

L A W S

PASSED AT

THE SEVENTEENTH SESSION

OF

Legislative Assembly

OF THE

State of North Dakota

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF
SAID STATE, ON TUESDAY, THE FOURTH DAY
OF JANUARY, A. D. 1921, AND CONCLUDING
MARCH FOURTH, 1921.

THE NORMANDEN PUBLISHING CO.



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By THOMAS HALL
Secretary of State
of the State of North Dakota.

AUTHENTICATION

STATE OF NORTH DAKOTA,
Secretary's Office, Bismarck.

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Seventeenth Session of the Legislative Assembly of the State of North Dakota, beginning January 4th, 1921, and terminating March 4th, 1921, 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-second day of October, 1921.

(SEAL)

THOMAS HALL,
Secretary of State.

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THE LAWS

ADULTERATION

CHAPTER 1.

(S. B. No. 80—Bowman.)

VARNISHES.

AN ACT to Prevent the Adulteration and Deception in Varnishes and Varnish Substitutes and Providing for the Proper Labeling of the Same.

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

§ 1. VARNISHES, HOW LABELED.] Every person, firm or corporation, who manufactures for sale, exposes for sale, sells or ships in interstate transaction within this state any varnish, varnish substitutes or varnish compound, intended for use as a varnish, shall label the same in clear and distinct open Gothic letters upon a light background and show the approximate composition expressed in per cent of each constituent or ingredient contained in such varnish, varnish substitutes or compound, as the case may be, and the said analysis or composition shall be shown in a form to be approved by the Director of the Regulatory Division of the North Dakota Agricultural College.

§ 2. PENALTY.] Any person, firm or corporation who fails to comply with all the provisions of this article shall be liable to prosecution and on conviction to a fine of not less than Twenty-five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars and all costs, including cost of analysis to the amount of Twenty-five (\$25.00) Dollars to be paid to the Regulatory Department.

§ 3. POSSESSION PRIMA FACIE EVIDENCE OF VIOLATION.] The having in possession by any person, firm or corporation dealing in said article or substances herebefore described and not properly labeled as provided for by Section 1 shall be considered Prima Facie evidence that the same is kept by such person, firm or corporation in violation of the provisions of this article and punishable under it.

§ 4. DIRECTOR OF REGULATORY AND ASSISTANTS TO ENFORCE.] The Director of the Regulatory Division of the North Dakota Agricul-

tural College is charged with the proper enforcement of all the provisions of this article, the said Director and his assistants, experts, chemists and agents shall be duly authorized for the purpose and shall have access and ingress and egress to all places of business, factories, stores and buildings used for the manufacture, storage or sale of varnishes. They shall also have power and authority to open any package, can, jug, tub, or other receptacle containing any varnish or varnish substitute that may be sold, manufactured, exposed for sale or shipped in interstate commerce in violation of the provisions of this article.

§ 5. EXEMPTIONS.] All varnishes in the hands of retail dealers on January 1, 1922, shall be exempt from the provisions of this law providing the said cans or other containers are so marked as to show the same was on hand previous to the date and a record is furnished the director of the Regulatory Division of the North Dakota Agricultural College. All other provisions of this article shall take effect and be in force from and after December 31, 1921.

§ 6. RESEARCH AND PUBLICITY.] The Director of the Regulatory Division and his chemists and experts shall have authority to publish analysis of all varnishes examined, to carry on lines of research and to gather useful information to be published for general distribution for the information of the public and users of varnishes or varnish substitutes or compounds as the case may be.

Approved March 2, 1921.

AMERICAN LEGION

CHAPTER 2.

(H. B. No. 17.—Semling.)

AMERICAN LEGION.

AN ACT to make Unlawful the Unauthorized Use of the Name, Insignia of, or the Impersonation of the Membership in the American Legion, and Providing a Penalty for the Violation Thereof.

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

§ 1. Any person who wilfully wears the badge, button or the insignia of the American Legion, or uses the same to obtain assistance within the state, or wilfully uses the name of the American Legion, the title of its officers, or its badge, button, insignia, ritual or ceremonies, unless entitled to use or wear the same under the constitution and by-laws,

rules and regulation of the American Legion, is guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine of not less than ten and not exceeding one hundred dollars for each and every offense.

Approved February 18, 1921.

ANIMALS

CHAPTER 3.

(S. B. No. 33.—Garberg.)

TRESPASS OF ANIMALS.

AN ACT to amend and re-enact Section 2625, Compiled Laws of North Dakota for 1913, relating to trespass of animals.

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

§ 1. That Section 2625, Compiled Laws of the State of North Dakota for 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 2625. TRESPASS OF SWINE, GOATS AND SHEEP.] Any person owning or having in charge in any county, adopting the provisions hereof as herein provided, any swine, goats or sheep which shall trespass upon the lands or premises of another, including premises in towns, villages and cities, whether such lands or premises are fenced or not fenced, shall be liable to any party sustaining such injury for all damages he may sustain by reason of such trespassing.

Approved March 2, 1921.

APPROPRIATIONS

CHAPTER 4.

(S. B. No. 84.—Ingerson.)

ATTORNEY GENERAL.

AN ACT to appropriate the sum of eight hundred twenty-one and 75-100 dollars (\$821.75) for printing the 1917-1918 biennial report of the Attorney General.

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 Eight Hundred Twenty-one and 75-100 Dollars (\$821.75) for the purpose of paying for the printing of the biennial report of the Attorney General of the State of North Dakota, for the years 1917-1918, said report being Public Document No. 29.

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

Approved March 18, 1921.

CHAPTER 5.

(S. B. No. 29.—Van Camp.)

BRIDGES.

AN ACT to Amend and Re-enact Section 1 of Chapter 4 of the Laws passed by the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota, begun and held at Bismarck, the Capital of said State, on Tuesday, the Twenty-fifth day of November, A. D. 1919, and concluding Thursday, December the Eleventh, 1919, Being an Act to appropriate \$225,000.00 for the Purpose of Aiding in the Construction of a Bridge Across the Missouri River from Burleigh County to Morton County in the State of North Dakota, and the further sum of \$35,000.00 for the Construction of a Bridge across the Red River, at Pembina, Pembina County, and Kittson County, Minnesota, under the provisions of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919: and such Appropriation Be Made from the State Highway Fund; which Act was approved 9:00 A. M., December 12, 1919.

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

§ 1. AMENDMENT.] Section 1, of Chapter 4 of the Laws passed by the Special Session of the Sixteenth Legislative Assembly of North Dakota for the year 1919, is hereby amended and re-enacted to read as follows:

§ 1. There is hereby appropriated out of any moneys in the State Highway fund under paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of North Dakota for the year 1919, the sum of \$260,000 or so much thereof as may be necessary for the following specified purposes between the following dates, viz:

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

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

From December 15, 1919, to June 30, 1923, both dates inclusive, to-wit:

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

Approved March 3, 1921.

CHAPTER 6.

(S. B. No. 39.—Liederbach.)

BRIDGES.

AN ACT to appropriate the sum of \$175,000.00 for the purpose of aiding in the construction of a Bridge across the Missouri River from Burleigh County to Morton County in the State of North Dakota under the provision of Chapter 73 of the Laws passed at the Sixteenth Session of the Legislative Assembly of North Dakota, approved March 5, 1919, in addition to the sum appropriated by Chapter 4 of the Special Session of the Sixteenth Legislative Assembly, approved December 12, 1919, and that such appropriation be made from the State Highway Fund.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919 the sum of \$175,000 or so much

thereof as may be necessary between the date of the passage and approval of this Act and June 30, 1923, inclusive, for the purpose of aid in the construction of the substructure, superstructure and structural approaches to a bridge across the Missouri River from Burleigh County to Morton County within the State of North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919, the sum of \$175,000.00. This sum to be in addition to that provided by Chapter 4 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919.

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

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

Approved March 9, 1921.

CHAPTER 7.

(S. B. No. 25.—Appropriation Committee.)

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 1416, 1418 and 1419 of the Compiled Laws of 1913, as amended by Chapter 34 of the Session Laws of 1915, and all other Acts and parts of Acts in so far as the same relate to appropriations conflicting herewith or the appropriations for the same matters or purposes provided for herein.

PARTIAL VETO.

Bismarck, North Dakota.

March 19, 1921.

To the Honorable Secretary of State :

I file herewith, Senate Bill No. 25 being 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 1416, 1418 and 1419 of the Compiled Laws of 1913, as amended by Chapter 34 of the Session Laws of 1915, and all other Acts and parts of Acts in so far as the same relate to appropriations conflicting herewith or the appropriations for the same matters or purposes provided for herein, with my approval except as to the following items :

\$4,000 for the Contingency Fund to be used only to comply with Chapter 153 and 154, Session Laws of 1919, and Chapter 24 of the Special Session Laws of the Sixteenth Assembly in case bonds are sold, in Sub-division No. 8.

\$1,000 for items not included above for preparation of school house plans, in the last part of Sub-division No. 12.

\$2,400 for salary of Superintendent, Department of Public Health, in Subdivision No. 24.

\$1,500 for Independent Water System ; \$700 for traveling of school offi-

cers; \$400 cork matting for Library; \$800 gym. and music apparatus; \$10,000 for additional land. all in Sub-division No. 44.

\$500 for Lyceum course; \$650 for traveling. both in Sub-division No. 45.

\$500 for traveling, in Sub-division No. 48.

\$500 for traveling, expenses, in Sub-division No. 49.

\$600 for water cups for dairy cows; \$1,000, furnishing for superintendent's house; \$1,000 for automobile, all in Sub-division No. 59.

\$1,500 for Irrigation Plant; \$1,400 for improvements of grounds. walks to G. B. and about institution; \$250 for traveling expenses, all in Sub-division No. 62.

\$300 for expenses presidential electors. in Sub-division No. 77.

\$5,000 for 1923 Fair, in Sub-division No. 87.

\$1,000 for military grounds, in Sub-division No. 102.

\$101,550 for all the items under the Department of Motor Vehicle Registration, in Sub-division No. 64.

\$100,000 for State Highway Commission, in Sub-division No. 65.

These items are vetoed for the reason that the appropriations of the Legislature exceed the available income and the items in Sub divisions No. 64 and Sub-division No. 65 are vetoed for the reason that they are insufficient to meet the demands of the Department of Motor Vehicle Registration and the Department of State Highway Commission, and for the further reason that Paragraph 2 of Section 11 of Chapter 44 of the Special Session Laws of the Sixteenth Legislative Assembly makes an annual provision to defray the expenses of the State Highway Commission and for the maintaining of the Motor Vehicle Registration Department.

Very respectfully yours,

LYNN J. FRAZIER,

Governor.

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 sum of \$8,313,056.08 in sums hereinafter more specifically named only, or so much thereof as may be necessary is, and are hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, for the purposes specified in the following Sections or Sub-divisions of this Act.

§2. (The period which the Appropriations made herein shall be available.) Unless otherwise specifically stated the appropriation herein or hereafter made shall be available for the expenses to be incurred in and for the several purposes herein set forth during the fiscal period of two years, beginning July 1st, 1921, and ending July 1st, 1923.

Sub-division No. 1.

EXECUTIVE OFFICE.

	Per Annum	Per Biennium
Salary of Governor.....	\$5,000	\$10,000
Clerkhire:		
Secretary to the Governor.....	2,800	5,600
Executive Clerk	1,500	3,000

Postage	200	400
Office Supplies	75	150
Furniture and Fixtures.....	100	200
Printing	75	150
Miscellaneous	250	500
Contingent	625	1,250

	\$10,625	\$21,250
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Sub-division No. 2.

LIEUTENANT GOVERNOR.

Salary of Lieutenant Governor.....	\$ 1,000	\$2,000
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Sub-division No. 3.

SUPREME COURT.

Salary 5 Judges at \$5,500 per year.....	\$27,500	\$55,000
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Salary Clerk of Court at \$2,500 per year.....	2,500	5,000
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Clerkhire:

Stenographer and Deputy Clerk at.....		
per month	1,380	2,760

Four Stenographers to Justices at.....		
per month	4,800	9,600

(Request is made in connection with the above sub-division, for an allowance equal to that allowed first class stenographers and clerks in the various other state departments.

Postage, Office Clerk of Court and Justices	325	650
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Office Supplies, Clerk of Court and Justices....	200	400
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Furniture and Fixtures, File cases, mimeograph, new typewriters, etc.....	200	400
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Printing, Stationery for Clerk's office, Justices, printing, dockets, minute books, etc.....	250	500
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Miscellaneous, Telephone, telegraph, freight, drayage and express.....	175	350
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Total.....	\$37,330	\$74,660
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Sub-division No. 4.

JUDGES DISTRICT COURT.

Salary (Fifteen Judges at \$4,000 00 per annum)	\$60,000	\$120,000
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Miscellaneous, Expenses while holding court while outside the county in which the Judges reside Ch. 167, S. L. 1919.....	7,500	15,000
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Expenses while serving on the Supreme Bench	100	100
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	\$67,600	\$135,100
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Sub-division No. 5.
 DEPARTMENT OF SUPREME COURT REPORTER AND
 STATE LAW LIBRARIAN.

Salary	\$ 2,000	\$ 4,000
Postage	25	50
Office supplied	50	100
Furniture and Fixtures.....	125	250
Printing	25	50
Miscellaneous	100	200
Items not included above:		
New books and reports.....	1,500	3,000
Repairing books	50	100
	\$3,875	\$ 7,750

Sub-division No. 6.

DEPARTMENT OF SECRETARY OF STATE.

Salary	\$ 3,000	\$ 6,000
Deputy Salary	2,500	5,000
Clerkhire:		
Chief Clerk and Bookkeeper.....	1,800	3,600
Stenographer	1,400	2,800
Stenographers (2)	2,640	5,280
Recording and Document Clerk.....	1,200	2,400
Recording Clerk	1,200	2,400
Miscellaneous Clerkhire	500	1,000
Postage	2,500	5,000
Office Supplies	600	1,200
Furniture and Fixtures.....	350	700
Printing	1,800	3,600
Miscellaneous:		
Record Books	300	600
Freight and Drayage.....	200	400
Telephone	250	500
Telegrams	75	150
Express	200	400
Traveling Expense	150	300
	\$20,665	\$41,330

PUBLIC PRINTING BY SECRETARY OF STATE

Legal Notices	\$ 200	\$ 400
Publishing Abstract of Votes.....	500	1,000
Printing of Political Party Registration blanks and report books.....		2,000

Sample ballots		400
Authenticated Edition of Session Laws 1921		3,000
Code of Election Laws.....		1,500
Printing Reports and Pamphlets for Departments or officers not otherwise provided for	2,000	4,000
Printing Public Documents including all reports of departments and sub-divisions.....	1,250	2,500
	\$ 3,950	\$14,800

Sub-division No. 7.

DEPARTMENT OF STATE AUDITOR.

Salary	\$ 3,000	\$ 6,000
Clerkhire:		
Deputy	2,800	5,600
Bookkeeper (appropriations)	1,800	3,600
Bookkeeper (collections)	1,800	3,600
Bookkeeper (assistant)	1,500	3,000
Stenographer and Warrant Writer.....	1,500	3,000
Field Clerk and Accountant when needed and extra work.....	1,200	2,400
Postage	500	1,000
Office Supplies	300	600
Furniture and Fixtures.....	400	800
Printing	700	1,400
For Supplies Furnished Departments and Counties	500	1,000
Miscellaneous:		
Telephone, Telegrams, Freight and Express	150	300
Traveling Expense	250	500
Items not included above Expense in obtaining list of new taxable lands.....	250	500
	\$16,650	\$33,300

Sub-division No. 8.

DEPARTMENT OF STATE TREASURER.

Salary State Treasurer.....	\$ 3,000	\$ 6,000
Clerkhire:		
Deputy	2,800	5,600
Chief Clerk	2,000	4,000
Head Accountant	1,600	3,200
Cashier	1,500	3,000
Bookkeeper	1,500	3,000
Assistant Bookkeeper	1,320	2,640
Stenographer and Bond Clerk.....	1,500	3,000

APPROPRIATIONS

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Receipt Clerk	1,200	2,400
Postage	1,000	2,000
Office Supplies	200	400
Furniture and Fixtures.....	50	100
Printing	1,200	2,400
Miscellaneous	250	500
Contingency Fund to be used only to comply with Chapter 153 and 154, 1919 Session Laws, and Chapter 24, Special Session 16th Assembly, in case bonds are sold.....	4,000	4,000
	\$23,120	\$42,240

Sub-division No. 9.

DEPARTMENT OF INSURANCE.

Salary	\$ 3,000	\$ 6,000
Clerkhire:		
Deputy	2,500	5,000
Chief Clerk	1,800	3,600
Bookkeeper	1,500	3,000
Stenographer when needed.....	900	1,800
Postage	400	800
Office Supplies	150	300
Furniture and Fixtures.....	150	300
Printing	1,500	3,000
Miscellaneous:		
(Telegrams, telephone, freight express, insurance premiums, etc.).....	250	500
Traveling expense	200	400
	\$12,350	\$24,700

Sub-division No. 10.

DEPARTMENT OF STATE FIRE MARSHAL.

Salary Fire Marshal.....	\$ 2,500	\$ 5,000
Clerkhire:		
Chief Assistant	1,800	3,600
Deputy	1,500	3,000
Postage	175	350
Office Supplies	75	150
Furniture and Fixtures.....	50	100
Printing	150	300
Miscellaneous:		
Freight, express, telephone, telegrams and other miscellaneous items.....	300	600

Traveling Expense	2,500	5,000
Items not included above:		
Investigation of suspicious fires.....	200	400
Fees paid to fire chiefs.....	400	800
	\$ 9,660	\$19,300
Sub-division No. 11.		

ATTORNEY GENERAL.

Salary Attorney General.....	\$ 3,600	\$ 7,200
Clerkhire:		
Assistant Attorney Generals.....	10,400	20,800
Stenographers and other office help.....	6,500	13,000
Postage	500	1,000
Office Supplies	250	500
Furniture and Fixtures.....	100	200
Printing	1,000	2,000
Miscellaneous	400	800
Traveling Expense	2,000	4,000
Items not included above Special Assistant		
Attorneys General	9,250	18,500
Minnesota Damage Case, and other cases.....	10,000	10,000
	\$44,000	\$78,000

Sub-division No. 12.

DEPARTMENT OF PUBLIC INSTRUCTION.

Salary:		
One High School Inspector.....	\$ 2,200	\$ 4,400
Three Rural, Graded and Consolidated		
School Inspectors	6,600	13,200
Traveling Expenses:		
One High School Inspector.....	1,500	3,000
Three Rural, Graded and Consolidated		
School Inspectors	3,600	7,200
State Aid:		
For High Schools.....	85,000	170,000
For Rural, Graded and Consolidated		
Schools	215,000	430,000
For Evening Schools	3,500	7,000
For Teacher's Institutes.....	5,300	10,600
For expenses necessary in conducting state,		
high school and eighth grade examinations	2,000	4,000
Workmen's Compensation and Bonds.....	46	92
	\$224,746	\$519,492

Salary:		
Supt. of Public Instruction.....	\$ 3,000	\$ 6,000
Deputy Supt. of Public Instruction.....	2,800	5,600
Assistant Supt. of Public Instruction.....	2,000	4,000
Clerkhire:		
Chief Clerk	1,500	3,000
Stenographers	3,960	7,920
Postage	1,100	2,200
Office Supplies	275	550
Furniture and Fixtures.....	250	500
Printing	7,500	15,000
Miscellaneous:		
Telephone, telegraph, express and freight....	400	800
Traveling Expense:		
Superintendent, Deputy and Assistant.....	1,500	3,000
Items not included above for preparation of school house plans as required by Section 1185 of School Laws.....	500	1,000
	\$24,785	\$49,570

Sub-division No. 13.

DEPARTMENT OF AGRICULTURE AND LABOR.

Salary	\$ 3,000	\$ 6,000
Clerkhire:		
Deputy Commissioner	2,500	5,000
Office Deputy	2,000	4,000
Chief Clerk	1,800	3,600
Stenographers	2,400	4,800
Postage	500	1,000
Office Supplies	250	500
Furniture and Fixtures	150	300
Printing	1,400	2,800
Miscellaneous	250	500
Traveling Expense	800	1,600
Payment of Insurance of Employees, premium on bonds, other incidentals not specified.		
Maps		600
	\$15,050	\$30,700

Sub-division No. 14.

DAIRY COMMISSIONER.

Salary	\$ 2,500	\$ 5,000
Clerkhire:		
Two Assistants	3,600	7,200

Secretary	1,500	3,000
Stenographer	1,200	2,400
Postage	400	800
Office Supplies	100	200
Furniture and Fixtures.....	100	200
Printing	500	1,000
Miscellaneous	100	200
Traveling Expense	2,500	5,000
Items not included above:		
Dairy Production	50	100
	\$12,550	\$25,100

Sub-division No. 15.

BOARD OF RAILROAD COMMISSIONERS.

Salary:		
Commissioner	\$ 3,000	\$ 6,000
Commissioner	3,000	6,000
Commissioner	3,000	6,000
Clerkhire:		
Secretary	2,500	5,000
Chief Clerk	1,500	3,000
Traffic Expert	3,600	7,200
Rate Clerk	1,500	3,000
Engineer	3,000	6,000
Five Stenographers	6,600	13,200
Accountant	2,400	4,800
Reporter	3,000	6,000
Postage	1,000	2,000
Office Supplies	500	1,000
Furniture and Fixtures.....	500	1,000
Printing	1,000	2,000
Miscellaneous:		
Including transcripts	500	1,000
Traveling Expenses	6,000	12,000
Items not included above:		
Premiums to Workmen's Compensation Bureau	100	200
Expenses incurred as members of National Association of R. R. Commissioners.....	375	750
	\$43,075	\$86,150

Sub-division No. 16.

DEPARTMENT OF LAND COMMISSIONER.

Salary Commissioner	\$ 3,000	\$ 6,000
Clerkhire:		

APPROPRIATIONS

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Deputy Commissioner	2,500	5,000
Bond and Mortgage Clerk.....	1,800	3,600
Patent Clerk	1,500	3,000
Lease and Site Clerk.....	1,500	3,000
Two Stenographers	2,640	5,280
Postage	1,200	2,400
Office Supplies	200	400
Furniture and Fixtures, Filing Cases for Vault	300	600
Printing	1,000	2,000
Miscellaneous	120	240
Premiums on Bonds of Commissioner and Deputy	37.50	75
Traveling Expense	400	800
Items not included above:		
Filing Selection Lists.....	50	100
Expenses, Leasing unsold Lands.....	1,000	2,000
Expenses, Sales of Lands.....	1,250	2,500
	\$18,497.50	\$36,995

Sub-division No. 17.

STATE EXAMINER.

Salary State Examiner.....	\$ 3,000	\$ 6,000
Clerkhire:		
Chief Deputy	2,800	5,600
Office Deputy	2,200	4,400
Nine Road Deputies.....	18,000	36,000
Six City, County and Institution Exam- iners	12,000	24,000
Chief Clerk	1,800	3,600
Assistant Clerk	1,500	3,000
Stenographer	1,320	2,640
Postage	1,500	3,000
Office Supplies	350	700
Furniture and Fixtures.....	200	400
Printing	1,000	2,000
Miscellaneous:		
Telephone and Tolls.....	300	600
Telegrams	250	500
Express, Freight, etc.....	75	150
Traveling Expense for 18 Examiners in- cluding State Examiner.....	25,000	45,000
Items not included above:		
Bonds for Examiners.....	400	800

Five Extra Examiners		10,000
	<u>\$71,695</u>	<u>\$148,390</u>
Sub-division No. 18.		

STATE TAX COMMISSIONER.

Salary	\$ 4,000	\$ 8,000
Clerkhire:		
Secretary	\$ 2,800	\$ 5,600
Income Tax Deputy.....	2,250	4,500
Tax Deputy	2,100	4,200
Accountant	2,100	4,200
Inheritance Tax Clerk.....	1,800	3,600
Statistical Clerk	1,500	3,000
Abatement Clerk	1,500	3,000
Corporation Clerk	1,500	3,000
Two Stenographers	2,640	5,280
One Filing Clerk.....	1,320	2,640
Income Tax Clerks	3,600	7,200
Postage	1,100	2,200
Office Supplies	1,000	2,000
Furniture and Fixtures.....	500	1,000
Printing	2,100	4,200
Miscellaneous:		
Telegraph, Telephone, Freight, Express and Dues	400	800
Traveling Expense	1,500	3,000
	<u>\$33,710</u>	<u>\$67,420</u>
Sub-division No. 19.		

BOARD OF ADMINISTRATION.

Salary:		
Three Board Members.....	\$ 9,000	\$18,000
Clerkhire:		
Executive, Auditing and Supply Depts. Ex- perts, etc.	18,000	36,000
Postage	650	1,300
Office Supplies	600	1,200
Furniture and Fixtures.....	600	1,200
Printing	1,250	2,500
Miscellaneous:		
Telephone and Telegraph.....	600	1,200
Freight and Express.....	100	200
Workmen's Compensation and Bonding Offi- cers		800

APPROPRIATIONS

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Business Information Service.....	160	320
Traveling Expense	6,000	12,000
	\$36,660	\$74,720

Sub-division No. 20.

PUBLIC LIBRARY COMMISSION.

Salary:		
Librarian and Director.....	\$ 2,250	\$ 4,500
Clerkhire:		
Cataloger	1,500	3,000
Chief of Traveling Library Dept.....	1,500	3,000
Stenographer	1,200	2,400
Postage	350	700
Office Supplies	250	500
Furniture and Fixtures.....	100	200
Printing	250	500
Miscellaneous:		
Bonds and Workmen's Compensation		
Premium	400	800
Traveling Expense	400	800
Items not included above:		
Traveling Library Cases.....	50	100
Aids to Libraries.....	100	200
Books	1,000	2,000
Preparation of Books.....	200	400
	\$ 9,550	\$19,100

Sub-division No. 21.

STATE ENGINEER.

Salary	\$ 2,500	\$ 5,000
Clerkhire:		
Assistant State Engineer.....	2,500	5,000
Stenographer and Bookkeeper.....	1,500	3,000
Extra Field and Office Assistants.....	960	1,920
Postage	150	300
Office Supplies	200	400
Furniture and Fixtures.....	300	600
Printing	350	700
Miscellaneous	50	100
Traveling Expense	750	1,500
Items not included above:		
Hydrographic Work	500	1,000
	\$ 9,760	\$19,520

Sub-division No. 22.

ADJUTANT GENERAL.

Salary	\$ 3,000	\$ 6,000
Clerkhire	1,500	3,000
	<u>4,500</u>	<u>9,000</u>

Subdivision No. 23.

STATE HISTORICAL SOCIETY.

Salary Curator	\$ 2,500	\$ 5,000
Librarian	1,500	3,000
Clerkhire:		
(b) Assistants in Museum and Library.....	1,200	2,400
(c) Assistant in Office of Secretary	150	300
(e) Editor of Collections	115	230
Postage	150	300
Office Supplies	125	250
Furniture and Fixtures	150	300
Printing and Binding	500	1,000
Miscellaneous	175	350
Contingent Fund	250	500
Traveling Expenses	500	1,000
Items not included above:		
Field Work	300	600
Museum	225	450
Books	200	400
Binding Pamphlets and Newspapers.....	500	1,000
	<u>\$8,540</u>	<u>\$17,080</u>

Sub-division No. 24.

DEPARTMENT OF PUBLIC HEALTH.

Salary:		
Superintendent	\$ 1,200	\$ 2,400
Clerkhire:		
One Clerk and Stenographer	1,400	2,800
Postage	250	500
Office Supplies	300	600
Furniture and Fixtures	50	100
Printing	800	1,600
Miscellaneous	150	300
Traveling Expenses	500	1,000
	<u>\$ 4,650</u>	<u>\$ 9,300</u>

Sub-division No. 25.

STATE LIVESTOCK SANITARY BOARD.

Salary Executive Officer and State Veter- inarian	\$ 3,300	\$ 6,600
Clerkhire:		
One Stenographer and Clerk	1,500	3,000
Postage	175	350
Office Supplies	75	150
Furniture and Fixtures	75	150
Printing	300	600
Miscellaneous		
Telephone	100	200
Telegrams	50	100
Freight and Express	10	20
Traveling Expenses for Services and Expenses of Agents of Live Stock Sanitary Board.....	9,000	18,000
Items not included above:		
For Insurance Premium in Workmen's Compensation Bureau for Employes of Live Stock Sanitary Board.....	550	1,100
	\$15,135	\$30,270

Sub-division No. 26.

To be appropriated from the State Oil Inspection Fund:

DEPARTMENT OF STATE OIL INSPECTOR.

Salaries for chief deputy, deputy inspectors, clerks, stenographers and chemists; office supplies, bulletins, traveling expenses, ap- paratus, chemicals, court expenses, etc.....	\$25,950	\$51,900
	\$25,950	\$51,900

Sub-division No. 27.

UNIVERSITY OF NORTH DAKOTA.

1. Maintenance:
 - a. Maintenance of the educational service of the University including salaries, supplies and incidentals, small equipment and renewals, replacements, books and laboratory equipment for the College of Engineering, College of Liberal Arts, School of Education, School of Law, School of Medicine, Department of Physical Education, Summer Session, Library, general educational

expenses and leaves of absences, as shown by schedule A-1.....	\$290,000	\$580,000
b. Administration including salaries, supplies and incidentals, traveling expenses, office expense, printing, etc., for the President's office, business office, Registrar's office, stenographic bureau, cost of maintaining telephone exchange, tools and telegrams, cost of printing, such as catalogues, bulletins, circulars, etc., and general expenses, such as commencement, bonds of officers, membership dues in national organizations, etc., as shown by schedule A-2.....	42,000	84,000
c. Schedule A-3. Operation and maintenance of the University Buildings, Central Power Plant, Grounds, including salaries of 13 janitors, 2 teamsters, 2 carpenters, 2 plumbers and steam fitters, 5 dormitory maids, 4 student janitors, 2 engineers, 7 firemen and coal passers, 1 night watchman, 1 supervisor of dormitories, 1 superintendent of buildings and grounds, fuel, supplies, small equipment, etc., as follows:		
Salaries	37,290	74,580
Fuel	40,000	80,000
Janitors' supplies, supplies and repairs for Power Plant, linen for dormitories, laundry gas, small equipment for all buildings, etc.....	11,500	23,000
d. Extension work including salaries of director and assistants, instruction for correspondence study, traveling expense, postage and stationery, lectures, printing, etc.....		29,370
	<u>\$420,790</u>	<u>\$870,950</u>
2. Improvements, Repairs and Special Purposes.		
A. Schedule A-4, Cement walks, repairs, re-wiring Mechanical Engineering Building, balance on contract for laboratory equipment, double sash for Chemistry Building, installing heat in plant house, painting outside wood of buildings, two new boilers, completing storage bins, fire and tornado insurance, Workmen's Compensation Insurance, assessment for paving and other special improvements, equipment purchase		

purchased from Ordinance Dept., etc.....	\$ 28,500	\$ 57,000
3. New Buildings.		
a. Law school buildings, furnishings and equipment		150,000
d. Addition to Power Plant for engine room and work shop, new engine and A. C. Generator and wiring to buildings.....	10,000	20,000
4. Miscellaneous.		
Public Health Laboratories, including salaries, small equipment, supplies and incidentals printing, etc.	15,000	30,000
Biological Station, including salaries, small equipment, printing, supplies and incidentals	3,000	6,000
Geological Survey, including salaries, small equipment, printing, supplies and incidentals	3,000	6,000
Clay Testing and investigational work in connection with clay products.....	3,800	7,600
	<u>\$ 63,300</u>	<u>\$276,600</u>

Sub-division No. 28.

**MINING EXPERIMENT SUB-STATION—HEBRON—
UNIVERSITY.**

For Investigations at the Mining Experiment Sub-Station at Hebron and the School of Mines at the University on Lignite coal utilization, and for necessary repairs, equipment, material and operating expenses.....

	\$ 14,500	\$ 29,000
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Sub-division No. 29.

To be Appropriated from Hotel Inspection Fund:
STATE HOTEL INSPECTION.

