSES HOW GRANTED AND REVOKED.] All persons before commencing the practice of chiropractic in this state shall apply to the State Board of Chiropractic Examiners for a license, and such applicant shall submit to an examination in the following subjects: Anatomy, physiology, symptomatology, diagnosis, nerve tracing, dietetics, chiropractic, orthopedia, principles of chiropractic, physiological chemistry, pathology, analysis, gynecology, chiropractic hygiene, chiropractic palpation, intellectual adaptation, chiropractic jurisprudence and adjusting as taught by chiropractic schools and colleges, and shall present a diploma from a chartered school of chiropractic wherein a resident course of instructions is not less than three (3) years of eight months each, or its equivalent, and shall have in addition to the qualifications prescribed herein, preliminary educational qualifications required for admission to the University of the State of North Dakota or any other university of equal standing; *provided*, however, that the above qualifications shall not apply to students who shall graduate prior to January 1st, 1916. And the board shall cause such examination to be made according to the method deemed by it to be the most practicable and expeditious to test the applicant's qualifications, and if the applicant passes the prescribed examination by answering correctly not less than seventy-five per cent. of the questions propounded in each subject, the board may grant such applicant a license to practice chiropractic in this state, which license shall be signed by the president and secretary of the board and attested by the seal thereof. The fee for such examination shall be twenty-five dollars, payable in advance, which, together with all money paid in, shall be applied to the payment of the expenses of the board and of such examination. The board may, in its discretion, permit an unsuccessful applicant to take a second examination within one year after rejection, without the payment of an additional fee. The board may also, in its discretion, grant a license for the fee above specified, without examination to applicants examined and licensed by a legally constituted board of other states and territories of the United States, or the District of Columbia or other countries maintaining standards of equal grade with those required by this Act. The board may refuse or revoke a license for dishonorable, unprofessional or immoral conduct, chronic or persistent inebriety, or mental aberration, excessive use of narcotics, the practice of criminal abortion or for violating the provisions of this Act. In which case the accused shall be furnished a copy of the complaint and be given a hearing before the board in person, or by attorney.

§ 4. CHIROPRACTIC DEFINED.] Any chiropractor who has complied with the provisions of this Act may adjust any displaced tissues of any kind or nature, but shall not prescribe for, or administer to any person, any medicine or drug now or hereafter included in materia medica, to be taken internally, nor perform any surgery, except as herein stated, nor practice obstetrics, nor use the titles doctor, physician or surgeon.

§ 5. LICENSE, HOW RECORDED.] The person receiving a license shall file the same for record in the office of the Register of Deeds of the county wherein he or she resides and the Register of Deeds shall record the same in like manner as other instruments required to be recorded.

§ 6. PRESENT PRACTITIONERS.] The board shall acknowledge all chiropractic diplomas of chiropractors who are and have been resident practitioners for not less than two years in the State of North Dakota at the time of the passage of this Act, or who holds a diploma from a reputable school of chiropractic wherein the course of instruction was not less than two years, of six months each, or its equivalent, and issue a license to the applicant upon the payment of fifteen dollars without requiring said applicant to pass the state board of examination, *provided*, however, that the board is satisfied as to the good character, ability and professional standing of said applicant.

§ 7. WHO EXEMPT FROM THE PROVISIONS OF THIS ACT.] This Act shall not apply to chiropractors in actual consultation from other states or territories, the District of Columbia or other countries.

§ 8. PENALTY FOR VIOLATION OF THIS ACT. DUTY OF STATE'S ATTORNEY.] Any person or persons practicing chiropractic without a license or permit, or who without complying with the provisions of this Act, shall advertise or attempt to practice as a chiropractic, or who shall use the terms or letters, doctor of chiropractic, chiropractor, or D. C. or any other title or titles under such circumstances or in such manner as to induce the belief that he or she is engaged in the practice of chiropractic, or otherwise violates the provisions of this Act, shall be deemed guilty of misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars, nor more than five hundred dollars, for each offense and it shall be the duty of the State's Attorney of any county in this state to prosecute all persons charged with the violation of any of the provisions of this Act, and it shall be the duty of the secretary-treasurer of said board, under the direction of said board to aid said attorneys in the enforcement of this Act.

§ 9. REPEAL.] All Acts or parts of Acts in conflict with this Act are hereby repealed.

§ 10. EMERGENCY.] Whereas, there is now no law in force regulating the practice of chiropractic and the examination of applicants for license to practice chiropractic in this state, therefore,

an emergency exists and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 27, 1915.

STATE BOARD OF CONTROL

CHAPTER 229.

[S. B. No. 152—Hughes.]

BOARD OF CONTROL TRUSTEES OF PUBLIC PROPERTY.

AN ACT Amending and Re-enacting Section 376 of the Compiled Laws of North Dakota, 1913, Relating to the Powers of the Board of Trustees of Public Property.

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

§ 1. AMENDMENT.] That Section 376 of the Compiled Laws of North Dakota, 1913, be amended and re-enacted to read as follows:

§ 376. The Board of Control shall constitute the Board of Trustees of Public Property, and shall have all the rights, powers, and perform the duties now conferred by law upon the Board of Trustees of Public Property, and such board shall have charge and control of the Capitol, the executive mansion and the park and public grounds connected therewith.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect immediately after its passage and approval.

Approved, March 9, 1915.

CHAPTER 230.

[S. B. No. 279—Davis.]

BOARD OF CONTROL.

AN ACT to Amend Sections 236, 237, 255, 265, 270 and 273 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Board of Control of State Institutions, and to Provide for the Transfer of Inmates from one Institution to Another Institution.

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

§ 1. AMENDMENT.] That Section 236 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 236. NOMINATION. TERM OF OFFICE. CONFIRMATION. SALARIES. REMOVAL. VACANCIES.] The Governor shall, prior to the adjournment of the Fourteenth Legislative Assembly, nominate and, with the consent of two-thirds of the members of the Senate in executive session, appoint three electors of the state, no two of whom shall reside, at the time of their appointment, in the same congressional district, as members of a board to be known as a "Board of Control of State Institutions." Said members shall hold office for a term of six years, until their successors are appointed and qualified, *provided* that, of the three appointed in the year 1915, one shall serve for a term ending on the first Monday in July, 1917, one for a term ending on the first Monday in July, 1919, and one for a term ending on the first Monday in July, 1921. The board shall at all times be subject to the above limitations and restrictions. No nomination shall be considered by the Senate until the same shall have been referred to a committee of five, not more than three of whom shall belong to the same political party, to be appointed by the president of the Senate without the formality of a motion, which committee shall report to the Senate in executive session, which report shall be made at any time when called by the Senate. The consideration of nominations by the Senate shall not be had on the same legislative day the nominations are referred.

The chairman of the board for each biennial period shall be designated by the incoming Governor and each member thereof shall receive a salary of three thousand dollars (\$3,000.00) per annum. The Governor may remove any member of the board for malfeasance or nonfeasance in office or for any cause that renders him ineligible to appointment or incapable or unfit to discharge the duties of his office, and his removal when so made, shall be final.

§ 2. AMENDMENT. That Section 237 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 237. OATH. BOND. EXAMINATION. NOT EXCUSED FROM TESTIMONY.] Each member of the board shall take the oath and qualify, as required by Section 661 of the Compiled Laws of North Dakota for the year 1913, and shall devote his whole time to the duties of his office, and he shall not actively be engaged in any other business. Before entering on the duties of his office, each member shall give an official bond of the sum of twenty-five thousand dollars (\$25,000.00) conditioned as provided by law, signed by sureties, to be approved by the Governor as to the sufficiency of the surety and by the Attorney General as to form, and when so approved said bond shall be filed in the office of the Secretary of State, and the premium on said bond shall be paid by the state from the state treasury in the same manner as the premiums on the bonds of other state officials are paid. The said Board of Control shall be subject to examination of the State Auditing Board. The claim that any testimony or evidence sought to be elicited or procured

on such examination may tend to criminate the person giving or producing it, or expose to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence, *provided* that he shall not be exempt from prosecution and punishment for perjury committed in so testifying.

§ 3. AMENDMENT.] That Section 255 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 255. RECOMMENDATIONS. CONFERENCES.] The board shall, during the first six months after its creation, meet in conference as often as it may determine, the superintendents, wardens and other executive officers of each of the said institutions, or as many thereof as it deems practicable, and consider in detail all questions of management and the methods to be adopted to secure the economical management of the several institutions, as it may deem necessary or advisable, and the board is vested with power to enforce such recommendations and directions. After six months from the creation of the board, consultation and conference of the superintendents, wardens and general executive officers of each of the said institutions shall be held with the board at its office in Bismarck, at such time or times as the board shall deem necessary, but such meetings shall not be held more than once in each three months, at which meetings all matters concerning the government and management of the institutions shall be considered and discussed, and the chairman of the Board of Control shall preside at such meetings, and full minutes thereof shall be preserved by the secretary of such board, who shall be secretary of said meetings.

§ 4. AMENDMENT.] That Section 265 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 265. INVENTORY OF STOCKS AND SUPPLIES.] The board shall require annually on June 30th of each year, the chief executive officer of each institution under its charge to make a complete, minute and accurate inventory of the stock and supplies on hand, the amount and value thereof, which inventory shall be under the following heads: Live stock, produce of the farm on hand, carriages and vehicles, agricultural implements, machinery, mechanical fixtures, real estate, beds and bedding in inmates' department, other furniture in inmates' department, personal property of the state in superintendent's department, ready made clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library and all other property under such heads as the board may deem proper, except the twine plant, which inventory shall be taken September first of each year. A like inventory shall be submitted by the

proper officer of each institution to the board when the annual report of said officer is submitted to the board.

§ 5. AMENDMENT.] That Section 270 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 270. INSTITUTIONS. SALARIES.] The board shall, prior to July 1st, 1915, and annually thereafter, fix, with the written approval of the Governor, the annual or monthly salaries of all the officers and employees in the several institutions, except such as are fixed by the legislative assembly. The board shall classify the officers and employees into grades and the salaries and wages to be paid in each grade shall be uniform in similar institutions in this state. The schedule of wages so fixed shall become operative on July 1st of each year. *Provided*, however, that the salaries of officers and employees of said state institutions, except the local treasurers thereof, who are now holding for a definite term, and a salary fixed by law or by contract according to law, shall remain the same until the expiration of such term. And provided that in case of emergency the board, with the written approval of the Governor, shall be authorized to fix the salaries of additional employees as may be required by any institution after July 1st, and also, if in the best judgment of the board, to raise the salary of any employee deemed worthy of such raise. The salaries and wages shall be included in the monthly estimates as hereinafter provided, and paid in the same manner as other expenses of the several institutions. Officers shall be entitled to the necessary food supplies for their families, and shall receive such allowance from the supplies of the institution, but shall not be entitled to delicacies when not in season. The word "family" shall be construed to mean only the wife and minor children of an officer.

§ 6. AMENDMENT.] That Section 273 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 273. TRIPPLICATE ESTIMATES. REVISIONS. PURCHASE OF SUPPLIES.] The superintendent, warden or other chief executive officers, as may be designated by the Board of Control, shall, on or before the 15th day of February and August of each year, cause to be prepared triplicate estimates in minute detail, including estimated cost of each item, of all the expenditures required for the institution for the ensuing period of six months, or for the ensuing period of one year, if the board shall deem it advisable or advantageous. Two of the said triplicate estimates shall be sent to the office of the board and the third shall be kept by the superintendent, warden or other chief executive officer. The board may revise the estimates for supplies or other expenditures, either as to quantity, quality or the estimated cost thereof, and shall certify that it has carefully examined the same and that the articles contained in such estimates as approved, or revised by it, are, to its

best knowledge and belief, actually required for the use of said institution. The said board shall thereupon advertise for bids for such supplies, requiring samples in every possible case, and such supplies purchased shall in all cases be at least equal in value to the sample submitted by the successful bidder. Where samples are submitted and bids are the same the firm in the state, so bidding, shall have the preference. This provision, however, shall not apply to the purchase price of fibre for the twine plant; but the Board of Control and the warden shall jointly purchase such necessary fibre in the manner thought to be most economical to and for the best interests of the state. When the estimates have been so certified and revised and bids for the supplies enumerated and described therein have been received and contracts for furnishing the supplies have been let, a copy of such revised estimates and the contract for the furnishing the supplies enumerated and described in such revised estimates, duly certified, shall be sent to the institution and another copy retained by the board. The certified copy sent to the institution shall be sufficient authority to the management of the institution to purchase the supplies enumerated in said estimates at prices not to exceed those named in the contract and not otherwise, and such purchase shall be made from such contractors only, unless otherwise specifically authorized by the board in writing. *Provided*, however, that whenever in the judgment of the board the interests of the state can thereby be best served, it may purchase in the open market, such supplies as are necessary, and which supplies by such purchase in the open market, can be purchased to better advantage to the state than if purchased at the times and in the manner herein otherwise provided for.

Said supplies shall be so purchased so as to permit at least thirty days' time to pay therefor; and the steward, clerk or other officer of the institution designated by the board shall require itemized bills to be rendered by the person who furnishes supplies, in duplicate, for all purchases whether made upon contract or otherwise, which shall be in the following form:

The State of North Dakota, on account of..... (Date)
 ToDr.
 (Here insert an itemized account of goods or property purchased.)
 The State of.....

ss:

County of

I,, on oath say that the foregoing bill of account is correct and just and wholly unpaid; that the exact consideration therein charged for was received by the said institution; that neither the same nor any part thereof has since been commuted; that neither bonus, commission or discount, nor any other consideration, directly or indirectly, has been given or stipulated within my knowledge and belief, because of the purchase thereof, as herein set forth, or for any other reason.

(To be signed by the person having personal knowledge of the facts herein set forth.)

Subscribed and sworn to, before me, this.....day of.....

I hereby certify that the above account is correct and that the articles therein charged have been received in good order by the Institution.

Steward, Clerk or other designated officer.

It shall be endorsed as follows:

No.Institution. \$.

Passed upon by the Board of Control on the day ofand ordered paid.

Secretary of the Board of Control.

§ 7. TRANSFER OF INMATES.] The Board of Control of state institutions is hereby authorized and empowered to transfer inmates of the State Reform School to the Hospital for the Insane or to the Institution for Feeble Minded, or transfer inmates of the Hospital for the Insane to the Institution for Feeble Minded, or inmates of the Institution for Feeble Minded to the Hospital for the Insane, whenever the superintendent of any such institution shall recommend such transfer and the board is satisfied, upon investigation, that such transfer is advisable. If any inmate, so transferred, is maintained at the expense of the county from which he was committed, the cost of his maintenance in the institution to which he is transferred shall be charged to such county, and shall be collected therefrom upon notice to the County Auditor of said county by the Board of Control.

Approved, March 11, 1915.

CHAPTER 231.

[S. B. No. 115—Murphy.]

LAND SALE FOR PUBLIC PARK TO CITY OF GRAFTON.

AN ACT to Provide for Granting, Selling and Conveying Lands Belonging to the State, Described in this Bill, to the Board of Park Commissioners of the City of Grafton, North Dakota, for a Public Park and Artificial Lake.

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

§ 1. That the State Board of Control for penal and charitable institutions is hereby authorized to negotiate, grant or sell to the Board of Park Commissioners of the City of Grafton, North Dakota, the following described lands, or any part thereof, now owned by this state, to be used for a public park and artificial lake, as follows:

About twenty acres lying along the east line of the land now owned by the state in the S. E.⁴ of the N. W.⁴ of section 13, township 157 north, of range 53 W., and that part of the N. E.⁴ of the N. W.⁴ of said section, town and range, lying south of the Park River.