Salaries for deputies, inspectors and clerks; for traveling expenses, circulars, bulletins, postage, stationery and general maintenance

	\$ 3,000	\$ 6,000
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Sub-division No 30.

VENEREAL DISEASE.

Salary	\$1,500	\$3,000
Clerkhire	750	1,500
Printing	500	1,000
Miscellaneous	124.48	248.96
Traveling Expense	500	1,000
Items not included above:		
Salaries physicians and attendant venereal clinics	2,000	4,000
Drugs and Supplies.....	899.76	1,799.52
	<u>\$5,274.24</u>	<u>\$12,548.48</u>

Sub-division No. 31.

STATE HUMANE SOCIETY.

Postage	\$ 11.25	\$ 22.50
Office Supplies	4.00	8.00
Printing	20.00	40.00
Miscellaneous:		
Rent, Telephone, Telegraph.....	185.00	370.00
Traveling Expense	279.75	559.50
	<u>500.00</u>	<u>1,000.00</u>

Sub-division No. 32.

AGRICULTURAL COLLEGE, FARGO, NORTH DAKOTA

Maintenance, Salaries	\$ 85,000	\$170,000
General Maintenance	22,000	44,000
Fuel—Coal, Wood, etc.....	35,000	70,000
Marketing and Organization.....	5,000	10,000
Power House, Labor and Upkeep.....	8,500	17,000
Summer Session	3,250	6,500
Library Maintenance	2,500	5,000
Improvements and Repairs:		
Repair of Building.....	2,250	4,500
Walks and Drives.....	500	1,000
Remodeling Science Hall.....	2,000	4,000
Care of Grounds and Campus.....	1,500	3,000
Repairs to water, steam and sewer mains.....	1,750	3,500
Demonstration Cottage	8,000	8,000
Equipment:		
Library Books, Periodicals, Binding, etc.....	2,000	4,000
Equipment for Manual Training.....	2,500	5,000
Miscellaneous:		
Insurance on Buildings.....	5,000	10,000
Workmen's Compensation Insurance.....	1,000	2,000
	<u>\$187,750</u>	<u>\$367,500</u>

Sub-division No. 33.

REGULATORY DIVISION.

Beverage Fund	\$ 12,000	\$ 24,000
For the enforcement of laws covering feeding stuffs, fertilizers, beverages and sanitary inspection. (Sec. 1624-2883, C. L. 1913.)		
Pure Food Fund for the enforcement of the Food and Drug Laws (Sec. 1622, 2879, 2882, C. L. 1913)	10,000	20,000
	<u>\$ 22,000</u>	<u>\$ 44,000</u>

Sub-division No. 34.

EXPERIMENT STATION.

Maintenance:		
Maintenance, Salaries	\$ 37,000	\$ 74,000
General Maintenance	34,000	68,000
Heat, light, water, gas and campus services.....	8,000	16,000
Substations	30,000	60,000
Demonstration farms	10,000	20,000
Serum Institute	6,000	12,000
Geological (soil) survey.....	2,500	5,000
Improvements and Repairs:		
Repairs to steam, water and sewer mains.....	250	500
Repairs and extension of side walk.....	250	500
Fencing Horticulture and Biology grounds.....	250	500
Repairs to greenhouse.....	100	200
Equipment:		
Five Experimental silos.....	750	750
Miscellaneous:		
Investigation in cost accounting and Farm Management	5,000	10,000
Investigation in Entomology.....	3,000	6,000
Insurance on buildings, including those at substations	1,000	2,000
Workmen's Compensation Insurance.....	250	500
Deficiency in salaries and maintenance.....	20,000	20,000
Deficiency caused by discontinuance of co-operation of the U. S. Dept of Agriculture	8,500	17,000
Purchase of livestock.....	5,000	10,000
	\$171,850	\$322,950

Sub-division No. 35.

STATE DIVISION OF GRADES, WEIGHTS AND MEASURES

Uniform Grading Law for carrying out the provisions of the Uniform State Grain Grading Law and all provisions thereof (Chapter 138, Sec. 31, Session Laws of 1919)	\$ 30,000	\$ 60,000
Weights and Measures for enforcing the provisions of the Weights and Measures Inspection Law, providing for inspectors, equipment, deputies, travel, bulletins, and all other expenses as provided for according to Chapter 241, Sec. 2, and Chapters		

239 and 240 of the Session Laws of 1919)....	10,000	20,000
	<u>10,000</u>	<u>20,000</u>
Sub-division No. 36.	\$ 40,000	\$ 80,000

AGRICULTURAL COLLEGE.

Milling Experiments	\$ 500	\$ 1,000
For the maintenance of a plant at the Agricultural College in which shall be conducted experiments to determine comparative milling values of different grades of wheat (Sec. 1625, C. L. 1913.)		
Investigation of Cereals	2,500	5,000
	<u>3,000</u>	<u>6,000</u>
Sub-division No. 37.		

STATE PURE SEED LABORATORY.

Department of Pure Seed Laboratory and pure seed law enforcement of the Regulatory Division of the North Dakota Agricultural College and Experiment Station.....	\$ 7,000	\$ 14,000
For salaries of analyst, assistant analysts and inspectors; for stenographers, clerkhire, postage, office supplies, laboratory equipment, furniture and fixtures, record books, printing, stationery and traveling expenses involved in the work of seed testing, analyses, inspection, seed listing, etc		
	<u>7,000</u>	<u>14,000</u>
Sub-division No. 38.		

EXTENSION DIVISION.

Maintenance:		
Federal Offset 1921-1922.....	\$ 55,896	
Federal Offset 1922-1923.....	61,102	
Total Federal Offsets.....		\$116,998
State Appropriations to cover salary and expense of specialists, upkeep of grounds, etc. 1921-22	17,501	
1922-23	17,501	35,002
Total appropriations for biennium 1921-23.....	\$152,000	\$152,000
Sub-division No. 39.		

BOARD OF PARDONS.

Standing appropriation\$1,000

Sub-division No. 40.

BOARD OF VETERINARY MEDICAL EXAMINERS.

Salary	\$ 150	\$ 300
Clerkhire	75	150
Postage	25	50
Office Supplies	50	100
Furniture and Fixtures.....	60	120
Printing	20	40
Miscellaneous	20	40
Traveling Expense	200	400
Items not included.....	25	50
	\$ 625	\$ 1,250

Sub-division No. 41.

SOCIETY FOR THE FRIENDLESS.

Allowance\$ 520 \$ 1,040

Sub-division No. 42.

BOARD OF EXPERTS.

Salary:		
Field Officer	\$1,000	\$2,000
Clerkhire:		
Record Clerk		
Postage	50	100
Office Supplies	50	100
Printing	100	200
Miscellaneous:		
Per Diem Expense	225	450
Traveling Expense	300	600
	\$1,725	\$3,450

Sub-division No. 43.

VALLEY CITY STATE NORMAL SCHOOL.

Maintenance	\$137,500	\$275,000
Gymnasium	60,000	60,000
Improvements and Repairs.....	6,600	13,200
Equipment	8,000	16,000
Miscellaneous	9,343.08	18,686 16
	\$221,443.08	\$382,886 16

Sub-division No. 44.

MINOT STATE NORMAL SCHOOL.

Maintenance:		
Salaries and Wages	\$80,000	\$160,000
Fuel	10,000	20,000
Light and Power	1,800	3,600
Water	500	1,000
Independent water system	750	1,500
Printing Publication	500	1,000
West wing of main building and equipment....		100,000
Postage	700	1,400
Telephone and telegraph	500	1,000
Traveling of school officers	350	700
Library supplies	250	500
Science supplies (6 Lab's)	700	1,400
Manual Arts Supplies (3 Depts.).....	500	1,000
Gym. and Music supplies	200	400
Engineer's and janitor's supplies.....	800	1,600
Model school supplies	400	800
Office supplies	300	600
Freight and Express	300	600
Drayage	175	350
Student welfare	500	1,000
Improvement and Repairs:		
Dec. main bldg. and dorm.	500	1,000
Fly screens for main building	125	250
Fly screens for dorm.	225	450
Cork matting for library	200	400
Repainting main building	250	500
Trees—500	100	200
Grading of campus	100	200
Graveling of campus roadways	200	400
Refrigeration plant	2,600	2,600
Equipment:		
Chairs for present buildings.....	200	400
Science Apparatus (6 Labs.)	800	1,600
Manual Arts apparatus (3 Depts.)	300	600
Gym and music apparatus	400	800
Commercial apparatus, typewriter	250	500
Office furniture	100	200
Library books	1,000	2,000
Miscellaneous:		
Insurance, Fire and Tornado	750	1,500
Insurance Workmen's Compensation	350	700

Interest on deferred appropriation	250	500
Taxes on special improvements	2,000	4,000
Additional land	5,000	10,000
	\$114,925	\$327,250

Sub-division No. 45.

STATE NORMAL SCHOOL, MAYVILLE, NORTH DAKOTA

Maintenance:		
Faculty Salaries	\$23,000	\$ 46,000
Employees salaries	13,000	26,000
Labor (extra drayage, student help).....	1,200	2,400
Fuel	15,000	30,000
Light	1,900	3,800
Water and Ice	2,000	4,000
Supplies for depts. of instruction.....	2,000	4,000
Supplies and repairs for janitor eng. and teamster	2,000	4,000
Postage, printing, stationery and advertising	500	1,000
Lyceum course	250	500
Hospital maintenance	75	150
Freight and express (outside of fuel).....	400	800
Telephone and telegraph	250	500
Traveling	325	650
Commencement week	150	300
City Board of Education	1,000	2,000
Improvements and repairs, painting, plaster- ing, kalsomining, trimming, glazing and carpenter work—main building.....	1,500	3,000
Do. West Hall	1,000	2,000
Equipment:		
Books, periodicals, binding and gen'l library	1,500	3,000
Kitchen equipment	600	1,200
Equipment department of manual training....	150	300
Equipment department of agriculture.....	100	200
Equipment for gymnasium	100	200
Repairing furniture	100	200
Bedding and new furniture	500	1,000
Miscellaneous:		
Insurance	2,500	5,000
Deficit	4,160	8,320
	\$ 75,260	\$150,520

Sub-division No. 46.

STATE NORMAL AND INDUSTRIAL SCHOOL.
ELLENDALE, NORTH DAKOTA

Salaries	\$40,000	\$80,000
Improvements and Repairs:		
Repairing of buildings	1,250	2,500
Equipment:		
Library, books, etc.	1,000	2,000
Miscellaneous:		
Carnegie interest	1,400	2,800
Insurance	1,350	2,700
	\$45,000	\$90,000

Sub-division No. 47.

NORTH DAKOTA SCHOOL OF SCIENCE.
WAHPETON, NORTH DAKOTA

General maintenance	\$21,185	\$42,370
New Boiler	5,000	5,000
Improvements and repairs	3,030	6,030
Equipments	1,082.50	2,165
Miscellaneous	538.50	1,077
	\$30,836.00	\$56,672

Sub-division No. 48.

FORESTRY STATE NORMAL SCHOOL.
BOTTINEAU, NORTH DAKOTA.

Salaries, teachers	\$25,000	\$50,000
Salaries, other employes	4,750	9,500
Fuel, lignite	2,200	4,400
Supplies, janitor's	750	1,500
Supplies, educational	600	1,200
Stationery, printing, office, etc.	400	800
Head of institution, traveling	250	500
Postage, telephone, telegraph, advertising	300	600
Light, power, field agent work	340	680
Water	120	240
Lectures, etc., faculty travel	50	100
Grounds, gymnasium short course	275	550
Laboratories, 7 departments	500	1,000
Improvements and repairs:		
Painting interior Main building	380	760
Painting exterior building	65	130

APPROPRIATIONS

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Metal weatherstripping Main building	200	400
Incidental repairs, all buildings	100	200
Equipment:		
Safe for records	200	400
Farm and kitchen utensils	200	400
Piano, typewriters	200	400
Stacks and book cases	100	200
Check writer, fire extinguishers	50	100
File, bedding, Ford truck	170	340
Library, periodicals, binding, etc.	475	950
Miscellaneous:		
Coal cellar; resetting boiler	325	650
Stock Feed, milch cows	50	100
Workmen's compensation and taxes	430	860
Insurance, fire and tornado	825	1,650
Forestry service	100	200
	\$39,405.	\$78,810

Sub-division No. 49.

DICKINSON STATE NORMAL SCHOOL.

Maintenance:		
Salary exec. off. and clerks	\$ 5,500	\$ 11,000
Printing, stationery and office supplies.....	450	900
Postage, telephone, telegraph and off. ex....	275	550
Traveling expenses	250	500
Advertising:		
Salary teachers and supervisor.....	28,000	56,000
Texts and educational sup.	1,200	2,400
Fuel cost	2,000	6,000
Rent	3,000	6,000
Salary engineer and janitor.....	1,000	3,000
Janitor's sup. and equipment	175	350
Water	75	200
Light	200	500
New buildings:		
Heating plant	44,000	44,000
Normal school building (to be available 1922)		240,000
Equipment	350	700
Furniture	1,000	2,000
Apparatus	1,000	2,000
Library	1,000	2,000
Miscellaneous:		
Dormitory	9,000	9,000
	\$98,475	\$387,100

Sub-division No. 50.

COUNTY AGRICULTURAL AND TRAINING SCHOOL.

County agricultural and training school at Maddock	\$ 5,000	\$10,000
County agricultural and training school at Park River	5,000	10,000
	<u>10,000</u>	<u>20,000</u>

Sub-division No. 51.

STATE TRANSPORTATION OFFICER, BOARD OF ADMINISTRATION.

Salary	\$ 2,000	\$ 4,000
Miscellaneous:		
Telephone, telegraph and postage.....	100	200
Traveling expenses	10,000	20,000
	<u>12,100</u>	<u>24,200</u>

Sub-division No. 52.

EIGHTEENTH LEGISLATIVE ASSEMBLY.

Mileage and per diem members.....	\$ 55,000	
Per diem of officers and employes.....	20,000	
Printing	20,000	
Miscellaneous expenses and supplies.....	7,000	
		<u>102,000</u>

Sub-division No. 53.

REWARD FOR APPREHENSION OF CRIMINALS.

Reward for apprehension of criminals.....	\$ 1,000	\$ 1,000
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Sub-division No. 54.

BUDGET 1921-1923.

Governor's conference	\$150	\$300
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Sub-division No. 55.

STATE CAPITOL.

Maintenance	\$35,880	\$ 71,760
Improvements and repairs	9,750	19,500
Miscellaneous		10,000
	<u>45,630</u>	<u>101,260</u>

Sub-division No. 56.

NORTH DAKOTA STATE TUBERCULOSIS SANATORIUM, DUNSEITH, N. D.

Maintenance	\$60,000	\$120,000
Improvements and repairs	5,000	10,000
New Buildings:		
Addition to boiler room.....	2,000	4,000
Equipment including boiler and installation	10,000	20,000
Bedding	4,000	4,000
	\$81,000	\$158,000

Sub-division No. 57.

NORTH DAKOTA SCHOOL FOR THE DEAF, DEVILS LAKE, N. D.

Maintenance	\$ 62,500	\$125,000
Improvements and repairs	1,100	2,200
Additional supplement, Nov. 12, 1920.....	1,520	3,040
New buildings	50,000	100,000
Building for bakery addition.....	1,500	3,000
Equipment	5,500	11,000
Additional supplement, Nov. 12, 1920.....	1,875	3,750
Fire escape	3,000	3,000
Miscellaneous	3,000	6,000
	\$129,995	\$256,990

Sub-division No. 58.

NORTH DAKOTA SCHOOL FOR THE BLIND, BATHGATE, N. D.

Maintenance	\$12,000	\$24,000
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Sub-division No. 59.

HOSPITAL FOR INSANE, JAMESTOWN, N. D.

Improvements and repairs:		
Extraordinary repairs	\$ 6,000	\$ 12,000
Corridor replacement	15,000	30,000
Extension and renewal, water, steam and sewer mains	1,250	2,500
New cable		1,000
Sewage disposal plant	5,000	10,000
New buildings:		
Finishing men's ward building.....	62,500	62,500

Chapel and assembly hall.....	50,000	50,000
Industrial building	15,000	15,000
Laundry repairs	250	500
Equipment:		
Water cups for dairy cows.....		600
Miscellaneous:		
Last payment on section of land.....		13,800
Ice making machine		6,000
Furnishings for superintendent's house.....		1,000
Automobile		1,000
	\$155,000	\$205,900

Sub-division No. 60.

INSTITUTION FOR FEEBLE MINDED, GRAFTON, N. D.

General maintenance	\$ 40,000	\$ 80,000
Coal	21,000	42,000
Improvements and repairs:		
Paints and painting	500	1,000
Power house	1,000	2,000
Fencing	100	200
Building repair	2,000	4,000
Heating and plumbing	300	600
New buildings:		
Dormitory for 1922		100,000
Refectory (complete)	12,000	12,000
Shop	1,000	2,000
Equipment:		
Refectory	25,000	25,000
Hospital	800	1,600
Beds and furniture.....	1,000	2,000
Boiler	5,000	5,000
Pumps	1,000	1,000
Fire escapes	1,500	1,500
Farm machinery	200	400
Water mains	5,000	5,000
Oil tanks	150	150
Coal handling	1,200	2,400
Miscellaneous:		
Insurance	3,000	6,000
Live stock	300	600
	\$122,050	\$294,450

Sub-division No. 61.

NORTH DAKOTA STATE PENITENTIARY.

General maintenance	\$ 45,750	\$ 91,500
Salaries	46,000	92,000
Coal	24,000	48,000
Water	2,500	5,000
School and amusements	1,500	3,000
Clothing	6,000	12,000
Transportation and clothing	4,000	8,000
Drugs, medicines and operations	2,500	5,000
Hospital and dental equipment	2,000	2,000
Improvements and repairs:		
General repairs and painting.....	4,000	8,000
Miscellaneous:		
Freight, express, telephone and telegrams	2,000	4,000
Insurance	4,000	8,000
Books and office supplies	1,250	2,500
Electrical supplies	2,000	4,000
Warden's expense account	500	1,000
Prison congress expense	250	500
Bertillion and escapes	1,500	3,000
Deficit from Jan. 1, 1921 to June 30, 1921	67,600	67,600
	\$215,350	\$365,100

Sub-division No. 62.

REFORM SCHOOL, MANDAN, NORTH DAKOTA.

Maintenance:		
a. Instruction, supervision and guard.....	\$21,000	\$ 42,000
b. Operating, physical plant O. Inc., farm and garden mtce.—light, fuel, sup. for Janitor and engineroom.....	12,000	24,000
c. Clothing—Inc. shoes	2,000	4,000
d. Provisions, inc. kitchen and household supplies, meat, groceries, kitchen utensils, soaps, etc.	7,800	15,600
e. Transportation, officers and inmates.....	1,500	3,000
f. Inmates welfare, including dentistry, surgery, hospital, athletic goods, motion pictures, inmates wages, religious services, etc.	5,000	10,000
Improvements and repairs:		
Irrigation plant	1,500	1,500
Little boys' building	1,500	3,000

Improvements of grounds, walks to G. B. and about institution	700	1,400
Repairs to Administration building.....	500	1,000
New buildings:		
Granary	800	800
Equipment:		
Farm machinery	250	500
New furniture and furnishings G. H.....	250	500
New furniture "C" cottage.....	200	400
Carpenter shop	300	300
Books and library equipment.....	250	500
Miscellaneous:		
Insurance	1,500	3,000
Purchase of land—two payments on con- tract and interest	4,000	8,000
Traveling expense	125	250
	\$61,175	\$119,750

The appropriation of \$110,000 made by Chapter 14 of the Special Session Laws of the 16th Legislative Assembly to provide for the building of a little boys' building, gymnasium, boiler room and equipment and water supply and sewage is hereby continued until July 1st, 1923.

Sub-division No. 63.

To be appropriated from the Game and Fish Fund.

GAME AND FISH.

Salary, secretary and wardens.....	\$14,000	\$28,000
Salary, fish commissioner and deputy.....	3,000	6,000
Per diem for president and vice president.....	600	1,200
Clerkhire:		
2 clerks at \$900 each or \$75 per month....	1,800	3,600
1 clerk at \$1,380 or \$115 per month.....	1,000	2,000
Postage	200	400
Office supplies	150	300
Printing	3,000	6,000
Miscellaneous	1,000	2,000
Traveling expense, secretary, wardens and vice president and president.....	12,400	24,800
Fish commissioner	800	1,600
Deputy fish commissioner	800	1,600
Items not included above:		
Propagation of game, eggs, building, hatch- eries, etc.	5,000	10,000
Rewards	1,500	3,000

Office rent	1,000	2,000
Maintenance of game fowls.....	1,600	3,200
Maintenance of fish hatchery, eggs, etc.....	750	1,500
	\$48,600	\$97,200

Sub-division No. 64.

To be appropriated from the State Highway Fund.

DEPARTMENT OF MOTOR VEHICLE REGISTRATION.

Salary, registrar	\$ 2,000	\$ 4,000
Clerks	13,500	27,000
Postage	10,000	20,000
Office supplies	300	600
Furniture and fixtures	600	1,200
Printing	2,500	5,000
Miscellaneous	350	700
Items not included above:		
Refunds	300	600
Tags	21,000	42,000
Contingent	100	200
Workmen's Compensation	100	200
Bonds	25	50
	\$50,775	\$101,550

Subdivision No. 65.

To be appropriated from the State Highway Fund.

DEPARTMENT OF STATE HIGHWAY COMMISSION.

State Highway Commission	\$50,000	\$100,000
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Sub-division No. 67.

NORTH DAKOTA FIREMEN'S ASSOCIATION.

In compliance with Sections 1839, 1840 and 1841, C. L. 1913.....	\$1,500	\$3,000
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Sub-division No. 68.

NORTH DAKOTA FIREMEN'S ASSOCIATION.

In compliance with Sections 3393 to 3398 C. L. 1913, Insurance Tax to Fire De- partments	\$45,000	\$90,000
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Sub-division No. 69.

GLANDERS AND DOURINE HORSE FUND.

Glanders and Dourine Horse Fund, Senate
Bill No. 105, Session Laws 1919. Appro-

priation for indemnifying owners for animals destroyed on account of being infected with glanders or dourine.....	\$10,000	\$20,000
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Sub-division No. 70.

BOVINE TUBERCULOSIS FUND.

Bovine Tuberculosis Fund, Senate Bill No. 102, Session Laws 1919, appropriation for the purpose of indemnifying for animals infected with bovine tuberculosis as provided in Section 2679 to 2710, inclusive, of the Compiled Laws of North Dakota for the year 1913, and amendments thereto.....	\$25,000	\$50,000
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Sub-division No. 71.

STATE PARKS.

Parks	\$750	\$1,500
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The State may appropriate as much money as the local park board for the maintenance of a park but in no instance the appropriation to be more than \$150.00 per annum for any one park.

Sub-division No. 72.

NORTH DAKOTA BUDGET BOARD.

Per Diem and other expenses of every kind incurred by the North Dakota Budget Board under the provisions of Chap. 61, S. L. 1915	\$1,000	\$2,000
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Sub-division No. 73.

THE FLORENCE CRITTENDEN HOME, FARGO, N. D.

Appropriation in accordance with Chapter 24, Session Laws 1919.....	\$5,000	\$10,000
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Sub-division No. 74.

CARE OF INSANE PATIENTS—STATE AT LARGE.

Emergency Appropriation to cover period up to June 30, 1921.....	\$16,866.62	\$16,866.62
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Sub-division No. 75.

CARE OF INSANE PATIENTS AT LARGE.

Care of Insane Patients at large.....	\$44,000	\$88,000
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Sub-division No. 76.

WOLF BOUNTY.

State bounty for wolves and coyotes.....	\$20,000	\$40,000
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Sub-division No. 77.

PRESIDENTIAL ELECTORS.

Expense Presidential Electors.....	\$300	\$300
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Sub-division No. 78.

APPRAISERS OF INHERITANCES, ETC.

Expense of appraisers of inheritance devises, bequests, legacies and gifts, as provided by Section 8991 C. L. 1913.....		\$50
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Sub-division No. 79.

ACTION TO RELEASE INSANE PERSONS.

Actions to Release Insane Persons as provided by Section 2562, C. L. 1913.....	\$150	\$300
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Sub-division No. 80.

BURIAL OF INMATES OF THE PENITENTIARY AND
REFORM SCHOOL.

Burial of Inmates of the Penitentiary and Re- form School, as provided by Section 11302, C. L. 1913.....	\$150	\$300
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Sub-division No. 81.

BURIAL OF HONORABLY DISCHARGED SOLDIERS,
SAILORS AND MARINES.

Burial of honorable discharged soldiers, sailors and marines as provided by Sections 3181-3185, C. L. 1913.....	\$150	\$300
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Sub-division No. 82.

ARREST AND RETURN OF FUGITIVES FROM JUSTICE.

For the arrest and return of fugitives from justice as provided by Section 11162 C. L. 1913	\$2,000	\$4,000
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Sub-division No. 83.

DELEGATES TO NATIONAL NOMINATIVE
CONVENTION (Deficit).

Deficit in expenses of delegates to national nominative conventions as provided by Sec- tion 916 C. L. 1913.....	\$1,380.82
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Sub-division No. 85.

NORTH DAKOTA FAIR ASSOCIATION.

North Dakota Fair association for fairs as provided by Sections 1847 to 1859 C. L. 1913.	
North Dakota State fair at Grand Forks, N. Dak., in 1921.....	\$10,000
North Dakota State fair at Fargo, N. Dak., in 1922	10,000
	<hr/>
	\$20,000

Sub-division No. 87.

MISSOURI SLOPE AGRICULTURE AND FAIR ASSOCIA-
TION, MANDAN, N. DAK.

Missouri Slope Agriculture and Fair associa- tion at Mandan, N. D., as provided by Sections 1860 to 1866 C. L. 1913.	
For the 1922 fair.....	\$ 5,000
For the 1923 fair.....	5,000
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	\$10,000

Sub-division No. 88.

FARMERS' INSTITUTE.

Appropriation	\$9,000	\$18,000
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Sub-division No. 89.

DEPOSITORS GUARANTY FUND COMMISSION

Salary, three commissioners at \$5 per day.....	\$ 600	\$ 1,200
Clerkhire:		
Treasurer	500	1,000
Clerk	1,800	3,600
Supervisor	2,200	4,400
Postage	750	1,500
Office Supplies	150	300

APPROPRIATIONS

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Furniture and Fixtures.....	200	400
Printing	300	600
Miscellaneous:		
Telegraph	75	150
Telephone	50	100
Express, etc.	25	50
Traveling Expense:		
Commissioners	900	1,800
Supervisor	1,650	3,300
Items not included above:		
Bonds of commissioners.....	150	300
Secretary-treasurer	62.50	125
	\$9,412.50	\$18,825

Sub-division No. 90.

ADJUTANT GENERAL, SOLDIERS' COMPENSATION DEPARTMENT.

Clerkhire:		
Chief clerk	\$2,500	\$ 5,000
Three stenographers and clerks.....	3,600	7,200
Postage	500	1,000
Office Supplies	300	600
Furniture and Fixtures.....	250	500
Printing	250	500
Miscellaneous	100	200
	\$7,500	\$15,000

Sub-division No. 91.

STATE COAL MINE INSPECTOR.

Salary	\$2,500	\$ 5,000
Clerkhire	1,200	2,400
Postage	50	100
Office Supplies	50	100
Furniture and Fixtures.....	50	100
Printing	100	200
Miscellaneous	50	100
Traveling expense	1,000	2,000
	\$5,000	\$10,000

Sub-division No. 92.

MINIMUM WAGE, HEALTH AND MORALS OF WOMEN
WORKERS.

Salary:		
Secretary	\$1,200	\$ 2,400
Traveling inspector	1,200	2,400
Postage	300	600
Office Supplies	200	400
Printing	400	800
Traveling expenses, heating, rent, etc.....	1,800	3,600
	\$5,100	\$10,200

Sub-division No. 93.

VOCATIONAL EDUCATION.

Salary:		
Director	\$ 2,500	\$ 5,000
Assistant in home economics.....	2,000	4,000
Clerkhire	1,200	2,400
Postage	250	500
Office Supplies	250	500
Furniture and Fixtures.....	200	400
Printing	1,200	2,400
Miscellaneous	50	100
Traveling expense:		
Director	1,500	3,000
Assistant in home economics.....	1,200	2,400
	\$10,350	\$20,700

Any unexpended portion of the appropriation under this sub-division at the end of the biennial period shall be credited to the several vocational schools receiving Federal aid.

Sub-division No. 94.

TRACHOMA HOSPITAL, COUNTY OF LAMOURE.

Maintenance	\$1,000	\$2,000
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Sub-division No. 96.

STATE PRINTER.

Salary:		
State printer	\$2,500	\$ 5,000
Clerkhire:		
Stenographer	1,320	2,640

APPROPRIATIONS

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Extra clerkhire	150	300
Postage	100	200
Office Supplies	100	200
Furniture and Fixtures.....	50	100
Printing	250	500
Miscellaneous:		
Telegraph	50	100
Telephone	50	100
Freight and express.....	50	100
Traveling expense	75	125
	\$4,695	\$ 9,365

Sub-division No. 97.

MAINTENANCE NATIONAL GUARD.

Maintenance National Guard.....	\$60,000	\$60,000
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Sub-division No. 98.

INDUSTRIAL COMMISSION.

Salary, clerkhire, etc.	\$12,500	\$25,000
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Sub-division No. 99.

HOME BUILDING ASSOCIATION OF NORTH DAKOTA.

Salary, clerkhire, etc.....	\$7,500	\$15,000
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Sub-division No. 100.

STATE POULTRY SHOW.

Premiums for poultry	\$150	\$300
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Sub-division No. 101.

MEMBERS OR TRUSTEES OF STATE LIVE STOCK SANITARY BOARD.

For per diem and expenses of members attending meetings of State Live Stock Sanitary Board	\$600	\$1,200
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Sub-division No. 102.

MILITIA GROUNDS.

Militia Grounds, as provided by Chapter 35, S. L. 1915.....	\$500	\$1,000
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Sub-division No. 103.

WAR HISTORY COMMISSION.

Clerkhire	\$ 400	\$ 800
Postage	480	960
Office Supplies	150	300
Furniture and Fixtures.....	50	100
Printing	566	1,120
Miscellaneous	150	300
Traveling expense	500	1,000
Membership in national organization for ex- change of publications, collection of war material, etc.	150	300
	\$2,440	\$4,880

Sub-division No. 104.

NORTH DAKOTA LIVE STOCK ASSOCIATION.

Section 2786, Code N. D. 1913.....	\$500	\$1,000
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Sub-division No. 105.

DAIRYMAN'S ASSOCIATION.

Dairymens' Association	\$500	\$1,000
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Sub-division No. 106.

STATE CONTINGENCY FUND.

State contingent fund.....	\$25,000	\$50,000
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Sub-division No. 107.

RAILROAD COMMISSIONERS DEFICIT.

Salary for three commissioners at \$1,000 per year from January 1, 1921, to July 1, 1921, on account of raise in salary from \$2,000 to \$3,000 per year.....	\$1,500	\$1,500
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Sub-division No. 108.

CAPITOL MAINTENANCE DEFICIT.

Coal	\$ 4,000	\$ 4,000
Salaries and wages.....	1,300	1,300
Repairs and upkeep.....	3,000	3,000
Rent of outside state offices.....	3,600	3,600
	\$11,900	\$11,900

Sub-division No. 110.		
Emergency.		
AGRICULTURAL COLLEGE, DEFICIT.		
Maintenance	\$90,000	\$90,000
Sub-division No. 111.		
Emergency.		
UNIVERSITY, DEFICIT.		
Maintenance	\$76,610	\$76,610
Sub-division No. 112.		
Emergency.		
PUBLIC HEALTH, DEFICIT.		
Maintenance	\$2,680	\$2,680
Sub-division No. 113.		
Emergency.		
NORTH DAKOTA TUBERCULOSIS SANATORIUM, DEFICIT.		
Maintenance	\$20,000	\$20,000
Sub-division No. 114.		
Emergency.		
FEEBLE MINDED INSTITUTION, DEFICIT.		
Maintenance	\$25,000	\$25,000
Sub-division No. 115.		
Emergency.		
SUPERINTENDENT OF PUBLIC INSTRUCTION, DEFICIT.		
For printing	\$3,000	\$ 3,000
For traveling expenses of the superintendent of public instruction.....	500	500
For miscellaneous matters.....	250	250
	\$3,750	\$ 3,750
Sub-division No. 116.		
Emergency.		
TAX COMMISSIONER'S DEFICIT.		
Printing	\$1,000	\$ 1,000

Postage	500	500
Clerkhire	1,500	1,500
	\$3,000	\$ 3,000

Sub-division No. 117.

Emergency

STATE AUDITOR DEFICIT.

Clerkhire:

Chief audit clerk.....	\$ 100	\$ 100
Bookkeeper	150	150
Warrant writer	300	300
Filing clerk	600	600
Field clerk and extra work.....	600	600
Office Supplies		50
Furniture and Fixtures.....		300
Printing, inc. depts, and counties.....		300
Miscellaneous		25
Traveling Expenses		100
Items not included above:		
Premium Workmen's Compensation.....		35
Premium, state bonding fund.....		50
	\$1,750	\$2,610

Sub-division No. 118.

Emergency.

SUPREME COURT DEFICIT.

Printing	\$100	\$100
Office Supplies	100	100
Emergency	75	75
	\$275	\$275

Sub-division No. 119.

Emergency.

STATE TREASURER, DEFICIT.

One bookkeeper for six months, Jan. 1, 1921 to July 1, 1921, at \$150.....	\$900	\$900
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§ 3. INTENT, REPEAL, PURPOSE, AND CONSTRUCTION.] Sections 1416, 1418, and 1419 of the Compiled Laws of 1913, as amended by Chapter 34 of the Session Laws of 1915, are hereby repealed, and all acts and parts of acts that may be in conflict herewith, for the periods of the time herein specified, and if for any reason or cause any specific appropriation for any item or set of items should be held by the court or

courts to be unconstitutional or illegal or otherwise unavailable for any cause, such holding shall not affect or be construed to apply to the remaining items or appropriation herein or purposes provided for herein.

§ 4. EMERGENCY.] This act is necessary to the immediate preservation of the public peace, health and safety. The reason for this is that it contains the general appropriation and provides the means of continuing and maintaining the state government and to enable 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 be suspended. This act will therefore in its entirety go into instant operation upon its approval by the governor.

Approved March 19, 1921.

Except as to item enumerated on attached sheets.

CHAPTER 8.

(S. B. No. 54—Ingerson.)

HAIL INSURANCE.

AN ACT to Transfer Money from the Hail Insurance Fund to take care of Deficit in the Maintenance Account of the Hail Insurance Department for the year beginning January 1st, 1920, and ending December 31st, 1920. *Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. TRANSFER PROVIDED: There is, hereby, transferred the sum of \$10,000.00 or as much thereof as is needed, out of any moneys in the Hail Insurance Fund for the purpose of taking care of the deficit incurred in the Maintenance Account of the Hail Insurance Department for the year beginning January 1st and ending December 31st, 1920.

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

Approved March 9, 1921.

CHAPTER 9.

(H. B. No. 60—Bratsberg)

HETTINGER EXPERIMENTAL STATION.

AN ACT Appropriating Three Thousand Five Hundred (\$3,500.00) Dollars for the purpose of erecting a suitable Barn at the Experimental Station, Situated at Hettinger, Adams County, North Dakota.

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

§ 1. APPROPRIATION: There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Three Thousand Five Hundred (\$3,500.00) Dollars, or so much thereof as may be necessary for the erection of a Dairy Barn at the Experimental Station at Hettinger, Adams County, North Dakota.

Approved March 18, 1921.

CHAPTER 10.

(S. B. No. 131--Benson.)

IMMIGRATION.

AN ACT Entitled An Act for the Purpose of continuing the Work of Immigration as Provided for in Chapter 146 of the Session Laws of 1919 During the Biennial Period Beginning July 1, 1921, and Ending June 30, 1923, by making an Appropriation therefor.

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

§ 1. CONTINUING THE OFFICE OF COMMISSIONER OF IMMIGRATION. For the purpose of continuing the work of immigration as provided for in Chapter 146, of the Session Laws of 1919, during the biennial period beginning July 1, 1921, and ending June 30, 1923, it is necessary to comply with said Chapter in order to carry out the will of the people, as expressed at the referendum election held June 26th, 1919.

§ " APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum Thirty-five Thousand (\$35,000) Dollars, or so much thereof as may be needed to carry out the provisions of this Act.

Approved March 9, 1921.

CHAPTER 11.

(S. B. NO. 197--Bowman.)

LEPROSY.

An Act Making An Appropriation for the Care and Maintenance of Persons affected with Leprosy and for the education and care of any minor children who have been exposed to leprosy.

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

§ 1. APPROPRIATION.] There is hereby appropriated to the State Board of Health the sum of Four Thousand Five Hundred Dollars. (\$4,500.00) or so much thereof as may be necessary to defray the expenses for the support and maintenance of persons affected with leprosy, and providing for the care and education of the minor children of such persons under the age of twenty-one years, out of any money in the State Treasury not otherwise appropriated.

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

Approved March 9, 1921.

CHAPTER 12.

(H. B. No. 75—Flom.)

LANGDON SUB-STATION.

An Act to appropriate money for the purpose of constructing a beef cattle barn at the Langdon Sub-station.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys of the State Treasury not otherwise appropriated, the sum of Three Thousand Five Hundred (\$3,500.00) Dollars, for the construction of a beef cattle barn at the North Dakota Agricultural College Sub-Station at Langdon.

§ 2. EMERGENCY.] Whereas, an emergency exists; therefore this Act to be in force and effect from and after its passage and approval.

Approved March 18, 1921.

CHAPTER 13.

(S. B. NO. 51—Leiderbach.)

LIBERTY MEMORIAL BUILDING.

An Act to appropriate \$100,000 out of any moneys in the interest and income of the Capitol Building Fund to complete the Liberty Memorial Building, to build a tunnel to connect it with the Power House, laying water mains and sewers, for the improvement of the grounds and establishment of the Park.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the interest and income of the Capitol Building Fund the sum of \$100,000 or so much thereof as may be necessary for the purpose of completing the Liberty Memorial Building, building a tunnel to connect it with the power house, laying water mains and sewers, and for improving the grounds and establishing the Park.

Approved March 9, 1921.

CHAPTER 14.

(S. B. NO. 67—Mees.)

MISSOURI SLOPE AND AGRICULTURAL AND FAIR
ASSOCIATION.

An Act to appropriate Twenty-five Hundred Dollars to the Missouri Slope Agricultural and Fair Association at Mandan for the fairs to be held in the year 1921.

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

§ 1. There is hereby appropriated out of any funds in the state

treasury not otherwise appropriated the sum of twenty-five Hundred (\$2,500.00) Dollars, for the Missouri Slope Agricultural and Fair Association at Mandan.

Approved March 18, 1921.

CHAPTER 15.

(S. B. NO. 17—Byrne.)

TUBERCULOSIS ASSOCIATION.

An Act to appropriate \$10,000.00 to aid in the Educational Work being carried on by the North Dakota Tuberculosis Association, and the prevention of the spread of tuberculosis more definitely prescribed in Chapter 7 of the Session Laws of North Dakota for the year 1915, for the salary and traveling expenses of field workers and nurses.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any not appropriated funds in the State Treasury, the sum of \$10,000.00 or so much thereof as may be necessary, to aid in the educational work now being carried on by the Tuberculosis Association and to aid in the prevention of the spread of Tuberculosis as prescribed by Chapter 7 of the Session Laws of North Dakota for 1915, such work to be done in connection with the Tuberculosis Association for salary and traveling expenses and this appropriation is made available to that association for that purpose for the biennial period from June 30, 1921, to July 1, 1923, as follows:

1. Salary of nurse and assistants.....	\$3,500.00	\$ 7,000.00
2. Traveling expenses	1,500.00	3,000.00
		<hr/>
		\$10,000.00

Approved March 9, 1921.

CHAPTER 16.

(S. B. NO. 201—Byrne.)

WATER TAX.

An Act Making an Appropriation to Pay the Irrigation or Water Tax on State school lands, included within the Williston Irrigation District.

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 sums of \$80.50 and

\$103.50, aggregating the sum of \$184.00, or so much thereof as may be necessary to pay the irrigation or water tax on the East one-half of the Southeast Quarter of Section 36, Township 155, North of Range 101, West of the Fifth P. M., Williams County, North Dakota, for the years 1921 and 1922, respectively.

Approved March 9, 1921.

ARTESIAN WATERS

CHAPTER 17.

(H. B. No. 41—Shimmin.)

ARTESIAN WATERS.

An Act Providing for the preservation and control of the Artesian Waters of the state.

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

§ 1. Every person, stock company, association or corporation owning or controlling the real estate upon which is located an artesian, or flowing well, shall, within sixty days after the passage of this act, provide for each such well a valve, or valves, capable of controlling the discharge from such well and shall keep said valve, or valves, so adjusted that only such supply of water shall escape as is necessary for ordinary use by the owner of or the person in control of, said land in conducting his business, provided, however, that in the winter such flow may be permitted as will prevent freezing of the well, and in those cases where it is necessary a sufficient flow may be allowed to prevent clogging of the well.

§ 2. Every person, stock company, association or corporation which shall drill an artesian, or flowing well, shall drill a small smooth hole thru the cap-rock to closely fit the pipe, and shall use every possible means to seal around the main pipe in such a manner that no water can escape from the flow. No dynamite or other explosives shall be used in penetrating the water covering payer (cap-rock.) This does not apply to boulders of granite or other obstacles in non-water bearing horizons. Where the top part of the water-bearing layers of any given flow are soft and crumbling, yielding muddy or sandy flow, the driller may not end the well at this level; but must test the layers by boring on down a reasonable distance, from 5 to 25 feet at least, and more if the owner of the land require, to locate a terminus in a firm sandrock which will stand firm, preventing dirty flow and permit regulation of the flow. Once the firm stratum is located the driller shall attach in

it at the end of the well pipe, a strainer of non-corrosive material, with numerous small perforations to insure clear pure water and non-clogging. If the owner request, the driller must place a valve below frost level with a handle reaching to the surface so that well may be entirely shut off at will. He shall extend the outside or surface casing to, and fit same solidly into, the shale or hard clay formation a sufficient distance to entirely prevent a flow around the casing. He shall seal between casing and pipe.

§ 3. In cases of new wells in any soft formation where clay, sand or any sediment is liable to cause clogging, the valve may be left open until the well has sufficiently cleared. It shall then be finally adjusted, to normal condition. This act shall apply to all "wild" wells, or wells out of control due to rusted pipes, improper construction, etc., however, if it be determined that such well can not be repaired, no valve shall be attached, but every effort shall be made by the owner to seal, plug or cut off same, when in the estimation of the State Geologist it will cause no loss other than reasonable amount of repair cost. Old wells which might be damaged by so doing may not be shut off, but such wells must be put in repair at the earliest possible date and be regulated thereafter.

§ 4. The owner or person in control of an artesian, or flowing, well, who shall allow the same to flow without a valve or sufficient contrivance for checking the flow, as required by law, or without proper repair of pipes, valves, etc., or who shall interfere with the same when properly adjusted by the proper authority, or shall permit the water to waste unnecessary, or shall interfere with any officer duly authorized to inspect the same or measure its flow or pressure, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine not less than five dollars and not to exceed fifty (\$50.00) dollars, at the discretion of the court. The provisions of this section shall also apply to the officer or board in charge of wells belonging to the state, or any county, township or municipality.

§ 5. The county and township assessors shall list all artesian, or flowing wells, in their respective districts each year at time of making the assessment, giving the quarter section on which each is situated, the owner, with his address, also as far as possible, the diameter, depth to the main flow, and size of flow. This data is to be forwarded by the county auditor to the state geologist or his deputy. Hereafter in case of new flowing wells, the driller shall also file with the state geologist or deputy all of the foregoing data, and any other valuable data, as to the formation. This shall be done within two weeks after the completion of the well.

§ 6. The state geologist or his deputy shall have the general oversight and supervision of the waters of the state, and shall advise the citizens of the state as to the practicability of measures affecting the underground waters of the state. It shall be his duty to counsel

and consult with the owner and assist him to work out the most desirable control and use of his well. He shall select at least three representative flowing wells in each county having that number, and as many more as he may deem advisable, and he shall cause the record of their flows and pressures to be taken from time to time, to learn as much as possible of the decline, fluctuations and permanence of the artesian supply, and also plan and conduct such other investigations as he may find advisable to ascertain the best method of prolonging the utility of the same. He shall keep a record of the location, size, depth, flow, size of flow, character of water, construction and history of all artesian wells of the state, and keep it on file for public reference. He shall secure the enforcement of all laws pertaining to artesian and phreatic waters of the state. He shall publish from time to time, as he may deem advantageous, bulletins containing information concerning the artesian wells and phreatic waters of the state. The state geologist and state engineer and the county superintendent of schools where such well is located, as the majority shall determine, shall make such additional reasonable rules and regulations, and they shall each receive \$10.00 per day and actual traveling expenses.

§ 8. Enforcement of this act shall be in the charge of the state geologist or his deputy, who shall be a specialist, skilled in the control of flow and pressure, and of methods of construction of artesian wells. There shall be appropriated from state funds not otherwise appropriated the sum of \$2,500.00 biennially for the purpose of carrying out this Act. An appeal from the geologist's ruling may be had, if made within five days to a board of arbitration consisting of the state engineer, assistant state geologist who shall review the matter and render final orders.

§ 9. The deputy who shall be appointed by the State Geologist may be removed for cause, and whose salary shall be \$10.00 for each day and actual traveling expenses.

§ 10. EMERGENCY.] Whereas, an emergency exists this act shall be in full force and effect after its passage and approval.

Approved March 10, 1921.

ASSIGNMENTS

CHAPTER 18.

(S. B. NO. 60—Kendall.)

ASSIGNMENT FOR BENEFIT OF CREDITORS.

An Act to Regulate Assignments for Benefit of Creditors, and Provide for the carrying out of the same under Court Supervision.

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

§ 1. When any person, partnership or corporation in this state shall make an assignment for the benefit of creditors, or a trust deed, of the whole or any substantial part of his property, the same shall be administered under the supervision of the district court.

§ 2. The making of such an assignment shall be cause for the appointment of a receiver of the property of the assignor, and the public administrator of the county wherein the greater part of the assets of such assignor shall be situated shall, either on his own petition or on the petition of any creditor of the assignor, be appointed receiver of the property of such assignor, and shall proceed to administer and distribute the same in the place and instead of the assignee named in such assignment, and as nearly as may be in accordance with the terms and provisions of such assignment, under the supervision of the district court.

§ 3. When the property of the assignor is situated in different counties, the public administrator of any county wherein a portion of such property is situated, first, petitioning, shall be entitled to be appointed receiver as aforesaid; but the court shall thereafter, on the petition of any creditor or public administrator, and on the facts being shown to its satisfaction, vacate the said appointment, and appoint as receiver the public administrator of the county wherein the greater part of the assignor's property is situated.

§ 4. In case of failure of any creditor or public administrator to apply for the appointment of a receiver as above provided, the estate may be administered by the assignee appointed in the assignment, but shall be administered and distributed under the supervision of the district court.

§ 5. No property of such estate shall be sold except subject to the confirmation of the district court, on petition of the receiver or assignee, and on such notice as the court may fix. The fees and expenses of all officers and employes shall be under the control of the court, and shall not be paid by the receiver or assignee until approved by the court. Any transfer of any property by any assignee or trustee or receiver shall

be void unless the same shall have been approved by the judge of the district court before whom such matter should be pending.

§ 6. The district court of any county where any property of the assignor may be situated shall have jurisdiction to entertain proceedings in accordance with the provisions of this act; but may, and on the facts being shown to its satisfaction shall, transfer such proceedings to the district court of the county wherein the greater part of the assignor's property is situated.

Approved March 10, 1921.

ATTORNEYS

CHAPTER 19.

(S. B. No. 1.—McNair and Baird.)

DISBARMENT.

An Act to Amend and re-enact Section 800 of the Compiled Laws of the State of North Dakota for the year 1913 as Amended by Chapter 70 Session Laws 1919, Relating to the Revocation or Suspension of an Attorney's Right to Practice.

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

§ 1. AMENDMENT.] That Section 800 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 70 of the Session Laws for 1919 is hereby amended and re-enacted to read as follows:

§ 800. CAUSES FOR REVOCATION OR SUSPENSION.] The certificate of admission to the bar of an attorney and counsellor at law may be revoked or suspended for either of the following causes:

1. When he has committed felony or misdemeanor involving moral turpitude.

2. When he is guilty of wilful disobedience or violation of an order of the court, requiring him to do or forbear an act connected with or in the course of the profession.

3. For a wilful violation of any of the duties of an attorney or counsellor as hereinbefore prescribed.

4. For doing any other act to which such a consequence is by law attached or by conviction of any of the offenses mentioned in Section 9417, 9426 and 9427.

5. When he has, while Attorney General of the State of North Dakota, Assistant Attorney General or an employe in the office of the

Attorney General, engaged in the private practice of law or rendered any legal services for pay, profit and remuneration to any person, other than the duties imposed upon him by virtue of his office; provided, however, that an Assistant Attorney General may finish any case, proceeding, or legal business in which he was engaged at the time of his appointment.

6. When he has, while State's Attorney for any County in this State, or Assistant State's Attorney, or employe in the office of the State's Attorney, appeared as Attorney for the defendant or defense, in any criminal action in his county in which it is his duty to prosecute, or appeared for the defense in any criminal action in any county in which action it is his duty to prosecute.

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

Approved February 15, 1921.

BAILIFFS

CHAPTER 20.

(S. B. No. 96.—Rusch.)

COMPENSATION.

An Act to amend and re-enact Section 3550 of the Compiled Laws of the State of North Dakota of 1913, relating to the appointment of District Court Bailiffs and compensation thereof.

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

§ 1. AMENDMENT.] Section 3550 of the Compiled Laws of North Dakota of 1913, relating to the appointment of District Court Bailiffs and compensation thereof, is hereby amended and re-enacted to read as follows:

§ 3550. BAILIFF:—COMPENSATION OF.] It shall be the duty of the District Court at each term thereof to appoint a sufficient number of competent bailiffs to wait on the Jury and court during the term, who shall be allowed for their services \$3.00 per day, to be paid by the county.

Whereas, an emergency exists in that the compensation of District Court Bailiffs, as now fixed by law, is still inadequate and by reason thereof our courts are now unable to secure suitable persons to perform the duties of such office, therefore this Act shall take effect from and after its passage and approval.

Approved March 2, 1921.

BANKS AND BANKING

CHAPTER 21.

(H. B. No. 151.—Committee on Banking.)

DEPOSITOR'S GUARANTY FUND COMMISSION.

An Act to Amend and Re-enact Section 1 of Chapter 126 of the Laws of North Dakota for the year 1917 as Amended and Re-enacted by Chapter 110 of the Laws of North Dakota for 1919 relative to the Guarantee of Bank Deposits.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 126 of the Laws of North Dakota for the year 1917 as amended by Chapter 110 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

. Paragraph 1. DEPOSITOR'S GUARANTY FUND COMMISSION. ESTABLISHED. COMPENSATION. EXPENSE.] There is hereby established a Depositors Guaranty Fund Commission of the State of North Dakota to be composed of five (5) members, viz: The governor of the State of North Dakota, the State Examiner and three members to be appointed by the Governor of the State. All succeeding appointments to membership of said commission, whether to fill a vacancy or otherwise, shall be made by the Governor of the State of North Dakota from a list of nine men furnished by the banks directly affected by the provisions of this act. All members of this commissions shall be residents of the State of North Dakota and all members except the Governor and the State Examiner shall have had at least five years' experience in the management of some bank or banks located within the State of North Dakota.

One of such members shall be appointed for a term of one year, one for a term of two years and one for a period of three years, and each succeeding appointment except to fill a vacancy caused by death, resignation or removal of a member shall be for a period of three years. The Governor shall be the Chairman of said board and the Attorney General shall be ex-officio the attorney for the board and the State Examiner shall be its secretary. The Commission at its first meeting shall select one of its members as treasurer. The members of the Commission other than the Governor and the State Examiner shall receive for their services five (\$5.00) dollars per day for the time actually served and their actual expenses incurred in the performance

of their duties, the same to be paid out of the general fund of the state. Said commission shall have the supervision and control of the Depositors' Guaranty Fund and shall have the power to adopt all necessary rules and regulations, not inconsistent with law, for the management and administration of said fund.

Approved March 9, 1921.

CHAPTER 22.

(H. B. No. 147.—Committee on Banking.)

EXAMINATION FEES.

An Act to Amend and Re-enact Section 5179 of the Compiled Laws for 1913 as amended and re-enacted by Chapter 55 of the Session Laws of 1915 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 as amended by Chapter 55 of the Session Laws of 1915 is hereby amended and re-enacted 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 fee, to-wit: A fee 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, exclusive of expenses, interest and taxes paid; provided that the fee hereunder shall be not less than fifteen dollars and not more than two hundred dollars.

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 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 9, 1921.

CHAPTER 23.

(H. B. No. 149.—Committee on Banking.)

INSOLVENT BANKS.

An Act Providing for the Supervision of Liquidation of Insolvent Banks by the Depositors' Guaranty Fund Commission, the Appointment of a Supervisor of Receivers and Compensation and Expenses thereof to be paid out of the Depositors' Guaranty Fund.

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

§ 1. SUPERVISION OF LIQUIDATION OF INSOLVENT BANKS BY DEPOSITORS' GUARANTY FUND COMMISSION.] The Depositors' Guaranty Fund Commission shall supervise the liquidation of insolvent banks and whenever in its judgment the proper supervision thereof so requires, it may appoint and at pleasure remove a supervisor of receivers who shall perform such duties in the supervision of receivers of insolvent banking associations as the commission may direct and shall receive such compensation and allowance for expenses as the commission may prescribe, the same to be paid from the Depositors' Guaranty Fund in the same manner as other expenses of the commission are paid.

§ 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, 1921.

CHAPTER 24.

(H. B. No. 148.—Committee on Banking.)

BANK ROBBERY.

An Act for an Act Making it a Felony for Any Person to Enter any Room Wherein a General Banking Business is Carried on, in Which There is at the Time a Human Being, with Intent to Commit a Felony by Means of Threats, Force or Violence, and Prescribing the Punishment Therefor.

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

§ 1. IMPRISONMENT FOR ENTRY INTO BANKING ROOM WITH INTENT TO COMMIT A ROBBERY.] Every person who with intent to commit a robbery therein, shall enter in the day time, any room wherein a general banking business is carried on, in which room, there shall be at the time a human being, shall be guilty of a felony and punished by imprisonment in the State Penitentiary for a term of not more than thirty years.

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

Approved March 9, 1921.

BAR ASSOCIATION

CHAPTER 25.

(S. B. No. 145.—Fraser, by Request.)

BAR ASSOCIATION.

An Act to Create, Define and Establish the Bar Association of the State of North Dakota, and Providing for the Publication of its Proceedings, and Filing Copies thereof with the State Bar Board and State Libraries and as otherwise Provided and making an Appropriation for the Expenses Connected therewith.

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

§ 1. That an association known as the Bar Association of the State of North Dakota shall be, and hereby is created, and that the members thereof shall consist of all practicing attorneys who have paid their annual dues to and received their license from the Clerk of the State Bar Board as provided in Chapter 69 of the Session Laws of 1919, and all other attorneys who have been duly admitted to practice by the Supreme Court of the State of North Dakota, and by said law exempted from the provisions of said Chapter 69 of the Session Laws of 1919. Such members shall be entitled to all the rights and privileges of said association, and to vote, and participate in its meetings.

§ 2. That said Bar Association of the State of North Dakota shall adopt such constitution, by-laws and rules for its government as may be determined at its regular meetings and shall receive annually out of the State Bar Fund a sum of money not to exceed \$3.00 per member, for the purpose of paying for the printing and distribution of its annual report and proceedings and for such other expenses in connection with such meetings.

§ 3. That such sum of money or any part thereof, shall be paid only upon vouchers drawn by the President and Secretary of the Bar Association duly submitted as required by law showing the expenses of making, printing and distributing the reports of its annual and special meetings and expenses of the association in connection therewith.

§ 4. That until the meeting of said association and the adoption of a constitution, by-laws and rules of order for its government, the present officers, constitution, by-laws and rules of order for the government of the volutary association now existing and known as the Bar Association of the State of North Dakota, shall be, and hereby is,

adopted as the officers, constitution, by-laws and rules of order for the government of this association; and the present officers shall hold their offices as therein provided.

§ 5. This Act shall not create any liability on the part of the State excepting the payment as hereinbefore provided out of the State Bar Fund hereinbefore referred to.

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

Approved March 11, 1921.

BONDS

CHAPTER 26.

(S. B. No. 104.—Miklethun.)

REGISTRATION OF BONDS.

An Act to Repeal Section 153 Compiled Laws of North Dakota for 1913 Relating to Fees for the Registration of Bonds.

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

§ 1. That Section 153 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby repealed.

Approved March 2, 1921.

BRANDS

CHAPTER 27.

(H. B. No. 7.—Bauer.)

BRAND INSPECTORS.

An Act Providing for the Appointment of County Brand Inspectors; defining the duties of railways in the shipment of certain stock; Penalty.

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

§ 1. The County Commissioners of each county in the State may, in their discretion and for such period of time in each year as they may see fit, appoint some competent person or persons to inspect all horses, cattle or mules shipped out of each county, such persons so appointed to be known as County Brand Inspectors.

§ 2. Such person or persons so appointed as County Brand Inspectors, shall, upon appointment, qualify by filing with the County Auditor the oath of office provided by law for other county officers.

§ 3. The County Auditor of each County in which County Brand Inspectors are appointed, shall, as soon as such inspectors have qualified, notify all local agents or all railway or railroad companies operating in or through such county of the names and post office addresses of such inspectors.

§ 4. Such County Brand Inspectors, upon notice of any consignor, shall immediately, prior to the loading of any shipment of horses, cattle or mules, at the stockyards or loading platform from which such shipment is to be made, inspect the brand or other identifying marks upon each and every head of horses, cattle or mules about to be shipped.

§ 5. Upon making of such inspection of any shipment of horses, cattle or mules, as aforesaid, such inspector shall forthwith issue to such consignor a certificate showing such inspection, and shall immediately file with the sheriff of such county a report of such inspection, showing the consignor, consignee, the number and kind of such horses, cattle and mules, together with the brands or other identifying marks upon such horses, cattle or mules, and in case such animals bear no brands or particular identifying marks, as full a description of each animal as possible.

§ 6. Each County Brand Inspector, so appointed, as provided herein shall receive from the consignor requesting such inspection, the

sum of fifteen cents per animal; provided that in no case shall such compensation be or exceed the total sum of fifteen dollars for each separate shipment or consignment by each individual shipper or consignor or less than Two Dollars from one consignor.

§ 7. It shall be unlawful for any railroad or railway company operating in or through any county in the state of North Dakota in which such Brand Inspectors have been appointed, to accept for shipment from any point within the county, any horses, cattle or mules, until a certificate of inspection signed by a County Brand Inspector is filed with such company or its agent, by the consignor.

§ 8. In all civil actions involving the title to or possession of any horses, cattle or mules shipped out of the county, a certified copy of the County Brand Inspector's Report shall be received in all courts of this state as prima facie evidence of the facts therein recited.

§ 9. Any violation of any of the sections of this act is hereby made a misdemeanor and any one violating any of the provisions of said act, shall upon conviction thereof, be subject to a fine of not to exceed One Thousand (\$1,000.00) Dollars.

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

§ 11. EMERGENCY.] Whereas, an emergency exists this act is hereby declared to be an emergency measure and shall take effect and be in force from and immediately after its passage and approval.

Approved March 9, 1921.

CHAPTER 28.

(H. B. No. 48.—Bauer.)

BRANDS.

An Act to amend and re-enact Section 9997 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 143. of the Session Laws of 1917, Relating to Butcher's Reports of Branded Animals Killed.

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

§ 1. AMENDMENT.] That Section 9997 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted so to read as follows:

§ 9997. Report to Commissioner of Agriculture and Labor. Penalty. Any butcher in this State who shall kill, within this State any head of meat cattle upon which there is a brand, shall keep a record thereof showing from whom such animal was purchased, when and where purchased, and the place of residence of the person from whom

purchased, the sex and age of the animal to the best of his knowledge, and a description of any and all brands thereon, which record shall be open to inspection during business hours by the State's Attorney, or person authorized by him, of the county in which such butcher or person killing said cattle shall reside. It shall be the duty of every butcher killing branded cattle within this State to make a verified report to the Commissioner of Agriculture and Labor on the first day of each and every month, the facts required to be made of record by this section, upon blank forms which shall be provided for that purpose by said Commissioner and furnished to butchers upon application therefor without cost. Any person engaged in the business of killing any of the animals mentioned in this section and selling the meat thereof, either at retail or wholesale, shall be deemed a butcher. Any person who violates any of the provisions of this section is guilty of a misdemeanor.

Approved February 18, 1921.

CHILDREN'S CODE COMMISSION

CHAPTER 29.

(H. B. No. 31.—Burkhart and Starke.)

CHILDREN'S CODE COMMISSION.

An Act Creating a Children's Code Commission; fixing the membership thereof, defining its powers and duties; and making an appropriation therefor.

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

§ 1. There is hereby created and established a Children's Code Commission to consist of seven members appointed by the Governor as hereinafter provided.

§ 2. Upon taking effect of this act, and within thirty days thereafter, the following organizations, or the executive committees thereof, shall each nominate and submit to the Governor the names of members of their organization, from which nominations the Governor shall select the members of this commission. The organizations from whose membership the nominations shall be made as hereinbefore provided are State Conference of Social Work, State Federation of Women's Clubs, State Medical Association, State Bar Association and State Educational Association, State Federation of Labor and Member of the State Minimum Wage Department.

§ 3. Each member of said commission shall serve for a term of two years, and until his or her successor is appointed and qualified, from the date of the appointment. Vacancies in said commission shall be filled by the Governor upon nominations by the organization or organizations not represented upon said commission on account of such vacancy.

§ 4. It shall be the duty of said commission to study social conditions touching upon the welfare of children in the state of North Dakota, and to recommend necessary revision and codification of existing laws, and such new laws as may be found necessary. To this end said commission shall make a comprehensive and detailed report containing its findings and proposals to the next legislative assembly either regular or special and to each succeeding Legislative Assembly during the period of its existence.

§ 5. The Commission may make all necessary rules and regulations for the conduct of its meetings and for the election of the officers thereof. It shall have the power to appoint a secretary either from within or without its membership, the salary of which secretary as fixed by the commission at not to exceed two thousand dollars (\$2,000.00) per annum shall be paid from the appropriation hereinafter made.

§ 6. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to be used for the payment of the salary of the secretary of the above named commission and the necessary expenses of said commission, including traveling expenses, postage, and stationery.

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

Approved March 18, 1921.

CITIES

CHAPTER 30.

(S. B. No. 102.—Ployhar.)

COMPENSATION OF ALDERMEN.

An Act to Amend and Re-enact Section 3621, Compiled Laws of North Dakota for the year 1913, Relating to Compensation of Aldermen.

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

§ 1. AMENDMENT.] That Section 3621, of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 3621. COMPENSATION OF ALDERMEN.] The aldermen may receive such compensation for their services as shall be fixed by ordinance; provided such compensation shall not exceed five dollars to each alderman for each meeting of the city council actually attended by him.
Approved March 2, 1921.

CHAPTER 31.

(S. B. No. 98.--Ettestad.)

INCORPORATION OF CITIES.

An Act to Amend and Re-enact Section 3552, Compiled Laws of North Dakota for the year 1913, Permitting Incorporated towns and villages having a population of not less than Two Hundred Inhabitants to become incorporated as a City.