Also a perpetual easement of the land lying in the basin between 5th and 6th streets in the City of Grafton, belonging to the State of North Dakota, to be used for an artificial lake, which lake shall be constructed and maintained by the Board of Park Commissioners of the City of Grafton, North Dakota.

§ 2. Should the said Board of Control in its negotiations with the said Board of Park Commissioners be unable to agree on the consideration for such land or lands, then and in that event the Governor shall act as a mediator between said boards and the price established by him shall be final; *providing*, such price shall not exceed the price set by the Board of Control.

§ 3. On the consummation of the negotiations for the sale and transfer of said land or lands, the Board of Control shall report such sale and the conditions thereof to the Governor who shall approve of the same and cause such report to be filed and recorded in the office of the Land Commissioner.

§ 4. Upon the recording of the report of the Board of Control the Board of University and School Lands shall convey the land or lands embraced in said report on the terms stated to the Board of Park Commissioners of the City of Grafton, North Dakota, in the same manner as the lands granted to the state are conveyed.

§ 5. Such deed shall be delivered to the Board of Park Commissioners of the City of Grafton, North Dakota, upon the said board paying into the state treasury the consideration named in the report made by the Board of Control, which consideration shall be used in the purchase of other lands for the Institution for the Feeble Minded.

§ 6. Whereas, an emergency exists in the fact that the park and artificial lake enumerated in this Act are of great importance for the health and pleasure of the inmates of the Institution for Feeble Minded and the public generally, and should be opened as early as possible, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, February 20, 1915.

STATE BOARD OF EQUALIZATION

CHAPTER 232.

[H. B. No. 21—Westdal.]

TAXATION—CHANGE IN SCHEDULE.

AN ACT to Authorize Changes in the Schedule of Items to be Listed and Valued for Purposes of Taxation.

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

§ 1. STATE BOARD OF EQUALIZATION MAY CHANGE SCHEDULE OF ITEMS OF PERSONAL PROPERTY TO BE LISTED FOR TAXATION.] The State Board of Equalization shall have power to order changes in the schedule of items required to be listed for valuation for purposes of taxation, whenever in the judgment of such board it becomes necessary to change such schedule in order to fulfill the requirements of the law providing for the listing and valuing of property for purposes of taxation.

§ 2. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed in so far as they are contrary to the provisions of this Act.

Approved, March 10, 1915.

STATE BOARD OF EXPERTS

CHAPTER 233.

[S. B. No. 306—Sub-Committee Appointed from the Committees on Judiciary and State Affairs.]

BOARD OF EXPERTS.

AN ACT to Amend Sections 10948 and 10949 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Board of Experts, and Compensation.

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

§ 1. AMENDMENT.] That Section 10948 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended to read as follows:

§ 10948. BOARD OF EXPERTS.] A member of the State Board of Control, chosen and designated by said board, the Warden of the State Penitentiary, the prison physician, a chaplain of the State Penitentiary, and one other person to be chosen as a member at large by the State Board of Control shall constitute the Board of Experts whose duty it shall be to pass upon the application for discharge of the inmates of the Penitentiary, who may have been sentenced under the indeterminate sentence law, and also to pass upon the applications of the inmates of the Penitentiary, who may make application to be paroled as provided by law. The State Board of Control shall elect one of its members as well as the member at large to sit upon the Board of Experts at their first meeting in April and thereafter at the April meeting in each odd numbered year. The terms of these members of the Board of Experts shall be two years, commencing immediately after the April meeting of the Board of Control in the odd numbered years. The State Board of Control of State Institutions shall certify to the Governor and the State Auditor, the names of the members selected by them to act as members of the Board of Experts as soon as they are elected and have qualified as members thereof. The Board of Experts shall determine and fix the date when an inmate may be paroled or discharged, and shall keep a complete record of all the findings and orders of the board. It shall be the duty of the Board of Experts to provide blanks to record applications and to formulate rules and regulations governing the conduct of the inmates applying for a parole and the manner in which they may become eligible for discharge or parole. It shall also be the duty of the Board of Experts to meet once in each month and to keep a complete record of all the inmates discharged or paroled by them and to make a biennial report to the State Board of Control of all inmates

paroled who have been discharged, and statistics pertaining thereto.

§ 2. AMENDMENT.] That Section 10949 of the Compiled Laws of 1913 of the State of North Dakota is hereby amended to read as follows:

§ 10949. COMPENSATION.] Each member of the Board of Experts, except the member of the State Board of Control, the Warden of the Penitentiary and prison physician, shall receive five dollars per day and necessary traveling expenses for travel to and from the State Penitentiary, and expenses for books and records, to be paid out of the general funds of the state by the State Treasurer on presentation of a voucher, as required by law, and approved by the Board of Control of penal and charitable institutions.

Approved, March 8, 1915.

STATE BOARD OF IMMIGRATION

CHAPTER 234.

[S. B. No. 194—Hyland.]

IMMIGRATION—CREATING BOARD—APPROPRIATION.

AN ACT Creating a State Board of Immigration, Prescribing its Powers and Duties, Making an Appropriation Therefor and Repealing Sections 573, 574, 575, 576, 577 and 578 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. That there is hereby created a State Board of Immigration which shall be known as the North Dakota State Board of Immigration. The board shall be composed of five members—the Governor, the Commissioner of Agriculture and Labor, Secretary of State and Attorney General and the president of the Railroad Commission. The Governor shall be official chairman of the board.

§ 2. That the State Board of Immigration shall appoint a qualified person to be general executive agent of the board, who shall be officially known as the Commissioner of Immigration, and such board may also appoint a competent person or persons who shall be known as immigration agents. Such agent or agents shall be under the direction of the Commissioner of Immigration. The Commissioner of Immigration and such immigration agent or agents may visit any state in the United States, or any foreign country if instructed to do so by the Board of Immigration, to induce immigrants to come to North Dakota. They shall solicit and encourage laborers, artisans, and mechanics to come to this state from other states for employment at such times and seasons of the year as they may be needed to supply labor in this state.

The Commissioner of Immigration and his agent or agents, if such agents are appointed, shall collect statistics and information with reference to the lands and resources of North Dakota, and the advantages of the state as a place of residence, and the opportunities therein for farming, dairying, cattle raising, manufacturing and such other opportunities and advantages as the state offers. The Commissioner of Immigration under the direction of the board shall spread the knowledge of the same by advertising, by correspondence and in such other ways as the board shall determine will best attract desirable settlers. The Commissioner or Immigration shall answer all inquiries from persons residing within or without the state upon the subjects aforesaid.

§ 3. The State Board of Immigration may make arrangements with commercial clubs, associations and persons interested in promoting and inducing the immigration of desirable settlers into the state, by which such commercial clubs, associations, persons and the state mutually contributed towards the maintaining of a competent immigration agent or agents in any city or state in the United States. Such immigration agent or agents shall co-operate with the United States Bureau of Immigration and shall, so far as practicable and possible, assist desirable foreign immigrants to find homes in North Dakota.

§ 4. The Commissioner of Immigration shall be provided with suitable quarters in the State Capitol building in the City of Bismarck. The compensation of the Commissioner of Immigration and immigration agents shall be determined by the State Board of Immigration.

§ 5. The Commissioner of Immigration and immigration agents shall each give to the state a bond in such sum as the State Board of Immigration shall determine for a faithful and impartial performance of their duties.

§ 6. REPORT.] The State Board of Immigration shall prepare a biennial report which shall be transmitted by the Governor to the legislative assembly. Said report shall contain a detailed financial statement showing the amounts and purposes of expenditures; and shall set forth fully and concisely the work of the State Board of Immigration and what has been done to carry out the provisions of this Act. Such report shall be submitted at the same time the State Board of Control is required to submit a report of their work.

§ 7. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, or as much thereof as may be necessary to carry out the purpose of this Act, the sum of \$25,000 for the year 1915, and the sum of \$35,000 for the year 1916.

§ 8. REPEAL.] That Sections 573, 574, 575, 576, 577 and 578 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.

§ 9. EMERGENCY.] Whereas, an emergency exists in that this work should start at once, this Act shall take effect from and after its passage and approval.

Approved, March 9, 1915.

STATE LIVE STOCK SANITARY BOARD

CHAPTER 235.

[H. B. No. 134—Carey.]

NOTIFICATION OF LIVE STOCK SANITARY BOARD AS TO DISEASED ANIMALS.

AN ACT to Amend Section 2694 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Notification of the State Live Stock Sanitary Board when Live Stock is Affected or Believed to be Affected with Any Contagious Disease.

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

§ 1. AMENDMENT.] That Section 2694 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2694. STATE BOARD TO BE NOTIFIED.] It shall be the duty of any person who discovers, suspects or has reason to believe that any domestic animal belonging to him or which is in his charge, or that any domestic animal belonging to other parties, is affected by any contagious disease, to immediately report such knowledge, suspicion or belief to the State Live Stock Sanitary Board, or to a member or representative thereof; or, if he chooses, he may notify the township clerk, or in case the clerk cannot be found, he may notify any township supervisor, and it shall be the duty of the officer so notified to immediately report to the State Live Stock Sanitary Board. Failure on the part of any such officer to immediately report to the State Live Stock Sanitary Board or a member or representative thereof shall subject him to the penalty prescribed in Section 2697 of the Compiled Laws for 1913. It shall be the duty of the State Live Stock Sanitary Board to cause a sufficient number of placards, with this law printed thereon to be sent to the County Auditors of the different counties and said County Auditors shall distribute said placards, or shall send said placards to the township clerk of each township; the township clerk shall post the placards in at least three conspicuous places, one of which places shall be the polling place and one in the town hall, if the township has a town hall.

§ 2. EMERGENCY.] Whereas, an emergency exists in that no

adequate provision exists in law for reporting the presence of contagious disease among live stock, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, February 18, 1915.

State Board of Nurse Examiners

CHAPTER 236.

[S. B. No. 48—Rowe.]

NURSE EXAMINERS—BOARD OF.]

AN ACT Creating a Board of Nurse Examiners, Providing for the Appointment of Inspectors of Training Schools, and for the Examination, Registration and Regulation of Graduated Nurses, and Exempting Practical Nurses from Registration, and Prescribing the Course of Study and Standard for Training Schools and Prescribing a Penalty for the Violation Thereof.

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

§ 1. BOARD OF NURSE EXAMINERS; APPOINTMENT.] That a board to be known as the Board of Nurse Examiners of the State of North Dakota is hereby created and established. Said board shall be composed of five (5) members, appointed by the Governor of the state as hereinafter provided.

Upon taking effect of this Act, the North Dakota State Nurses' Association at the annual meeting shall nominate and submit to the Governor a list of ten graduated nurses from which appointment shall be made. Each nurse whose name is thus submitted, shall be at least twenty-five years of age, of good moral character and eligible to registration under the terms of this Act. There shall always be two of such members of the board selected from nurses who have had at least two years of experience in educational work among nurses, or who have had two or more years' experience in the instruction of nurses in training schools.

§ 2. TERM OF OFFICE; VACANCIES.] Each member of said board shall serve for a term of five (5) years and until her successor is appointed and qualified, except in the case of the first board, whose members shall hold office as follows: One (1) member for a period of one (1) year; one (1) member for a period of two (2) years; one (1) member for a period of three (3) years; one (1) member for a period of four (4) years; one (1) member for a period of five (5) years, the members and their respective terms to be designated by the Governor.

Vacancies in the said board shall be filled by the Governor in accordance with the provisions of this Act for the establishment of

the original board, and persons appointed to fill vacancies shall be selected from a list of three registered nurses submitted by the North Dakota State Nurses' Association, and shall hold office during the unexpired portion of the term for which their predecessors were appointed.

§ 3. ORGANIZATION OF BOARD; OFFICERS.] The members of said board shall, immediately after their appointment, meet for the purpose of organizing, and shall elect one of their number president, and shall also elect one of their number secretary, who shall also act as treasurer of said board. The secretary-treasurer shall give to the State Treasurer a bond for the faithful discharge of his or her duties in the penal sum of one thousand dollars (\$1,000.00) to be approved by the Governor. The board shall adopt an official seal which shall remain in the custody of the secretary; the secretary shall keep the records and minutes of all meetings of the board, and shall record in a suitable book the names of all nurses and training schools registered under this Act.

§ 4. COMPENSATION; DISPOSITION OF FEES; INSPECTOR OF TRAINING SCHOOLS.] Each member of said board shall receive five dollars (\$5.00) per day while actually and necessarily engaged in the performance of the duties of the office, which together with all the legitimate expenses incurred in the performance of such duties shall be paid from fees received by the board under the provisions of this Act, and no part of the expenses of said board shall at any time be paid out of the state treasury. The secretary shall receive extra compensation, not to exceed one hundred dollars (\$100.00) per annum, payable quarterly. Any money in the hands of the treasurer at the end of any year, in excess of two hundred and fifty dollars (\$250.00) shall be paid over by the said board to the State Treasurer to be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants signed by the president and treasurer of said board.

The board shall elect one of their members to act as inspector of training schools for nurses.

§ 5. SCHEDULE OF SUBJECTS.] Said board shall examine applicants for registration under this Act upon the following subjects: Anatomy and physiology, general medical nursing, obstetrics, materia medica for nurses, general surgical nursing, dietetics, sanitation and hygiene, contagion and diseases of children, bacteriology, ethics.

§ 6. DUTIES OF INSPECTOR OF TRAINING SCHOOLS. COURSE OF STUDY IN TRAINING SCHOOLS.] The member acting as inspector of training schools shall inspect all schools for nurses in North Dakota and shall report to the board such schools as shall provide courses of instruction both practical and theoretical in the subjects mentioned in Section 5 of this Act, except that in the subject of contagion the instruction may be theoretical only, and in addi-

tion such schools must have such daily average number of patients as may be determined by the Board of Nurse Examiners.

§ 7. REQUIREMENTS FOR TRAINING SCHOOL FOR REGISTRATION.] Any training school complying with the requirements herein mentioned shall be entitled to registration as an accredited school upon the payment of a fee of twenty-five dollars to the secretary of the board, *provided* that in the event that any such school shall subsequently become disqualified by failure to comply with the terms and conditions required upon registration, the board shall have the power to cancel their registration, and thereupon such school shall no longer be an accredited school under the provisions of this Act.

§ 8. MEETING OF BOARD OF EXAMINERS.] Such board shall hold two regular examinations in each year, and such additional meetings at such times and places as it may determine. Notices of such examination shall be published in at least two newspapers of general circulation in the state, and in at least one nursing journal, at least thirty days previous to such meeting, such notice shall be mailed to each person who has made application for examination under the provisions of this Act at least twenty days prior to such examination. Applications for examination must be in the hands of the secretary at least ten days prior to the date set for the examination.

§ 9. QUALIFICATIONS OF APPLICANTS.] Any person desiring to practice professional nursing in this state shall make application to said board as provided in Section 8 of this Act, and shall pay to the secretary at the time of making application for registration the sum of ten dollars as an examination fee, and shall present himself or herself at the next regular meeting of said board for the examination of applicants, and said board shall proceed to examine said applicant, and upon said board being satisfied that: (1) Said applicant is of the age of twenty-one years or over; (2) of good moral character; (3) has received the education required for admission into the high schools of the state, and (4) has graduated from a training school connected with a general hospital, where three years of training in a systematic course of instruction is given in the hospital, or has graduated from a training school in a hospital of good standing, supplying the systematic three years' training corresponding to the above standards, which training may be received in two or more hospitals; and providing that the results of the examination show a general average of seventy-five per cent. or more and not below sixty per cent. in any subject. said board shall enter the applicant's name in the register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice as a registered nurse.