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

§ 1. AMENDMENT.] Section 3552 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 3552. CITIES INCORPORATED, HOW.] Any city in this state, and any incorporated town or village therein, having a population of not less than two 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-fifth 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 president and trustees of such incorporated town or village, to 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 oftener than once in four years.

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

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

Approved March 2, 1921.

CHAPTER 32.

(H. B. No. 42.—Maxwell.)

LIMITS.

An Act to Amend and Re-enact Section 3969 of the Compiled Laws of North Dakota for the year 1913, as amended by Section 79 of the Session Laws of North Dakota for the year 1919, relating to excluding farm lands from the limits of city, town and villages.

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

§ 1. That Section 3969 of the Compiled Laws of 1913, as amended by Chapter 79 of the Session Laws of 1919 of the State of North Dakota, be and the same is hereby amended and re-enacted to read as follows:

§ 3969. LIMITS MAY BE RESTRICTED.] On petition, in writing, signed by not less than three-fourths of the legal voters and by property owners of not less than three-fourths in value of the property in any territory, within any incorporated city, town or village, and being upon the border and within the limits thereof, the city council of the city, or the board of trustees of the town or village, as the case may be, may disconnect and exclude such territory from such city, town or village; provided, that the provisions of this section shall only apply to lands not laid out into city, town or village lots or blocks.

Provided, further, that when the property or lands described in such petition bordering upon and within the limits of any such incorporated city, town or village are wholly unplatted, and no municipal sewers, water-mains, pavements, sidewalks or other city, town or village improvements have been made or constructed therein, except as hereinafter provided, and this is made to appear upon the hearing upon such petition by the city council, commission or board of trustees of the town or village, as the case may be, it shall be the duty of the city council, commission or board of trustees to disconnect and exclude such territory from the city, town or village.

And, provided further, that where a sewer outlet extends upon or over said unplatted lands, it shall be the duty of the city council, commission or board of trustees to disconnect and exclude such territory from such city, town or village, provided, that this Act shall not in any way repeal or otherwise affect the provisions of Section 3697 of the Compiled Laws of 1913.

Approved March 2, 1921.

CHAPTER 33.

(H. B. No. 45.—S. W. Johnson.)

PLATS.

An Act to Amend and Re-enact Section 3967 of the Compiled Laws of North Dakota for the year 1913 relating to errors and deficiencies in City, Town or Village Plats.

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

§ 1. AMENDMENT.] That Section 3967 of the Compiled Laws of North Dakota for the year 1913 be amended to read as follows:

§ 3967. PROCEDURE FOR CORRECTION, METHOD OF CORRECTION, ASSESSMENT FOR EXPENSES.] Whenever any platted addition, outlot or parcel of ground, or any sub-division of same within the corporate limits of any city, town or village shall be found to be inadequately or erroneously described in the plat, or when such plat or plats shall be found in error or deficient as to marked or scaled distances, angles, descriptions or have such other defects as will make said plat an incorrect and deficient plat and description of the property platted, the city council, or trustees of any town or village may by resolution declare it necessary to correct such plat or plats, or completely replat such property, and shall publish such resolutions in the official paper of the city, town or village once each week for three consecutive weeks.

Such resolution shall contain and stipulate: (a) The description of the property affected, (b) the nature of the errors or defects, (c) an outline of the proposed corrections, (d) an estimate of the probable cost of making the corrections as made by the city, town or village engineer or some competent engineer or surveyor designated for that purpose, (e) that any interested owner may file objections to the proposed work or the cost of same and that such objections will be heard and considered at a meeting designated for that purpose, (f) the time of such meeting when the council will meet to consider all objections. When all objections filed at or prior to the meeting designated for the purpose shall have been duly heard and considered, the city council of any such city, or trustees of any such town or village shall if it deems such work advisable and if the owners of the majority of the property affected shall not have filed a protest against same, order the city, town or village engineer or such other competent engineer or surveyor as shall have been designated in the resolution declaring the work necessary, to do the work in accordance with said resolutions.

The engineer or surveyor designated to make the correction or replatting shall follow such original hubs, stakes, monuments and lines, and shall to the best of his ability by actual survey and measurements on the ground make the plat conform to the divisions, sub-divisions,

blocks, lots, outlots, pieces and parcels of land as originally laid out. All lost or disputed points, lines and angles shall be determined by actual survey and made to conform with the original survey, and shall be marked on the ground with substantial oak stakes in a manner customary and provided for in townsite surveys. All numbers, letterings, and names of references to blocks, lots, outlots, additions, streets, avenues, alleys, etc., shall be the same as on the original plat, and the revised and corrected plat shall be a true plat of the survey as originally made. The surveyor shall make his affidavit and certification that the plat has been so made to the best of his ability and shall affix same to the plat.

The completed plat shall be filed with the city auditor, town or village clerk who shall publish a notice of that fact once a week for three consecutive weeks, which notice shall stipulate that all interested parties may view same, and set forth a date when the city council of any such city, or trustee of any such town or village will sit to hear objections to the survey as made and when it will consider same.

In the opinion of the council of such city, or board of trustee of such town or village an injustice has been done, it shall order such surveys and resurveys as it may deem necessary to determine the merit of any claim and shall adjourn from time to time or until such time as all the necessary information shall be available.

The council of such city, or board of trustees of such town or village then shall affirm or reject the plat by resolution. If passed by two-thirds vote of the members elected the plat shall be recorded in office of Register of Deeds and a blue print of same with the County Auditor in the County in which the city, town or village is located and shall be the true and correct map of the property described and shall supersede any and all previous plats. All costs and disbursements shall be assessed against the property benefited according to the benefits by the city, town or village engineer which assessments shall be published in full by the city auditor, town or village clerk in the official paper of the city, town or village and be subject to the approval of the city council of such city, or board of trustees of such town or village after due consideration and hearing of any and all objections at a meeting designated for that purpose in the notice and publication of the assessment. When approved by the city council of such city, or board of trustee of such town or village such assessment shall be certified to the county auditor and shall be payable in one annual installment as a special assessment tax.

Approved February 18, 1921.

CHAPTER 34.

(H. B. No. 134.—Semling, by request.)

PUBLIC UTILITIES.

An Act to Amend and Re-enact Sub-division 70 of Section 3818, Compiled Laws of North Dakota for 1913, Relating to Public Utilities and to the Purchase and Acquisition by a City of Any System of Water Works, and Authorizing the State of North Dakota to Engage in the Enterprise of Furnishing Electricity for Power and Lighting Purposes to the Inhabitants and Public of the City of Bismarck and of the County of Burleigh and to Supply Electricity to All State Buildings Owned or Leased by the State of North Dakota in Said City and County and to the State Street Car Line, and Making Provision for the Issuance of Bonds.

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

§ 70. Any city may purchase, acquire by eminent domain, erect, lease, rent, manage, and maintain any system of water works, well reservoirs, pipes, machinery, buildings, and all other property comprising a water works system, hydrants, and supply of water, telegraphing, fire signals, or fire apparatus that may be of use in the prevention and extinguishment of fires, and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected, and to fix and regulate the rates, use and sale of water; and in the same manner any city may acquire, establish and maintain a plant for the purpose of furnishing electricity and power for lighting purposes to its inhabitants and may regulate and fix the rates to its patrons.

§ 70 A. And the State of North Dakota is hereby authorized to engage in the enterprise of furnishing electricity for power and lighting purposes to the inhabitants and public of the City of Bismarck and of the County of Burleigh and to supply electricity to all buildings owned or leased by the State of North Dakota in said city and county and to the State street car line; and in the same manner and Industrial Commission of the State of North Dakota shall have power and is authorized to consolidate the two separate electric plants, one at the Capitol and the other at the State Penitentiary, and locate same on the State Penitentiary grounds near the City of Bismarck, and to manage and operate the same, and to make and enforce rates, orders rules, regulations and by-laws for the operation thereof, and for the transaction of said business, and in carrying on said business, said Commission shall utilize prison labor as far as possible.

In fixing the rates for current furnished for power and lighting purposes to be charged to private consumers the Industrial Commis-

sion shall have in view the lowest rate consistent with the furnishing of adequate service.

It shall be the duty of the Industrial Commission, and said commission is hereby empowered and authorized to obtain in the name of the State of North Dakota by permission or otherwise, licenses and franchises from the County of Burleigh and the City of Bismarck, in the State of North Dakota, for the use of roads, public highways, streets and alleys for the purpose of installing all necessary wire, poles, conduits, cables and other services and equipment necessary to the operation of said utility.

§ 70B. For the purpose of carrying out the provisions of this Act, the Industrial Commission is hereby authorized to issue bonds of the State of North Dakota in a sum not exceeding \$250,000, to be known as Bonds of North Dakota, Electric Utility Series, which bonds are to bear interest at a rate not exceeding six per cent per annum, and said bonds shall be issued, insofar as possible, pursuant to the conditions and provision of Chapter 153, Session Laws of North Dakota, 1919.

§ 70C. If any part of this Act shall be declared unconstitutional by the Supreme Court of the State of North Dakota, the other parts hereof, being valid, insofar as it is not unconstitutional it shall be and remain in full force and effect notwithstanding the unconstitutionality of some part thereof.

§ 70D. Provided, that in the event that such property is acquired by condemnation proceedings the city or municipality instituting such proceedings shall be bound by the decision of the court and jury in such proceedings, and shall pay into court, within six months after the rendering of the verdict therein, the full amount found by the jury to be the amount of the damages for such taking.

Approved March 11, 1921.

CHAPTER 35.

(S. B. No. 103—Ployhar.)

COUNCIL PROCEEDINGS.

AN ACT to compel City Councils to Publish Proceedings of All Meetings in Official Paper to be Designated by Them.

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

§ 1. PUBLICATION OF PROCEEDINGS.] Hereafter it shall be the duty of City Councils to cause to be published in an official paper, designated by them, a complete record of all proceedings of said councils.

§ 2. REPEAL.] All Acts or parts of Acts, insofar as they conflict with the provisions of this Act are hereby repealed.

Approved March 18, 1921.

CHAPTER 36.

(H. B. No. 137.—Semling by Request.)

PURCHASE OF WATER WORKS.

AN ACT Amending and Re-enacting Section 3742, Compiled Laws of North Dakota for 1913, relating to the application of the provisions of Article 20, Compiled Laws of 1913, to Water Main and Water Works Systems, and to the purchase thereof.

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

§ 1. AMENDMENT. Section 3742, Compiled Laws of North Dakota, for 1913, is hereby amended and re-enacted so as to read as follows:

§ 3742. WATER MAIN AND WATER WORKS PROVISIONS, APPLICABLE WHEN.] The provisions of this article with reference to water mains and water works shall apply only to cities which own or contemplate owning a system of water works and water mains; provided, that in case of the purchase of a water works system, either by eminent domain or otherwise, a city shall have power to create water main and water works districts, to direct the preparation of plans and specifications, to adopt a resolution declaring the purchase of such system necessary, and to take all other proceedings prescribed by this article which would be taken in case of construction of a new water works system for the purpose of defraying the cost thereof by special assessment of the property benefited thereby. It is the intent hereof that property benefited thereby may be specially assessed for the purchase of a water works system, either separately or as a part of a new system the same as if the same were constructed entirely anew.

Approved March 11, 1921.

CONCENTRATED COMMERCIAL FEEDING STUFF

CHAPTER 37.

(S. B. No. 12—Rusch.)

CONCENTRATED COMMERCIAL FEEDING STUFF.

AN ACT to Amend and Re-enact the Concentrated Feeding Stuff Law of North Dakota the same being Article 43, Sections 2911-2921 of the Political Code of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] That Article 43 being Sections 2911-2921 of the Compiled Laws of North Dakota for the year 1913 are hereby amended and re-enacted so as to read as follows:

FEEDING STUFFS, HOW LABELED.] Every lot or parcel of any "Concentrated Commercial Feeding Stuff" as defined in Section 3, used for feeding farm live stock, sold, offered or exposed for sale in the state, shall have affixed in a conspicuous place on the outside thereof, a legible and plainly written statement, clearly and truly certifying the number of net pounds contained therein; the name, brand or trademark under which the article is sold, the name and address of the manufacturers or importers, and a statement of the ingredients from which the commercial feedings stuffs are compounded, using their common names, giving the relative proportion of the several ingredients or foods which enter into the compound and a statement of the minimum percentage it contains of crude protein, allowing one percent of nitrogen to equal (N. x 6.25) six and one-fourth percent of crude fat, and the maximum percentage of crude fibre, said constituents to be determined by the methods of the association of official agricultural chemists of the United States as adopted at that time. This information and analysis to be set forth in a form and manner to be approved by the Director of Regulatory.

§ 2. FEEDING STUFFS EXEMPTED.] The term "Concentrated Commercial Feeding Stuffs" as here used shall not include hays, straw, whole seeds, nor the unmixed meals made directly from the seed of wheat, rye, speltz, barley, oats, Indian corn, buckwheat, or broom corn; and neither shall it include wheat, rye, buckwheat, brans or middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together.

§ 3. FEEDING STUFFS TO BE LABELED.] The term "Concentrated Commercial Feeding Stuff," as here used, shall include linseed meals, cotton seed meals, cotton seed feeds, molasses feeds, milk and buttermilk feeds, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, dried distiller's grains, malt sprouts, hominy feeds. Cerelin feeds, rice meals, dried beef refuse, oat feeds, corn and oat feeds, alfalfa meal, corn bran, ground beef or fish scraps, meat and bone meal, clover meal, condimental foods, poultry foods, stock foods, patented, proprietary or trademarked stock and poultry foods, (whether to be used as foods or medicines), mixed foods, other than those composed solely of bran and middlings mixed together, or pure grains ground together, and all other materials of similar nature not included in Section 2.

§ 4. SHALL FILE WITH DIRECTOR OF REGULATORY DIVISION NORTH DAKOTA AGRICULTURAL COLLEGE.] Each and every manufacturer, importer, agent or seller of any "Concentrated Commercial Feeding Stuff" shall, during the month of December, file with the Director of the Regulatory Division of the North Dakota Agricultural College, a certified copy of the statement named in Section 1 of this act, and, upon request, shall furnish a sealed glass jar or bottle containing a representative sample of at least one pint of the feeding stuff to be sold or offered for sale in this state.

§ 5. FINES AND FAILURE TO COMPLY WITH THE LAW.] Each and every manufacturer, importer, agent, or person, selling, offering or exposing for sale in this state any "Concentrated Commercial Feeding Stuff," as defined in Section 3 of this act, without the statement required by Section 1 of this Act, and stating that said feeding stuff contains substantially a larger percentage of either of the constituents mentioned in Section 1, than is contained therein, or in relation to which the provisions of all the foregoing sections have not been fully complied with, shall be fined not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

§ 6. LICENSES FOR FEEDING STUFFS.] Every manufacturer, importer, agent or seller of any "Concentrated Commercial Feeding Stuff," shall pay annually, during the month of December, to the office of the Director of Regulatory Division, Agricultural College, North Dakota, a license fee of fifteen dollars for each and every brand sold or offered for sale in North Dakota. Whenever the manufacturer, importer or agent or seller of "Concentrated Commercial Feeding Stuffs" desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making the sale.

Each manufacturer, importer or person who has complied with the provisions of this article shall be entitled to receive a certificate from the Director of the Regulatory Division, North Dakota Agricultural College, setting forth said facts. Whenever a manufacturer, importer, or

shipper of "Concentrated Commercial Feeding Stuffs" shall have filed the statement required by Section 1 of this article, and paid the license fee as prescribed in this section, no other agent, or seller, manufacturer, importer or shipper shall be required to file such statement or pay such fee for the same brands.

§ 7. FINES FOR ADULTERATING FEEDS.] Any person who shall adulterate any kind of meal or ground grain with milling or manufacturing offals, or any other substance whatever unless the ingredients and true composition thereof is plainly marked or indicated upon the package containing the same, or in which it is offered for sale; or any person who knowingly sells or offers for sale any meal or ground grain which has been so adulterated, unless the ingredients and the true composition is plainly marked or indicated upon the package containing the same, in which it is offered for sale, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

§ 8. DIRECTOR OF REGULATORY DIVISION TO ENFORCE LAW.] The Director of the Regulatory Division, North Dakota Agricultural College, Fargo, is hereby authorized to have collected a sample, not exceeding two pounds in weight, for analysis, from any lot, parcel or package of any concentrated commercial feeding stuffs as defined by Section three (3) of this act, or any kind of material which is used in the feeding of domestic animals, and which may be in the possession of any manufacturer, importer, agent or dealer, and whenever requested said sample shall be taken in the presence of said party or parties in interest, or their representative, and taken from a number of parcels, or packages, which shall not be less than five per centum of the whole lot inspected, and shall be thoroughly mixed, divided into two samples, placed in glass vessels, carefully sealed, and a label placed on each stating the name or brand of the feeding stuff or material sampled, the name of the party from whose stock the sample was taken, and the time and place of taking the same, and said label shall be signed by the collector or his deputy, and by the party or parties in interest or their representative present at the taking and sealing of said samples, one of said samples shall be retained by the collector or his deputy, and the other by the party whose stock is sampled. The said Director of Regulatory shall cause at least one sample of each brand of feeding stuff collected as herein provided to be analyzed annually. Said analysis shall include determination of crude fat, crude fibre, crude protein, and such other determinations as may at any time be deemed advisable. Said Director of Regulatory shall cause the analysis so made to be published in his annual report to the governor, also said analysis may be published in bulletins, together with such other additional information in relation to the character, composition and use thereof, as may seem to be of importance, and issue the same annually, or more frequently, if deemed advisable.

For the purpose of enforcement of this act the Director of Regulatory, his deputy or his agents, shall have full and free access to all places

of business, mills, buildings, carriages, cars, vessels and packages of whatsoever kind used in the manufacture, importation or sale of any "Concentrated Commercial Feeding Stuffs," and shall also have power and authority to open any packages containing or supposed to contain any "Concentrated Commercial Feeding Stuff," and take therefrom samples for analysis.

§ 9. WHAT CONSTITUTES VIOLATION OF THE LAW.] The doing of anything prohibited by this act shall be evidence of the violation of the provisions of this act relating to the things so prohibited and the omission to do anything directed to be done shall be evidence of a violation of the provisions of this act relative to the things so directed to be done.

§ 10. DUTY OF DIRECTOR OF REGULATORY DIVISION.] The Director of Regulatory Division or his agent or deputy is charged with the enforcement of the provisions of this act, and for this purpose, may employ agents, chemists and experts, and whenever he shall know or have reason to believe that any penalty has been incurred by any person for the violation of any of the provisions of this act, or that any sum has been forfeited by reason of any such violation he or his agent shall report the said violation with a statement of the facts to the attorney general or to the state's attorney for the district wherein the offense is committed, who shall begin proceedings according to the state law.

§ 11. IMPORTER DEFINED.] The term importer, for all purposes of this act is intended to apply to such person or persons as shall bring into, or offer for sale within this state "Concentrated Commercial Feeding Stuffs" manufactured without this state; provided, that nothing in this act shall be construed as prohibiting persons engaged within the State of North Dakota in the business of manufacturing flours, from selling at the place where made, their own manufacture of bran and middlings, without complying with the provisions of Section 1 of this act; provided there be not admixed with the said bran or middlings, any other foreign ingredient or adulterants.

§ 12. STATE TREASURER'S DUTIES.] It shall be the duty of the state treasurer to receive all inspection funds and fees, from the Director of the Regulatory Division and to furnish receipt therefor.

§ 13. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved February 15, 1921.

CONCILIATION OF CONTROVERSIES

CHAPTER 38.

(S. B. No. 158.—Olson, Garberg and Oksendahl.)

CONCILIATION OF CONTROVERSIES.

AN ACT to provide for Conciliation of Controversies and to Repeal Sections 9187, 9188, 9189, 9190, 9191 and 9192 of the Compiled Laws of North Dakota, 1913.

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

§ 1. CONCILIATION BOARDS CREATED.] It shall be the duty of District Court Judges to establish a Conciliation Board in each county of their respective districts within ninety days from the taking effect of this act. Each such Conciliation Board shall consist of such number of Conciliator as the District Court Judge of such county shall determine, and he shall have power to increase the number thereof and to remove Conciliators at his pleasure, but at no time shall there be less than six members nor more than twelve members on any such boards. These members shall not include the County Court Judge, who shall be an ex-officio member of the Conciliation Board for his county.

§ 2. ELIGIBILITY AND COMPENSATION.] Every person having the qualifications of a voter shall be eligible for appointment as Conciliator for the county in which he resides. Any member of the bar who acts as Conciliator shall not thereafter appear, in any subsequent proceeding, on behalf of either party to any controversy submitted to him as Conciliator. The moving party to any controversy shall pay to the Conciliator a summons fee of twenty-five cents in all cases involving a sum of ten dollars or less, and fifty cents in cases involving a sum of over ten dollars. In every case where conciliation is effected the acting conciliator shall be entitled to receive for his services the sum of one dollar where the amount of controversy is ten dollars or less, and two dollars where the amount is over ten dollars and less than one hundred dollars, and two per centum of the amount involved where the amount is over one hundred dollars; said amounts to be assessed against either party, or part against each, at the discretion of the conciliator. Provided; that when two or more conciliators participate in a hearing a like fee shall be paid to each of them.

§ 3. APPOINTMENT AND OATH.—Conciliators shall be appointed and removed by order of the District Court judges for the counties in which they reside, entered upon the docket of the District for each county. Within ten days from the date of their appointment, and before entering upon the discharge of their duties, they shall take an oath of office prescribed by the judge appointing them.

§4. ORGANIZATION.—The District Court judge shall be chairman ex-officio of the Conciliation Board in each county of his district. He shall call such meetings of Conciliators as he shall deem proper, preside over such meetings and instruct Conciliators in respect to their duties. Upon his request any such Conciliator shall make report to him in writing of his official acts.

§ 5. CONCILIATION PROCEEDINGS PRE-REQUISITE TO PROCESS.] After the expiration of said 90 days no process shall be issued in commencement of a civil suit by any justice of the peace or by any other trial court unless the moving party shall file in court a certificate of a conciliator showing that an attempt has been made to effect a settlement of the claim and that such attempt has failed; but the foregoing shall not apply to actions known as provisional or remedial remedies, actions involving title to or possession of real estate and suits involving over \$200. Provided, however, that any District Court Judge in chambers may in a particular instance, on a proper showing, direct the issuance of any such process in any trial court without recourse to conciliation proceedings.

§ 6. APPLICATION FOR CONCILIATION]. Any person presuming to have any civil claim not specified as an exception in Section 5, before commencing suit, shall request one of the Conciliators for the county in which he resides, or in which the person complaining resides, to act Conciliator. Thereupon such Conciliator if qualified and able to act, shall summon by letter or telephone or personally the party complained of to appear before him at a certain time. Upon the hours set for such conciliation hearing, if the parties are present, it shall be the duty of the Conciliator to hear the parties and their witnesses and to endeavor to effect an amicable settlement of the controversy agreeable to law and equity. Conciliators may in their discretion, administer oaths and require statements under oath. They shall make no record of the evidence adduced, and no parts of the proceedings shall be admitted as evidence, or considered at the trial of the case, and no Conciliator shall be competent as a witness in respect thereto in any subsequent proceeding.

§ 7. CHARGE OF VENUE.]—At the time of the first hearing and before proof has been submitted by any party, the parties may by mutual agreement elect to submit their controversy to another Conciliator than the one first selected; and in such case the first Conciliator shall dismiss the proceedings and make no record of report thereof.

§ 8. CONTINUANCES.—Conciliators shall have power to continue their hearings from time to time to meet the convenience of the parties.

§ 9. **CONCILIATORS MAY SIT TOGETHER.**—Conciliators shall have power to request the assistance of other Conciliators of their county in any conciliation proceeding, and in case two or more Conciliators officiate in respect to any controversy any one of them may certify the proceedings on behalf of all.

§ 10. **CONCILIATORS NOT OBLIGED TO SERVE.**—No Conciliator is obliged to act in any given controversy, and shall not act if he has any interest in the controversy or is a member of the immediate family of either of the parties, unless consent is given. In case no conciliator convenient to the moving party is obtainable then the County Judge of that county shall act as Conciliator.

§ 11. **CONCILIATOR'S REPORT.**—In every case in which a Conciliator shall serve he shall forthwith certify to the District Court for his county the terms of the agreement, if any be effected. The report shall describe the claimant's demand and embody the terms of settlement, bearing the signatures of the parties. It shall be entered upon the docket of the District Court and thenceforth shall have the full force and effect of a judgment of the said court, but shall be subject to any terms concerning its satisfaction which the parties shall have agreed upon, and subject to the lawful orders of the judge for such District Court.

§ 12. **FAILURE TO AGREE.**—In case the party complained of shall fail to appear at the conciliation hearing or for any other reason there shall be no settlement of the controversy by agreement of the parties, then the Conciliator shall give to either or both parties, upon request, his certificate to the effect that an attempt has been made in good faith by the moving party to effect a settlement of a controversy, which shall be concisely described, and that the attempt has failed.

§ 13. **PERSONAL APPEARANCE.**—The parties to all conciliation proceedings shall appear in person, except that, for good cause shown, the Conciliator may permit a party to be represented by another person, not a member of the bar. In order to be so represented the party unable to appear shall authorize his representative to appear and act for him in effecting a settlement of the controversy by agreement, or by arbitration, if the representative shall so elect, and shall be bound by the acts of his representative the same as if he were present in person.

§ 14. **ARBITRATION BY CONCILIATOR.**—Whenever both parties shall agree in writing to submit their controversy to a Conciliator for his determination as arbitrator, the Conciliator shall receive the evidence and within five days make his award, which award shall be filed in the District Court for that county and be entered upon the docket as a judgment by award and shall have the full force and effect of a judgment of such Court.

§ 15. **REPEAL.**—Sections 9187, 9188, 9189, 9190, 9191 and 9192 of the Compiled Laws of North Dakota 1913, are hereby repealed.

Approved March 10, 1921.

CONSTITUTIONAL AMENDMENTS PROPOSED

CHAPTER 39.

(S. B. No. 163—State Affairs Committee.)

COMPENSATION MEMBERS OF THE LEGISLATURE.

CONCURRENT RESOLUTION for an Amendment to the Constitution of the State of North Dakota, relating to the Compensation and Mileage of Legislative Members.

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

That the following proposed amendment to the Constitution of the State of North Dakota is agreed to and that the same be 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 as amended.

§ 1. [AMENDMENT.] That Section 45 of Article 2 of the Constitution of the State of North Dakota, is hereby amended and re-enacted so as to read as follows:

§ 45. Each member of the Legislative Assembly shall receive as compensation for his services One Thousand (\$1,000.00) Dollars for each Biennium, payable Two Hundred and Fifty (\$250.00) Dollars February 1st and Two Hundred Fifty (\$250.00) Dollars March 1st each year, and ten cents for each mile of necessary travel in going and returning from the place of the meeting of the Legislative Assembly by the most usual route, each session or special session.

CHAPTER 40.

(S. B. No. 182—Wog.)

COUNTY OFFICIALS.

Concurrent Resolution to Amend and Re-enact Section 173 of Article 10 of the Constitution of the State of North Dakota providing for the election of County Officials.

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

That the following amendment to Section 173 of Article 10 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 as amended, of the Constitution of the State of North Dakota.

AMENDMENT.] That Section 173 of the Constitution of the State of North Dakota be amended to read as follows:

§ 173. At the first general election held after the adoption of this Constitution, and every two years thereafter, there shall be elected in each organized county in the State, a register of deeds, county auditor, treasurer, sheriff, states attorney, county judge and a clerk of the district court, who shall be electors of the county of which they are elected and who shall hold their office until their successors are elected and qualified; provided, in counties having eight thousand population or less the county judge shall also be the clerk of the district court. The legislative assembly shall provide by law for such other county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers. The sheriff and treasurer of any county shall not hold their respective offices for more than four years in succession.

CHAPTER 41.

(S. B. No. 57—Wenstrom.)

ELECTORS RESIDENCE REQUIREMENTS.

CONCURRENT RESOLUTION for an Amendment to the Constitution Relating to the Residence Required of an Elector.

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

That the following amendment to

Section 121 of the Constitution of the State of North Dakota as heretofore amended be submitted to the qualified electors of the State of North Dakota at the next primary election of the State to be held on the last Wednesday of June, 1922, for approval or rejection in accordance with the provisions of Section 202 as amended of the Constitution of the State of North Dakota.

North Dakota: AMENDMENT.] Every qualified elector, who shall have resided in the State one year, in the county 90 days and in the precinct 30 days next preceding any election, shall be entitled to vote at such election. Provided that where a qualified elector moves from one precinct to another within the state he shall be entitled to vote in the precinct from which he moves until he establishes his residence in the precinct to which he moves.

Approved March 2, 1921.

CONSTRUCTION WORK

CHAPTER 42.

(H. B. No. 16—Lakie.)

CONSTRUCTION WORK.

AN ACT Relative to Scaffoldings and Providing Safety Appliances in Construction Work.

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

§ 1. SCAFFOLDINGS, ETC., TO BE SAFEGUARDED.] All scaffolds, hoists, cranes, stays, ladders, supports or other mechanical contrivances erected or constructed by any person, firm or corporation in the State, for use in the erection, repairing, alteration, removal or painting of any house, building, bridge, viaduct, steel tank, standpipe or other structure shall be erected and constructed in a safe, suitable and proper manner, and shall be so erected and constructed, placed and operated as to give proper and adequate protection to life and limb of any person or persons employed or engaged thereon, or passing under or by the same, and in such manner as to prevent the falling of any material that may be used or deposited thereon. Scaffolding or staging swung or suspended from an overhead support more than twenty feet from the ground or floor shall have, where practicable, a safety rail properly secured and braced, rising at least thirty-four inches above the floor or main portion of such scaffolding or staging and extending along the entire length of the outside and ends thereto, and such scaffolding or staging shall be so fastened as to prevent the same swaying from the building or structure.

§ 2. PENALTY FOR NEGLIGENCE TO PLACE TEMPORARY FLOORS.] Any person engaged in and having supervision and charge of the building, erection or construction of any block, building or structure, who shall neglect or refuse to place or have placed upon the joists of each and every story of such block, building or structure, as soon as the joists are in position, counter floors of such quality and strength as to render perfectly safe the going to and fro thereon of all mechanics, laborers and other persons engaged upon the construction or in supervising the same, or in the building or placing of materials therefor, shall be deemed guilty of a misdemeanor and upon conviction thereof in any court or competent jurisdiction shall be fined in any sum not less than twenty-five dollars nor more than two hundred dollars, and each and every day that such person, contractor, agent, factor or architect shall neglect or refuse to have such floors so placed as aforesaid, after written notice by the building inspector or from any person whose life or personal safety

may be endangered by such neglect or refusal, shall be held and considered a separate offense, severally liable to the penalties aforesaid.

§ 3. PENALTY.] Any contractor or other person having charge of the erection, construction, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank, standpipe or other structure, within the provisions of the two preceding sections, shall comply with the terms thereof, and any such contractor or other person violating any of the provisions of the two preceding sections shall, upon conviction thereof, be fined not less than fifty dollars nor more than two hundred dollars, or imprisoned for not less than thirty days nor more than one year, or both such fine or imprisonment, in the discretion of the Court. In addition to the penalties (sic) herein provided, in the refusal or neglect of any person, firm or corporation, or his, or its agents, to comply with the provisions of the two preceding sections, the use of any such scaffold, hoist, crane, stays, ladder, support, or other mechanical contrivance, or the erection, repairing, alteration, removal or painting of any building, bridge, viaduct, steel tank or other structure, may be prohibited by the labor commissioner, or inspector deputed by him, and a notice to that effect shall be posted upon the premises. Such notice shall not be removed until such scaffold, hoist, crane, stays, ladder, support or other mechanical contrivance or temporary floorings are properly and safely constructed.

Approved March 9, 1921.

CORPORATIONS

CHAPTER 43.

(H. B. No. 192—Anderson of Burleigh, Shipley, Heaton, Bratsburg, Opland and Harding.)