§ 10. WAIVER. WHO MAY BE REGISTERED WITHOUT EXAMINATION.] All persons graduating prior to January 1st, 1917, possessing the above qualifications shall be permitted to register without examination upon the payment of registration fee. Nurses who shall show to the satisfaction of the Board of Examiners that they

are graduates, prior to the year 1916, of a training school connected with a general hospital or sanitorium, giving two years' training: or prior to the year 1899, giving one year's training, and are engaged in the profession of nursing in the State of North Dakota at the date of the passage of this Act, or have been engaged in nursing five years after graduation prior to the passage of this Act, shall be entitled to registration without examination, provided such application be made before January 1st, 1917.

§ 11. RECIPROcity. APPLICANTS REGISTERED IN OTHER STATES.] The Board of Examiners may issue licenses without examination upon the payment of ten dollars registration fee to applicants who have been registered in other states in which the registration of this state is recognized and having equal registration requirements.

§ 12. On and after January 1st, 1917, all applicants for certificates of registration under the provisions of this Act, shall pass the examination required by the board, before receiving a certificate of registration.

§ 13. It shall be unlawful hereafter for any person to practice professional nursing as a registered nurse without certificate as herein provided for.

§ 14. CERTIFICATE OF REGISTRATION RECORDED; FEE.] Every person to whom a certificate of registration shall have been issued shall within thirty (30) days thereafter, cause the same to be recorded in the office of the Register of Deeds of the county in which such person resides, and shall pay to such Register of Deeds the required fee for recording the same, and said fee shall be turned into the general fund of the county.

§ 15. PRACTICAL NURSES EXEMPTED.] This Act shall not be construed to apply to gratuitous nursing of the sick by friends or members of the family, nor to any practical nurse or person nursing the sick for hire who does not pretend to be a registered nurse.

§ 16. NAMES TO BE ENTERED ON REGISTER.] The board shall keep a register in which shall be entered the names of all persons to whom certificates are issued under this Act, and said register shall be at all times open to public inspection.

§ 17. REGISTERED NURSE.] A person who has received his or her certificate according to the provisions of this Act shall be styled and known as a "Registered Nurse." No other person shall assume such title or use the abbreviation R. N., or any other letters or figures to indicate that he or she is a registered nurse.

§ 18. BOARD MAY REVOKE CERTIFICATE FOR CAUSE.] The board shall have the power to revoke any certificate issued by said board in accordance with the provisions of this Act for the following causes: Gross incompetency, dishonesty, or any act derogatory to the morals or standing of the profession of nursing as may be determined by the board; *provided* that such revocation shall only be made upon specific charges in writing, under oath, filed with the secretary and by a majority of the whole board, a certified

copy of such charges and thirty days' notice of the hearing of the same having been personally served upon the holder of such certificate. Said board shall be authorized to furnish a list of the names and addresses of those whose certificates have been revoked to the board of examiners of other states upon the written request of such board.

§ 19. PENALTY FOR VIOLATION.] Any person violating any of the provisions of this Act, or who shall willfully make a false representation to the Board of Examiners in applying for a certificate shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) and not less than ten dollars (\$10).

Approved, March 9, 1915.

STATE BOARD OF REGENTS

CHAPTER 237.

[H. B. No. 361—Committee on Education.]

CREATING A BOARD OF REGENTS.

AN ACT Creating a Board of Regents for the State University, the State Agricultural College, the Normal Schools, the School of Science, the Normal and Industrial School, the School of Forestry, and such State Educational Institutions as may be Hereafter Established, to Prescribe its Powers and Duties, to Provide for the Management and Control of the State Educational Institutions, to Provide an Appropriation to Carry out the Purposes of the Act, and Repealing all Acts or Parts of Acts in Conflict or Inconsistent Therewith.

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

§ 1. STATE BOARD OF REGENTS, INSTITUTIONS UNDER ITS CONTROL.] A Board of Regents of state educational institutions, to be officially known as the State Board of Regents, consisting of five members, is hereby created for the general control and administration of the following state educational institutions:

1. The State University and School of Mines, at Grand Forks, with their sub-stations.
2. The State Agricultural College and Experiment Station, at Fargo, with their sub-stations.
3. The School of Science, at Wahpeton.
4. The State Normal Schools at Valley City, Mayville and Minot.
5. The Normal and Industrial School, at Ellendale.
6. The School of Forestry, at Bottineau.

7. And such other state educational institutions as may be hereafter established.

§ 2. BOARD, HOW APPOINTED. QUALIFICATIONS. TERM OF OFFICE.] The State Board of Regents shall consist of five members, all of whom shall be qualified electors and tax payers of the state, appointed for their fitness, and ability to efficiently serve the people of the state in such capacity, and one member and not more than two of such board shall be appointed from each congressional district, and not more than one member shall be appointed from any one county. No more than one person who is an alumnus of any of the institutions under the control of such board shall be a member thereof at the same time, and any person who has been connected with any of such institutions, either as a member of any normal board of control, or board of trustees, or as an officer or instructor, shall be eligible to appointment as a member of such board within two years after such connection with such institution has been terminated.

The Governor is empowered, and it is hereby made his duty, on or before the 2nd day of March, A. D. 1915, to nominate, and with the consent of the majority of the members of the Senate in executive session, to appoint as such State Board of Regents two members thereof whose term of office shall be two years commencing with the first day of July, A. D. 1915, two members thereof whose term of office shall be for four years commencing with the first day of July, A. D. 1915, and one member thereof whose term of office shall be for six years, commencing with the first day of July, A. D. 1915, and thereafter and during the session of the legislative assembly, and prior to the 15th day of January in each year in which the term of office of any member so appointed shall expire, he shall in like manner nominate, and subject to such consent of a majority of the Senate, appoint a successor or successors to such member or members of said board whose term will expire with July 1st of that year, which said appointee shall hold office for the full term of six years from and after the expiration of the full term of office for which such predecessor or predecessors were appointed.

In event any nomination made by the Governor to such board is not consented to and confirmed by the Senate as hereinbefore provided, the Governor shall again nominate a candidate or candidates for such office at any time while the legislative assembly is in session.

The members of the board first so appointed shall meet at the seat of government on the first Tuesday in April, 1915, and shall organize and elect one of their members as president of such board for a term of one year. They shall also elect a competent man as secretary who shall receive not to exceed \$2,500.00 per annum, and who shall reside during his term of office in the City of Bismarck.

§ 3. REMOVAL OF MEMBER. VACANCY. HOW FILLED.] The Governor may remove any member of the board so appointed for

incompetency, neglect of duty, immorality, malfeasance in office, or for other good cause, and in case of a vacancy in the membership of the board so appointed by the Governor or his predecessor in office, whether occurring by reason of removal or otherwise, may declare the office vacant and fill the same by appointment until the convening of the next session of the legislative assembly, when he shall nominate some qualified person as a member of such board for the balance of such unexpired term and upon the consent of the Senate as hereinbefore provided, shall appoint said nominee as a member of such board.

§ 4. MEMBERS TO TAKE OATH. BOND.] Each member of the board shall take oath and qualify in the manner as provided by Section 661 of the Compiled Laws of North Dakota of 1913 and before entering upon his official duties give an official bond, either personal or surety, in the sum of ten thousand dollars (\$10,000.00) and running to the State of North Dakota, conditioned as provided by law, signed by sureties approved by the Governor, and the premium upon such bond, if a surety bond, shall be paid out of the state treasury, and such bond shall be filed in the office of the Secretary of State.

§ 5. COMPENSATION OF MEMBERS.] The appointive members of the State Board of Regents shall receive seven dollars (\$7.00) per day and their necessary traveling expenses while attending meetings or in the performance of such special duties as the board may direct.

§ 6. OFFICE. OFFICE HELP AND SUPPLIES.] The board shall be provided with suitable offices in the State Capitol building at Bismarck and shall provide necessary office furnishings, books, stationery, printing, postage stamps, and such other supplies as are necessary, and shall employ such clerical assistance as in their opinion is required.

§ 7. POWERS AND DUTIES OF BOARD.] The State Board of Regents shall, upon being established as provided herein, assume all the powers and perform all the duties now exercised or performed by the normal board of control and the several boards of trustees of the institutions by this Act placed under the control of the State Board of Regents July 1st, 1915. The existing normal board of control and the boards of trustees of the institutions enumerated in this Act, except as hereinafter provided, shall immediately upon the organization of the State Board of Regents as hereinbefore provided in this Act, surrender and transfer to the State Board of Regents, all duties, rights and powers and immunities granted them under existing laws of this state, together with all property, deeds, records, reports and appurtenances of every kind, now held by the normal board of control and boards of trustees of the institutions enumerated in Section 1 hereof. Such normal board of control and boards of trustees shall thereupon cease to exist, and the State Board of Regents shall succeed to all the rights,

duties, powers and immunities belonging to the normal board of control and boards of trustees and shall assume full control of all property, deeds, records, reports and appurtenances aforesaid, until otherwise prescribed by law.

The State Board of Regents shall make all necessary rules and regulations for its own official procedure and for the efficient management and control of the educational institutions and of their various departments.

The State Board of Regents first appointed shall, as soon as practical after having organized, procure to be made by a competent expert, or experts, from without the state, an educational survey of all institutions under its control for the purpose of ascertaining wherein the efficiency of the state educational institutions can be best served and economy in conducting the same best practiced.

Upon the completion of such educational survey the State Board of Regents shall appoint from without the state a State Commissioner of Education who shall be a graduate of some reputable college or university, who must have made a special study of educational problems and have had at least three years' experience in educational administrative work. Such Commissioner of Education shall perform such duties of examination, inspection and visitation as the board may direct, and shall advise the board on all matters pertaining to the curricula, co-ordination and correlating of work in the institutions under the control of such board and he shall make a special study of the particular needs and requirements of each institution and shall report thereon to the board at such time as they shall direct.

Such Commissioner of Education shall receive a salary of not to exceed five thousand dollars (\$5,000.00) per annum, to be fixed by the board, with his actual and necessary traveling expenses while attending meetings of the board and in visitation, inspection and examination of institutions under the control of said board.

The State Board of Regents shall have the power to elect a president and treasurer for each of the said educational institutions, professors, instructors, officers and employees and shall fix the compensation paid them.

The board shall act in consultation with the president of each institution, in order the more efficiently to administer to the needs and proper development of each institution in harmony with the best interests of the people of the state, and for the up-building of higher and technical education in North Dakota.

The State Board of Regents shall co-ordinate and correlate the work in the different institutions so as to prevent wasteful duplication and to develop co-operation among such institutions in the exchange of instructors and students, and shall fix a tuition to be paid in such institutions or any department thereof when not provided by law. It shall make recommendations in regard to

needed legislation for the institutions under its control, and it shall, prior to each meeting of the state legislature and in ample time for due consideration by the legislative assembly, prepare a budget setting forth the financial needs of all state educational institutions under its supervision and control for the period for which an appropriation is made.

It shall submit with such budget plans for all betterments and improvements or buildings costing more than five thousand dollars (\$5,000.00) for which it may recommend an appropriation. But when an appropriation for any amount has been made, there shall be no expenditures thereof until the board has secured suitable plans and specifications prepared by a competent architect, and accompanied by a detailed statement of the amount, quality and description of all material and labor required for the completion of said structure; and no plan or plans shall be adopted, and no betterments, improvements or buildings constructed, that contemplate the expenditure of more money for completion than the amount appropriated by the legislature therefor, unless exempted from the provisions of this Section by the Act making such appropriation. In no event shall the board direct or permit an expenditure for any purpose in excess of the amount appropriated by law, or contemplated by the statute, and the members of said board, its officers and agents, are not subject to the provisions of Sections 9827, 9828, 9829 and 9830 of the Compiled Laws of North Dakota of 1913, but any violation of the provisions of either of the said Sections of the Code above named by any member of said board, its officers or agents, shall be deemed a misdemeanor and on conviction the offender shall be fined in any sum not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00) in the discretion of the court, or imprisoned in the county jail not exceeding one year, or by both such fine and imprisonment.

This budget shall be transmitted in separate form to the Governor and legislative assembly at the same time as its biennial report is transmitted as hereafter required. The board shall have general supervision, direction and control of the expenditures of the funds for, or belonging to, or at the disposal of, the various state educational institutions.

In order to effect the greatest economy, efficiency, and facility in providing for the needs and work of the various institutions the president of each institution shall submit to the State Board of Regents, at least once each year, a budget showing the needs and amounts recommended for the work of the various departments of the institutions, and for improvements, repairs, miscellaneous items of maintenance and such other items as shall seem expedient. When this budget has been approved by the Board of Regents, it shall form the basis of expenditures for the institutions during the period designated and the president of the institution, and the business of-

vice thereof, shall conform to this budget in the expenditures made for carrying on the work of the institution as provided for in this budget. No change in, or departure from, the expenditures outlined and provided for in the budget, shall be made except when emergency requires, when the approval of such change or departure by the State Board of Regents must first be had.

The State Board of Regents shall install a system of accounting which shall be uniform as far as practicable, for all the institutions under its control. The board shall submit a biennial report to the Governor not later than the first day of September next preceding the legislative session. The report herein required, shall contain a detailed financial statement showing fully the items of income from every source and expenditures of every nature, of the institutions under the control of the board for the period covered by the report.

The report first made after the organization of the State Board of Regents as provided in this Act, shall set forth in detail, what has been accomplished by the board in co-ordinating and correlating the work of the several institutions.

§ 8. MEETINGS. QUORUM.] The board shall hold an annual meeting at its office in the City of Bismarck on the first Tuesday in July of each year. It shall hold quarterly meetings, if practicable, at one of the institutions under its control, but only one quarterly meeting shall be held at the same institution in any year. Annual and quarterly meetings may be called by the secretary. Special meetings may be held upon the call of the president or upon request of three of the members of the board, at such place and time as the members demanding such meeting request, and a majority of such board shall constitute a quorum.

§ 9. ITEMIZED STATEMENT.] Before any expenses of the members of said board, any officer, or agent, thereof, or before any expenses incurred by others under the direction of the board, or the expenses of any officer or any employee of any institution under the charge of the board, shall be paid, a minutely itemized statement of every item of expenditure shall be presented to the proper authority duly verified, which verification shall aver that the expense bill is just, accurate and true and is claimed for cash expenditures, or cash disbursements, truly and accurately made, or payment thereof shall not be made. The expense bills of the members of the board, the secretary and its other employees, when so verified, shall be presented to the State Auditing Board for their written audit, before payment is made. The salaries and such actual expenses of the board, and the secretary and other officers, and the salaries of employees, shall be paid monthly by the State Treasurer, upon the warrant of the State Auditor.

§ 10. APPROPRIATION.] There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of

eighteen thousand dollars (\$18,000.00) annually, or as much thereof as may be necessary to carry out the provisions of this Act.

§ 11. REPEAL.] Existing laws relating to the institutions referred to in this Act, which are not inconsistent with the provisions of this Act shall remain in full force, and all Acts or parts of Acts in conflict with or inconsistent with this Act are hereby repealed.

§ 12. EMERGENCY.] Whereas, an emergency exists in this, that this Act is deemed of immediate importance in order that the board hereby created may be in a position to take full control of such institutions on July 1st, A. D. 1915, therefore this Act shall be in full force and effect on and after its passage and approval.

Approved, March 4, 1915.

STATE LIBRARY COMMISSION

CHAPTER 238.

[H. B. No. 476—Lathrop Committee.]

LIBRARY COMMISSION.

AN ACT to Amend Section 1531 of the Compiled Laws of North Dakota for 1913, and to Repeal Section 1532 of the Compiled Laws of 1913, Relating to the State Library Commission, and Providing for Abolishing Such Commission in a Certain Event.

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

§ 1. AMENDMENT.] Section 1531 of the Compiled Laws of North Dakota for 1913 is hereby amended so as to read as follows:

§ 1531. COMMISSION. BY WHOM COMPOSED. SALARY OF LIBRARIAN. ABOLISHING COMMISSION.] The Governor, State Superintendent of Public Instruction, Secretary of State, State Auditor and the Commissioner of Agriculture and Labor shall constitute the State Library Commission. The commission shall appoint an executive officer to be known as the secretary of the Library Commission, who shall receive an annual salary of eighteen hundred dollars per year, who shall have control of the work and shall be the director of the library extension, *provided*, however, that if this legislative assembly enacts a law creating a Board of Regents to control all state educational institutions, then this commission shall be abolished and such Board of Regents shall assume and take over all the duties of the commission as a part of the duties of said Board of Regents.

§ 2. That Section 1532 of the Compiled Laws of 1913 is hereby repealed.

Approved, March 9, 1915.

SOLDIERS' HOME

CHAPTER 239.

[S. B. No. 114—Heckle.]

TRUSTEES OF SOLDIERS' HOME—INCREASING PER DIEM OF
AN ACT to Amend Section 1779 of the Compiled Laws of North Dakota for
the Year 1913, Relating to the Board of Trustees of the Soldiers' Home.

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

§ 1. AMENDMENT.] That Section 1779 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 1779. BOARD OF TRUSTEES.] The general supervision and government of the Home shall be vested in a board of five trustees to be styled "The Board of Trustees of the Soldiers' Home," each member of which shall have served in the army or navy of the United States or in the First North Dakota Infantry, U. S. V., and four of whom shall be appointed by the Governor, by and with the advice and consent of the Senate. The members of the board shall hold their office for the term of three, four and five years, respectively. The time for which each member shall hold his office shall be designated in his certificate of appointment. The commander or chief officer of the organization known as the Grand Army of the Republic shall be ex-officio a member of said board with the same powers, duties and privileges as the other members thereof. The compensation of the trustees shall be five dollars per day each, for not exceeding twenty-four days in any one year, and their necessary expenses while performing their duties of office.

Approved, February 26, 1915.

SELECTED LANDS—PATENTS

CHAPTER 240.

[H. B. No. 337—Hoghaug.]

RELATING TO PATENTS TO SELECTED LANDS.

AN ACT Making it the Duty of the Commissioner of University and School Lands to have Certified Copies of the Patents to Selected Lands Recorded in the Various Counties Containing Such Land.

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

§ 1. It is hereby made the duty of the Commissioner of University and School Lands to record the government patents or certified copy thereof to selected lands in the office of the Register of Deeds of each county wherein such indemnity lands have been selected.

§ 2. No fee shall be charged or collected by the Register of Deeds for the recording of such patent.

Approved, March 9, 1915.

State Board of University and School Lands

CHAPTER 241.

[H. B. No. 458—McQuillan.]

INVESTMENT OF STATE SCHOOL FUNDS.

AN ACT to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Section 287 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

§ 287. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITIONS OF LOANS.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, University, School of Mines, Reform School, Agricultural College and the School for the Deaf and Dumb, Normal Schools and other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under the authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states; *provided*, such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division on which the same be loaned, such value to be determined by the Board of Appraisal of School Lands; *provided*, at least one-half and not more than two-thirds of the whole amount of the several permanent funds aforesaid as computed by the Commissioner of University and School Lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; *provided*, further, that for said services as such Board of Appraisal the County Auditor and County Superintendent of Schools shall receive only the necessary traveling expenses, but that the chairman of the Board of County Commissioners shall be entitled to the same mileage and per diem as when serving on the Board of County Commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent. per

annum, payable annually to the County Treasurer of the county in which such lands are located. For the first five years payments shall consist only of interest paid annually and commencing with the sixth year the interest shall be paid annually as above stated, and the borrower shall have his option of paying ten per cent. or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated land within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums not more than five thousand dollars to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after three years from date when made on payment of the whole amount due thereon; *provided*, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the principal and interest then due on said loan the interest on the principal for six months in advance of date of such payment. All proceedings in regard to investments in first mortgages as provided in this Chapter shall conform to and be governed by the laws of the State of North Dakota in such case made and provided. Said Board of University and School Lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

Approved, March 9, 1915.

CHAPTER 242.

[S. B. No. 117—Steele.]

SALE OF INSTITUTION LANDS.

AN ACT to Provide for the Disposition of School and Institutional Lands Required for Townsite Purposes, School House Sites, Church Sites, Cemetery Sites, Sites for Other Educational or Charitable Purposes, Public Parks, Fair Grounds, Public Highways, Railroad Right-of-Way and Other Railroad Uses and Purposes, Reservoirs for the Storage of Water for Irrigation, Drain Ditches and Irrigation Ditches, and Lands Required for Any of the Purposes Over Which the Right of Eminent Domain May be Exercised Under the Constitution and Laws of this State.

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

Whereas, Article IX, Section 158, of the Constitution of this state, was amended at the general election held in November, 1912, and such amendment is not self-executing, but requires legislative action to make the same effective.

§ 1. That any person, firm, public or private corporation, desiring to acquire any school or institutional lands belonging to the state, for townsite purposes, school house sites, church sites, cemetery sites, sites for other educational or charitable institutions, public parks, fair grounds, public highways, railroad right-of-way or other railway uses and purposes, reservoirs for the storage of water for irrigation, drain ditches or irrigation ditches, or for any of the purposes over which the right of eminent domain may be exercised under the Constitution and laws of the State of North Dakota, may make written application to the Board of University and School Lands therefor, and such application shall state briefly the purposes for which such land is required and shall describe the same as accurately as possible; such application shall be accompanied by a map showing the land desired to be taken and such petition shall be verified by the applicant or by some officer thereof, in case the applicant be a public or private corporation.

§ 2. If the land sought to be taken has been appraised within the period of two years prior to the filing of such application, the Board of University and School Lands shall cause notice to be given as hereinafter provided and thereupon proceed to consider and pass upon such application, and if, in their opinion, the land is required for the purposes stated in the application, the board shall thereupon fix a price at which the conveyance of the entire tract of said land shall be voluntarily made, which price shall not be less than the appraised value. In case such land has not been appraised within two years, the Board of University and School Lands shall take steps to have the same appraised in accordance with the provisions of law, when the proceeding for conveyance shall be the same as hereinbefore provided, and upon such agreement and the payment

of the full purchase price, the board shall cause to be executed to the applicant, a deed of conveyance of such tract of land.

§ 3. Where the land sought to be acquired is less than the entire tract, the board shall cause the same to be appraised and thereupon fix the price at which said partial tract will be conveyed, taking into consideration the value of the land taken together with all detriment caused to the remaining portions of the tract.

§ 4. HEARING TO BE HAD AND NOTICE TO BE PUBLISHED.] The Board of University and School Lands shall cause public notice to be given of the time and place when it will hear said application, therein describing the land and stating the purpose for which same is sought to be purchased, said notice shall be published in a newspaper of general circulation near to the land applied for, three times, once each week for three consecutive weeks, before the day set for hearing the application, and any citizen interested may appear and show cause why said land should not be sold or why the price fixed is insufficient.

§ 5. If in any case the applicant is unwilling to pay the price fixed by the board for a conveyance, he may proceed to the district court to condemn the land required in an action against the state under the same rules as govern other condemnation suits; *provided*, however, that the amount awarded by the court or jury as damages for the taking of an entire tract shall not be less than the appraised value thereof; and *provided*, further, that the board and the court or jury fixing the amount to be paid for either an entire tract or a part thereof shall take into consideration not only the appraised value of the land and its actual value for all ordinary purposes but any increased value it may have for any special and unusual purpose by reason of the existence of the fact that make the exercise of the power of eminent domain proper and necessary. For example, if such land is desired for a gravel pit, its value may be estimated with reference to the existence of the demand for gravel taking into consideration the necessities of the party seeking to acquire the land, or if for townsite purposes taking into consideration its value to the state, if used for that purpose by the state, taking into consideration further, the necessity for a townsite at that point warranting the exercise of the power of eminent domain for that purpose.

EMERGENCY.] Whereas, an emergency exists in this, to-wit: That there is no law at the present time regulating the sale and conveyance of lands needed for public purposes as set out in the foregoing Act, and it is necessary that such constitutional amendment should be made effective at once, therefore an emergency exists and this Act shall take effect upon its passage and approval.

Approved, February 27, 1915.

CHAPTER 243.

[S. B. No. 43—Martin.]

AUTHORITY GIVEN BOARD OF UNIVERSITY AND SCHOOL LANDS
TO DEED LANDS.

AN ACT Authorizing the Board of University and School Lands of the State of North Dakota to Deed to the United States Government Section 16, Township 138 North, of Range 81 West of the Fifth Principal Meridian.

Whereas, It is necessary for the successful carrying out of the work of the Northern Great Plains Field Station that they shall have additional lands for conducting experiments in grazing, in order to determine how best to utilize the rough lands of the Great Plains area; therefore,

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

§ 1. That the Board of University and School Lands of the State of North Dakota are hereby authorized to deed to the United States Government Section 16, Township 138, North, of Range 81 West of the Fifth Principal Meridian; *provided*, that the United States Government shall authorize and empower the Board of University and School Lands of the State of North Dakota to select from vacant public lands within the State of North Dakota lieu lands in exchange for said section; and *provided*, further, that as the vacant public lands remaining in North Dakota are rough lands and of much less value than the lands proposed to be deeded to the United States Government that therefore the United States Government shall in exchange for the section of land as proposed give to the State of North Dakota not less than two sections of land.

§ 2. EMERGENCY.] *Whereas*, it is necessary to have this section of land deeded to the United States Government as soon as possible, therefore, this Act shall take effect immediately upon its passage and approval.

Approved, February 5, 1915.

STATE VOUCHER—FORM

CHAPTER 244.

[S. B. No. 239—Vail.]

PROVIDING FORM FOR VOUCHER FOR ACCOUNTS AGAINST THE STATE.

AN ACT to Amend Section 657 of the Compiled Laws of North Dakota for 1913, Relating to the Manner in Which Claims Against the State Shall be Filed and Verified, and Providing a Penalty for Falsely Certifying or Certifying to Any False Bill, Claim, Account or Demand.

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

§ 1. AMENDMENT.] Section 657 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 657. CLAIMS AGAINST THE STATE, VERIFIED, HOW.] No bill, claim, account or demand against the state except in the case of salaries fixed by law, shall be audited, allowed, or paid, until a full itemized statement in writing shall have been filed with the officer, or officers whose duty it may be to audit the same, and where charges are made for money expended in the performance of official duties, all items of one dollar or more so expended and charged for, shall be covered by a sub-voucher or receipt, which sub-voucher or receipt shall be signed by the person to whom the money was paid, and such sub-voucher or receipt shall show at what place, on what date, and for what the money expended was paid. Such sub-vouchers or receipts shall be forwarded with the bill, claim, account or demand against the state, which bill, claim, account or demand shall be further verified by the certificates of the party presenting it in substantially the following form:

“CERTIFICATE.

I do hereby certify that the within bill, claim, account or demand, is just and true; that the money therein charged was actually paid for the purpose therein stated; that the services therein charged were actually rendered and are of the value therein charged; that no part of such bill, claim, account or demand, has been paid; and that the goods therein charged were actually delivered and were of the value charged.

Sign here:

If signed for a firm or company show authority on this line.”

Provided, that any officer, officers, or the State Auditing Board, before any of whom any bill, claim, account or demand against the

state shall come for audit and approval, may, if deemed necessary in his or their discretion, require to be furnished a statement made under oath, containing such further information as seems necessary for the further verification of any bill, claim, account, or demand against the state or any of its undertakings.

Provided, that all blank voucher forms, for bills, claims, accounts or demands against the state or any of its undertakings, shall have printed thereon the following paragraph which prescribes the penalty for certifying to false or dishonest bills, claims, accounts or demands, against the state.

Provided, that any person, firm, or company, falsely certifying, or certifying to any false bill, claim, account or demand, as hereinbefore set forth, shall upon conviction forfeit his right to collect such bill, claim, account, or demand, or any part thereof, and shall further be subject to the penalty prescribed for one found guilty of committing a misdemeanor.

§ 2. EMERGENCY.] Whereas, the law now in effect, which requires that bills, claims, accounts, and demands against the state shall be sworn to, does not prevent the filing of fraudulent or dishonest claims and bills, and which requirement proves expensive and bothersome, and is but the following of an old custom entirely out of keeping with modern and economical methods of handling business, and whereas, the penalty prescribed in this Act is entirely sufficient to prove effective, and it is desirable that the annoyance and expense of complying with the old law be discontinued as soon as possible, therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved, March 2, 1915.

STATE INSTITUTIONS

CHAPTER 245.

[H. B. No. 470—Lathrop Committee.]

TRANSPORTATION PRISONERS AND PATIENTS.

AN ACT Relating to the Expenses and Method of Transportation of Prisoners and Patients, and Repealing Section 3515 of the Compiled Laws of North Dakota, for the Year 1913.

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

§ 1. TRANSPORTATION OF INSANE PERSONS. COMPENSATION OF GUARD.] Whenever any person has been adjudged insane by the Insanity Board of any county in this state it shall be the duty of the chairman of such board to immediately notify the superin-

tendent of the State Hospital for the Insane thereof. Upon receiving such notice the said superintendent shall immediately send a guard, regularly employed at such institution, to such county, whose duty it shall be to bring such insane person to the hospital. If necessary an additional guard may be employed and for the services performed such guard or guards shall receive their traveling expenses and other actual necessary expenses which shall be paid by the state upon the filing of a verified, itemized statement filed with the State Auditor and approved by the State Auditing Board.

§ 2. TRANSPORTATION OF INSANE PERSONS TO OTHER STATES. REMUNERATION OF GUARD.] Whenever it shall be necessary to transport an insane patient from this state to another state, such patient shall be transported in the same manner as provided for in the foregoing Section for transportation to the State Hospital for the Insane in this state.

§ 3. TRANSPORTATION OF PRISONERS TO THE PENITENTIARY OR THE REFORM SCHOOL. REMUNERATION OF GUARDS.] Whenever any person has been convicted and sentenced to the Penitentiary in this state or to the Reform School it shall be the duty of the Sheriff of the county in which such conviction is had to notify the Warden of the State Penitentiary, or the Superintendent of the Reform School, as the case may be, thereof. It shall then be the duty of the said Warden or the Superintendent of the Reform School to send a regularly employed guard in the Penitentiary or Reform School to such county to convey such prisoner to the State Penitentiary or Reform School. *Provided*, that if necessary more than one guard may be sent to convey such prisoner. The guards so employed shall receive their regular traveling expenses and their other actual, necessary expenses, which shall be paid by the state upon their verified itemized statement filed with the State Auditor and approved by the State Auditing Board.

§ 4. REPEAL.] Section 3515 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved, March 10, 1915.

STATE TREASURER

CHAPTER 246.

[H. B. No. 467—Lathrop Committee.]