COOPERATIVE ASSOCIATIONS.

AN ACT to Amend and Re-enact Chapter 97 of the Session Laws of 1917 as Amended by Chapter 99 of the Session Laws of 1919 and by Chapter 29 of the Special Session Laws of 1919, Relating to Cooperative Associations and to Repeal Chapter 13, of the Civil Code of the Compiled Laws of 1913, Chapter 92 of the Session Laws of 1915 and Chapters 95 and 96 of the Session Laws of 1917.

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

That Chapter 97 of the Session Laws of 1917 as amended by Chapter 99 of the Session Laws of 1919 and by Chapter 29 of the Special Session Laws of 1919 be amended and re-enacted to read as follows:

§ 1. DEFINITIONS.] For the purposes of this Act, the words, "company," "corporation," or "association" shall be construed to mean the same, and a cooperative company, corporation or association is defined to mean a company, corporation or association which authorized 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 association.

§ 2. HOW FORMED. PURPOSES.] A cooperative association may be formed for the purpose of conducting any one or more of the following lines of business: Agricultural, Grain Elevators, Dairy, Mercantile, Mining, Manufacturing, Mechanical, Telephone; upon complying with the provisions of this Act, and the provisions of Chapter 12 of the Civil Code, Compiled Laws 1913 and Acts amendatory thereof and supplementary thereto; except as herein otherwise provided, and except as to provisions thereof inconsistent with the provisions of this Act.

§ 3. ARTICLES OF INCORPORATION.] Any number of persons, not less than 15, may form a cooperative association. They shall make and subscribe written articles of incorporation in duplicate, and acknowledge the same before any officer authorized to take the acknowledgement of deeds.

One copy shall be retained for the records of the association, the other copy shall be filed with and recorded by the secretary of state. The secretary of state shall issue a certificate of incorporation, upon receipt of the articles of incorporation and the payment of the fees provided.

§ 4. FEES.] For filing and recording articles of incorporation and issuing certificate of filing and acceptance, there shall be paid to the secretary of state \$10; for issuing certificate of incorporation \$3; for filing and recording an amendment \$3; for issuing certificate of amendment \$3.

§ 5. DIRECTORS, ELECTION, DUTIES, ELECTION OF OFFICERS.] Every such association shall be managed by a board of not less than five directors and may be any number in excess thereof. The directors shall be elected by and from the stockholders of the association at such time and for such term of office as the by-laws may prescribe, and shall hold office for time for which elected and until their successors are elected and shall enter upon the discharge of their duties; but a majority of the stockholders shall have the power at any regular or special stockholders meeting, legally called, to remove any director or officer for cause, and fill the vacancy, and thereupon the director, or officer so removed shall cease to be a director or officer of said association. The officers of every such association shall be a president, one or more vice presidents, a secretary, and a treasurer, who shall be elected annually by the directors, and each of said officers must be a director of the association. The office of secretary and treasurer may be combined, and when so combined the person filling the office shall be secretary-treasurer.

§ 6. AMENDMENTS.] The association may amend its articles of incorporation by a majority vote of its stockholders at any regular stockholders meeting or at any special stockholders meeting called for that purpose on 30 days written notice, such notice to be served personally on each stockholder of record or by registered letter mailed to each stockholder's last known post office address.

Said power to amend shall include the power to renew the term of corporate existence and to diminish the amount of capital stock and the number of shares; provided, the amount of capital stock shall not be diminished below the amount of paid up capital at the time the amendment is adopted.

A certificate must be made in duplicate, signed and acknowledged by the chairman and secretary of the meeting and a majority of the directors showing a compliance with the requirements of this section, the articles to be amended or changed, the entire number of stockholders, and the vote by which the object was accomplished.

One copy of such certificate shall be retained in the records of the association, one copy shall be filed and recorded in the office of the secretary of state.

The written assent of a majority of the stockholders shall be as effectual to authorize the change or amendment of the articles of incorporation as if a meeting of the stockholders, as prescribed by this section was called and held, and upon such written assent the directors may proceed to make the certificate as herein provided.

§ 7. INCREASE OF CAPITAL STOCK.] The association may increase its capital stock at a meeting called for that purpose by the directors as follows:

Notice of the time and place of the meeting stating its object and the amount to which it is proposed to increase the capital stock must be served personally on each stockholder of record, or by registered letter mailed to each stockholder's last known post office address, sixty days prior to the time of such meeting.

A majority of the stockholders and the persons holding the larger amount in value of the stock must be represented by the vote in favor of the increase.

A certificate must be made, filed and recorded in the manner prescribed in Section 6 of this Act.

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

Certificates of stock shall not be issued to any subscriber until fully paid, but the by-laws of the association may allow subscribers to vote as stockholders; provided, part of the stock subscribed has been paid in cash.

§ 9. SUBSCRIPTIONS OF STOCK IN OTHER ASSOCIATIONS.] At any regular meeting, or any regularly called special meeting at which at least a majority of all its stockholders shall be present, or represented, an association organized under this act may by majority vote of stock-

holders subscribed for shares and invest its reserve fund, not to exceed twenty-five per cent of its capital, in the capital stock of any other co-operative association.

§ 10. PURCHASING BUSINESS OF OTHER ASSOCIATION. PAYMENT. STOCK ISSUE.] Whenever an association created under this act, shall purchase the business of another association, person or persons, it may pay for the same in whole or in part by issuing to the selling association or person shares of its capital stock to an amount, which at par value would equal the fair market value of the business so purchased, and in such case the transfer to the association of such business at such valuation shall be equivalent to payment in cash for the shares of stock so issued.

§ 11. STOCK. TRANSFERS. COMMISSIONS.] The association may provide in the articles of incorporation or in the by-laws, the terms and limitations of stock ownership, not inconsistent with this act.

The full par value of all stock sold shall be covered into the association treasury, and no commission or expenses shall be paid on the sale of such stock in excess of 10 per cent of the par value thereof, such commission or expense to be added to the selling price of the stock.

§ 12. STOCKHOLDERS MAY VOTE BY MAIL.] 1. At any regularly called general or special meeting of stockholders a written vote received by mail from any absent stockholder and signed by him may be read in such meeting, and shall be equivalent to a vote of such stockholder so signing; provided, he has been previously notified in writing through the mail of the exact motion or resolution upon which vote is taken and copy of same is forwarded with and attached to the vote so mailed by him.

2. Any association created under this act or which has adopted the provisions of this act, as herein provided, and which has more than twenty-five hundred stockholders may, by by-law, herein called the "principal-by-law," adopted by a vote of not less than two-thirds of the shareholders of the association at a general or special stockholders meeting, duly called to consider said by-law, enact that the stockholders of the company and those who thereafter become stockholders shall be grouped in local units or societies formed upon the basis of territorial area, or such other basis as may be determined in said by-law or by resolution or action of the directors as hereinafter provided.

3. The association shall enact by said principal by-law that said societies or units shall be formed by the directors of the association at the first directors' meeting following the annual election and that the directors shall then determine the territorial limits or other basis from or upon which each society or unit and membership therein is drawn or formed, which territorial limits or other basis shall remain the same until after the next annual election of directors.

4. Each of said societies or units shall be entitled to be represented at the annual or other stockholders' meeting of the association by a dele-

gate chosen by each society or unit from its members. Each delegate shall have the same power at all such meetings as the shareholders of the association would have had if said principal by-law had not been adopted. Provided that each delegate shall have and be entitled to cast but one vote on each question for each member of the society or unit which he represents who is not present and voting, in person or by proxy. Every question proposed for a consideration of the association shall be subject to the provisions herein contained.

5. The directors of the association shall have the power to do all things needful, whether by by-law, rule or otherwise, necessary to give effect to this section, and all rules or by-laws passed hereunder, including the power to fix the time and place and rules of conduct for the holding of meetings by said local societies or units for the selection of delegates and the doing by said societies or units of all things needful to insure the representation of said societies or units at meetings of the association, and the transaction by said societies or units of business proper or needful to be dealt with by them to carry out the objects of this act. Upon the enactment of said by-law with these provisions, or any of them, the directors shall be vested with the powers therein provided for.

6. The societies or units shall have power to do all things necessary to give effect to this section and any rules or by-laws adopted hereunder.

§ 13. EARNINGS. APPORTIONMENT.] The directors subject to revision by the association at any regular or special meeting shall apportion the net earnings as follows:

1. By paying dividends upon the paid up capital stock which shall not exceed eight per cent per annum.

2. They may set aside not more than ten per cent of the net profits per annum for a reserve fund, until an amount has accumulated in said reserve fund equal to the paid up capital stock.

3. They may set aside not more than five per cent of the net profits per annum as an educational fund to be used in teaching cooperation.

The remainder, if any, shall be pro-rated by a dividend upon the amount of purchases or sales of raw material or both of shareholders or upon the above and either or both of the following items:

1. Wages and salaries of employes:

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

§ 14. DISTRIBUTION OF DIVIDENDS.] The profits or net earnings of such association shall be pro-rated to those entitled thereto, at such time as the by-laws shall prescribe, which shall be as often as once in twelve months.

§ 15. ANNUAL REPORT.] Every association shall annually, within thirty days of the close of its fiscal year make a report to the secretary of state.

Said report shall be filed between July 1st and August 1st unless prior to July 1st such corporation has notified the secretary of state in writing that its fiscal year closes at some other time.

Such report shall contain the name of the association, its principal place of business, nature of business transacted, names, addresses, and salaries of its officers and directors and the date of the expiration of their terms of office, date of expiration of charter, number of stockholders, capital stock, authorized, subscribed and paid in, the amount of stock sold during the year and the commissions paid thereon, a general statement of its business showing amount of business transacted, total expenses of operation, profits and losses, amount of dividends paid and how apportioned and a detailed statement of its assets and liabilities.

Said report shall be signed and sworn to by the president, secretary, treasurer or manager of the corporation, or in case said corporation is in the hands of an assignee or receiver, then such report shall be signed and sworn to by such assignee or receiver, which said report together with a fee of two dollars and a half for filing the same shall be sent to the secretary of state in whose office it shall be filed.

Any person who shall subscribe or make oath or affirmation to any such report containing any false statement, known to such person to be false, shall upon conviction thereof be fined not exceeding \$5,000, or imprisoned not exceeding five years or both.

Failure to make said report and pay said fee shall be prima facie evidence that said corporation is out of business, and it is made the duty of the secretary of state to notify such corporation by registered letter, of its default, and unless such corporation shall within sixty days thereafter file such report and pay such fee, he shall enter upon the records of his office the cancellation of the charter of such corporation.

Such corporation may be reinstated in the manner provided by Chapter 4, Special Session Laws of 1918, but if not so reinstated within one year after cancellation, such corporation shall be dissolved and its affairs wound up in the manner provided by section 4567 of the Compiled Laws of 1913.

§ 16. COOPERATIVE ASSOCIATIONS AND OTHER CORPORATIONS HERETOFORE ORGANIZED, MAY ADOPT PROVISIONS OF THIS ACT.] All cooperative corporations, companies, or associations heretofore organized and doing business under prior statutes, or which have attempted to so organize and do business, under prior statutes, shall have the benefit of all the provisions of this act, and be bound thereby on filing with the

Secretary of State a written declaration signed and sworn to by the President and Secretary to the effect that said cooperative company or association has, by a majority vote of its stockholders, decided to adopt the benefits of and be bound by the provisions of this act. Any corporation organized under the laws of this state and having not less than fifteen stockholders, which shall by the unanimous vote of its stockholders amend its articles of incorporation so that they provide for the cooperative distribution of net earnings in compliance with the provisions of this Act shall have the benefit of and be bound by all the provisions of this Act, upon filing with the Secretary of State an affidavit of the president and secretary setting forth such amended articles of incorporation and stating that the same has been adopted by the unanimous vote of the stockholders.

§ 17. USE OF TERM "COOPERATIVE" LIMITED TO CORPORATIONS UNDER THIS ACT.] No corporation or association hereafter organized or doing business for profit in this state shall be entitled to use the term "cooperative" as part of its corporate or other business name or title, unless it has complied with the provisions of this act; and any corporation or association violating the provisions of this section may be enjoined from doing business under such name at the instance of any stockholder or any association legally organized hereunder.

§ 18. REPEAL.] Chapter 13 of the Civil Code of the Compiled Laws of 1913, Chapter 92 of the Session Laws of 1915 and Chapters 95 and 96 of the Session Laws of 1917 are hereby repealed, but no existing corporation shall be thereby dissolved, nor shall the powers specified in its charter or certificate or articles of incorporation be thereby impaired or limited in any way, and nothing herein contained shall impair or annul, divert or disturb any vested rights, privileges or powers actually exercised and enjoyed in or by any corporation under any law hereby repealed.

Approved March 9, 1921.

CHAPTER 44.

(S. B. NO. 66—Church.)

COOPERATIVE MARKETING ASSOCIATIONS.

An Act to Promote, Foster and Encourage the proper marketing of Agricultural Products and By-products, and for the creation of a co-operative marketing association and providing for license fees.

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

1. DECLARATION OF POLICY.

In order to promote, foster and encourage the intelligent and orderly marketing of agricultural products through co-operation and to

eliminate speculation and waste; and to make the distribution of agricultural products as direct as can be efficiently done between producer and consumer; and to stabilize the marketing problems of agricultural products, this Act is passed.

2. DEFINITIONS.

As used in this Act.

(a) The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, livestock, poultry, bee and any farm products.

(b) The term "member" shall include actual members of associations without capital stock and holders of common stock in associations organized with capital stock;

(c) The term "association" means any corporation organized under this Act; and

(d) The term "person" shall include individuals, firms, partnerships, corporations and associations.

Associations organized hereunder shall be deemed non-profit inasmuch as they are not organized to make profits for themselves, as such, or for their members, as such, but only for their members as producers. This Act shall be referred to as the "Cooperative Marketing Act."

3. WHO MAY ORGANIZE.

Five (5) or more persons engaged in the production of agricultural products may form a non-profit, cooperative association, with or without capital stock, under the provisions of this Act.

4. PURPOSES.

An association may be organized to engage in any activity in connection with the marketing or selling of the agricultural products of its members, or with the harvesting, preserving, drying, processing, canning, packing, storing, handling, shipping, or utilization thereof; of the manufacturing or marketing of the by-products thereof; or in connection with the manufacturing, selling or supplying to its members of machinery, equipment or supplies; or in the financing of the above enumerated activities; or in any one or more of the activities specified herein.

5. PRELIMINARY INVESTIGATION.

Every group of persons contemplating the organization of an association under this Act, is urged to communicate with the Dean of the State Agricultural College, who will inform it whatever a survey of the marketing conditions affecting the commodities to be handled by the proposed association indicates regarding probable success.

6. POWERS.

Each association incorporated under this Act shall have the following powers:

(a) To engage in any activity in connection with the marketing, selling, harvesting, preserving, drying, processing, canning, packing, storing, handling, or utilization of any agricultural products produced or

delivered to it by its members; or the manufacturing or marketing of the by-products thereof; or in connection with the purchase, hiring, or use by its members of supplies, machinery or equipment; or in the financing of any such activities, or in any or more of the activities specified in this section. No association, however, shall handle the agricultural products of any non-member.

(b) To borrow money and to make advances to members.

(c) To act as the agent or representative of any member or members in any of the above mentioned activities.

(d) To purchase or otherwise acquire, and to hold, own, and exercise all rights of ownership in, and to sell, transfer, or pledge shares of the capital stock or bonds of any corporation or association engaged in any related activity or in the handling or marketing of any of the products handled by the association.

(e) To establish reserves and to invest the funds thereof in bonds or such other property as may be provided in the by-laws.

(f) To buy, hold and exercise all privileges of ownership, over such real or personal property as may be necessary or convenient for the conducting and operation of any of the business of the association or incidental thereto.

(g) To do each and everything necessary, suitable or proper for the accomplishment of any one of the purposes or the attainment of any one or more of the objects herein enumerated; or conducive to or expedient for the interest or benefit of the association; and to contract accordingly; and in addition to exercise and possess all powers, rights, and privileges necessary or incidental to the purposes for which the association is organized or to the activities in which it is engaged; and in addition, any other rights, powers and privileges granted by the laws of this State to ordinary corporations, except such as are inconsistent with the express provisions of this Act; and to do any such thing anywhere.

7. MEMBERS:

(a) Under the terms and conditions prescribed in its by-laws, an association may admit as members, or issue common stock, only to persons engaged in the production of the agricultural products to be handled by or through the association, including the lessees and tenants of land used for the production of such products and any lessors and landlords who receive as rent part of the crop raised on the leased premises.

(b) If a member of a non-stock association be other than a natural person, such member may be represented by any individual, associate, officer or member thereof, duly authorized in writing.

(c) One association organized hereunder may become a member or stockholder of any other association or associations, organized hereunder.

8. ARTICLES OF INCORPORATION.

Each association formed under this Act must prepare and file

Articles of Incorporation, setting forth :

- (a) The name of the association.
- (b) The purposes for which it is formed.
- (c) The place where its principal business will be transacted.
- (d) The term for which it is to exist, not exceeding fifty (50) years.

(e) The number of Directors thereof, which must not be less than five (5) and may be any number in excess thereof, and the term of office of such directors.

(f) If organized without capital stock, whether the property rights and interest of each member shall be equal or unequal; and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests respectively, of each member may and shall be determined and fixed; and the association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules. This provision of the Articles of Incorporation shall not be altered, amended, or repealed except by the written consent or the vote of three-fourths of the members.

(g) If organized with capital stock, the amount of such stock and the number of shares into which it is divided and the par value thereof. The capital stock may be divided into preferred and common stock. If so divided, the Articles of Incorporation must contain a statement of the number of shares of stock to which preference is granted and the number of shares of stock to which no preference is granted and the nature and extent of the preference and privileges granted to each.

The articles must be subscribed by the incorporators and acknowledged by one of them before an officer authorized by the law of this State to take and certify acknowledgements of deeds and conveyances; and shall be filed in accordance with the provisions of the general corporation law of this State; and when so filed the said Articles of Incorporation, or certified copies thereof, shall be received in all the Courts of this State, and other places, as prima facie evidence of the facts contained therein, and of the due incorporation of such association. A certified copy of the Articles of Incorporation shall also be filed with the Dean of the State College of Agriculture.

9. AMENDMENTS TO ARTICLES OF INCORPORATION.

The Articles of Incorporation may be altered or amended at any regular meeting or at any special meeting called for that purpose. An amendment must first be approved by two-thirds of the directors and then adopted by a vote representing a majority of all the members of the association. Amendments to the Articles of Incorporation when so adopted shall be filed in accordance with the provisions of the general corporation law of this State.

10. BY-LAWS.

Each association incorporated under this Act must, within thirty

(30) days after its incorporation, adopt for its government and management, a code of By-Laws, not inconsistent with the powers granted by this Act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such By-Laws. Each association under its By-Laws may also provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or by both, and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and mode and manner of giving notice thereof.

(f) Penalties for violations of the By-Laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same, and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members, and of the shares of common stock; the conditions upon which, and time when membership of any member shall cease. The automatic suspension of the rights of a member when he ceases to be eligible to membership in the association, and mode, manner and effect of the expulsion of a member; manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or, at the option of the association, by conclusive appraisal by the Board of Directors. In case of the withdrawal or expulsion of a member the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

11. GENERAL AND SPECIAL MEETINGS—HOW CALLED.

In its By-Laws each association shall provide for one or more regular meetings annually. The Board of Directors shall have the right to call a special meeting at any time, and ten per cent of the members or stockholders may file a petition stating the specific business to be brought before the association and demand a special meeting at any time. Such meeting must thereupon be called by the directors. Notice of all meetings, together with a statement of the purposes thereof, shall be mailed to each member at least ten days prior to the meeting; provided, however, that the by-laws may require instead that such notice may be given by publication in a newspaper of general circulation, published at the principal place of business of the association.

12. DIRECTORS—ELECTION.

The affairs of the association shall be managed by a board of not less than five directors, elected by the members or stockholders from their own number. The By-Laws may provide that the territory in which the association has members shall be divided into districts and that the directors shall be elected according to such districts. In such a case the By-Laws shall specify the number of directors to be elected by each district, the manner and method of reapportioning the directors and of redistricting the territory covered by the association. The By-Laws may provide that primary elections should be held in each district to elect the directors apportioned to such districts and the result of all such primary elections must be ratified by the next regular meeting of the association.

The By-Laws may provide that one or more directors may be appointed by the Dean of the College of Agriculture or any other public official or commission. The Director or Directors so appointed need not be members or stockholders of the association, but shall have the same powers and rights as other directors.

An association may provide a fair remuneration for the time actually spent by its officers and directors in its service. No Director, during the term of his office, shall be a party to a contract for profit with the association differing in any way from the business relations accorded regular members or holders of common stock of the association, or to any other kind of contract differing from terms generally current in that district.

When a vacancy on the Board of Directors occurs, other than by expiration of term, the remaining members of the Board by a majority vote, shall fill the vacancy, unless the By-Laws provide for an election of directors by district. In such a case the Board of Directors shall immediately call a special meeting of the members or stockholders in that district to fill the vacancy.

13. ELECTION OF OFFICERS.

The Directors shall elect from their number a President and one or more Vice Presidents. They shall also elect a Secretary and Treasurer, who need not be directors, and they may combine the two latter

officers and designate the combined office as secretary-treasurer. The Treasurer may be a bank or any depository, and as such shall not be considered as an officer but as a function of the Board of Directors. In such case the Secretary shall perform the usual accounting duties of the treasurer, excepting that the funds shall be deposited only as authorized by the Board of Directors.

14. STOCK-MEMBERSHIP CERTIFICATES—WHEN ISSUED—VOTING—LIABILITY—LIMITATIONS ON TRANSFER AND OWNERSHIP.

When a member of an association established without capital stock, has paid his membership fee in full, he shall receive a certificate of membership. No association shall issue stock to a member until it has been fully paid for. The promissory notes of the members may be accepted by the association as full or partial payment. The association shall hold the stock as security for the payment of the note but such retention as security shall not affect the members' right to vote.

Except for debts lawfully contracted between him and the association, no member shall be liable for the debts of the association to an amount exceeding the sum remaining unpaid on his membership fee or his subscription to the capital stock, including any unpaid balance or any promissory notes given in payment thereof.

No stockholder of a cooperative association shall own more than 1-20 of the common stock of the association; and an association, in its By-Laws, may limit the amount of common stock which one member may own to any amount less than one-twentieth of the common stock.

No member or stockholder shall be entitled to more than one vote.

Any association organized with stock under this Act may issue preferred stock, with or without the right to vote. Such stock may be redeemable or retirable by the association on such terms and conditions as may be provided for by the Articles of Incorporation and printed on the face of the Certificate.

The By-Laws shall prohibit the transfer of the common stock of the association to persons not engaged in the production of the agricultural products handled by the association, and such restrictions must be printed upon every certificate of stock subject thereto.

The association may at any time, except when the debts of the association exceed fifty per cent (50%) of the assets thereof, buy in or purchase its common stock at book value thereof as conclusively determined by the board of directors and pay for it in cash within one (1) year thereafter.

15. REMOVAL OF OFFICER OR DIRECTOR.

Any member may bring charges against an officer or director by filing them in writing with the secretary of the association, together with a petition signed by ten per cent of the members, requesting the removal of the officer or director in question. The removal shall be voted upon at the next regular or special meeting of the association and, by a vote of a majority of the members, the association may remove the officer or

director and fill the vacancy. The director or officer against whom such charges have been brought shall be informed in writing of the charges previous to the meeting and shall have an opportunity at the meeting to be heard in person or by counsel and to present witnesses; and the person or persons bringing the charges against him shall have the same opportunity.

In case the By-Laws provide for election of directors by districts with primary elections in each district, then the petition for removal of a director must be signed by twenty per cent of the members residing in the district from which he was elected. The Board of Directors must call a special meeting of the members residing in that district to consider the removal of the director. By a vote of the majority of the members of that district, the director in question shall be removed from office.

16. REFERENDUM.

Upon demand of one-third of the entire board of directors, any matter that has been approved or passed by the board must be referred to the entire membership or the stockholders for decision at the next special or regular meeting; provided, however, that a special meeting may be called for the purpose.

17. MARKETING CONTRACT.

The association and its members may make and execute marketing contracts, requiring the members to sell, for any period of time, not over five years, all or any specified part of their agricultural products or specified commodities exclusively to or through the association or any facilities to be created by the association. The contract may provide that the association may sell or re-sell the products of its members, with or without taking title thereto; and pay over to its members the resale price, after deducting all necessary selling, overhead and other costs and expenses, including interest on preferred stock, not exceeding eight per cent per annum, and reserves for retiring the stock, if any; and other proper reserves; and interest not exceeding eight per cent per annum upon common stock.

The By-Laws and the marketing contract may fix, as liquidated damages, specific sums to be paid by the member or stockholder to the association upon the breach by him of any provision of the marketing contract regarding the sale or delivery or withholding of products; and may further provide that the member will pay all costs, premiums for bonds, expenses and fees in case any action is brought upon the contract by the association; and any such provisions shall be valid and enforceable in the courts of this State.

In the event of any such breach or threatened breach of such marketing contract by a member, the association shall be entitled to an injunction to prevent the further breach of the contract, and to a decree of specific performance thereof. Pending the adjudication of such an action and upon filing a verified complaint showing the breach or threatened

breach, and upon filing a sufficient bond, the association shall be entitled to a temporary restraining order and preliminary injunction against the member.

18. PURCHASING BUSINESS OF OTHER ASSOCIATIONS, PERSONS—FIRMS OR CORPORATIONS—PAYMENT—STOCK ISSUED.

Whenever an association organized hereunder with preferred capital stock, shall purchase the stock or any property, or any interest in any property of any person, firm, or corporation or association, it may discharge the obligations so incurred, wholly or in part, by exchanging for the acquired interest, shares of its preferred capital stock to an amount which at par value would equal a fair market value of the stock or interest so purchased, as determined by the Board of Directors. In that case the transfer to the association of the stock or interest purchased shall be equivalent to payment in cash for the shares of stock issued.

19. ANNUAL REPORTS.

Each association formed under this Act shall prepare and make out an annual report on forms furnished by the Commissioner of Agriculture; (The State College of Agriculture; corporation commissioner; or the Director of Markets), containing the name of the association, its principal place of business and a general statement of its business operations during the fiscal year, showing the amount of capital stock paid up and the number of stockholders of a stock association or the number of members and amount of membership fees received, if a non-stock association; the total expenses of operations; the amount of its indebtedness, or liability and its balance sheets.

20. CONFLICTING LAWS NOT TO APPLY.

Any provisions of law which are in conflict with this Act shall not be construed as applying to the associations herein provided for.

21. LIMITATION OF USE OF TERM "CO-OPERATIVE."

No person, firm, corporation or association, hereafter organized or doing business in this State, shall be entitled to use the word "Cooperative" as part of its corporate or other business name or title unless it is in fact a cooperative association or corporation.

Any person, firm, corporation or association now organized and existing, or doing business in this State, and embodying the word "Cooperative" as part of its corporate or other business name or title, and which is not in fact a cooperative association or corporation, must, within six months from the date at which this Act goes into effect eliminate the word "Cooperative" from its said corporate or other business name or title.

22. INTEREST IN OTHER CORPORATIONS OR ASSOCIATIONS.

An association may organize, form, operate, own, control, have an interest in, own stock of, or be a member of any other corporation or corporations, with or without capital stock, and engaged in preserving, drying, processing, canning, packing, storing, handling, shipping, utilizing, manufacturing, marketing, or selling the agricultural products

handled by the association, or the by-products thereof. If such corporations are warehousing corporations, they may issue legal warehouse receipts to the association or to any other person and such legal warehouse receipts shall be considered as adequate collateral to the extent of the current value of the commodity represented thereby. In case such warehouse is licensed or licensed and bonded under the laws of this or any other State or the United State, its warehouse receipt shall not be challenged or discriminated against because of ownership or control, wholly or in part, by the association.

23. CONTRACTS AND AGREEMENTS WITH OTHER ASSOCIATIONS.

Any association may, upon resolution adopted by its board of directors, enter into all necessary and proper contracts, and agreements and make all necessary and proper stipulations, agreements and contracts and arrangements with any other cooperative corporation, association or associations, formed in this or in any other State, for the cooperative and more economical carrying on of its business, or any part or parts thereof. Any two or more associations may, by agreement between them, unite in employing and using or may separately employ and use the same methods, means and agencies for carrying on and conducting their respective businesses.

24. ASSOCIATION HERETOFORE ORGANIZED MAY ADOPT THE PROVISIONS OF THIS ACT.

Any corporation or association organized under previous existing statutes, may by a majority vote of its stockholders or members be brought under the provisions of this Act by limiting its membership and adopting the other restrictions as provided herein. It shall make out in duplicate a statement signed and sworn to by its directors, upon forms supplied by the corporation commissioner, to the effect that the corporation or association has by a majority vote of its stockholders or members decided to accept the benefits and be bound by the provisions of this Act. Articles of Incorporation shall be filed as required in Section 8, except that they shall be signed by the members of the Board of Directors. The filing fee shall be the same as for filing an amendment to Articles of Incorporation.

25. MISDEMEANOR—BREACH OF MARKETING CONTRACT OF COOPERATIVE ASSOCIATION; SPREADING FALSE REPORTS ABOUT THE FINANCES OR MANAGEMENT THEREOF.

Any person or persons or any corporation whose officers or employees knowingly induces or attempts to induce any member or stockholder of an association organized hereunder to breach his marketing contract with the association, or who maliciously and knowingly spreads false reports about the finances or management thereof shall be guilty of a misdemeanor and subject to a fine of not less than One Hundred Dollars (\$100.00) and not more than One Thousand Dollars (\$1,000.00), for such offense and shall be liable to the association ag-

grieved in a civil suit in the penal sum of Five Hundred Dollars (\$500.00), for each such offense.

26. ASSOCIATION NOT IN RESTRAINT OF TRADE.

No association organized hereunder shall be deemed to be a combination in restraint of trade or an illegal monopoly, or an attempt to lessen competition or fix prices arbitrarily; nor shall the marketing contracts or agreements between the association and its members or any agreements authorized in this Act be considered illegal or in restraint of trade.

27. CONSTITUTIONALITY.

If any Section of this Act shall be declared unconstitutional for any reason, the remainder of the Act shall not be affected thereby.

28. APPLICATION OF GENERAL CORPORATION LAWS.

The provisions of the general corporation laws of this State, and all powers and rights thereunder, shall apply to the associations organized hereunder, except where such provisions are in conflict with or inconsistent with the express provisions of this act.

29. ANNUAL LICENSE FEES.

Each association organized hereunder shall pay an annual license of Ten Dollars (\$10.00) but shall be exempt from all franchise or license taxes.

30. FILING FEES.

For filing Articles of Incorporation, and association organized hereunder shall pay Ten Dollars (\$10.00), and for filing an amendment to the articles, Two and 50-100 Dollars (\$2.50).

Approved March 10, 1921.

CHAPTER 45.

(S. B. NO. 37—Baird)

FOREIGN CORPORATIONS

An Act Entitled an Act to Cure Defects in the Title of Real Estate Caused by Failure of Foreign Corporations to Comply with Section 5238, Compiled Laws, 1913.

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

(1) Any corporation organized otherwise than under the laws of this state, having acquired, or attempted to acquire, or to convey legal title by deed, or lease to any real property in this state, before complying with the terms of Section 5238 Compiled Laws of 1913, and which has therefore, and before the passage and approval of this Act, complied with said Section, shall be and is hereby relieved from any disability provided in said Section or prohibition therein contained, so far

as said statute relates to the acquisition and holding of the property so acquired, or attempted to be acquired, and the title so acquired, or attempted to be acquired, is hereby confirmed.

(2) Any person claiming that the legal title of any corporation or of any person claiming by, through, or under such corporation, to any real property acquired, or attempted to be acquired, is invalid by reason of the failure of any corporation coming within the terms of subsection 1 of this Act, to comply with the Section above referred to, shall commence an action to recover the property, or to declare the legal title of said corporation void, or interpose a defense on such grounds, within one year from the passage and approval of this Act, and in case of failure to do so his right of action or defense, based upon the failure to comply with said Section by any such corporation, shall be deemed to have expired; provided that this subsection shall not affect any action now pending.