RELATING TO STATE TREASURER'S BOND.

AN ACT to Amend and Re-enact Section 156 of the Compiled Laws of 1913.

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

§ 1. Section 156 of the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 156. OFFICIAL BOND.] The State Treasurer must execute an official bond in the sum of not less than one hundred thousand dollars nor more than five hundred thousand dollars. Such bond shall be executed by the Treasurer as principal and by sureties who must justify in the aggregate in a sum equal to twice the amount of the bond. The sureties may consist of freeholders of the State of North Dakota or of corporations authorized to transact the business of fidelity insurance within the State of North Dakota, or may consist in part of such freeholders and in part of such corporations and may consist of one bond for said total amount or of more than one bond, each for a lesser amount but aggregating not less than said total amount; and in the case of more than one bond being used, and in case of loss or liability, the liability of each separate bond shall be held to bear the same proportion to the total loss or liability as the amount of each separate bond shall bear to the total aggregate amount of all such bonds. Such bond or bonds shall be approved by the Attorney General as to form and by the Governor as to the amount of the bond and as to the sufficiency of the sureties. In case any such bond is approved, having as sureties one or more corporations as herein provided, then the premium for such bond or bonds shall be audited and paid out of the general fund of the state.

Approved, March 9, 1915.

STATE OFFICERS FEES—BANKED

CHAPTER 247.

[S. B. No. 288—Committee on State Affairs.]

FEES RECEIVED BY STATE OFFICERS TO BE BANKED WITH STATE TREASURER.

AN ACT Prescribing the Duties of all State Officers Relating to Funds Which May Come into Their Possession in an Official Way, Specifying as to the Disposition of Such Funds and Prescribing Penalties for the Violation of the Provisions of this Act.

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

§ 1. It is hereby made the duty of every state official into whose possession fees or moneys may come in an official way, to promptly deposit the same with the Treasurer of the State of North Dakota to the credit of such fund as may be designated by the statute under which the payment of the fees or moneys is required. Whenever any statute requires that certain expenses shall be paid from the fees or moneys received by any state official and the remainder in his possession after such payment of expenses shall at certain stated times be paid into the hands of the State Treasurer, the state official shall issue a warrant on the State Treasurer in all cases to be countersigned by the State Auditor, which shall be paid by the State Treasurer and charged to the proper fund created by the statute requiring the payment of the said fees or moneys to the state official who receives them.

§ 2. It is hereby made the duty of the State Treasurer and State Auditor to make the necessary entries, open up the necessary accounts, and countersign the necessary warrants to carry out the provisions of this Act, the intention of which is to make the State Treasurer the banker of all state officials as far as public moneys are concerned in order that interest on public moneys may be obtained as provided by law at the earliest date possible.

§ 3. Any state official who makes a deposit of fees or moneys coming into his possession in an official way with any person, bank or banker, other than the State Treasurer as provided herein shall be guilty of a misdemeanor.

§ 4. All Acts or parts of Acts prescribing that any state official shall make deposits otherwise than prescribed herein or that moneys shall be held until the end of the month or to any certain date before payment to the State Treasurer are hereby repealed in so far as they conflict with the provisions of this Act.

Approved, March 4, 1915.

STATES ATTORNEY

CHAPTER 248.

[H. B. No. 387—Wiley.]

STATE'S ATTORNEY MAY BE UNITED STATES COMMISSIONER.

AN ACT to Amend and Re-enact Sub-division 13 of Section 3376 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Sub-division 13 of Section 3376 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows: 13. He shall not receive any fee or reward from or on behalf of any prosecutor or other individual for services in any prosecution or business to which it shall be his official duty to attend, nor be concerned as attorney or counsel for either party, other than for the state or county, in any civil action depending on a state of facts upon which any criminal prosecution then pending shall depend; nor shall any State's Attorney be eligible to or hold any judicial office whatever except United States Commissioner. When required to go to any other county or from one part to another, part of his county to transact any official business as such State's Attorney he shall be entitled to receive from his county the amount of his actual and necessary expenses in transacting such business, in addition to the salary fixed by law, which expenses shall be audited and paid by the Board of County Commissioners as other county expenses are audited and paid.

Approved, March 10, 1915.

SUCCESSION

CHAPTER 249.

[H. B. No. 160—Converse.]

ORDER OF SUCCESSION.

AN ACT to Amend Sub-division Two, of Section 5743 of the Compiled Laws of North Dakota, 1913, Relating to the Order of Succession.

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

§ 1. That sub-division two of Section 5743 of the Compiled Laws of North Dakota, 1913, is hereby amended to read as follows:

If the decedent leaves no issue, and the estate does not exceed in value the sum of fifteen thousand dollars, all the estate goes to the surviving husband or wife, and as to all property in excess of fifteen thousand dollars in value, one-half thereof goes to the surviving husband or wife and the other one-half goes to the decedent's father or mother in equal shares, and if either is dead to the survivor; if the decedent leaves no issue and both father and mother are dead and the estate does not exceed in value twenty-five thousand dollars, the whole thereof goes to the surviving husband or wife; as to all property in excess of twenty-five thousand dollars in value, one-half thereof goes to the surviving husband or wife, and if the decedent leaves brothers or sisters or children of deceased brothers or sisters, then the other one-half thereof in equal shares to the brothers or sisters of decedent and to the children of any deceased brother or sister by right of representation. If the decedent leaves no issue, nor husband nor wife, the estate must go to the father and mother in equal shares, and if either is dead, to the survivor. If the decedent leaves a surviving husband or wife and no issue, and no father nor mother, nor brother nor sister, nor children of a deceased brother or sister, then the whole estate goes to the surviving husband or wife.

Approved, February 18, 1915.

SUPREME COURT

CHAPTER 250.

[H. B. No. 450—Judiciary Committee.]

RELATING TO DELIVERY OF DECISIONS OF SUPREME COURT TO REPORTERS.

AN ACT to Amend and Re-enact Section 734 of the Compiled Laws of North Dakota of 1913, Relating to Delivery of Decisions of the Supreme Court to Reporters.

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

§ 1. Section 734 of the Compiled Laws of North Dakota of 1913, is hereby amended and re-enacted to read as follows:

§ 734. It shall be the duty of the Clerk of the Supreme Court within twenty-five days after the filing in his office of any opinion of the Supreme Court, to furnish to the reporter of the Supreme Court, a certified copy of such decision together with a copy of briefs and abstracts therein, unless an application for re-hearing has been made, in which case he may withhold such decision for not to exceed sixty days, at the end of which time, if no re-argument has been had, he shall furnish copy of such opinion, briefs and abstracts, to the reporter; and such decision shall be published with the reference to any notice or application that may have been made to the court for re-hearing. Should the court on re-hearing, reverse itself and modify or change its decision, such decision changing or modifying its former decision shall be published in the first report following such decision.

Approved, March 5, 1915.

TAXATION

CHAPTER 251.

[S. B. No. 280—Steele.]

CANCELLING UNCOLLECTED PERSONAL PROPERTY TAXES.

AN ACT to Cancel Uncollected Personal Property Taxes Assessed for 1900 and Prior Years.

Whereas, There are a large number of uncollectible personal property taxes on the tax books of the various counties of the state for the year 1900 and prior years which the Boards of County Commissioners have neglected to cancel as provided by law,

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

§ 1. That all unpaid personal property taxes levied and assessed for the year 1900 and all years prior thereto be and the same are hereby cancelled and the County Auditors of the various counties of the state are directed to cancel the same of record.

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

Approved, March 4, 1915.

TRANSFER OF REAL PROPERTY

CHAPTER 252.

[S. B. No. 241—Trageton.]

TRANSFER OF REAL PROPERTY—DUTY OF COUNTY AUDITOR.

AN ACT to Amend and Re-enact Section 2212 of the Compiled Laws of North Dakota for 1913, Relating to the Duty of the County Auditor and the Requirements of the Transfer of Real Property as to Taxes, Deeds and Other Instruments of Conveyance.

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

§ 1. AMENDMENT.] That Section 2212 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2212. When any deed or patent is presented to the County Auditor for transfer he shall ascertain from the books and records in the office of the County Treasurer if there are any current taxes due on the land described therein, or any special assessment due thereon; he shall also ascertain from the books and records in the Auditor's office if there be delinquent taxes on the said land described within, or special assessments due thereon, or if it has been sold for taxes, and if there are current taxes, delinquent taxes or special assessments due or installments of special assessments due, he shall certify to the same, and when the receipt of the County Treasurer shall be produced for the said current taxes, delinquent taxes or special assessments or installments of special assessments and for any other current or delinquent taxes, or special assessment of [or] installments of special assessments that may be in the hands of the County Treasurer or County Auditor for collection, the County Auditor shall enter on every deed or patent so transferred, over his official signature, "taxes and special assessments or installments of special assessments, paid and transfer entered," or if the land described has been sold for taxes, "paid by sale of the land described within," or if it is an instrument entitled to record without regard to taxes, "transfer entered," and unless such entry is made upon any deed, or patent, the Register of Deeds shall refuse to receive or record the same. A violation of the provisions of this Section by the Register of Deeds shall be deemed a misdemeanor, and upon conviction thereof he shall be punished by a fine of not less than one hundred dollars and not exceeding one thousand dollars, and he shall be liable to the grantee of any instrument so recorded for the amount of any damage sustained; *provided*, that Sheriff's or referee's certificates of sale on execution or fore-

closures of mortgages may be recorded by the Register of Deeds without any such certificate from the County Auditor. The County Auditor shall keep a record of such transfers in a book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of the transfer, and shall collect twenty-five cents for each certificate, from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the County Treasurer at the end of each month and be placed to the credit of the general funds of the county.

§ 2. EMERGENCY.] Whereas, an emergency exists in that at the present time it is impossible for a final decree of distribution to be recorded, completing the title to lands, unless the taxes are paid on all lands described in the final decree of distribution, and there are instances where one devisee is willing to pay the taxes and desires to have the final decree recorded, but that the final decree cannot be recorded because another one of the devisees refuses to pay the taxes and it would impose an injustice to require that one person pay the taxes of another, therefore this Act will be in force from and after its passage and approval.

Approved, February 27, 1915.

TAX ACCOUNTS

CHAPTER 253.

[H. B. No. 428—Petterson.]

CONSOLIDATED TAX ACCOUNT.

AN ACT to Amend Section 2274 of the Compiled Laws of North Dakota for 1913, Relating to What Accounts Shall be Carried as "Consolidated Tax Account," and Providing a Manner for the Settlement of Taxes.

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

§ 1. AMENDMENT.] Section 2274 of the Compiled Laws of North Dakota for 1913, relating to what accounts shall be carried as "consolidated tax account," is hereby amended to read as follows:

§ 2274. CONSOLIDATED TAX ACCOUNT.] The State Auditor shall carry upon the tax records of his office an account entitled "1910 and prior years," for each county, in which account shall be included the unpaid delinquent taxes charged against each county in the state for 1910 and all prior years. In 1915 the State Auditor shall in addition to the "consolidated tax account" carry separate accounts with every county for the following years, 1911, 1912, 1913 and 1914. When the 1915 tax becomes payable and is entered against the several counties on the books of the State Au-

ditor, the State Auditor shall notify each county of the amount owing and unpaid at that time on account of the 1911 tax. Upon receipt of this notice, the County Auditor shall cause to be made a list of the unpaid real and personal property taxes as shown by the books of the county for 1911. The County Commissioners shall review such list carefully and indicate and give their reasons for believing that certain of such unpaid tax charges cannot be collected. This list shall be certified to by the County Commissioners and the County Auditor and forwarded to the State Auditor, who shall examine such list and he shall credit the county on the unpaid 1911 taxes charged to such county, in the total sum of all the items which in his judgment should be cancelled. The State Auditor shall after crediting proper cancellations or deductions, again send to such county a statement showing the amount then due the state on account of unpaid 1911 tax, and the County Commissioners may authorize the County Auditor and County Treasurer to pay to the state from the county general fund, the amount necessary to balance the 1911 delinquent unpaid tax account charged on the books of the State Auditor to such county. After such settlement is made the county shall be relieved from reporting any 1911 tax to the state but any such collections that there may be shall be turned in to the general fund of the county to reimburse the county general fund for any amount that may have been paid to the state for a final settlement as hereinbefore prescribed. Such settlements shall be made yearly as the new tax becomes chargeable. The State Auditor shall carry no more than five accounts against each county covering unpaid delinquent taxes, one of which shall be known as "1910 and prior," and the other shall be the four last years' accounts.

Approved, March 10, 1915.

TAX LEVIES LIMITED

CHAPTER 254.

[H. B. No. 122—L. L. Twichell.]

LIMITS SALARY AND TAX LEVY INCREASE.

AN ACT to Limit Tax Levies During the Years 1915 and 1916, to Restrict Debt Limits, and to Regulate Salaries of Officers, and the Rights and Duties of Officials Now Dependent Upon Assessed Valuation.

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

§ 1. LIMIT OF LEVIES IN COUNTIES, CITIES, SCHOOL DISTRICTS, ETC.] The Board of County Commissioners of any county, or any county officer, any township board, or any township officer, any village board, or any village officer, any city council or city commission, park board, or board of education of any city, or any

officer thereof, or the officers of any school district, or any other taxing district, or any officer thereof, that is authorized, or whose duty it may be, under the laws of the state, to fix or make any levy on the assessed valuation of property for the purposes of any taxation, shall not during the years 1915 and 1916 levy any amount for purposes of taxation that will exceed by more than five per cent. for the year 1915, and 10 per cent. for the year 1916, the amount that such board or officer was authorized to levy on the assessed valuation of 1914. Any of the aforesaid officers, whose duty it may be under existing laws to levy taxes at a certain rate in mills, or fraction thereof, shall not levy during the years 1915 and 1916 at any rate that will produce revenue in excess of 105 per cent. and 110 per cent., respectively, of that which would be produced by the levy of the prescribed rate upon the assessed valuation of 1914; *provided*, however, that nothing in this Section shall be construed to prevent the raising of revenue to meet expenses which may be authorized to be incurred under laws passed by the Fourteenth Legislative Assembly.

§ 2. SALARIES.] No salary of any official now determined by the amount of the assessed valuation of property within any political sub-division shall be increased during the years 1915 and 1916, or prior to July 1st, 1917, beyond the amount now authorized on the basis of assessed valuation for the year 1914.

§ 3. AUTHORITY, RIGHTS AND DUTIES BASED ON ASSESSED VALUATION.] When under the laws of this state the duty of any official to levy taxes, or the right, duty, or authority of any person to perform any act is conditioned upon the assessed valuation of the property within any political sub-division, the rights, duties and authority as now fixed and established under the assessed valuation of the property within such political sub-division for the year 1914, shall not be in any manner changed or modified during the years 1915 and 1916, or prior to July 1st, 1917, except when the addition of five per cent. and ten per cent. for the years 1915 and 1916, respectively, to the assessed valuation for the year 1914 would be sufficient to vest such authority, right, or duty, under existing laws.

§ 4. DEBT LIMIT.] The debt limit of any political sub-division within this state shall not be increased prior to July 1st, A. D. 1917, more than ten per cent. annually, above that now fixed by law upon a basis of the assessed valuation of the property within such political sub-division for the year 1914.

§ 5. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

EMERGENCY.] Whereas, an emergency exists in that the salary of certain officials, and other matters covered in the foregoing Act, are based upon the assessed valuation of property, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1915.

TAX ON MONEY AND CREDITS

CHAPTER 255.

[H. B. No. 331—Burgett and Westdal.]