Approved March 4, 1921.

CHAPTER 46.

(S. B. NO. 111—Whitman).

INCREASE OF CAPITAL STOCK.

An Act to Amend and Re-enact Section 4557 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the increasing or Diminishing of the Capital Stock of Corporations.

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

§ 1. AMENDMENT.] That Section 4557 of the Compiled Laws of North Dakota, for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4557. POWERS OF CORPORATION. INCREASING OR DIMINISHING STOCK.] Every corporation may increase or diminish its capital stock at a regular or special meeting, called for that purpose, by the directors as follows:

1. Notice of the time and place of the meeting stating its object and the amount to which it is proposed to increase or diminish its capital stock, must be served on each stockholder by depositing and registering the same in the Post Office, postage paid, properly directed to each stockholder at the Post Office of his last known place of residence as shown by the stock register of such corporation and return receipt demanded at least sixty days prior to the time of such meeting; and the notice must be given to stockholders whose place of residence is unknown or who are not residents in the state by the publication of such notice in a newspaper published in the county where the principal office of the

corporation is situated, not less than once a week for thirty days prior to such meeting; provided, that the capital stock of any railway company under the laws of this state may be increased to such an amount as may by its stockholders be deemed necessary for the purchase or construction of any railroad which it may be legally empowered to purchase or construct; for additions to or improvements of its railroad or property; for additional equipment which may be necessary in the operations of its railroad and for real estate that may be needed by said corporations for railway purposes, by a majority vote of all its stock, in person or by proxy at any annual meeting, or at any meeting called by its directors for that purpose, by a notice in writing to each stockholder to be served on him personally or by depositing the same in the Post Office, postage paid, properly directed to him at the Post Office nearest his usual place of residence at least sixty days prior to such meeting. Such notice shall state the time and place of such meeting, its object and the amount to which it is proposed to increase such capital stock. No vote in favor of such increase shall take effect until the proceedings of such meeting, showing the names of all the stockholders voting therefor and the amount of stock owned by each shall be entered upon the records of such corporation. Every such corporation so increasing its capital stock shall file with the Secretary of State, whenever issues of stock shall be made under this section, a report showing the amount issued and the purposes to which it has been, or is to be, devoted, which report shall be verified by the oath of the president or the general manager thereof and of the chief engineer.

2. The capital stock must in no case be diminished to an amount less than the indebtedness of the corporation, or the estimated cost of the works which it may be the purpose of the corporation to construct.

3. At least two-thirds of the entire capital stock except as hereinbefore provided, must be represented by the vote in favor of the increase or diminution before it can be effected.

4. A certificate must be signed by the chairman and the secretary of the meeting and a majority of the directors, showing a compliance with the requirements of this section the amount to which the capital stock has been increased or diminished, the amount of stock represented at the meeting and the vote by which the object was accomplished.

5. The certificate must be filed in the office of the Secretary of State, there to be recorded in the book of corporations, and thereupon the capital stock shall be so increased or diminished.

Approved March 11, 1921.

CHAPTER 47.

(S. B. No. 200.—Rusch.)

RENEWAL OF CORPORATE EXISTENCE.

An Act Authorizing the Renewal of the Period of Corporate Existence of Certain Corporations whose Period of Duration has Expired Without the Renewal thereof, and Legalizing Acts and Contracts of such Corporation made or done and Performed Subsequent to the Expiration of the Original Period of Existence of such Corporation.

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

§ 1. RENEWAL OF CORPORATE EXISTENCE.] Any corporation heretofore organized under the laws of this state, whose period of duration has expired and the same has not been renewed and such corporation has continued to transact its business, may renew its corporate existence from the date of the expiration of its period of duration for an additional period not exceeding twenty (20) years from and after the time of its expired period of duration, with the same force and effect as if renewed prior to the expiration of its term of existence, by taking the same proceedings and by paying into the state treasury twenty-five dollars in addition to the fees as now provided by law for the renewal of the corporate existence of such corporations in cases where such renewal is made before the end of its period of duration.

§ 2. ONE YEAR LIMITATION.] Such proceedings to obtain such extension shall be taken within one (1) year after the taking effect of this act.

§ 3. ORIGINAL ACTS DECLARED VALID.] When such steps are taken within such period, such proceedings shall relate back to the date of the expiration of said original corporate period, and when said period is extended as provided by this act any and all corporate acts and contracts done, performed, made and entered into after the expiration of said original period, shall be and each is hereby declared to be legal and valid.

§ 4. APPLICATION.] This act shall not apply to any corporation the charter of which has been declared forfeited by the final judgment of any court of competent jurisdiction in this state, nor to any corporation as to which there is any action or proceeding pending in any of the courts in this state for the forfeiture of its charter, nor to any corporation whose directors have acted as trustees under the provisions of Section 4567, Compiled Laws of 1913.

Approved March 9, 1921.

COUNTY COMMISSIONERS

CHAPTER 48.

(H. B. No. 146.—R. M. Sproul.)

COMPENSATION AND HOURS.

An Act for an Act to Amend and Re-enact Section 3523 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 104 of the Session Laws for 1915. Relating to the 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 the year 1913, as amended by Chapter 104 of the Session Laws for 1915, be and the same is hereby amended and re-enacted to read as follows:

§ 3533. COMPENSATION ALLOWED. OFFICE HOURS.] County Commissioners shall be allowed for the time they are necessarily employed in the duties of their office, including the time necessarily consumed in traveling to and from their homes to attend the meetings of the board, the sum of six dollars ((\$6.00) per day and their actual traveling expenses, which expenses shall not exceed ten cents (10c) per mile necessarily traveled while performing their duties in attending meetings of the board or when engaged in other official duties, the same to be paid out of the general fund of the county; and the office hours shall not be less than from nine to twelve A. M. and two to five P. M., during regular or special sessions held by such board.

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

Approved March 9, 1921.

CHAPTER 49.

(H. B. No. 139.—Freeman.)

CONTRACTS.

An Act to Amend and Re-enact Section 3296 of the Compiled Laws of North Dakota for the Year 1913, Relating to County Commissioners' Powers and Duties with Respect to Contracts Let on Competitive Bids.

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

§ 1. AMENDMENT.] That Section 3296 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:

§ 3296. CONTRACTS LET ONLY ON COMPETITIVE BIDS.] The board shall cause an advertisement for bids for the erection of such building to be published for at least thirty days prior to the opening of bids by at least four publications in official newspaper published in the county, and such other newspaper as may seem to them advisable. Such advertisement shall state where the plans and specifications may be examined and the time allowed for the completion of such building, also the time when bids will be opened and passed upon by the board, which may be at regular or duly adjourned session of the board, or at a meeting duly called by the auditor, as provided in Section 3266 of this chapter. Each bid must contain a certified check in a sum equal to five (5) per cent of the amount of the bid, made payable to the chairman of the board of county commissioners, as a guarantee that the bidder will enter into contract should it be awarded to him, and furnish a bond as herein provided; and the lowest responsible bid must in all cases be accepted, and the contract for such building shall be so conditioned that not more than seventy (70) per cent of the contract price for the same shall be paid until the contract shall be executed and the buildings completed to the satisfaction and acceptance of the board, their architect or authorized superintendent, and payments to the extent of the above mentioned per cent may be made from time to time during the process of construction and divided into such installments as the board may agree upon. The board must further require a bond from the contractor in a sum equal to the contract price, conditioned, the contractor will execute his contract and complete the building according to the plans and specifications and to the full satisfaction of the board, and account for all moneys paid to him and pay all bills and claims on account of labor or materials furnished in and about the performance of said contract, including all demands of subcontractors, and said bond shall stand as security for all such bills, claims and demands. The sureties on such bond shall be as required in Section 4801 (6834), except, however, the board may demand a surety bond, in which case the expense of procuring such bond shall be paid for by the county requiring the same. The provisions of this section shall apply to all contracts for fuel, stationery and all other articles for the use of the county, or labor to be performed therefor, when the amount to be paid for the same during any year exceeds the sum of three hundred dollars (\$300.00); provided, that in all cases advertisements for bids therefor need not be for more than three consecutive weeks in official newspaper published in such county; and provided, also that all contracts for the furnishing of stationery, blank books and supplies generally for all county offices shall be let at the first regular meeting in April to run for the period

of one year. All contracts shall be made and set forth in writing and may be signed on behalf of the board by the chairman with the county seal affixed, after such contract has been voted upon and carried by a majority of the board. The board shall, by virtue of this section, be empowered to engage some competent architect to prepare plans and specifications, details, etc., for such building, and for which services they shall pay a compensation in a sum not to exceed five (5) per cent of the total cost of the building.

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

Approved March 10, 1921.

CHAPTER 50.

(H. B. No. 140.—Renauld.)

PETITIONS.

An Act for an Act to Amend and Re-enact Chapter 271 of the Session Laws of North Dakota for the Year 1915, Relating to Qualifications of Signers on Petition to County Commissioners.

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

§ 1. AMENDMENT.] Chapter 271 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

§ 2. AMENDMENT.] Whenever a petition shall be presented to a Board of County Commissioners praying 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, 1921.

CHAPTER 51.

(H. B. No. 206.—Mouck.)

SEED AND FEED BONDS.

An Act Authorizing Board of County Commissioners to issue refunding bonds to fund or refund for the purpose of seed grain or seed and feed grain bonds or warrants theretofore issued pursuant to law for the purchase of seed grain and feed or either.

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

§ 1. Whenever it shall appear to the Board of County Commissioners in any county that it is wise or expedient to extend the time of payment of any seed grain or feed and seed grain bonds or war-

rants theretofore issued pursuant to law, beyond the date of maturity of said bonds, or warrants, the Board of County Commissioners may by a resolution, authorize the issuance of funding or refunding bonds to retire such seed grain or seed and feed grain bonds or warrants.

§ 2. The bonds as provided for in Section 1 of this act shall be issued in denominations ranging from \$100 to \$1,000. They shall bear interest at a rate not higher than 7 per cent per annum, which said interest shall be payable semi-annually, with coupons attached for each interest installment, and provided that the date of maturity of such bonds shall not be later than five years from the date of the issuance of the said seed grain or feed and seed grain bonds and warrants to be retired. Said bonds shall be sold at not less than par, provided, however, that a reasonable allowance may be made by the County Commissioners for printing and advertising the sale thereof, brokerage and for attorney's fees. Said bonds 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 each bond shall state on its face that it is issued in accordance with the provisions of this chapter and that portion of this article relating to the issuance of funding and refunding shall be printed on the back of each bond. Such bonds may be made payable anywhere in the United States.

§ 3. A record of each bond issued under the provisions of this Act shall be kept by the County Treasurer, showing the number of each bond, so issued, the date, amount, rate of interest, when and where payable, the amount received therefor, to whom sold and how the proceeds are disposed of, and it shall be the duty of the County Auditor to keep a duplicate record of the same.

§ 4. The Board of County Commissioners shall levy each year upon the taxable property of the county a sufficient tax to pay the interest on said bonds as the same accrues, and to create a sinking fund which shall amount to the par value of the bonds at the time the same mature, in such a manner that an equal amount shall be raised each year.

§ 5. Bonds May Be Retired. Said board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds issued under the provisions of this article out of the funds provided for that purpose, at not more than the par value thereof and accrued interest.

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

§ 7. This act is declared to be an emergency measure and shall be in full force and effect from and after the date of its passage and approval.

Approved March 9, 1921.

COUNTY OFFICERS

CHAPTER 52.

(S. B. No. 173.—Miklethun.)

SALARIES OF COUNTY OFFICERS.

An Act Providing for Salaries of County Auditors, Registers of Deeds, County Judges, State's Attorneys, Clerks of District Courts, Sheriffs, and County Superintendents of Schools, and County Treasurers, and Repealing Chapter 112 of the Laws of 1915 and all Acts and parts of Acts in conflict herewith, and Chapter 105 of the Session Laws of 1919.

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

§ 1. The salary of the County Auditor, County Treasurer, Sheriff and County Superintendent of Schools shall be regulated by the population in the respective counties according to the last preceding official state or federal census from and after the date when the official report of such census shall be published by the director of the census or such other official as may be charged with the duty of making such official publication.

Provided that County Auditors, County Treasurers, Sheriffs and County Superintendents of Schools shall receive \$1,500.00 for their personal and official services in each year in counties having populations not exceeding 6000; \$1,700.00 in counties having a population exceeding 6,000 and not exceeding 7,000; \$1,800.00 in counties having a population of 7,000 and not exceeding 8,000; and provided further that in counties having a population in excess of 8,000, there shall be an additional compensation of \$40.00 for each 1,000 additional population and major fraction thereof, and provided, further, that in no case shall the maximum of such compensation exceed the sum of \$3,000.00.

§ 2. The salaries of the Register of Deeds, County Judges, State's Attorneys and Clerks of District Courts shall be regulated by the population in the respective counties according to the last preceding official state or federal census from and after the date when the official report of such census was published by the director of the census or such other official as may be charged with the duty of making such official publication.

Provided that such salaries shall be \$1,500.00 in all counties having a population of 5,000 or less and \$1,600.00 in all counties having a population in excess of 5,000 and not exceeding 7,000, and

provided further that in counties having a population in excess of 7,000 there shall be paid an additional compensation of \$40.00 for each additional 1,000 in population or major fraction thereof. Provided, however, that in no case shall such compensation and salary exceed the sum of \$2,000 per annum. It is further provided that the aforesaid salary for County Judges shall not apply in counties having increased jurisdiction. Provided, further, that in counties having a population of over 17,000, the county commissioners shall appoint an assistant state's attorney or clerk with a salary of not less than six hundred dollars per year, and in counties having a population of less than 17,000 the county commissioners may appoint an assistant state's attorney or clerk whose salary shall be fixed by the county commissioners.

§ 3. EXPENSES OF COUNTY SUPERINTENDENT OF SCHOOLS.] The County Superintendent of Schools shall receive 15c per mile for the distance actually and necessarily traveled by him or his field deputy in the discharge of their duties within the county and 10c per mile when in attendance at meetings of County Superintendents when same are called by the State 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.

§ 4. Provided that the salary of no county official shall be reduced by this Act to any sum less than the salary provided for by law for such office at the time he was elected.

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

Approved March 18, 1921.

CHAPTER 53.

(H. B. No. 28.—Kitchen.)

COUNTY SUPERINTENDENT OF SCHOOLS.

An Act to Amend and Re-enact Section 1136 of the Compiled Laws of North Dakota of 1913, as Amended and Re-enacted by Chapter 208 of the Session Laws of 1917, and as Amended and Re-enacted by Chapter 104 of the Session Laws of 1919, Relating to the Office of County Superintendent of Schools.

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

§ 1. AMENDMENT.] Section 1136 of the Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 208 of the Session Laws of 1917 as amended and re-enacted by

Chapter 104 of the Session Laws of 1919 is hereby amended and re-enacted to read as follows:

§ 1136. DEPUTIES. HOW APPOINTED. SALARY.] In counties having fifty or more teachers under the supervision of the county superintendent, the county superintendent may appoint an office deputy, for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to sixty per cent of the county superintendent's salary. Provided, in counties having one hundred or more teachers under the supervision of the county superintendent, the county superintendent shall be allowed one field deputy and one additional field deputy for each additional one hundred fifty teachers or major fraction thereof under the supervision of such superintendent; such deputies shall be for the purpose of assisting the county superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the educational qualifications of the county superintendent of schools and shall receive a salary equal to eighty per cent of the county superintendent's salary.

Approved March 18, 1921.

COURT STENOGRAPHERS

CHAPTER 54.

(S. B. No. 31.—Whitman.)

COURT STENOGRAPHERS.

An Act to Amend and Re-enact Section 780 of the Compiled Laws of North Dakota, for the year 1913, as amended by Chapter 30, of the Special Session Laws of North Dakota, for the year 1919, relating to Compensation of Court Stenographers, and providing for the payment of expenses.

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

§ 1. That Section 780 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 30, of the Special Session Laws of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 780. Each Court Stenographer shall receive a salary of Two Thousand Dollars (\$2,000.00) per annum, payable in monthly equal installments in the counties constituting the judicial district in which such stenographer is employed, which salary shall be apportioned according and in proportion to the number of suits entered and commenced in the district court of the respective counties of such district in the preceding year. It shall be the duty of the presiding judge of

each judicial district, on the first day of January, of each year, or as soon thereafter as may be, to apportion the amount of such salary to be paid by each county, in his district on the basis aforesaid, and it shall be the duty of the County Auditors of the respective counties in such judicial district to issue to the order of such Court Stenographer a warrant for the amount shown to be due by such apportionment. As reimbursement for expenses incurred in the performance of such official duties outside of the county where the District Court Chambers are situated, the Court Stenographer shall receive for actual living expenses a sum not to exceed Four Dollars (\$4.00) per day and for travel, actual transportation, which sums shall be paid monthly upon itemized statements submitted to the District Judge, upon the order of the District Judge, by the county wherein such Court Stenographer is at such time attending to such official duties. For making of the transcript such Court Stenographer shall be entitled to receive compensation at the rate of fifteen cents for each one hundred words, and the same when ordered by the Judge, shall be paid by the county chargeable with the costs of the action, and in all other cases, by the party requesting such transcripts; provided, however, that when four additional copies are ordered at the same time for the use of the same party, then such Court Stenographer shall be entitled to receive ten cents per hundred words, for such additional copies.

Approved March 9, 1921.

DAIRY COMMISSIONER

CHAPTER 55.

(S. B. No. 203.—Church.)

SALARY.

An Act to Amend and Re-enact Section 10 of Chapter 31 of the Special Session Laws of North Dakota for the year 1919, relating to the Purchase of Cattle by County.

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

§ 1. That Section 10 of Chapter 31 of the Special Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 10. AMENDMENT.] The State Dairy Commissioner shall, in addition to his other regularly prescribed duties, have general supervision of carrying into effect the provisions of this Act and shall prepare and give general publicity to the residents of this state, a sum-

mary statement of the provisions of this Act, and the manner in which such residents may avail themselves of its benefits he shall advise and assist in the organization and management of Dairy Associations as herein described; he shall cooperate with the Commissioner of Immigration by compiling and giving publicity to such data and reports as will encourage the development of the dairy industry within the state. He shall prepare such uniform blanks, as he shall deem necessary for the purpose of this Act and supply same to the County Auditor of any county issuing bonds or warrants.

Approved March 9, 1921.

DEPOSITARIES FOR PUBLIC FUNDS

CHAPTER 56.

(H. B. No. 212.—Hanson of Grand Forks.)

LEGAL DEPOSITARIES.

An Act Designating Legal Depositaries for the Funds of all Public Corporations and providing the procedure and the Regulations under which such Funds shall be Deposited.

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

§ 1. All State and National Banks in the State of North Dakota complying with the provisions of this Act, and the Bank of North Dakota are hereby declared to be legal depositaries of the public funds of the various counties, townships, school districts, cities and villages and the various treasurers of said corporations shall deposit all funds in their custody in such banks.

§ 2. Before any deposit shall be made in any depository by or in behalf of any of the corporations enumerated in Section 1 of this Act, such depository shall furnish a bond payable to the public corporation making such deposit, in an amount that shall at least equal the largest deposit that may at any time be in such depository; said bond shall be in conformity to a form prescribed by the Attorney General and the amount and sufficiency by the board or governing body of such corporation. If the board fails or refuses to approve any such bonds the same may be presented to the Judge of the District Court upon three days' notice to the clerk or auditor of the board of the corporation to which such bond was submitted and the judge shall

forthwith proceed to hear and determine the amount and sufficiency of such bond and may approve or disapprove the same as the facts warrant. If he approves such bond the said bank shall be declared a depository of the funds of such corporation. The sureties on all bonds required by public corporations according to the provisions of this law shall justify as required by law in arrest and bail proceedings. Provided, however, that in lieu of such personal bond the board or governing body of the corporation involved may require such bank designated as depository to file a surety bond in a sum equal to the amounts of funds such bank may receive according to the provisions of this act. The bond when approved, shall be deposited with the county auditor. Such bond shall be a continuing bond and shall continue binding, but in no case involving the deposit of funds of public corporations shall such bond be continued without a renewal thereof for a longer period than four years. This section shall not apply to public corporations as enumerated in Section 1 of this Act where the amount in the treasury of such corporations does not exceed the sum of Five Hundred Dollars. The treasurer of public corporations having on hand less than Five Hundred Dollars and therefore not within the provisions of this Section, shall deposit all the funds belonging to such corporation in some bank under such conditions and restrictions as shall seem adequate to protect the public interest.

§ 3. When two or more banks in the same county or the county in which such corporation is located, proposing to become depositaries offer the same rate of interest it shall be the duty of the treasurer to select depositaries as offer ample security for such deposit. In estimating the value of the security offered by any proposed depository the capital, surplus, and general credit of the bank shall be taken into consideration, as well as the bonds proposed to be given. Provided, however, that if the rate of interest offered by the Bank of North Dakota is equal to or greater than that offered by the state or national banks within said county, the treasurer of such corporation may deposit so much of the public funds of the said corporation in the Bank of North Dakota as he shall deem proper without regard to the amount on deposit in state or national banks.

§ 4. To the extent that public funds are deposited as herein provided the legal custodian thereof and the sureties on his bonds, shall be exempt from all liability thereon by reason of loss of any such funds from failure, or other act of any such depository.

§ 5. Each depository shall furnish to the county treasurer on the first day of each month an itemized statement of the account of such county and of each township, school district, city, town or village in such county with such depository duly verified by the proper officer of said bank, which statement shall be filed and carefully preserved in the office of the county treasurer. Such statement shall show all time

deposits and demand deposits, the rate of interest paid and by whom deposited.

§ 6. It shall be the duty of the county treasurer in each county to compile the reports filed by all depositaries in which public funds of said county are deposited and therefrom make a report showing the amount deposited in each of such depositaries, the rate of interest paid by each such depository on time deposits and demand deposits separately and a statement of any offers made to him for the deposit of public funds by any bank. He shall also compile the reports of all depositaries who have deposits of funds of any of the public corporations within such county and therefrom make a report showing the amount of school district, township, city and village deposits in each such depository, the rate of interest paid on time deposits and demand deposits. Before the last day of February, May, August and November of each year he shall publish a statement in the official paper of his county, setting forth the facts as above provided as of the first day of each of these months.

§ 7. Any treasurer of any public corporation in this state who shall deposit public funds in any state or national bank in excess of the bond furnished by such bank, or shall deposit in any state or national bank funds in excess of \$500.00 without a bond, and any treasurer of a public corporation or the officials of any state or national bank who fails to make the reports required herein, and any county treasurer who fails to publish the statements as required by this act, shall be guilty of a misdemeanor.

§ 8. Emergency: This is hereby declared to be an emergency measure, and shall be in full force upon its passage and approval.

Approved March 8, 1921.

DIVORCE

CHAPTER 57.

(S. B. No. 24.—Church.)

DIVORCE.

An Act to Amend and Re-enact Section 4400 of the Compiled Laws of North Dakota, 1913, Relating to Affirmative Proof Required in Divorce Actions.

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

§ 1. AMENDMENT.] Section 4400 of the Compiled Laws of North Dakota is hereby amended and re-enacted so as to read as follows:

§ 400. **AFFIRMATIVE PROOF REQUIRED.]** No divorce can be granted, except at regular term time in the county in which the action is brought or to which the place of trial is changed by order of the court, or upon the default of the defendant, or upon the uncorroborated statement, admission or testimony of the parties, or upon any statement or finding of fact made by a referee, but the court must in addition thereto require proof of the facts alleged. And all divorce actions must be filed in the office of the Clerk of Court of the proper county and by the clerk placed upon the court calendar upon receiving the regular filing fees as though issue had been joined therein.

Approved March 9, 1921.

DRAINS

CHAPTER 58.

(H. B. No. 67.—Johnson of Sargent.)

DRAINS, HOW ESTABLISHED, COMMISSIONERS.

An Act to Amend and Re-enact Sections 2462, 2463, 2466, 2487, 2488, 2489, 2490, Compiled Laws of 1913, Relating to Drains.

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

§ 1. That Section 2462 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2462. **BOARD OF DRAIN COMMISSIONERS, HOW APPOINTED.]** The board of county commissioners of any organized county in this State shall have power and is authorized at any meeting of the board by a majority vote of all the members, upon its own motion or on the petition of any person interested, to appoint three freeholders of the county as a board of drain commissioners of such county, one of whom shall hold office for one year, one for two years and one for three years, and thereafter each of said drainage commissioners shall hold office for three years, and until his successor is appointed and qualified. The board of county commissioners may remove any or all of such drain commissioners, and in case of a vacancy may fill the same by appointment. The board of county commissioners shall provide an office for said board of drain commissioners at the county seat suitable for its use and the keeping of its records, and shall provide suitable record books for its use.

§ 2. Section 2463 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 2463. OATH. BOND. ORGANIZATION. LEGAL ADVICE.] Any person appointed as a member of the drain commissioners shall within ten days after his appointment take, subscribe and file in the office of the county auditor an oath faithfully to perform the duties of a drain commissioner under the law, and within the same time make, execute and file in the auditor's office a bond to the county with sureties to be approved by the auditor in such sum as shall be ordered by the board of county commissioners, conditioned for the faithful discharge of his duties as drain commissioner. The members of the drainage board shall organize by electing from their number a chairman, and also a secretary whose compensation shall be fixed by the board of drain commissioners; and, when necessary, name and appoint an assistant secretary; they shall keep an office at the county seat, and shall keep a record of their acts and proceedings and a separate record of the proceedings relating to each separate drain, all of which shall be open for public inspection and such records shall have the same force and effect as other public records. Two members of said board shall at all times constitute a quorum for the transaction of business. Said board may, when it is necessary, employ a clerk and fix his compensation. The state's attorney of each county shall, so far as his other duties will permit, act as the legal advisor of the board. The board may, however, employ other counsel to advise and represent it in its proceedings.

§ 3. That Section 2464 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2464. HOW ESTABLISHED.] A petition for the construction of a drain may be made in writing to the board of drain commissioners which petition shall designate the starting point and terminus and general course of the proposed drain. If among the leading purposes of the proposed drain are benefits to the health, convenience or welfare of the people of any city or other municipality, the petition shall be signed by a sufficient number of the citizens of such municipality or municipalities to satisfy the board of drain commissioners that there is a public demand for such drain. The petition shall be signed by at least six freeholders whose property shall be affected by the proposed drain. Upon the presentation of a petition as hereinbefore provided and filing of the same, the board of drain commissioners shall, personally, as soon as practicable, proceed to examine the line of the proposed drain, and if in its opinion it is necessary for the public good, it shall enter a resolution to that effect, and shall also enter a resolution designating a competent surveyor who shall survey the line thereof and establish the commencement and terminus and determine the route, width, length and depth thereof.

Provided, that the board of drain commissioners shall require a bond from the petitioners in a sum sufficient to pay all expenses of the surveys and of the drainage commissioners if it should appear after

the surveyor's report is filed, that the proposed drain would cost more than the amount of the benefit to be derived therefrom, or if two-thirds of the land owners whose lands are subject to assessment for the construction of the proposed drain petition the board of drain commissioners to have further proceedings discontinued, as hereinafter provided. For the purpose of making examinations or surveys the board of drain commissioners, surveyors and their employes may enter upon any land traversed by any such proposed drain or upon other lands when necessary. Such surveyor shall prepare profiles, plans and specifications of the proposed drain, and estimate of the cost thereof and a map or plat of the lands to be drained in duplicate, showing the regular sub-divisions thereof, one copy of which shall be filed in the office of the county auditor in the county in which the drain is proposed to be constructed and the other with the board of drain commissioners, subject to inspection. In locating a drain a board of drain commissioners may, under the advice of the surveyor, vary from the lines described in the petition as it seems best. When the line proposed is along highways already established the drain shall be located at a sufficient distance from the center of such highway to permit a good road along the central line thereof. When the length of the line described in the petition does not give sufficient fall to drain the land sought to be drained, the board of drain commissioners may extend the drain below the outlet named in the petition far enough to obtain a sufficient fall and outlet. Drains shall as far as practicable be located on dividing lines between sections or regular sub-divisions thereof, but the general utility of the drain must not be sacrificed to avoid crossing any tract of land in such direction as the board of drain commissioners find advisable. Upon the filing of the surveyor's report the board of drain commissioners shall fix a date and public place for hearing objections to the petitions, and such place for hearing shall be located at some point in the vicinity of the land which will be effected by such drain and that will be the most convenient point for the majority of the land owners affected by the proposed drain to attend. At least ten days' notice of such hearing shall be given by causing five notices to be posted along the line of the proposed drain at such points as will be likely, in the opinion of the board, to secure the greatest publicity, and in addition a notice shall be sent by registered mail to the last known address of each and every owner of land which may be affected by the proposed drain. Notices of this hearing shall contain a copy of the petition and a statement of the date of filing of the surveyor's report and the date when the board will act upon the petition, and must be signed by the members of the board or a majority thereof. All persons, whose land may be affected by any such drain, may appear before the board of drain commissioners and fully express their opinion and offer evidence upon the matters pertaining thereto. Should two-thirds of the land owners, whose land is subject to assessment for

the construction of the proposed drain, believe that the benefits to be derived are not equal to the expense of the construction, they may petition the board of drain commissioners to have further proceedings discontinued, whereupon the said board shall by resolution order further proceedings discontinued.

§ 4. That Section 2466 of the Compiled Laws of the State of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2466. RIGHT OF WAY.] The right of way for the construction of any proposed drain, if not conveyed to the county by the owner, may be acquired in such manner as may now or hereafter be prescribed by law, and where lands assessed for drainage benefits are not contiguous to such drain, access thereto over the land of others may be acquired in the same manner. Such right of way, when acquired, shall be the property of the county.

§ 5. That Section 2487 of the Compiled Laws of the State of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2487. RULES AND REGULATIONS.] The board of drain commissioners of any county may make rules and regulations on the subject of drainage within such county, as it may deem proper, not inconsistent with the provisions of this chapter and especially with regard to clearing out and keeping clear the channels of streams and the construction and maintenance of dams thereupon, with reference to their capacity for drainage and may require of the owners of such dams reasonable service in cleaning and keeping such streams clear as consideration for the right to erect dams thereupon.

§ 6. Section 2488 of the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 2488. LIABILITY OF DRAIN COMMISSIONER.] Each board of drain commissioners shall make a report to the board of county commissioners of all drain begun, in process of construction or finished and shall also render a full account of all moneys which shall come into its hands; and every drain commissioner shall be liable on his bond for any misapplication of money coming into his hands as such commissioner. The report required by this section, shall include an itemized statement of all expenses and warrants drawn on account of each and every drain; the books, records and accounts of the board of drain commissioners shall at all times be subject to the inspection, audit and investigation of the board of county commissioners.

§ 7. That Section 2489 of the Compiled Laws of the State of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2489. COMPENSATION OF PUBLISHERS.] Publishers of newspapers shall receive for publishing legal notices and furnishing evidence

of such publication the fees prescribed by law for legal advertisements.

§ 8. That Section 2490 of the Compiled Laws of the State of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2490. COMPENSATION OF COMMISSIONERS.] The drain commissioners shall receive for their services five dollars per day for the time actually spent by them in the performance of the duties of their office; which shall be chargeable to the drain or drains on which the time was spent, and actual necessary expenses when away from home; provided, the said drain commissioners shall render an itemized and verified statement showing the date or dates when their services were rendered, and not more than the compensation for one day shall be allowed to them for services rendered in any one calendar day of twenty-four hours.

§ 9. EMERGENCY.] Whereas there is an emergency, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1921.

CHAPTER 59.

(H. B. No. 113.—Boyd.)

DRAINAGE TAX.

An Act to Amend and Re-enact Section 2495 of the Compiled Laws of the State of North Dakota for the year 1913, relating to Levy of Taxes for Interest for Drainage Purposes and Creating Sinking Fund.

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

§ 1. AMENDMENT.] That Section 2495 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2495. LEVY OF TAX FOR INTEREST. SINKING FUND.] The Board of County Commissioners shall in each year at the time of levying the taxes, levy upon the property liable to taxation on account of the location and construction of any drain a tax sufficient to pay the annual interest on any bonds or warrants which may have been issued for the purpose of locating and constructing the drain. Provided that this section shall not apply to lands upon which payment has been made into the county treasury for the full amount of the assessment as provided in Section 2494 of the Compiled Laws of 1913. Separate sinking funds shall be provided for each separate drain for the construction of which bonds shall have been issued, and no funds

in any such sinking fund shall be applied to any other purpose than the payment of the bonds for the payment of which such fund was created. No county shall be liable for the payment of any bonds issued under the provisions of this Chapter, but such bonds shall be paid only out of the sinking funds created as in this Chapter provided.

Approved March 9, 1921.

EGGS

CHAPTER 60.

(H. B. No. 81.—Oscar Oberg.)

EGGS.

An Act to establish a uniform egg law, for regulating and preventing the sale of eggs unfit as articles of human food, requiring eggs to be candled, requiring a license for dealers in eggs and establishing a penalty for violation of this Act.

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

§ 1. EGGS, SALE UNLAWFUL, WHEN.] It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale, or to traffic in, eggs which are unfit for human food. For the purpose of this act, eggs shall be deemed unfit for human food if they consist in whole or in part of a filthy, decomposed or putrid substance.

§ 2. EGGS, UNLAWFUL TO USE, WHEN.] It shall be unlawful for any person, firm or corporation to use eggs that are unfit for food as defined in section one in the preparation or manufacture of food for public consumption; and there shall be no delivery, sale, purchase or acceptance of such eggs in or at any establishment where food products are prepared or manufactured.

§ 3. EGGS, COLD STORAGE.] It shall be unlawful for any person, firm, or corporation to advertise for sale, offer for sale or to sell, as and for fresh eggs, any eggs which have been held in cold storage for thirty days or any eggs which have been pickled in brine or in water-glass or in lime water or which have been preserved in any manner whatsoever. For the purpose of this act and in all dealings having to do with the purchase and sale of eggs, the word "eggs," when used without further description or qualification, shall in every instance be understood to mean fresh, sweet eggs. If case eggs which have been held in cold storage for a period of thirty days or longer are offered

or exposed for sale or sold, there shall be placed in or on the receptacle containing such eggs, in full view of the public, a card not smaller than six inches in width by six inches in length upon which shall be printed the words "cold storage" in plain gothic letters not less than one inch in length. In case eggs which have been preserved by pickling in brine, water-glass or lime water, or which have been preserved by any process whatsoever shall be offered or exposed for sale or sold, there shall be placed in or on the receptacle containing such eggs, in full view of the public a card not smaller than six inches in width by six inches in length upon which shall be printed the words "preserved eggs" in plain gothic letters not less than one inch in length.

§ 4. EGGS, DOCKAGE ON.] It shall be unlawful for any person, firm or corporation, in buying or selling egg to take or to give a greater or less dockage for eggs unfit for food as defined in section one of this act than the actual dockage which shall be determined by the careful candling of the eggs so purchased or sold. The term "candling" as used herein shall be construed to mean the careful examination, in a partially dark room or place, of the whole egg by means of a strong light, the apparatus and method employed to be such as shall be approved by the State Food Commissioner.

§ 5. EGGS CANDLED. .HOW IDENTIFIED.] There shall be placed on the top layer the top flat of every case of candled eggs, by the person, firm or corporation candling the same, candling certificate. Such candling certificate shall be printed on cards or sheets of paper not smaller in size than two and three-eighths by four and one-fourth inches and shall give the date of candling the eggs contained in the case in which it is placed, the name, initials or number of the person candling the eggs, the name, address and license number of the person, firm or corporation candling the eggs or for whom the eggs were candled. Such certificate shall be in the following words and form:

The eggs in this case were candled

.....
(Date)

By.....

(Signature of person candling the eggs)

Of.....

(Individual, firm or corporation)

License No.....N. D.

§ 6. EGGS, CANDLING.] Every person, firm or corporation engaged in the business of buying eggs in this state for resale or consignment shall provide and maintain an adequate place for the accurate candling of eggs and a suitable place for the proper handling of eggs which are intended to be used for human food. Every person, firm or corporation buying eggs for resale or consignment from any dealer in eggs shall keep on file for a period of sixty (60) days an accurate candling record of every lot, shipment or consignment of eggs, re-

ceived and shall, within ten days after the receipt of any lot, shipment or consignment of eggs, render an accurate and detailed return statement to the person, firm or corporation by whom such lot, shipment or consignment of eggs was delivered, shipped or consigned. This return statement shall truthfully and accurately classify and grade the eggs received by the buyer according to generally accepted commercial standards. In the case of the first buyer of eggs from the producer, such first buyer shall render to the producer a statement which shall specify the total number of eggs received and the number of eggs rejected by the process of candling as unfit for resale as food. The statement to be furnished by subsequent buyers shall include the following information for the benefit of the shipper, seller or consignor; the total number of cases of eggs received, the number of eggs grading No. 1, the number of eggs grading as "seconds," the number of cracked eggs, the number of mashed or leaking eggs, the number of rotten eggs or "rots" (which term shall include all eggs unfit for human food) and the shortage of eggs in the lot, shipment or consignment. All candling records and return statements required by this act and all other records relating to any sale, purchase or shipment of eggs shall be open at all reasonable times for examination by the commissioner or inspectors of the state food department.

§ 7. LICENSES FOR DEALERS.] For the purpose of enforcing the provisions of this act it is hereby required that on or before the tenth day of April, 1921, and the first day of April annually thereafter, every person, firm or corporation engaged in the business of trading in eggs or of buying eggs, except retailer buying only candled eggs from licensed dealers and selling in lots not greater than one case, shall make application to the state food commissioner for a license to conduct such business. Any person, firm or corporation who may desire to engage in such business after the first day of April of any year shall first make application to the state food commissioner for license. The commissioner, upon receipt of proper application upon such forms as he may provide, accompanied by a license fee for two dollars (\$2.00) and for each annual renewal of one dollar (\$1.00), shall thereupon issue license to engage in such business. All licenses provided for herein shall expire on the thirtieth day of March following the date of issue. All monies received by the Food Commissioner for licenses shall at the close of each calendar month be transmitted to the State Treasurer and by him added to the General Fund.

§ 8. PENALTIES.] Any person, firm or corporation failing to comply with the requirements of this act as to license or violating any provisions of this act shall be guilty of a misdemeanor and shall on conviction for the first offense be fined not more than fifty dollars (\$50.00.) Upon conviction for a second or any subsequent violation of the foregoing provisions of this act, the violator shall be fined not to exceed one hundred dollars (\$100.00), and, in addition thereto, and as

part of the penalty imposed, the court may, in its discretion authorize the State Food Commissioner to withhold, suspend or revoke the license of the party so convicted, either permanently or for a limited time to be specified in the judgment. Any person, firm or corporation that shall engage in the business of buying or trading in eggs during the time specified in any such judgment, and while his license is withheld, suspended or revoked by the operation thereof, shall, upon conviction therefor be punished by a fine of one hundred dollars (\$100.00) for each offense and by the permanent revocation or withholding of license to buy or trade in eggs.

§ 9. EMERGENCY.] Whereas there is no adequate provisions of law provided for the inspection, candling and regulating the sale of eggs unfit for human food, therefore an emergency is hereby declared to exist and this act is hereby declared to be necessary for the preservation of the public health, peace and safety and shall take effect and be in force from and after April 1, 1921.

Approved March 10, 1921.

ELECTIONS

CHAPTER 61.

(H. B. No. 77—Bauer.)

COMPENSATION OF OFFICERS.

AN ACT fixing the Compensation of Election Officers.

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

§ 1. Every Judge, Clerk or Inspector, of any state wide election, either primary, general or special, shall for services so performed at such election by such officer receive as compensation therefor the sum of Six Dollars (\$6.00), and when the number of votes cast at such election shall exceed one hundred (100) the sum of one dollar (\$1.00) for each additional one hundred (100) votes cast, or major fraction thereof.

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

Approved March 9, 1921.

CHAPTER 62.

(S. B. No. 44—Baird.)

OFFICIAL NEWSPAPERS.

AN ACT to Amend and Re-enact Section 4, of Chapter 187 of the Session Laws of North Dakota for the year 1919.

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

§ 1. AMENDMENT.] That Section 4 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 4. CANVASS OF VOTE.] Such newspaper in such county receiving the highest number of votes cast for official newspaper shall be declared the official newspaper from and after the first Monday of January next succeeding said election, until the next biennial election and until a successor is chosen and the county auditor upon the canvass and return of said vote by the county canvassing board, at the time of canvassing other election returns, shall issue a certificate of election to such newspaper receiving the highest number of votes cast at said election. The owner, proprietor or authorized agent of a corporation owning such newspaper shall file a bond to the State of North Dakota of one thousand dollars for the faithful performance of the duties of such newspaper.

Approved March 2, 1921.

EMINENT DOMAIN

CHAPTER 63.

(H. B. No. 136—Semling.)

EMINENT DOMAIN.

AN ACT to Amend and Re-enact Section 8205 of the Compiled Laws of North Dakota for 1913, defining the private property which may be taken by eminent domain.

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

§ 1. AMENDMENT.] That Section 8205 of the Compiled Laws of North Dakota for 1913, be and the same is hereby amended to read as follows:

§ 8205. What Property May Be Taken. The private property which may be taken under this chapter includes:

1. All real property belonging to any person.
2. Lands belonging to this state or to any county, incorporated city, village, or town not appropriate to some public use.
3. Property appropriated to public use, but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated, and use by a municipality shall be deemed a more necessary public use than use for the same purpose by a private corporation; and whenever a right of way shall have been taken and the person, firm or corporation taking such right of way shall fail or neglect for five years to use the same for the purpose to which it had been appropriated, the attempt by another person, firm or corporation to appropriate such right of way shall be considered a more necessary public use.
4. Franchises for toll roads, toll bridges, ferries and all other franchises; but such franchises shall not be taken unless for free highways, railroads or other more necessary public use.
5. Any system of water works, electric light and power plant wells, reservoirs, pipe lines, machinery, franchises and all other property of any character whatsoever comprising a water works system or electric light and power system.
6. All rights of way for any and all the purposes mentioned in Section 8203 and any and all structures and improvements thereon, and the lands held or used in connection therewith, shall be subject to be connected with, crossed or intersected by any other right of way or improvement or structure thereon. They shall also be subject to a limited use in common with the owner thereof when necessary; but such uses, crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.
7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law. Provided that in the event that such property is acquired by condemnation proceedings the city or municipality instituting such proceedings shall be bound by the decision of the court and jury in such proceedings, and shall pay into court, within six months after the rendering of the verdict therein, the full amount found by the jury to be the amount of the damages for such taking.

Approved March 10, 1921.

FEEBLE MINDED

CHAPTER 64.

(S. B. No. 8—Murphy.)

FEEBLE MINDED.

AN ACT to Amend and Re-enact Section 1714 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 143, of the Session Laws of 1917.

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

§ 1. AMENDMENT.] That Section 1714 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

§ 1714. All feeble minded persons residents of this state, who, in the opinion of the superintendent, are of suitable age and capacity to receive instruction in the institution for the feeble minded, and whose defects prevent them from receiving proper training in the public schools of the state and all idiotic and epileptic persons residents of this state shall receive the benefits of the institution subject to the payment of the sums hereinafter provided, and to such rules and regulations as may be made by the Board of Administration; provided, however, that any inmate of such institution shall not be removed therefrom except on written request of the parent, guardian or custodian of such inmate which said request must receive the approval of the Board of Administration and superintendent before such inmate can be removed; provided, however, that the superintendent may grant any inmate of said institution a parole or leave of absence under such rules and regulations as the Board of Administration shall adopt to govern such procedure; provided, however, that the superintendent may admit to the institution temporarily, without commitment, under such rules and regulations as the Board of Administration may prescribe, for purposes of observation, such children or adults as are suspected of being feeble minded or idiotic, to ascertain whether or not such person is actually mentally defective and a proper case for care, treatment and training in an institution for the feeble minded. Feeble minded persons shall be committed to the institution for the feeble minded in the same manner and on pursuing the same course of legal commitment as govern admission to the State Hospital for the insane. Such commitment shall comply with such rules and regulations as may be made by the Board of Administration.

Approved February 15, 1921.

FORECLOSURE

CHAPTER 65.

(S. B. No. 153—Church.)

FORECLOSURE OF LAND CONTRACTS.

AN ACT to Amend and Re-enact Section 8122 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 180 of the Laws of 1915 and as amended by Chapter 151 of the Laws of 1917, Relating to Foreclosure of Land Contracts.

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

§ 1. AMENDMENT.] That Section 8122 of the Laws of North Dakota for the year 1913 as amended by Chapter 180 of the Laws of 1915 and as amended by Chapter 151 of the Laws of 1917, be amended and re-enacted so as to read as follows:

§ 8122. TIME ALLOWED.] Such vendee, or purchaser or his assigns shall have one year 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 cost 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 one year herein provided, then and in that event the contract shall be terminated and shall not be reinstated 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 unless 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 one year from the date of service of such notice, shall be recorded in the office of the Register of Deeds.

§ 2. Provided, that when it shall be made to appear by affidavit of the vendee or purchaser or his assigns, his agent or attorney, to the satisfaction of a Judge of the District Court of the county where the property is situated, that the vendee or purchaser or his assigns has a legal counter-claim or any other valid defence against the collection of the whole or any part of the amount claimed to be due on such contract, such judge may, by an order to that effect, enjoin the vendor or his successor in interest from the cancellation of such contract as herein provided, and direct that all further proceedings for the cancellation be had in the District Court properly having jurisdiction of the subject matter; and for the purpose of carrying out the provisions thereof, service may be made upon the vendor or his assigns or upon his attorney or agent.

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

Approved March 11, 1921.

CHAPTER 66.

(S. B. No. 148—Hagen.)

FORECLOSURE OF REAL ESTATE MORTGAGES.

AN ACT to Amend Chapter 131 of the Session Laws of 1919, Enacted by the Sixteenth Session of the Legislative Assembly, pertaining to the Giving of Notices of Intention to Foreclose Real Estate Mortgages.

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

§ 1. AMENDMENT.] That Chapter 131 of the Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 1. Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing the land, the date and amount of the mortgage, the sum due for principal, interest and taxes respectively, and stating that if the same be not paid within thirty days from the date of the notice, proceedings will be commenced to foreclose the mortgage, shall be served more than thirty days prior to the commencement of such action or proceedings by registered mail addressed to the title owner according to the records in the Register of Deeds office at his or their post office address as shown by the records in the Register of Deeds office and if not shown, then addressed to said owner at the post office nearest the land. An affidavit of proof of such service of notice shall be filed with the Clerk of the Court at the time of filing complaint in any action for foreclosure and shall be filed and recorded with the notice and certificate of sale in all other cases. Provided, however, that if said owner shall, before the expiration of thirty days

from the service of such notice, perform the conditions or comply with the provisions upon which the default shall have occurred, such mortgage shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein.

Provided, further, that if an action or proceeding to foreclose is not begun within ninety days after the date of the notice herein provided for, then all proceedings hereunder shall be deemed to be discontinued.

Approved March 11, 1921.

GAME AND FISH

CHAPTER 67.

(H. B. No. 160—Game and Fish Committee.)

BAG LIMIT.

AN ACT to amend and Re-enact Section 52 of Chapter 161 of the Session Laws of North Dakota for the year 1915 as amended by Section 52 of Chapter 122 of the Session Laws for the year 1917, relating to bag limit of game birds.

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

§ 52. AMENDMENT. BIG LIMIT FOR GAME BIRDS.] No person shall in any one day, take, catch, kill or destroy, to exceed five pinnated grouse (prairie chicken), sharptailed grouse (white breasted), grouse, turtle dove, plover of any variety or five of the same combined, or have in possession at any one time, to exceed ten of each of all combined, nor more than eight each of wild geese of any variety, fifteen each of wild ducks of any variety, quail, woodcock or snipe of any variety, or of the same combined; or have in possession at any one time to exceed the limit of two days' bag of 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 (\$25.00) nor more than fifty dollars (\$50.00), for each and every bird and cost of prosecution, or be imprisoned in the County jail for not less than twenty days or 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.

Approved March 9, 1921.

CHAPTER 68.

(H. B. No. 106.—House Game and Fish Committee.)

BEAVER, OTTER, MUSKRAT.

AN ACT to Amend and Re-enact Section 46 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 63 of the Laws of North Dakota for the year 1917 as amended by Chapter 134 of the Laws of North Dakota for the year 1919, prohibiting the trapping, catching, killing, or destroying of beaver, muskrat and otter, for a limited period, or the destruction of houses, mounds and dams, thereof.

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

§ 1. AMENDMENT.] That Section 46 of Chapter 161 of the Laws of North Dakota for the year 1915, as amended by Chapter 63 of the Laws of North Dakota for the year 1917, as amended by Chapter 134 of the Laws of North Dakota for the year 1919, be and the same is hereby amended and re-enacted to read as follows:

§ 46. BEAVER AND OTTER.] No person shall take, kill, catch, trap or destroy any beaver, otter or muskrat within the boundary of the State of North Dakota until the 10th day of January, 1924. However, at no time shall it be lawful to cut into, destroy, dynamite or molest, any beaver dam, beaver or muskrat house or mound. Provided, however, that any person having procured a trapping license may take, kill, catch or trap beaver or muskrat, but never by shooting, on or after the 10th day of January, 1924, and between and including the 10th day of January and the 10th day of March of each year thereafter.

Any violation of this section of the law shall be declared a misdemeanor and any person or persons convicted of the violation thereof, shall be punished by a fine of not less than seventy-five dollars or more than one hundred dollars, and the costs of prosecution, or by imprisonment in the county jail, for not less than ten or more than thirty days; or by both such fine and imprisonment.

If the owner, owners, leasee or leasees of any premises upon which there may be any beaver or muskrat shall, thereupon post in a conspicuous place upon such premises a notice forbidding trapping thereon, it shall be unlawful to take, kill, catch or trap beaver or muskrat upon such premises providing, however, the owners or leasees of said premises or any member of his family may take, kill, catch or trap beaver or muskrat upon his or their own premises after the tenth day of January, 1924, and between and including the tenth day of January, and the tenth day of March thereafter of each year, and any person or persons violating this provision shall be guilty of a misdemeanor.

Approved March 9, 1921.

CHAPTER 69.

(H. B. No. 107—Game and Fish Committee.)

DEER SEASON.

AN ACT to Amend and Re-enact Section 10298 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 162 of the Laws of North Dakota for the year 1915, as amended by Chapter 134 of the Laws of North Dakota for the year 1919, relating to the season for killing deer.

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

§ 1. AMENDMENT.] That Section 10298 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 162 of the Laws of North Dakota for the year 1915, as amended by Chapter 134 of the Laws of North Dakota for 1919, be and the same is hereby amended and re-enacted 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, except as hereinafter provided. It shall be lawful for any person owning a valid residence hunting license to kill by shooting one horned buck deer, from November 21st to November 30th (both dates inclusive). Any person hunting as provided for herein shall wear while afield a jacket or coat and cap or hat made from a dark blue or black material. It shall be unlawful to at any time, shoot, catch, trap, kill or in any manner destroy any fawn or doe deer.

Provided, however, that any deer killed accidentally, the killing of such deer being prohibited by this act, the carcass of said animal shall be delivered immediately to the nearest Justice of the peace or Game Warden, and upon a satisfactory explanation being given to said Justice of the Peace or Game Warden no prosecution shall be had under this act, and no penalty shall attach for said accident. The carcass shall be disposed of by said Justice of the Peace or Game Warden at the most advantageous price, and the proceeds of such sale shall be deposited with the Game and Fish Board, and become a part of said Board's Fund.

Any person violating the provisions in this section shall be guilty of a misdemeanor and upon conviction thereof shall for each and every deer killed contrary to the provisions of this section be fined not less than one hundred (\$100.00) nor more than five hundred (\$500.00) dollars, and costs of prosecution, and by imprisonment in the County Jail for not less than thirty (30) or more than sixty (60) days, or by both such fine and imprisonment in the discretion of the Court.

Approved March 2, 1921.

CHAPTER 70.

(H. B. No. 159—Game and Fish Committee.)

HOURS FOR SHOOTING.

AN ACT for an Act to Amend and Re-enact Section 26 of Chapter 161 of the Session Laws of 1915, relating to Hours for Shooting.

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

§ 1. AMENDMENT.] Section 26 of Chapter 161 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 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 one-half hour before sunrise.

§ 2. Any Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 18, 1921.

CHAPTER 71.

(H. B. No. 108—House Game and Fish Committee.)

TRESPASSING ON LANDS.

AN ACT to Amend and Re-enact Section 28 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 134 of the Laws of North Dakota for the year 1919, relating to trespassing on lands where hunting is prohibited.

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

§ 1. AMENDMENT.] That Section 28 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 134 of the Laws of North Dakota for 1919, be and the same is hereby amended and re-enacted to read as follows:

§ 28. ENTERING UPON POSTED LANDS.] No person shall at any time go upon any lands for the purpose and with intent to take or kill any game birds or wild animal, upon which signs have been posted, by the owner, leasee or agent bearing the inscription "No Hunting or Trespassing Allowed" without first obtaining the written consent so to do from such owner, leasee or agent. Any person or persons entering upon the premises of another without permission as above provided for who have in his or her possession any gun or firearms, shall prima facie be presumed to have entered said premises for the purpose of hunting game

within the meaning of this act. Provided, however, that it shall be lawful for any person to pursue upon said posted lands any deer or other wild animal which had been shot and wounded on other lands not so posted; provided, further, no person shall enter upon such posted land unless there be a visible trail of blood clearly indicating the course of such wounded animal onto such posted land and in no event shall it be lawful for more than two persons to pursue such wounded animal.

Any person or persons convicted of the violation of this section shall be fined not less than ten (\$10.00) nor more than fifty (\$50.00) dollars and cost of prosecution.

Approved March 9, 1921.

GARNISHMENT

CHAPTER 72.

(H. B. No. 11—Lakie.)

GARNISHMENT OF WAGES.

AN ACT to Amend Section 7567 of the Compiled Laws of North Dakota for the year 1913, and Relating to Garnishments.

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

§ 1. AMENDMENT.] That Section 7567 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§7567. CREDITORS MAY PROCEED BY GARNISHMENTS.] Any creditor shall be entitled to proceed by garnishment in any court having jurisdiction of the subject of the action against any person, including a public corporation, who shall be indebted to or have any property whatever, real or personal, in his possession or under his control, belonging to such creditor's debtor, in the cases, upon the conditions and in the manner prescribed in this chapter. The term plaintiff is used in this chapter to embrace every judgment creditor and the term defendant a judgment debtor. Provided that the wages or salary of any person who is the head of a family and a resident of this State to the amount of \$15.00 per week, shall be exempt from garnishment. Every employer shall pay to such person such exempt wages or salary not to exceed the sum of \$15.00 per week of each week's wages earned by him, when due, upon such wage earner making and delivering to such employer his affidavit that he is such head of a family and residing with the same in this state, notwithstanding the service of such writ, and the surplus only of such

exempt salary or wages shall be held by the employer to abide the event of the garnishment suit. At least two days prior to the issuance of any garnishment summons the creditor shall cause demand to be served upon the debtor and the employer for the excess above the amount herein exempted. Such demand with proof of service shall be filed with the Court at the time of the issuance of garnishment summons. Failure to serve or file said notice as herein provided shall render said garnishment void. The excess of wages over and above the amount herein exempted shall be held by the employer subject to such garnishment from the time of service of such demand and for five days thereafter.

Approved February 18, 1921.

CHAPTER 73.

(H. B. NO. 185—Reichert.)

WITNESS FEES.

An Act to Amend and Re-enact Section 1, Chapter 124 of the Session Laws of 1917, as Amended by Chapter 136, Session Laws of 1919, Relating to Witness Fees in Garnishment Proceedings.

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

1. AMENDMENT.] That Section 1 of Chapter 124, Session Laws of 1917, as amended by Chapter 136 of the Session Laws of 1919, be and the same is hereby amended and re-enacted to read as follows:

§ 1. WITNESS FEES.] In all garnishment proceedings in the District Court and County Courts of increased jurisdiction the plaintiff, when garnishment summons is served upon the garnishee, shall tender to the garnishee the sum of Two Dollars (\$2.00), as his fee for making his affidavit of disclosure and filing the same in the office of the Clerk of the Court in which such garnishment proceedings is pending. Should the plaintiff take issue on the said answer to the garnishee summons and require the garnishee to stand trial, he shall, at the time issue is taken tender to the garnishee his traveling fees and fees for one day's attendance in Court, which fees shall be the same as witness fees in the District Court; provided, however, that where the garnishee is a foreign corporation and service is made upon the Secretary of State or Commissioner of Insurance, it shall not be necessary to tender traveling fees either from the home office of the corporation or from the Capitol of the State, but that in lieu thereof there shall be paid to the Secretary of State or to the Commissioner of Insurance the sum of Two Dollars and Ten Cents (\$2.10) to be remitted to the garnishee.

Approved March 9, 1921.

HOLIDAYS

CHAPTER 74.

(H. B. NO. 23—Semling, Bjorgo, Boyd, Kitchen, Carlson, Preszler
Starke, Olson of Billings.)

ARMISTICE DAY

An Act Designating the Legal Holiday in the State of North Dakota and to Amend and Re-enact Section 7297 of the Compiled Laws of North Dakota, 1913, as Amended by Chapter 143 Session Laws of 1919.

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

HOLIDAYS.] Holidays are every Sunday; the first day of January, which is New Year's Day; the Twelfth day of February, which is the birthday of Abraham Lincoln; the twenty-second day of February, which is the birthday of George Washington; the fourth day of July, which is the anniversary of the Declaration of Independence; the twenty-fifth day of December, which is Christmas Day; the thirtieth day of May, which is Memorial Day; the first Monday in September, which is Labor Day; the twelfth day of October, which is Discovery Day; the eleventh day of November, which is Armistice Day; every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, thanksgiving or holiday.

Approved March 9, 1921.

HOTELS

CHAPTER 75.

(S. B. NO. 143—Gross, by request.)

REGISTERING UNDER FICTITIOUS NAME

An Act to Prevent any Person from Registering as a Guest in any Hotel in the State of North Dakota under a Fictitious or False Name.

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

§ 1. It shall be unlawful for any person to register or to be registered with his or her knowledge or consent at any hotel in the State under a fictitious or false name or any other name than his or her own; provided that the provisions of this Act shall not apply to officers of the law, when in actual performance of their duties.

§ 2. Any person who shall violate the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail not exceeding thirty days or by a fine of not less than five dollars and not exceeding one hundred dollars or both in the discretion of the court.

Approved March 2, 1921.

INSURANCE

CHAPTER 76.

(S. B. NO. 192—Insurance Committee.)

INSURANCE COMPANIES' FEES.

An Act to Amend and Re-enact Section 4929 of the Compiled Laws of North Dakota for the year 1913, Relating to the Fees to be Paid by Insurance Companies Doing Business in this State.

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

§ 1. AMENDMENT.] Section 4929 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 4929. FEES.] There shall be paid by every company doing business in this state, except county mutual insurance companies, the following fees:

Upon filing articles of incorporation, or copies thereof, twenty-five dollars.

Upon filing annual statement, ten dollars.

For each certificate of authority and certified copy thereof, two dollars,—provided,—That domestic insurance companies shall pay fifty cents for each agents license or certificate or copy thereof.

For every copy of any paper filed in the insurance department, the sum of Twenty cents per folio; and for affixing the official seal on such copy and certifying the same, the sum of One Dollar.

For official examination of companies under this article the actual expense incurred, not to exceed ten dollars per day.

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

Approved March 3, 1921.

CHAPTER 77.

(S. B. NO. 53—Ingerson.)

STATE HAIL INSURANCE.

An Act to Amend and Re-enact Chapter 160 of the Session Laws of North Dakota for the year 1919 as amended by Chapter No. 38 of the Special Session Laws of the 16th Legislative Assembly of the State of North Dakota for the year 1919 relating to State Hail Insurance.

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

Chapter 160 of the Session Laws of North Dakota for the year 1919, as amended by Chapter 28 of the Special Session Laws of the 16th Legislative Assembly of the State of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 1. DEFINITION.] (a) The term "Tillable land" when used in this Act shall mean all lands suitable or capable of agricultural cultivation whether used as such or not and shall not mean rough, mountainous, timbered, stony, sandy, alkali, swampy or land flooded to such extent as to be unprofitable for the purpose of agricultural cultivation. The term year wherever used in this Act shall mean the calendar year.

§ 2. DEPARTMENT ESTABLISHED.] A Hail Insurance Department of the State of North Dakota is hereby established for the purpose of furnishing indemnity against damage to growing agricultural crops by hail. And such department shall be under the management, control and supervision of the Commissioner of Insurance, subject to the provisions of this Act.

§ 3. COMMISSIONER TO EMPLOY HELP.] The Commissioner of Insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this Act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The Commissioner of Insurance shall designate the duties and fix the compensation of all such employes, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the Hail Insurance Department shall remain within the appropriation and surplus available in each year for such purposes and shall not exceed the sum of One Hundred and Fifty Thousand Dollars per annum. The Commissioner of Insurance shall pay all salaries and expenses of the department after March 1, 1920, and reimburse the general fund of the State out of the Hail Insurance Fund, for all money appropriated, expended or disbursed on behalf of such department.

§ 4. REPORTS AND RULES.] The Commissioner of Insurance shall keep accurate account of all moneys expended and disbursed by the department and shall not later than the first day of July of each year, prepare and file with the Governor a printed report of the activities of said department, and he shall prepare all other forms and blanks necessary or convenient in accomplishing the purpose of this Act. The Commissioner of Insurance shall have power and authority to adopt, establish and promulgate all rules and regulations necessary for the purpose of carrying out the provisions of this Act. It shall be the duty of all assessors, county auditors or other public officials mentioned in this Act, to comply with such rules and regulations. It shall be the duty of the Commissioner of Insurance to cause this Act and rules established hereunder to be printed and distributed for general information.

§ 5. CROPS INSURED.] The crops insured under this Act shall consist of all crops grown on cultivated land listed as actually cropped, subject to and paying the taxes herein specified, provided that no loss shall be allowed or paid for damage to crops after they have been harvested, or that occur after the fifteenth day of September of any year, nor shall damages be paid on any crops prior to June tenth of each year, nor upon crops listed for insurance upon which an application for extension of time for withdrawal has been made as provided in Section 12 of this Act during the time of such extension; provided that insurance on fall and winter grain shall take effect June 1st of each year.

§ 6. FLAT TAX.] There is hereby levied for the years 1921, 1922, 1923, 1924, 1925 upon each and every acre of tillable land in the State, a flat tax of three cents per annum for the purpose of carrying out the provisions of this Act, and creating a permanent surplus in the Hail Insurance fund to be applied in paying losses more promptly. Provided that lands used exclusively for public roads, rights of way of common carriers, mining or manufacturing purposes, and lands included within the platted portion of any incorporated city, town or village shall be exempt from such tax. All moneys collected under the provisions of this Section shall be paid into the State Hail Insurance Fund but a separate record of such moneys shall be kept by the County and State treasurers.

§ 7. INDEMNITY TAX.] The Commissioner of Insurance shall on or before the twenty-fifth day of October of each year ascertain the amount which is required for the total payment of all loss caused by hail to crops insured by the department and a sum sufficient to pay interest at the rate of six per cent on all warrants issued from the first day of December until called for payment by the State Treasurer plus a sufficient sum to maintain and operate the department for the succeeding year, and shall thereupon for the purpose of securing and paying the same levy an indemnity acreage tax sufficient to cover said amount on all cropped land insured (except hay and meadow land) not with-

drawn from the operation of this Act as hereinafter specified, provided that the total amount of said indemnity tax shall not exceed in any one year the sum of fifty cents per acre for seven dollars indemnity or seventy-one cents per acre for Ten Dollars indemnity. Provided further that if the sum collected by the maximum levy should be insufficient to pay all losses in any one year, the payment of losses shall be prorated. All moneys collected under the provisions of this Section shall be paid into the State Hail Insurance Fund.