MONEY AND CREDITS TAX.

AN ACT Relating to the Taxation of Personal Property Known as Money and Credits.

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

§ 1. DEFINITION. TAX RATE.] “Money” and “credits” as the same are defined in Section 2074 of the Compiled Laws of 1913, are hereby exempted from taxation other than that imposed by this Act and shall hereafter be subject to an annual tax of two mills on each dollar of the fair cash value thereof. But nothing in this Act shall apply to money or credits belonging to incorporated banks situated in this state.

§ 2. HOW LISTED.] All “money” and all “credits” taxable under this Act shall be listed in the manner provided in Section 2095 of the Compiled Laws of 1913, but such listing shall be upon a separate blank from that upon which other personal property is listed.

§ 3. TAX COMMISSION TO PREPARE INSTRUCTIONS. FORM OF RETURN. BLANKS.] The North Dakota Tax Commission shall annually prepare instructions for bringing in the lists required by the preceding Section. They shall prepare and distribute through the County Auditors to the Assessors, a form for the return which the tax payers are required to make by this Act, and this form shall state the rate of taxation and be printed on a separate sheet, and shall be entirely distinct from the forms prepared for the returns of other classes of property. Such forms shall require only aggregate sums of credits and of moneys.

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§ 4. LITIGATED TAXES.] Any assessment of money and credits heretofore made, the legality of which has been placed in litigation and the collection of the tax thereon has been enjoined and is now pending in the court may be compromised and settled by payment at the rate of twenty-five mills on the assessed valuation of such moneys and credits.

§ 5. EMERGENCY.] Whereas, this Act should be effective upon the assessment of taxes for the year 1915, an emergency exists and this law shall go into effect upon its passage and approval.

Approved, March 9, 1915.

TAX LISTS PUBLISHED

CHAPTER 256.

[H. B. No. 49—Bratten.]

TAX LISTS TO BE PUBLISHED THREE SUCCESSIVE ISSUES.

AN ACT to Amend Section 2189 of the Compiled Laws of North Dakota for 1913, Relating to the Publication of Delinquent Tax List.

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

§ 1. AMENDMENT.] Section 2189 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

§ 2189. AUDITOR'S NOTICE OF SALE; PUBLISHER THEREOF MUST GIVE BOND.] The County Auditor, under the direction of the Board of County Commissioners, or a majority thereof, shall give notice of said sale in a legal newspaper in said county, having at least three hundred bona fide subscribers. In case no newspaper published in the county has three hundred bona fide subscribers, then such tax list shall be published in a legal newspaper in the county to be selected by the Board of County Commissioners. Each legal newspaper in said county desiring to be considered by the Board of County Commissioners as an applicant for the publication of the tax list of the current year, shall under oath state the average number of such paper's bona fide subscribers for the year last past, not including exchanges, free subscribers and sample copies, and shall when requested so to do by the Board of County Commissioners, submit the subscription book or books of such paper to the Board of County Commissioners, as proof of such bona fide subscription list. The newspaper in which said delinquent tax sale notice is to be printed shall be selected at the regular October meeting of each year. Said delinquent tax sale notice shall be printed for the three successive issues of said newspaper immediately preceding the tax sale. If there be no newspaper printed in the county the County Auditor shall give notice of such delinquent tax sale by a written or printed notice posted on the door of the court house or the building in which terms of court are usually held, or the usual place of meeting of the Board of County Commissioners. In case the newspaper designated to print the tax list has a daily edition then such delinquent tax list shall be published in one issue of the daily edition and in two consecutive issues of the weekly edition of the same paper. The publisher or publishers of the newspaper selected by the Board of County Commissioners for the publication of said tax list shall give bond to the county in the sum to be fixed by the Board of County Commissioners of not less than five hundred nor more than one thousand dollars, to be approved by the Board of

County Commissioners, or a majority thereof, for the correct and legal publication of such tax list in conformity with a copy furnished by the County Auditor. Said notice shall contain the information that all lands on which the taxes of the preceding year (describing the same) remaining unpaid, shall be sold and the time and place of sale shall be the second Tuesday in December following. Such notice of delinquent tax sale shall contain a list of the lands to be sold, the name of the owner, as the records appear, and the amount of taxes and penalty due to which the Auditor shall add to each description of land so advertised the sum of twenty-five cents, and for each description of town lot the sum of ten cents, to defray the expenses of advertising.

The cost of such advertising shall be paid by the County Commissioners at the expiration of the sale upon the affidavit of the publisher; *provided*, that in no case shall the property so advertised, be charged for such advertising an amount exceeding the sum actually paid for the same. To give further notice to the public of such tax sale, it shall be the duty of the County Treasurer to mail to each owner as the records appear, whose lands or lots are to be sold, a notice giving a legal description of the land offered for sale, said notice to be mailed not earlier than October first, nor later than October fifteenth, prior to date of sale. *Provided*, further, that in case the Auditor's copy furnished to the publisher of the delinquent tax lists contain matter other than description of the land to be sold and total amount due thereon, including penalty, interest and costs, which shall be printed in one sum total, then the extra space required to print the same shall be paid for by the county at the rate required for other legal printing.

Approved, February 20, 1915.

TAX DEEDS

CHAPTER 257.

[H. B. No. 56—Twichell.]

RIGHTS OF OWNERS OF TAX DEEDS.

AN ACT to Amend Section 2199 of the Compiled Laws of the State of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Section 2199 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2199. RIGHTS OF PURCHASERS WHEN LANDS NOT REDEEMED.] The purchaser of any piece or parcel of land shall, if there be no

redemption, be entitled to the possession, rents and profits at the expiration of three years from the date of the certificate, and if on demand of such purchaser to the party or parties in possession, such party or parties refuse or neglect to render such possession, such party or parties may be proceeded against as parties holding over after the determination of his or their estate, which proceedings may be instituted and prosecuted pursuant to the provisions of the law in such case made and provided; *provided*, however, that all rights of the purchaser and his assigns to the possession, title or lien of any kind, of, to, or upon such piece or parcel of land, shall cease absolutely and be deemed forfeited and extinguished, and the auditor of the county wherein such premises are situated is hereby directed and required to cancel such lien from his records, unless the holder of such tax certificate shall produce to the County Auditor of such county such certificate and demand of such auditor the giving of notice of expiration of period of redemption prior to the expiration of six years from and after the date of such certificate, or in case of sales heretofore made and where five or more years have already elapsed since the date of such certificate, then prior to the expiration of one year after the taking effect of this Section.

Approved, January 28, 1915.

TERMINAL ELEVATORS

CHAPTER 258.

[H. B. No. 492—Lathrop Committee.]

MILL TAX FOR TERMINAL ELEVATORS.

AN ACT Amending and Re-enacting Chapter 279 of the Laws of 1913 Known as the Mill Tax for Terminal Elevators.

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

§ 1. There shall be levied upon all the taxable property within this state, real and personal, for the years 1915 and 1916, and to be paid during each of said years, the sum of \$1,000.00, and all the revenue collected under such levy shall be converted into a special fund to be known as the State Terminal Elevator Fund, which shall be used for the following and no other purposes, viz: for the erection, purchase, equipment, maintenance and operation, and for investigation as to the practicability of a terminal elevator or elevators in the State of North Dakota, Minnesota or Wisconsin.

§ 2. It is hereby made the duty of the Board of Railroad Commissioners, in addition to all other duties imposed upon it by law,

to investigate the matter of the location of such elevator or elevators, the cost of building and obtaining sites, and to submit a general plan for the building and equipment of such elevator or elevators, and methods and rules of operation of the same to the legislative assembly of this state in case it shall deem the project feasible and practicable, and it is hereby made the duty of said Board of Railroad Commissioners to so report their conclusions upon such feasibility and practicability at the meeting of the next legislative assembly.

And there is hereby appropriated out of said sum the sum of two thousand dollars or so much thereof as may be necessary to pay the expenses of such investigation and report.

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

Approved, March 9, 1915.

TOWNSHIPS

CHAPTER 259.

[S. B. No. 196—Leutz.]

ROAD TAXES IN TOWNSHIP.

AN ACT Amending Section 4050 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Disposition of Road Taxes Collected by County Treasurers.

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

§ 1. AMENDMENT.] That Section 4050 of the Compiled Laws of 1913 be and the same is hereby amended so as to read as follows:

§ 4050. All road taxes collected as personal taxes from residents of any incorporated city, town, village, or organized civil township and all road taxes collected on account of real or personal property situated within any incorporated city, town, village or organized civil township by the County Treasurer in which such city, town, village, or organized civil township is located, shall be turned over quarterly by such treasurer to the treasurer of such incorporated city, town, village or organized civil township to be expended under the direction of the city council of such city, or of the board of trustees of such town or village, or the supervisors of such township, as the case may be, in the improvement of the streets, highways or bridges thereof, or of the roads approaching thereto; *provided*, that road taxes levied under Section 1945, Compiled Laws of North Dakota for 1913, shall be exempt from the provisions of this Section.

§ 2. An emergency exists in that there is no existing statute requiring road taxes collected in organized civil townships to be turned over to such civil townships to be expended by the supervisors thereof in the improvement of its roads and bridges, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1915.

CHAPTER 260.

[H. B. No. 321—Dean.]

RELATING TO TOWNSHIP OVERSEERS.

AN ACT to Amend Section 1990m of the Compiled Laws of 1913, Relating to Township Road Overseers.

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

§ 1. AMENDMENT.] That Section 1990m of the Compiled Laws of 1913 be amended to read as follows:

§ 1990m. APPOINTMENT, COMPENSATION AND DUTIES.] There shall be appointed by the township board of supervisors at their next meeting succeeding the annual town meeting one township overseer of highways for each township, who shall be a practical road builder and whose compensation shall be fixed by the township board, to be paid on presentation of a verified bill at the regular meeting of the township supervisors. All duties now by law resting upon district road overseers shall be performed by this township overseer of highways. He shall have direct charge of the construction and maintenance of all highways and township bridges in the township, whether the work done on same is done by contract or by day labor. He shall be responsible for the maintenance of said highways throughout the entire year. In unorganized territory, in counties where no County Superintendent of Highways has been appointed the Board of County Commissioners shall appoint a district overseer of highways whose powers and duties shall be the same as in the organized township, and whose compensation shall be fixed by the County Commissioners to be paid on presentation of a verified bill at the regular meeting of the County Commissioners. Upon recommendation of the overseer the board of supervisors may, if necessary, appoint one or more assistant overseers. Such assistant overseers shall work under the direction of the overseers and board of supervisors.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force immediately after its passage and approval.

Approved, March 9, 1915.

CHAPTER 261.

[H. B. No. 210—Cooper.]

TOWNSHIPS MAY AID DISTRICT FAIR ASSOCIATIONS.

AN ACT to Provide that Townships May Contribute to the Support of District [Fair] Association.

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

§ 1. At each annual township meeting of any township in any county of the state the electors thereof may vote upon the question of contributing to the support of a district fair association. If the majority of the votes cast on the question are in favor of contributing to the aid of such fair association the township shall pay to the treasurer of the fair association a sum not to exceed one hundred dollars, the amount to be determined at said annual township meeting; *provided*, that no township shall contribute to the support of more than one district fair association.

§ 2. DISPOSITION OF MONEY CONTRIBUTED.] Twenty-five per cent. of the money contributed by any township to the support of a district fair association shall go into the general fund of the association, and the remaining seventy-five per cent. shall be expended by the fair association in the purchase of prizes which shall be offered and given to competitive exhibitors who are residents of the township which made the contribution.

§ 3. REPORT.] It shall be the duty of the secretary of the fair association to file a report with the township clerk of the township which made the contribution to said fair association which report shall contain a list of the prizes given to exhibitors of the township, the names of such exhibitors and the amount paid for such prizes.

§ 4. EMERGENCY.] An emergency existing in that there is no provision in law whereby the township may contribute to the support of district fair associations, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 2, 1915.

TREE PLANTING

CHAPTER 262.

[H. B. No. 274.—Ployhar.]

LIMITING BOUNTY FOR TREE PLANTING.

AN ACT to Amend and Re-enact Section 2813 of the Compiled Laws of North Dakota for the Year 1913, Relating to Bounties for Tree Planting.

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

1. AMENDMENT.] That Section 2813 of the Compiled Laws of 1913 be amended to read as follows:

§ 2813. BOUNTY FOR TREE PLANTING.] Any person who shall hereafter plant, cultivate and keep in growing, thrifty condition one acre and not more than ten acres of prairie land with any kind of forest trees, and shall plant, or have planted, said trees, shall be entitled to three dollars for each acre so planted and cultivated, to be paid out of the general fund of the county wherein such trees are so planted, but such bounty shall not be so paid unless such grove be maintained upon a tract of not less than eighty acres and shall have at least four hundred living trees in each acre so maintained and kept in growing condition, and in no case shall any bounty be paid in excess of the amount of real estate taxes levied for such year upon the quarter section of land of which such parcel of land planted to trees is a part.

Approved, March 2, 1915.

TUBERCULAR CATTLE

CHAPTER 263.

[S. B. No. 246—McBride.]

TUBERCULAR CATTLE—INDEMNIFYING OWNERS.

AN ACT to Amend and Re-enact Section 2702 of the Compiled Laws of the State of North Dakota for 1913, Reimbursement of the Owners of Tubercular Cattle.

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

§ 1. AMENDMENT.] That Section 2702 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2702. MAXIMUM VALUATION.] In no case shall the appraised value of a grade neat animal of two years old or more exceed forty dollars, nor that of a grade neat animal under that age exceed twenty dollars; *provided*, in the case of purebred neat cattle, accompanied by certificates of registration in the recognized herd book, the appraised value of said purebred neat cattle of two years old or over shall not exceed eighty dollars, nor that of purebred neat cattle under two years of age exceed forty dollars.

Approved, February 27, 1915.

TUBERCULOSIS SANATORIUM

CHAPTER 264.

[S. B. No. 264—Nelson of Rolette.]

RELATING TO STATE TUBERCULOSIS SANATORIUM.

AN ACT to Amend Section 2588 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Cost of Maintenance of Patients in the State Tuberculosis Sanitarium, and Changing the Name Thereof to the North Dakota State Tuberculosis Sanatorium.

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

§ 1. AMENDMENT.] That Section 2588 of the Compiled Laws for the year 1913 is hereby amended to read as follows:

§ 2588. COST OF MAINTENANCE OF PATIENTS. HOW PAID.] All patients admitted as patients to the sanitarium shall pay to said institution the cost of their maintenance. The charges for any patient or patients may, however, be paid by any person or persons or society. The determination of each sum shall be made by the superintendent with the approval of the Board of Control. Any person who is unable to pay the charges for his or her support may be admitted to the sanitarium if it has been determined by the examining physician that such person is suffering from pulmonary tuberculosis, *provided*, however, that before such person shall be admitted to the sanitarium, he or she shall have a statement from the judge of the county court of the county within which he or she resides setting forth the fact that he or she is unable to pay the regular charges. Said judge, upon the presentation of the report of the duly authorized examining physician that such person is afflicted with pulmonary tuberculosis, shall make an investigation and if he finds that such applicant or his legal representatives are actually unable to pay such charges, shall approve in writing the application of such person. Said judge shall immediately forward to the superintendent of the sanitarium a certificate in writing that such patient is unable to pay such charges and that he or she is a resident of the county in which such application has been so approved, the county from which such patient has been so certified shall be charged with the maintenance of such patient at the rate of seven dollars per week during the time that he or she remains in said institution as an inmate. Such charge shall be collected in the manner provided in Sections 2568 to 2579, inclusive, of the Compiled Laws of North Dakota for 1913; *provided*, however, the admission of every patient shall be subject to the final approval of the superintendent and the Board of Control. And any person who may be unable to pay the full charge for main-

tenance may be received upon paying the amount charged for county patients, if the Board of Control shall first find that the patient has truly represented the circumstances and is really unable to pay more than the amount charged for county patients.

§ 2. The North Dakota State Tuberculosis Sanitarium shall hereafter be known as the North Dakota State Tuberculosis Sanatorium.

§ 3. **EMERGENCY.]** An emergency exists in that the present rates charged for the maintenance of patients is entirely inadequate, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1915.

UNINCORPORATED TOWNS

CHAPTER 265.

[S. B. No. 275—Overson.]

SIDEWALKS IN UNINCORPORATED TOWNS AND VILLAGES.

AN ACT to Provide for the Construction of Sidewalks in Unincorporated Towns and Villages.

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

§ 1. **PETITION FOR SIDEWALK.]** Whenever a majority of the lot owners on any street in any block of any town or village of this state within the limits of any platted town, which village or town has no organized city or village government and is unincorporated, petition the board of supervisors of the township in which it or a greater portion thereof is situated, praying that a sidewalk be constructed along the side of a street or thoroughfare described in the petition therefor, within the limits of such platted town or village, the supervisors shall, if it appears that the sidewalk described and prayed for in the petition is necessary to connect sidewalks already built, or that public convenience and necessity require its construction, by resolution order the construction of such sidewalk or portion thereof by the owner of the land along which such sidewalk is to be built. The publication of such resolution twice in some paper printed or published in such incorporated village or town, or if no paper be published therein, then in the paper published in the city or village nearest to such unincorporated village or town shall be sufficient notice to the owner of the land along which such sidewalk is to be built to construct the same, and unless such owner shall along his land construct a fully complete sidewalk within thirty days after the last publication of such resolution as aforesaid, the board of township supervisors shall cause such

portion of the sidewalk as has not been built by the owners of the lands to be built at the expense of such owners upon contract or in such other manner as the board may determine. The board of supervisors shall assess and levy upon such lot or parcel of land along which such sidewalk has been built a sum sufficient to cover the cost of the construction thereof, such assessment shall be in substantially the following form:

The Board of Supervisors of the Township of..... doth hereby assess upon and levy against the several parcels of land hereinafter described the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of a.....sidewalk along theside of..... to in accordance with the resolution of the Board of Township Supervisors passed the..... day of A. D. 19... and duly published inon the days of.....A. D. 19.... The amount assessed against and levied upon each lot or parcel being the amount that it cost to construct or reconstruct such sidewalk along and fronting upon the same lot or parcel of land.

Name of Owner, if Known	Description of Land		Amount	
	Lot	Block	Dollars	Cents

Done at a meeting of the Board of Supervisors of the Township of this.....day of A. D. 19....

.....
Chairman.

Attest:

.....
Township Clerk.

§ 2. REPAIR AND CONSTRUCTION.] If the petition described in Section 1 of this Act prays for the repair or reconstruction of a sidewalk the same procedure shall be had as is prescribed herein for the construction of new sidewalks.

§ 3. MATERIAL.] The board of township supervisors shall prescribe the material of which sidewalks shall be constructed or with which they shall be repaired. Whenever a sidewalk to be constructed as provided in this Chapter connects sidewalks already

in existence, such new sidewalk shall be, as nearly as practicable, constructed of the same material as the sidewalks which it connects.

Approved, March 8, 1915.

VALIDATING BONDS AND WARRANTS

CHAPTER 266.

[S. B. No. 222—Gibbens.]

LEGALIZING CERTAIN ACTS OF CITY, VILLAGE OR SCHOOL DISTRICT OFFICIALS.

AN ACT to Amend and Re-enact Section 308, Article XXIV, Session Laws of 1911, the Same Being Section 1421, Article XXIV, of the Compiled Laws of 1913, Legalizing Certain Acts.

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

§ 1. **AMENDMENT.**] That Section 1421 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 1421. **ACTS LEGALIZED.**] Where the officers of any incorporated city, village or school district of this state shall have incurred indebtedness and issued warrants or orders for the erection, purchase, repair or maintenance, within and for said city, village or school district for school or other buildings, or water works, gas or electric light plants, public wells, cisterns, fire apparatus, or legitimate corporate purposes for said city, village or school district, or to pay for or to raise money for any such purpose, and said warrants or orders are outstanding, or held in the general revenue or other funds of said city, village or school district, in any or all such cases where said warrants or orders are within the debt limit, the same are hereby legalized and are declared to be the valid indebtedness of such city, village or school district, and in every case where the city council or city commissioners, village board of trustees, school board or board of education thereof shall have heretofore or shall hereafter determine by resolution or ordinance, that it was or is for the best interests of the city, village or school district to issue its negotiable bonds in the name of the city, village or school district for the sole purpose of funding such indebtedness, and shall have been or shall be authorized to issue such bonds, by a majority vote of the qualified electors of such city, village or school district, voting thereon at any regular or special election legally called and held after public notice thereof as required by law, and if such bond shall have been or shall be executed, sold and delivered for value, and the proceeds arising from such sale

shall have been or shall be applied exclusively to the express purpose of funding such warrants or orders, then in every case such bonds whether engraved, lithographed or printed on bond paper, shall, when executed, sold and delivered as provided by law, be deemed, and hereby are declared to be valid and subsisting indebtedness of the city, village or school district issuing the same.

Approved, March 2, 1915.

CHAPTER 267.

[S. B. No. 170—Jacobsen.]

VALIDATING CERTAIN ELECTIONS.

AN ACT Validating Certain General and Special Elections in Villages, and Bonds and Warrants Issued by the Corporate Authorities Thereof in Pursuance of Such Elections.

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

§ 1. Any general or special election held in any village for the purpose of submitting to the qualified electors thereof, the proposition of installing water or light plants, or for making any other improvements therein legally within the authority of such village, and to issue bonds or warrants therefor, on the part of such village; or to issue bonds to fund any existing indebtedness, when the only ground for the invalidity of such elections and the bonds and warrants issued in pursuance thereof are defects, errors, or omissions, in any, or all of the proceedings therefor, or that the bonds and warrants, evidencing such indebtedness, at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such village exceeded the debt limit thereof as evidenced by the last assessment roll previous to the attempted incurring of such indebtedness, provided such indebtedness does not exceed the constitutional limitation, or that the petition to the board of village trustees failed to contain five-eighths of the citizen owners of taxable property of such village as evidenced by the assessment roll of the preceding year, are hereby legalized and validated the same as if in all things such elections, were held and the petitions therefor sufficient, and the bonds and warrants evidencing such indebtedness were issued in conformity to the laws then in force.

§ 2. EMERGENCY.] An emergency is hereby declared to exist; therefore this Act shall take effect from and after its passage and approval.

Approved, March 11, 1915.

VILLAGES

CHAPTER 268.

[H. B. No. 358—Bass.]

PROVIDING FOR CONTESTS OF VILLAGE ELECTIONS.

AN ACT to Amend and Re-enact Section 3855 of the Compiled Laws of North Dakota for 1913, Relating to Election of Village Officers, Duty of Inspectors, Contest.

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

§ 1. AMENDMENT.] That Section 3855 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3855. HIGHEST NUMBER OF VOTES ELECTS. DUTY OF INSPECTORS. CONTEST.] The persons receiving the highest number of votes for the office of trustee shall be declared elected as such trustees, and the persons receiving the highest number of votes respectively for clerk, marshal, assessor, treasurer and justice of the peace, as designated by the ballot for such office, shall be declared elected; and if two or more shall receive an equal and the highest number of votes, and there is no choice, the inspectors of such election shall forthwith determine by lot which shall be deemed elected; and it shall further be the duty of such inspectors to make a certified statement over their own signatures, of the persons elected to fill the several offices in said village, and file the same with the County Auditor of the county within ten days after the date of such election; and no act or ordinance of any board of trustees chosen at such election shall be valid until the provisions of this Section are substantially complied with; and in case a contest of the election of any or all of the above enumerated officials is desired, such contest shall be instituted and carried out as provided in Article XXI of Chapter 11 of the Political Code of the Compiled Laws of North Dakota for the year 1913.

Approved, March 4, 1915.

CHAPTER 269.

[H. B. No. 39—McClintock.]

GRANTS VILLAGES RIGHT TO OPERATE ELECTRIC LIGHT AND POWER PLANTS.

AN ACT Defining the Powers of Village Boards Relating to the Purchase, Leasing and Operation of Electric Light and Power Plants or Gas Works.

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

§ 1. The boards of trustees of villages shall have the power

upon petition of five-eighths of the citizen owners of the taxable property of such villages in the manner and form provided by Section 3868 of the Compiled Laws of North Dakota for the year 1913, to purchase, erect, lease, manage and maintain any electric light and power plants or gas works and to supply the electric light and power or gas for village and commercial purposes and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, operation, management and control of the property so leased, purchased or erected.

Approved, February 18, 1915.

CHAPTER 270.

[H. B. No. 175—Williams.]

VILLAGE AND SCHOOL DISTRICTS MAY REDEEM BONDS.

AN ACT Authorizing and Directing the Board of University and School Lands and the State Treasurer to Allow Counties, Cities, Towns, Villages and School Districts that have Sold Their Bonds at Par to the State, to Redeem One or More of Said Bonds When Sufficient Funds have Accumulated in Their Sinking Fund at Par With the Accrued Interest.

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

§ 1. That the Board of University and School Lands and the State Treasurer are hereby authorized and directed to allow any county, city, town, village or school district to redeem at any time after two years at par with accrued interest, any bond or bonds which have been sold to the state at par when they have sufficient funds accumulated in their sinking fund so to do, on giving sixty days' notice to the State Treasurer, and thereafter, on like conditions, until all such outstanding bonds have been paid.

Approved, February 18, 1915.

CHAPTER 271.

[H. B. No. 360—Dixon of Rolette.]

PROVIDING PROPERTY QUALIFICATION FOR SIGNERS OF PETITIONS TO COUNTY COMMISSIONERS.

AN ACT Relating to Qualification of Signers on Petition to County Commissioners.

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

§ 1. Whenever a petition shall be presented to a board of County Commissioners praying for the organization of a township or for the division of a township, or for the incorporation of a village, or for the expenditure of county funds, said board shall require that

the legal voters in such petition shall also be property-holders and tax-payers in the district affected by the petition.

Approved, March 9, 1915.

VETO

CHAPTER 272.

[S. B. No. 174—Bronson.]

DAMAGES FOR PERSONAL INJURIES.

AN ACT Relating to Settlements of Causes of Action or Cases for Damages Sustained Through Personal Injuries and Contracts of Retainer Made Therefor.

VETO.

BISMARCK, N. D., March 13, 1915.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 174, an Act relating to settlements of causes of action or cases for damages sustained through personal injuries and contracts of retainer made therefor, without my approval for the following reasons:

The proposed Act provides that any settlements for damages on account of personal injuries shall be voidable at the option of the person injured if made within thirty days from date of such injury; further, that the person injured if he elects at any time within three months from the date of such injury has the right to avoid such settlement by notice in writing to that effect or by bringing an action to recover damages therefor.

To enact this proposed bill into law would mean practically that for three months no settlement could be made between the party injured and the person, firm or corporation who might be held responsible for such injury. This Act will apply to the farmer, who employs men upon his farm to work among his horses, machinery and threshing machines and will also apply to every firm and corporation doing business within the state. Where people might be injured in the case of a train going through the state, no binding settlement could be made, and yet the people injured might be very widely scattered before the three months were over. This bill would not be in the interests of those who might be injured, for it would deprive them of getting a settlement and getting the matter closed for a period of ninety days. Further, it would undoubtedly result in a very large amount of litigation, which would be unfortu-

nate both for those who might be injured, as well as for those who might be held responsible for the injuries.

Believing that the proposed Act would be against the best interests of the people of the state, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

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

§ 1. Every settlement or adjustment of a cause of action and every contract of retainer or employment to prosecute an action for damages on account of any personal injuries shall be voidable at the option of the person so injured, if made within thirty days after the injury, or after thirty days if made while the person so injured is still suffering from his injury to such an extent as to make it reasonably appear that he was not in condition to act intelligently in the protection of his rights.

§ 2. The person so injured, or in case of his death, his personal representative, may elect at any time within three months after the date of such injury to avoid such settlement, adjustment or contract by a notice in writing to that effect or by bringing an action to recover damages therefor. Whenever such action shall be so commenced within the period of time so limited, the amount received by the person so injured or his representative in case of his decease, in any settlement or adjustment so made, shall not be a bar to the prosecution of such action, but may be set up as an offset or counter claim to the amount of damages recoverable, if any.

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

Disapproved, March 1st, 1915.

CHAPTER 273.

[S. B. No. 254.—Gronvold.]

STATE INSURANCE ON PUBLIC BUILDINGS.

AN ACT to Provide for State Insurance on Public Buildings and Making an Appropriation Therefor.

VETO.

BISMARCK, N. D., March 13, 1915.

To the Honorable, the Secretary of State:

I file herewith Senate Bill No. 254, an Act to provide for state insurance on public buildings and making an appropriation therefor, without my approval for the following reasons:

I find on making a careful analysis of the state's insurance that the state has upon the public buildings and property in the state owned by it approximately the sum of three millions of dollars of insurance. This includes the insurance on the twine and fibre at the Penitentiary. Of this amount almost one-half of the insurance now in force expires in the years 1915 and 1916. The bill provides that after August 1st, 1915, that no officer, board, commission or agent of this state, having charge of any public buildings or property of the state, shall pay out any public moneys on account of any insurance against loss by fire or tornado; nor shall they contract for or incur any indebtedness against the state on account of any such insurance upon any of the public buildings, furniture, fixtures or property of any kind whatever.

There is at the present time no insurance sinking fund whatever, to provide for the building of buildings or restoring property or furniture that might be destroyed by fire, and before a bill of the kind proposed should be enacted into law, there should be a fund of from \$300,000.00 to \$500,000.00

In Section 5 of the bill it provides that in case there is a loss by fire and there shall not be in the insurance sinking fund an amount sufficient to pay the awarded loss, the State Auditor shall, notwithstanding this fact, draw his warrants payable from the general fund and the State Treasurer shall promptly pay such warrants out of any moneys in his hands. If the State Capitol burned, we would have a loss of about \$400,000.00. At the present time we carry \$260,000.00 of insurance on building and contents. If we were required to pay from the general fund of the state \$260,000.00 as contemplated by this proposed law, it would totally disarrange the general fund of the state and would make it impossible to pay appropriations made by the legislature for carrying on the business of the state. It costs about \$1,200.00 a year for premiums to carry the \$260,000.00 of insurance now carried on the State Capitol and contents. The State Capitol, as is generally known, is not a fire proof structure, but very much to the contrary, and if a fire shall ever get started, it would be impossible to save the building and probably but very little of its contents. The State Library, which has cost about \$100,000.00, is located in the upper part of the building and there would no chance whatever to save it.

As stated, the state pays \$1,200.00 per year for insurance premiums on the \$260,000.00. It would take over two hundred years for the state at \$1,200.00 a year to get back the \$260,000.00 that would be lost to it provided the state shall not insure the Capitol and contents and should have a fire. That which is true as to the State Capitol is also true as to the Penitentiary, where a very large amount of insurance is carried on the buildings, fixtures, twine and fibre, and to a large degree at every institution throughout the state.

The bill provides that the insurance premiums that would be

paid on policies that might be taken out, provided the state did not carry insurance, shall be set aside in a fund to create a sinking fund to pay for losses in case of fire. The state pays about \$20,000 a year in the way of premiums for insurance on all of its property. It will take ten years without a loss to provide a fund of \$200,000.00

The bill also provides that the insurance that is now on the buildings shall be permitted to stand during the present life of the policies now in force, but that they shall not be renewed, but as stated, about fifty per cent. of the insurance policies in force expire this year and next and before the next session of the legislature.

Believing that this proposed bill is against public policy, that the state is not in condition to carry such a large contingent liability as would be the case were it to carry its own insurance without a sinking fund to pay for losses in case of fire, and that the proposed law is not for the best interests of the state, I withhold my approval.

I have the honor to be,

Very respectfully,

L. B. HANNA,
Governor.

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

§ 1. On and after August first, 1915, no officer, board, commission or agent of this state, having charge of any public buildings or property of the state, shall pay out any public moneys or funds on account of any insurance against loss by fire or tornado, excepting premiums unpaid upon insurance written prior to the above date, or shall in any manner contract for, or incur any indebtedness against the state on account of any such insurance upon any of the public buildings, furniture, fixtures, or property of any kind whatever, belonging to the state, except in the manner hereinafter provided.

§ 2. Within thirty days after the passage of this Act each officer, Board of Control, Board of Trustees, Board of Regents, agent or agency of the state of any kind, having in charge any public buildings or property of any kind whatsoever belonging to the state, shall report to the Commissioner of Insurance of the state, each policy of insurance which shall then be in force upon any property of any kind belonging to the state showing in said report the property covered by such insurance, the date of expiration of the policy, the rate of insurance, and the amount paid.

Upon August first, 1915, and annually thereafter, the Governor, Commissioner of Insurance and Secretary of State of the state shall provide for the insurance by the state, of all state property, not exceeding forty per cent. of its actual value on fire proof buildings, nor seventy-five per cent. of its actual value on non-fire proof buildings. The Governor, Commissioner of Insurance, and Secretary of State acting together shall first determine the insurable value of each item of property, and shall fix the rate of insurance,

which, in their opinion, is the average rate charged by responsible fire and tornado insurance companies doing business in this state, and issuing insurance policies upon property of similar kind and exposure of risk by fire and tornado in like manner. The said commission provided for in this Section shall ascertain the amount of insurance in force upon all state property and provide for such additional insurance as is necessary.

§ 3. The commission, consisting of the Governor, Commissioner of Insurance and Secretary of State, shall certify to the State Auditor the amount of insurance upon such property to be carried by the state together with a statement of the premium on such insurance according to the rates fixed as above provided, and the State Auditor shall order the State Treasurer to credit to an account which shall be kept by the Treasurer and known as the state insurance fund an amount equal to the premium as fixed by the commission; *provided*, however, that whenever such state insurance fund shall equal two hundred thousand dollars no further sum shall be credited thereto until such fund shall be less than two hundred thousand dollars. The amount so credited by the State Treasurer to the state insurance fund shall be debited by the State Treasurer to the general fund of the state, *provided*, however, that on August first, 1915, and annually thereafter such amount shall be debited by the State Treasurer to an account which shall be kept upon his books, with the proper officer, agent, Board of Trustees, Board of Control or Board of Regents, which may have such public buildings and property in its charge, and the amount so debited by the State Treasurer to said officer, agent or board shall be deducted by him from any funds which may be in his hands, or which may thereafter come into his hands, and payable to said officer, agent, Board of Trustees, Board of Control, or Board of Regents for insurance of state property.

§ 4. In case any buildings or property of the state shall be damaged by fire or tornado, the commission consisting of the Governor, Insurance Commissioner and Secretary of State shall, within thirty days, or as soon as possible thereafter, investigate and ascertain and fix the amount of such damage and forthwith file with the State Auditor and State Treasurer a statement of such findings. It shall be the duty of the agent, Board of Trustees, Board of Control, Board of Regents or other board having such property under its supervision to assist the commission provided for in this Act in determining the amount of the loss.

§ 5. When the amount of loss has been fixed and determined by the commission aforesaid and certified to the State Auditor and State Treasurer, the State Auditor shall issue a warrant in the amount fixed by the said commission as a transfer of the amount fixed as damages from the state insurance fund and credited to the proper fund of the officer, Board of Control, Board of Trustees, or Board of Regents, or other boards in whose control said

buildings or property is vested to be used by said officer or board for the re-building or restoring of the property damaged, and to be disbursed by the State Treasurer in such manner as other state funds for the use of said officer or board. And if at the time of any such award of loss or damage by the commission provided for herein, there shall not be in the state insurance fund an amount equal to such award, the State Auditor shall, notwithstanding this fact draw his warrants payable from the general fund, and the State Treasurer shall promptly pay such warrant out of any moneys in his hands in the manner above provided.

§ 6. A duplicate copy of all reports and statements required therein of the commission consisting of the Governor, Insurance Commissioner and Secretary of State or of the Insurance Commissioner of the state and of each officer, board or agent in each Section of this Act, shall be filed with the State Auditor by each such board, agent or officer.

§ 7. The commission consisting of the Governor, Insurance Commissioner and Secretary of State shall not cause any policy to be cancelled which may be in force on August first, 1915, but shall, when such policies expire, provide for the insurance of buildings and property as hereinbefore stated, increasing the amount of said insurance at such times as the policies in force on August first, 1915, may from time to time expire so as to maintain at all times, the amount of insurance required by the conditions of this Act.

§ 8. The Commissioner of Insurance shall be secretary of said board and shall keep a record of its proceedings. The expenses incurred by the commission created herein in performing the duties imposed upon them shall be paid out of the general fund of the state, upon proper vouchers approved by the State Auditing Board.

§ 9. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Disapproved, March 13, 1915.

AMENDMENTS TO THE CONSTITUTION

1914

STATEMENT OF THE STATE BOARD OF CANVASSERS

as to the

VOTE CAST ON CONSTITUTIONAL AND STATUTORY AMENDMENTS AT THE GENERAL
ELECTION HELD NOVEMBER 3RD, 1914.

We, the undersigned, Thomas Hall, Secretary of State, Carl Jorgenson, State Auditor, Gunder Olson, State Treasurer, Andrew Miller, Attorney General, and E. J. Taylor, Superintendent of Public Instruction, constituting the State Board of Canvassers for the General Election held on the 3rd day of November, 1914, hereby certify that the foregoing abstract of votes cast for and against the Constitutional and Statutory Amendments and for the several candidates for the United States Senator, Representatives in Congress, state officers and members of the legislature, has been canvassed by us; and further, that the said abstract contains the names of all candidates for United States Senator, Representatives in Congress, state officers and members of the legislature voted for at the said General Election, and with the number of votes received by each and for what office, together with the titles of each and every proposed Constitutional and Statutory Amendment and the vote cast for and against each; and, further, that the following named persons were duly elected to the respective offices for which they were candidates and also that the following Constitutional and Statutory Amendments were adopted or rejected as indicated by the statement following each of such Constitutional and Statutory Amendments as hereinafter set forth.

ARTICLE XV.

§ 25. The legislative authority of the State of North Dakota shall be vested in a legislative assembly, consisting of a senate and house of representatives, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls, independent of the legislative assembly, and also reserve power, at their own option, to approve or reject at the polls, any act, item, section or part of any act or measure passed by the legislative assembly. The first power reserved by the people is the initiative, or the power to propose measures for enactment into laws, and at least ten per cent. of the legal voters to be secured in a majority of the counties of this state shall be required to propose any measure by initiative petition, and every such petition shall include the full text of the measure so proposed. Initiative petitions shall be filed with the Secretary of State not less than thirty days before any

regular session of the legislative assembly; he shall transmit the same to the legislative assembly as soon as it convenes. Such initiative measure shall take precedence over all other measures in the legislative assembly except appropriation bills, and shall be either enacted or rejected without change or amendment by the legislative assembly within forty days. If any such initiative measure shall be enacted by the legislative assembly it shall be subject to referendum petition or it may be referred by the legislative assembly to the people for approval or rejection. If it is rejected or no action is taken upon it by the legislative assembly within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing regular general election. The legislative assembly may reject any measure so proposed by initiative petition and propose a different one to accomplish the same purpose, and in any such event both measures shall be submitted by the Secretary of State to the people for approval or rejection at the next ensuing regular election. If conflicting measures submitted to the people at the next ensuing election shall be approved by a majority of the votes severally cast for and against the same, the one receiving the highest number of affirmative votes shall thereby become valid, and the other shall thereby be rejected. The second power is the referendum, or the power to order any act, item, or part of any act to be referred to the people for their approval or rejection at the polls, and it may be ordered (except as to laws necessary for the immediate preservation of the public peace, health or safety), as to any measure or any parts, items or sections of any measures passed by the legislative assembly either by a petition signed by ten per cent. of the legal voters of the state from a majority of the counties, or by the legislative assembly if a majority of the members elect vote therefor. When it is necessary for the immediate preservation of the public peace, health or safety that a law shall become effective without delay, such necessity and the facts creating the same shall be stated in one section of the bill, and if upon aye and nay vote in each house two-thirds of all the members elected to each house shall vote on a separate roll call in favor of the said law going into instant operation for the immediate preservation of the public peace, health or safety, such law shall become operative upon approval by the Governor.

The filing of a referendum petition against one or more items, sections or parts of an act shall not delay the remainder of that act from becoming operative. Referendum petitions against measures passed by the legislative assembly shall be filed with the Secretary of State not more than ninety days after the final adjournment of the session of the legislative assembly which passed the measure on which the referendum is demanded. The veto power of the Governor shall not extend to measures referred to the people. All elections on measures referred to the people of the state shall be had at biennial regular elections, except as provision may be made

by law for a special election or elections. Any measure referred to the people shall take effect when it is approved by a majority of the votes cast thereon and not otherwise, and shall be in force from the date of the official declaration of the vote.

The enacting clause of all the initiative bills shall be, "Be it enacted by the people of the State of North Dakota." This Section shall not be construed to deprive any member of the legislative assembly of the right to introduce any measure. The whole number of votes cast for Secretary of State at the regular election last preceding the filing of any petition for the initiative and referendum shall be the basis upon which the number of legal voters necessary to sign such petition shall be counted.

Petitions and orders for the initiative and for the referendum shall be filed with the Secretary of State, and in submitting the same to the people he and all other officers shall be guided by the general laws and the acts submitting this amendment until legislation shall be especially provided therefor.

This amendment shall be self executing, but legislation may be enacted to facilitate its operation.

Yes..... 48,783
No 19,964

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

ARTICLE XVI.

§ 202. This Constitution may be amended as follows:

FIRST: Any amendment or amendments to this Constitution may be proposed in either house of the legislative assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendments shall be entered on the journal of the house with the yeas and nays taken thereon, and referred to the legislative assembly to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice, and if the legislative assembly so next chosen as aforesaid such proposed amendment or amendments shall be agreed to by a majority of all members elected to each house, then it shall be the duty of the legislative assembly to submit such proposed amendment or amendments to the people in such manner and at such times as the legislative assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the legislative assembly voting thereon, such amendment or amendments shall become a part of the Constitution of this state. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SECOND: Any amendment or amendments to this Constitution may also be proposed by the people by the filing with the Secretary of State, at least six months previous to a general election, of an initiative petition containing the signatures of at least twenty-five per cent. of the legal voters in each of not less than one-half of the counties of the state. When such petition has been properly filed the proposed amendment or amendments shall be published as the legislature may provide, for three months previous to the general election, and shall be placed upon the ballot to be voted upon by the people at the next general election. Should any such amendment or amendments proposed by initiative petition and submitted to the people receive a majority of all the legal votes cast at such general election, such amendment or amendments shall be referred to the next legislative assembly, and should such proposed amendment or amendments be agreed upon by a majority of all the members elected to each house, such amendment or amendments shall become a part of the Constitution of this state. Should any amendment or amendments proposed by initiative petition and receiving a majority of all the votes cast at the general election as herein provided, but failing to receive approval by the following legislative assembly to which it has been referred, such amendment or amendments shall again be submitted to the people at the next general election for their approval or rejection as at the previous general election. Should such amendment or amendments receive a majority of all the legal votes cast at such succeeding general election such amendment or amendments at once become a part of the Constitution of this state. Any amendment or amendments proposed by initiative petition and failing of adoption as herein provided, shall not be again considered until the expiration of six years.

Yes..... 43,111
No 21,815

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

ARTICLE XVII.

§ 216. The following named public institutions are hereby permanently located as hereinafter provided, each to have so much of the remaining grant of one hundred and seventy thousand acres of land made by the United States for "other educational and charitable institutions," as is allotted by law, viz:

FIRST: A Soldiers' Home, when located, or such other charitable institution as the legislative assembly may determine at Lisbon, in the County of Ransom, with a grant of forty thousand acres of land.

SECOND: The School for the Blind of North Dakota, at Bath-

gate, in the County of Pembina, with a grant of thirty thousand acres.

THIRD: An Industrial School and School for Manual Training, or such other educational or charitable institution as the legislative assembly may provide, at the Town of Ellendale, in the County of Dickey, with a grant of forty thousand acres.

FOURTH: A School of Forestry, or such other institution as the legislative assembly may determine, at the City of Bottineau in the County of Bottineau.

FIFTH: A Scientific School, or such other educational or charitable institution as the legislative assembly may prescribe, at the City of Wahpeton, County of Richland, with a grant of forty thousand acres.

SIXTH: A State Normal School, at the City of Minot in the County of Ward; *provided*, that no other institution, of a character similar to any one of those located by this Article, shall be established or maintained without a revision of this Constitution.

Yes 42,365
 No 21,779

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

ARTICLE XVIII.

§ 185. Neither the state nor any county, city, township, town, school district or any other political sub-division shall loan or give its credit or make donations to or in aid of any individual, association or corporation except for necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor shall the state engage in any work of internal improvement unless authorized by a two-thirds vote of the people. *Provided*, that the state may appropriate money in the treasury or to be thereafter raised by taxation for the construction or improvement of public highways.

Yes 47,387
 No 21,054

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

ARTICLE XIX.

The legislative assembly is hereby authorized and empowered to provide by law for the erection, purchasing or leasing and operation of one or more terminal grain elevators in the State of North Dakota, to be maintained and operated in such manner as the legislative assembly shall prescribe, and provide for inspection,

weighing and grading of all grain received in such elevator or elevators.

Yes..... 51,507
No 18,483

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

ARTICLE XX.

§ 176. Taxes shall be uniform upon the same class of property, including franchises within the territorial limits of the authority levying the tax, and shall be levied and collected for public purposes only, but the property of the United States, and of the state, county and municipal corporations shall be exempt from taxation; and the legislative assembly shall by a general law exempt from taxation property used exclusively for school, religious, cemetery, charitable or other public purposes, and personal property to any amount not exceeding in value two hundred dollars for each individual liable to taxation; *provided* that all taxes and exemptions in force when this amendment is adopted shall remain in force, in the same manner and to the same extent, until otherwise provided by statute.

§ 179. All taxable property except as hereinafter in this Section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies or corporations operating in this state and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the State Board of Equalization in a manner prescribed by such state board or commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purposes other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in a manner provided for the assessment of other real property.

Yes..... 45,162
No 18,135

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said proposed amendment, the said proposed amendment is hereby duly declared carried and adopted.

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