§ 8. NOTICE TO COUNTY AUDITOR.] After the Commissioner of Insurance shall have determined and levied said indemnity acreage tax he shall forthwith notify the County Auditor of each county of such levy, and the County Auditor shall spread such indemnity and flat tax on the tax rolls in separate columns for that purpose. Such indemnity taxes and flat acreage taxes shall be collected by the Treasurer of said county and shall be kept in a separate fund to be known as the State Hail Insurance Fund.

§ 9. DUTY OF ASSESSORS.] It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment to return the number of tillable acres in every tract, parcel or subdivision of land, subject to taxation, together with the name of the person in whose name the land is taxed and also the number of acres of such land, if any, in crop or to be sowed or planted to crop during such year. He shall note upon a diagram on the crop listing blank the location of such land in crop or to be planted or sowed to crop during such year, and shall return and file same with the County Auditor of such county on or before the first day of June of each year. Such assessor in addition to the compensation allowed by law shall receive the sum of fifteen dollars for each full township of thirty-six sections or at the rate of seven cents per hundred acres or fraction therefor listed, whether tillable or not. Such compensation shall be paid out of the Hail Insurance Fund on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board, provided that warrants in payment of such listing of land shall not be issued before the county auditor shall have filed with the Hail Insurance Department a certified statement that such assessor has listed every tract of land in his township or district.

§ 10. COLLECTION OF TAXES.] All taxes provided for in this Act shall become due and payable on the first day of December of each and every year for which the tax is levied, and shall become delinquent on the first day of March following, and if unpaid there shall attach thereto a penalty of 5 per cent as soon as the same become delinquent; also on the first day of June following an additional penalty of 2 per cent, on the first day of November following a further penalty of three per cent on original taxes, and the same shall be charged and collected accordingly without being specially entered or noted on the tax list, and shall be collected by the County Treasurer of each county, provided, that

all sums arising from the penalty and interest for nonpayment of such taxes as hereinbefore provided, shall accrue to and become a part of the State Hail Insurance Fund. Provided, all laws relating to the collecting of penalty and interest, and sale of realty for non-payment of taxes, shall apply to taxes accruing under this Act. And it is further provided that delinquent taxes that have been levied under the provisions of this Act shall be advertised and sold together with general real estate taxes in one sum and one certificate shall be issued therefor. It is further provided that it shall be the duty of the County Treasurer of each County in the State to remit to the State Treasurer all taxes collected under the provisions of this Act during each month on or before the 15th day of the following month, and the State Treasurer shall upon the first day of each month, report to the Commissioner of Insurance the condition of the State Hail Insurance Fund. Provided, further that the Commissioner of Insurance before paying any losses arising under this Act shall deduct from such payment the amount due the State from the person liable for payment of same under the provisions of this Act.

§ 11. CROP AFFIDAVIT.] Every owner or his agent or tenant or his agent of any land subject to the provisions of this Act shall make an affidavit that the land so insured is actually cultivated and in crop or intended to be cultivated and put into crop. Such affidavit shall contain a legal description of the land together with the number of acres claimed as crop land and in case of any loss by hail such owner and tenant shall be bound by said affidavit as to the number of acres cropped. Such affidavit shall be made in triplicate and shall be sworn to before the assessor. The assessor shall file the original and one duplicate of such affidavit with the County Auditor on or before the first day of June of each year, and a copy of such affidavit shall be left with the maker and shall constitute his policy of insurance. If the owner or tenant or their agents be absent or refuses or neglects to furnish such affidavit, the assessor shall certify the number of acres cropped, the description of said land and the name of the owner, and tenant, if any, and file same with the County Auditor, and such owner and tenant shall be bound by such certificate as to the facts so certified. Provided, that if any assessor shall neglect to list such land or shall list it improperly, any such owner or tenant or their agents may list such land with the County Auditor prior to June 10th of any year by making affidavits as above provided. The originals of such affidavits to be filed by the County Auditor with the Hail Insurance Department immediately. Any assessor who shall neglect or fail to list any land in the township or district in which he is assessor, as provided in this section, shall be guilty of a misdemeanor. Provided, that the Hail Insurance Department shall be liable for loss only on lands listed as provided in this Act.

§ 12. WITHDRAWAL.] Any owner of land liable for the indemnity tax herein provided for, may at any time prior to the 15th day of June in each year, withdraw any portion of all land owned by such person from the levy of said indemnity tax upon making an affidavit in duplicate, giving the legal description of the land, the number of acres withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit in duplicate with the County Auditor, and the County Auditor shall, within three days file a copy of same with the Commissioner of Insurance, and the party making withdrawal shall note upon his crop listing affidavit the number of acres and the legal description of land so withdrawn, and shall note upon a diagram upon such withdrawal affidavit the location of land so withdrawn. Such affidavit shall be sworn to before any Notary Public or County Auditor or a qualified Justice of the Peace. Provided, that no assessor shall acknowledge any affidavit of withdrawal. Provided, further that it shall be the duty of the Hail Insurance Department to furnish each County Auditor for distribution by the assessors all withdrawal blanks, crop listing blanks, extension application blanks and loss report blanks together with self addressed envelopes necessary in their respective townships. Should such owner wish to withdraw all his land subject to indemnity tax then he shall surrender also the crop listing affidavit and file same together with the application for withdrawal with the County Auditor. Provided, that in case said land or any portion thereof is rented such owner shall first procure the written consent of such tenant for any withdrawal authorized by this Act, such consent to be filed with the County Auditor, together with the owner's application for withdrawal. Provided, that the owner shall have a self-executing first lien upon all crops and grain belonging to the tenant grown upon the land as security for the payment of said tax or the part of such tax properly chargeable against the tenant's share of such crop or grain. The owner shall also have a first lien chargeable against tenant's share of hail indemnity if filed with the Commissioner of Insurance prior to October 1st. Provided, further, that any owner may secure an extension of the time for such withdrawal up to the first day of July of any year by filing with the County Auditor prior to June 15th of any year an application in duplicate, asking that such extension be granted. Such application to contain a clause relieving the Hail Insurance Department from all liability for payment of indemnity during time of such extension but such application may be cancelled at any time prior to July 1st. Such application to be sworn to and signed by the applicant before an officer authorized to administer oaths.

§ 13. FILING AFFIDAVITS BY COUNTY AUDITOR.] Each County Auditor shall file and keep one copy of the crop affidavits presented to him by the assessors and shall forward the originals thereof on or before the 10th day of June of each year to the Commissioner of Insurance at Bismarck. Prior to July 15th of each year the County

Auditor shall file a tabulated statement showing the total number of acres classified as tillable land and cropped in his county. Each county shall receive the sum of 50 cents per each 1000 acres of tillable area to be paid out of the Hail Insurance Fund prior to December 31st, of each year on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board. Provided, that any county where the Auditor shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this Act, shall forfeit the sum of \$10.00 per day during the time such County Auditor neglects to make such returns, statements or reports, and the Commissioner of Insurance is hereby authorized to deduct the amount of such fine to the extent of such compensation above provided for to any county. Provided, further it shall be the duty of the Attorney General to proceed to collect the amount of such penalty for the time of such delinquency in excess of the amount above provided for.

§ 14. PENALTY FOR FALSE AFFIDAVIT.] Any person making a false or fraudulent affidavit under this Act shall, upon conviction thereof, be guilty of a misdemeanor.

§ 15. AMOUNT OF INDEMNITY.] The maximum amount of indemnity for total loss shall be \$7.00 per acre except where the owner, occupant or tenant shall, prior to the 1st day of July of any year, make application to the County Auditor for an additional \$3.00 per acre indemnity. Such application shall be made out in duplicate upon blanks furnished by the Hail Insurance Department and one of these copies shall be forwarded to the Hail Insurance Department within three days after it is filed. Such application shall contain the legal description of the land and the location of the crops upon such land noted upon the diagram on the application on which additional insurance is desired, and that such crop has not been destroyed or damaged by hail. Such application shall be sworn to before some one authorized to administer oaths and be signed by the applicant.

If the applicant is a tenant the signed consent of the person liable for the taxes authorized by this Act must appear upon such application, and if owner makes such application the signed consent of the tenant, if any, must appear upon such application. Provided, that no indemnity shall be allowed to any claimant for the loss of less than ten per cent and a loss of eighty-five per cent or more, shall be deemed a total loss. There shall be no claim allowed for any loss or damage by hail to crops described in this Act, except for such portion as is traceable to hail.

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

cent of the damage claimed. The Commissioner shall, as soon as possible, after receiving such notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss.

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

§ 18. REPORT OF ADJUSTER.] After the final adjustment of every loss the adjuster shall carefully fill out and make a report in triplicate on an adjustment blank stating the county, township and range, number of section, quarter-section or part thereof on which crop was damaged or destroyed, stating the amount allowed for each separate kind, and the name of the insured and of any other party having an interest in the indemnity, and that such statement is true and correct. Such report shall be signed by the official adjuster or arbitrators, when arbitration is resorted to, and the person whose loss has been adjusted, with the residence and post office address, respectively, of the persons so signing. Provided, that when any owner, occupant or

tenant shall sign the adjustment of loss such signature shall be binding on all persons having an interest in any crops or land described in such adjustment report. The official adjuster shall leave a copy of said report with the insured within a reasonable time, not to exceed five days, and forward by registered mail the original of said report to the Commissioner of Insurance.

§ 19. DUTY OF MANAGER.] The manager shall devote all of his time to the work of this Department. It shall be the duty of the manager to superintend and standardize the work of the adjusters in the allowance of claims, and where deputy adjusters are employed, to superintend their work.

§ 20. DIVERSE INTEREST IN CROP.] In case of diverse ownership of interest in any crop upon which damages are allowed, proof of the percentage of interest in the award shall be made to the Commissioner of Insurance by affidavit or other showing under such rules and regulations as the Commissioner may provide, and the award shall be disbursed to the owner of the land, tenant or different claimants as their interest may appear, or by a joint warrant.

§ 21. ISSUANCE OF WARRANTS.] The Commissioner of Insurance prior to the 1st day of December in each year shall ascertain the amount of losses as adjusted and approved, and deliver a certified list of the same to the State Auditor. Whenever the Commissioner of Insurance shall furnish to the State Auditor such certified list, giving the losses sustained, together with the names and addresses and a written acceptance of the amount allowed in the claim under the provisions of this Act, it shall be the duty of the State Auditor in anticipation of the payment of the taxes provided therefor, to draw warrants upon the State Treasurer for said amounts in favor of such persons, which amounts shall be charged to the State Hail Insurance Fund, such warrants to be mailed to the persons entitled thereto, as shown by the certified list of the Commissioner of Insurance. All such warrants shall be paid from the State Hail Insurance Fund and shall draw interest from the 1st day of December at the rate of six per cent per annum until due and payable. Such warrants shall become due and payable on the call of the State Treasurer. It shall be the duty of the State Treasurer at least once each month to call such warrants to the amount of the collections remitted to him by the various county treasurers during the preceding month. Provided, however, that a sufficient amount shall at all times be retained in the State Hail Insurance Fund to meet the current expenses of the State Hail Insurance Department as certified by the Commissioner of Insurance.

§ 22. INDEMNITY EXEMPT FROM GARNISHMENT.] The indemnity provided for herein shall be exempt from garnishment, levy, execution, attachment, liens and mortgages, and any other legal process whatsoever (except as provided in Section 12 of this Act) but

may be assigned in such manner and form as the Commissioner of Insurance may determine.

§ 23. HAIL INSURANCE FUND. (a) All moneys collected under the provisions of Sections 6 and 7 of this Act shall be paid to the State Treasurer and shall be kept in a separate fund to be designated "State Hail Insurance Fund," and all expenses of conducting the department, and the payment of all losses provided for under the provisions of this Act, shall be paid out of said Fund, as hereinbefore provided, and all of said moneys so collected are hereby appropriated for the purpose of carrying out the provisions of this Act. Provided, that the Commissioner of Insurance, with the approval and assistance of the Industrial Commission, shall have the authority to negotiate or float a loan, if found to be advisable, whereby the State Hail Insurance Fund could pay its obligations in cash upon certification of the Commissioner of Insurance to the State Auditor as provided in Section 21 of this Act. Provided, further, that it shall be the duty of the State Treasurer to deposit all funds received under the provisions of this Act so as to draw the rate of interest most advantageous to the Hail Insurance Department and all interest so earned shall accrue to the Hail Insurance Fund. Provided, further, that \$2,000 be paid by the State Hail Insurance Department to the General Fund of the state annually to care for extra work entailed upon the Departments of the State Auditor and State Treasurer.

§ 24. INSURANCE OF HOMESTEAD AND INDIAN LANDS.] The Hail Insurance Department may insure crops upon Homestead land on which a patent has not been issued and also on land within the boundaries of Indian reservations upon the application of Homestead entryman or lessee of Indian lands as the case may be. Such application to be made upon blanks furnished by the Commissioner of Insurance under such rules and regulations as he may direct and shall be accompanied by a certified check for the maximum amount of tax per acre, as determined in Section 7 of this Act, plus six cents per acre for the number of acres upon which insurance is applied for. Provided, that it shall be the duty of the Commissioner of Insurance when such crops are insured under the provisions of this section to refund, after the actual per acre levy on all crops insured under the provisions of this Act has been ascertained such amount to such applicants as will make the cost per acre the same for crops insured under the provisions of this section as the cost per acre as ascertained under the provisions of Section 7 of this Act.

§ 25. ABATEMENT OF TAXES.] The County Commissioners of any County in the State of North Dakota and the Tax Commissioner of North Dakota may in case of error, refund any taxes (wrongfully collected) under the provisions of this Act, in the manner provided by law for the abatement of taxes, after the Commissioner of Insurance has also approved application for such refund.

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

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

Approved March 10, 1921.

CHAPTER 78.

(S. B. NO. 115—Ingerson.)

RECIPROCAL INSURANCE.

An Act to Amend and Re-enact Sections 3, 6, and 12 of Chapter 157 of the Session Laws of 1919 Regular Session, relating to the authorizing and regulating the Exchange of Reciprocal or Inter-Insurance Contracts among Individuals, Partnerships and Corporations.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 157 of the Session Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 3. That such subscribers so contracting among themselves shall through their attorney file with the Commissioner of Insurance of this State, a declaration verified by the oath of such attorney, or where such attorney is a corporation, by the oath of a chief officer thereof, setting forth:

(a) The name of the attorney and the name or designation under which such contracts are issued, which name or designation shall not be so similar to any name or designation adopted by any attorney or any insurance organization in the United States writing the same class of insurance prior to the adoption of such name or designation by the attorney as to confuse or deceive.

(b) The kind or kinds of insurance to be affected or exchanged.

(c) A copy of the form of policy, contract or agreement under or by which such insurance is to be affected or exchanged.

(d) A copy of the form of power of attorney or other authority of such attorney, under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That applications have been made for indemnity upon at least One Hundred separate risks aggregating not less than One and One-half Million Dollars (\$1,500,000.00) as represented by executed contracts or bona fide applications to become concurrently affective; or in case of Employer's Liability or similar classes of insurance, covering

a total pay roll of not less than Two and One-half Million Dollars (\$2,500,000.00).

(g) That there is in the possession of such attorney and available for payment of losses, assets conforming to Section 6 hereto.

§ 2. AMENDMENT.] That Section 6 of Chapter 157 of the Session Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 6. That there shall be maintained at all times assets in cash or securities authorized by the laws of the state in which the principal office of the Exchange is located for the investigation of funds of Insurance Companies doing the same kind of business, an amount equal to fifty (50) per centum of the net annual advance premiums or deposits collected and credited to the accounts of subscribers on policies having one year or less to run and prorate on those for longer periods, or in lieu thereof, One Hundred per centum (100%) of the net unearned premiums, or deposits collected and credited to the accounts of subscribers. In addition to the foregoing sum in case of all classes of liability or similar kinds of insurance, there shall be maintained as a reserve in cash or in such securities, assets sufficient to discharge all liabilities on all outstanding losses arising under policies issued, the same to be calculated on the basis of net premiums or deposits as in this section defined, and in accordance with the laws of the state relating to reserves for companies insuring similar risks. Net premiums or deposits as used in this section shall be construed to mean the advance payments by subscribers after deducting therefrom the amounts specifically provided in subscribers' agreements for expenses. If at any time the assets on hand are less than the foregoing requirements or less than One Hundred Thousand Dollars (\$100,000.00), whichever is the greater, where the attorney is exchanging contracts covering employers' liability or similar classes of insurance, the subscribers or their attorney for them shall make up the deficiency. Whenever such assets are less than the amount above required or less than One Hundred Thousand Dollars (\$100,000.00), whichever is the greater, if the attorney is exchanging contracts other than those covering employer's liability or similar classes of insurance, the subscribers or their attorney for them shall make up the deficiency.

§ 3. AMENDMENT.] That Section 12 of Chapter 157 of the Session Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 12. That except as herein provided no insurance law of this State shall apply to the Exchange of such Indemnity contracts unless they are therein specifically mentioned.

Approved March 11, 1921.

CHAPTER 79.

(H. B. NO. 72—Magnuson.)

TAXATION OF INSURANCE COMPANIES.

An Act to amend and Re-enact Section 4924 of the Compiled Laws of North Dakota for the year 1913, Relating to Taxation of Insurance Companies.

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

§ 1. That Section 4924 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 4924. Every insurance company doing business in this state, except stock and mutual companies organized under the laws of this state, shall at the time of making annual statement of business done as required by law, pay to the Commissioner of Insurance two and one-half per cent of the gross amount of premiums received in this state during the preceding year. Upon payment of such sum the Commissioner of Insurance shall issue the annual certificates provided by law.

Approved March 18, 1921.

CHAPTER 80.

(S. B. NO. 97—Church.)

VALUATION OF SECURITIES.

An Act to Authorize the Valuation of Bonds and Other Securities Held by Life Insurance Companies, Assessment Life Associations and Fraternal Beneficiary Associations by the Amortization Method.

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

§ 1. All bonds or other evidences of debt having a fixed term and rate held by any life insurance company, assessment life association or fraternal beneficiary association authorized to do business in this State may, if amply secured and not in default as to principal and interest, be valued as follows: If purchased at par, at the par value; if purchased above or below par, on the basis of the purchase price adjusted so as to bring the value to par at maturity and so as to yield in the meantime the effective rate of interest at which the purchase was made; provided that the purchase price shall in no case be taken at a higher figure than the actual market value at the time of purchase; and, provided further, that the Commissioner of Insurance shall have full discretion in determining the method of calculating values according to the foregoing rule.

Approved March 2, 1921.

JURORS

CHAPTER 81.

(H. B. NO. 49—Jardine.)

QUALIFICATIONS OF JURORS.

An Act to Amend and Re-enact Section 814 of the Compiled Laws of the State of North Dakota for the year 1913, relating to Jurors.

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

§ 1. AMENDMENT.] That Section 814 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 814. QUALIFICATIONS OF JURORS.] All citizens residing in any of the counties of this state having the qualifications of electors, and of sound mind and discretion, and not judges of the supreme, district or county court, sheriff, coroner, jailer, attorney at law engaged in practice, and who are not subject to any bodily infirmity amounting to a disability, and who have not been convicted of a criminal offense punishable by imprisonment in the penitentiary, and not subject to disability on account of the commission of any offense which by special provision of law disqualifies them are competent to serve on all grand and petit juries within their respective counties or judicial subdivisions; provided, that persons over sixty years of age, ministers of the gospel, county commissioners, registers of deeds, county auditors, county treasurers, county superintendents of schools, teacher in the public schools, clerk of the supreme court, clerks of the district court, clerks of the county court, county judges, practicing physicians, practicing dentists, registered pharmacists, postmasters, carriers of United States Mail, and members in good standing of any regularly organized fire company, shall not be compelled to serve as jurors in any of the courts of this state. That any female person shall be excused from jury service upon written application made to the clerk of court at least five days before the calling of the term of court.

Approved March 9, 1921.

JUSTICES OF THE PEACE

CHAPTER 82.

(S. B. NO. 55—Sperry.)

DOCKET, WHERE DEPOSITED.

An Act to Amend and Re-enact Sections 9014 and 9015, Compiled Laws of North Dakota for the year 1913, Relating to Depositing of Official Dockets and Papers of Justices of the Peace.

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

§ 1. That Section 9014, Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 9014. DOCKET TO BE DEPOSITED WITH THE CLERK OF THE DISTRICT COURT.] Every county justice of the peace upon the expiration of his term of office must deposit with the Clerk of the District Court his official dockets and all papers filed in his office, his own as well as those of his predecessors, if any, or any other which may be in his custody, to be kept as public records.

§ 2. That Section 9015 Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 9015. DOCKET, WHERE DEPOSITED WHEN VACANCY OCCURS.] If the office of a county justice of the peace becomes vacant by his death, removal or otherwise before his successor is elected and qualified, the dockets and papers in possession of such justice must be deposited in the office of the Clerk of the District Court to be by him delivered to the successor of such justice.

§ 3. Any County Justice of the Peace, or any person, violating any of the provisions of this act shall be liable to a fine of not less than ten dollars nor more than one hundred dollars, to be recovered in a civil action by the county.

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

Approved March 11, 1921.

JUVENILE COURTS

CHAPTER 83

(S. B. NO. 116—Baird.)

JUVENILE COURTS.

An Act to Amend and Re-enact Chapter 179 of the Session Laws of 1915. 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 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 shall appoint two suitable and discreet persons, one of each sex, of good moral character, as juvenile commissioners. Such male juvenile commissioner shall have exclusive jurisdiction over boys over the age of ten years, such woman juvenile commissioner shall have exclusive jurisdiction over girls over the age of ten years and both shall have concurrent jurisdiction over children ten years of age and under. Said commissioners 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 them 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 of 1913; to make such temporary order for the custody and control of the child or children thus brought before them as they may deem proper, except that no child under the age of six months shall be separated from its mother, 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. Provided, however, that when in the opinion of such commissioners 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 commissioners to make findings and report the same with their 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 commissioners 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 interest of their 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 of 1913.

§ 3. Said juvenile commissioners so appointed shall keep a record of all their 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 commissioners in their 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 six 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. Provided that the per diem to be paid to either commissioner shall not exceed \$150.00 in any one month.

§ 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 supple-

ment the efficiency of the work of the district court or judge by casting upon the juvenile commissioners 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 it 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 therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1921.

LICENSING DEPARTMENT

CHAPTER 84.

(S. B. No. 18—W. J. Church and Miklethun.)

LICENSING DEPARTMENT.

AN ACT to Amend and Re-enact Chapter 6, Session Laws of 1919, as Amended by Special Session Laws of 1919 Relating to the Licensing, Regulating and Supervising the Licensing and Inspection of Pool and Billiard Rooms, Ball and Pin Alleys, Dance Halls, Theatres, Moving Picture Shows, Taxicab or Auto Livery, Places Where Soft Drinks Are Retailled or Where Cigars and Tobacco Are Sold, or Public Hall, Owned Privately and Used for Public Purposes; Providing Fees Therefor. Inspectors, Office Help and Supplies Thereof; Defining Powers and Duties and Repealing all Acts and Parts of Acts Inconsistent Therewith.

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

§ 1. LICENSE.] No pool hall, billiard room, ball alley or pin alley, dance hall, theatre, moving picture show, taxicab or auto livery, or any place where soft drinks are retailled, or where cigars or tobacco are sold, or public hall, owned privately and used for public purposes, shall be opened, maintained, operated or conducted within this state unless the owner, proprietor or managing agent thereof shall first secure a license so to do in the manner herein prescribed.

§ 2. LICENSE. HOW SECURED.] On or before July first of each year every such owner, proprietor or managing agent desiring to operate, conduct and maintain such place as mentioned in Section 1 of this Act, shall make application for an annual license therefor to the At-

torney General of this State Licensing Department. Such application shall state the name of the owner, manager and proprietor of the place desired to be licensed, the nature and kind of business to be carried on; a general description of the building, its size, character, location and capacity, and shall particularly contain the description of the provisions made to safe-guard life and limb of persons who may be therein and the sanitary equipment thereof. It shall state that such place will be operated, if licensed by the state, in accordance with the laws of this state, that if a violation of the laws of this state occurs in the operation of such place, the Attorney General shall be authorized to cancel the license issued. There shall also be contained a statement in the license that no immoral or improper practices, gambling, nor the sale or permission to drink upon said premises any intoxicating liquors or sale of cigarettes will be allowed. This application shall be made upon a blank authorized and issued by the Attorney General and such application shall be accompanied by the license fee hereinafter specifically prescribed.

§ 3. DUTIES OF THE ATTORNEY GENERAL.] The Attorney General shall prepare the form of such applications, shall furnish the same upon request to any applicant and shall require every applicant to whom a license is granted to pay the fee prescribed. He shall examine into or cause to be examined into the qualifications of every applicant seeking to be licensed and the fitness and suitability of the place and person desired to be licensed and shall upon application properly filed and finding the place and persons proper to be licensed and the payment of the license fee prescribed, issue a license herein mentioned for a period of one year, to be conducted as a public place of business for operating a pool hall, billiard room, ball or pin alley, theatre, moving picture show, a place where soft drinks are retailed, or where tobacco and cigars are sold, taxicab or auto livery, public hall, or dance hall, and shall cause such place to be inspected and the laws enforced thereon by inspectors appointed and investigators hired by him and shall furnish necessary office supplies and equipment and pay for the same out of the Attorney General Inspector Fund.

§ 4. APPOINTMENT OF INSPECTORS.] The Attorney General shall be authorized to appoint a state inspector, three deputy state inspectors and one stenographer, the latter also to be a bookkeeper to aid him in carrying out the purpose of this Act, who shall hold office during the pleasure of the Attorney General and such inspector shall have charge of the licensing department herein described in the office of the Attorney General and under the direction and control of the Attorney General, and such license inspectors shall each receive a salary in the sum of \$2,500 a year and necessary expenses, and shall give bond to the state in the sum of \$5,000, such bond to be issued in the state bonding fund, conditioned for the faithful performance of their duties and the fees thereof to be paid by the Licensing Department into such bonding fund, and the stenographer shall receive \$1,200 a year. The said state inspector shall

possess all of the powers of a police officer anywhere in this state, shall have authority to visit and inspect any of the places herein mentioned and as police officer make arrests for violation of any laws of this state, and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violation of laws in this state and of places being conducted contrary to the law or constitution of this state.

§ 5. REFUSAL OR REVOCATION OF LICENSE.] Said inspectors shall be authorized with the consent of the Attorney General, after a hearing before said inspector, to refuse to issue a license to any person for any place where it appears that the applicant is an improper person to be so licensed or that the place is improperly provided with sanitary equipment, or is an improper place to be licensed, or is an unsuitable building to protect the life and limbs of the public who may visit the same, or that there exists unsuitable appliances to protect the public in case of fire and the state inspectors shall be authorized upon the violation of any of the laws of this state to revoke any license granted pursuant to the provisions of this Act, with the consent of the Attorney General, after a hearing had before the inspector, PROVIDED, however, that after the person licensed has plead guilty to or been convicted of violating any law or ordinance of any city, village or town regulating such business, the second time, such inspector shall revoke his license and such person may not thereafter be licensed, or any place he may have any financial interest in, for one year.

§ 6. LICENSE FEE. HOW DISPOSED OF. HOW DISBURSED.] All license fees herein prescribed shall be paid to the state inspector under the direction and supervision of the Attorney General and by him paid promptly to the State Treasurer, who shall keep all such moneys in a special fund to be known as the Attorney General Inspector License Fund. Out of this fund shall be paid all salaries and expenses of the Attorney General incurred in carrying out, maintaining and enforcing the provisions of this Act, all of which shall be paid monthly upon warrant and voucher drawn and audited by the auditing board as now provided by law. PROVIDED, however, that such salary and expenses shall be payable only out of such fund and shall not be in excess thereof. Provided further that on or before the 5th day of July of each year after and including the year 1921, the state treasurer shall apportion and pay to the treasurers of the several cities, villages and townships within which such license fees are collected, all monies which remain on hand in said Attorney General's inspector license fund on July 1st of such year derived from licenses for the previous license year, such payments to be pro-rated to such cities, villages and townships in the same proportion in which they were received, over the cost of pro-rating such funds. Such funds shall be used by such municipalities to defray expenses incurred in local regulation and supervision and in carrying out the duties now or hereinafter enjoined upon them in such regard, including the keeping

of the peace in the places which may be licensed under the provisions thereof.

§ 7. LICENSE FEES.] The annual license fees for such places herein described, are as follows: Any owner, manager, or proprietor of a pool or billiard room, \$5 per table per year, for ball alleys and pin alleys, \$5 per alley per year; for dance hall, \$15 per year; for theatre or moving picture show, \$5 where there are not more than 50 seats, \$10 where there are not more than 75 seats, \$15 where there are not more than 100 seats and \$4 for each 100 seats thereafter or fraction thereof; for taxicab or auto livery, \$15 for the first car and \$3 for each car thereafter; for place where soft drinks are retailed, \$5 per year; for place where tobacco or cigars are sold, \$5 per year; for public hall privately owned and used for public purposes, \$5 where there are not more than 75 seats, \$10 where there are not more than 150 seats and \$15 where there are more than 150 seats per year; PROVIDED, that where a dance hall, theatre, or moving picture show are operated in one building under the same management, one license shall be sufficient in which case the larger of the three licenses shall be paid. PROVIDED, further, that where cigars and tobacco are sold in the same place where soft drinks are sold under the same management, one license shall be sufficient.

§ 8. OFFICERS.] This Act shall not be construed to relieve any state, county, city, village or township officer from any duty now or hereinafter enjoined upon him by law; nor from the keeping of the peace in all public places named in this Act.

§ 9. INVALID.] If any section, or provision of this Act shall be held to be invalid, it is hereby provided that all other provisions of this Act which are not expressly held to be invalid shall continue in full force and effect.

§ 10. REPEAL.] All Acts and parts of Acts vesting power to license, regulate, control and supervise the licensing and inspecting of all such places named in this Act and in conflict therewith are hereby repealed.

§ 11. PENALTY.] Any person who shall violate this Act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100, or be confined in the county jail not to exceed ninety days, or by both such fine and imprisonment.

Approved March 9, 1921.

LIVE STOCK SANITARY BOARD

CHAPTER 85.

(H. B. No. 125.—Mouck and Burkhart.)

COMPENSATION OF MEMBERS.

AN ACT to Amend and Re-enact Section 2681 of the Compiled Laws of the State of North Dakota for 1913, Compensation for Members of the State Live Stock Sanitary Board.

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

§ 1. AMENDMENT.] That Section 2681 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2681. MEETINGS, COMPENSATION.] The State Live Stock Sanitary Board shall hold its meetings at the State Capitol at such times as it may designate, but there shall not be to exceed four regular meetings each year; provided, that the president of the board shall have power to call special meetings whenever in his judgment it becomes necessary. The members of the board shall receive as compensation for their services the sum of five dollars per day for each day employed, and actual expenses incurred attending the meetings of the board, which sum shall be paid out of the State Treasury upon vouchers of the board duly certified by the president and secretary thereof.

Approved March 9, 1921.

CHAPTER 86.

(H. B. No. 126—Mouck.)

BOVINE TUBERCULOSIS.

AN ACT relating to the Application of the Tuberculin Test and Eradication of Bovine Tuberculosis in Townships in Counties in North Dakota under Direction of the State Live Stock Sanitary Board by Petition of a Majority of Freeholders in such Township.

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

§ 1. Upon receipt of a petition signed by a majority of the freeholders of any township in any county in this state petitioning for the application of the tuberculin test to all breeding and dairying cattle with-

in such township, the State Live Stock Sanitary Board is authorized and empowered to enforce the tuberculin testing of all such breeding and dairying cattle in such township, in accordance with the laws providing for the eradication of bovine tuberculosis and reimbursement of owners of cattle destroyed for tuberculosis, and the rules and regulations of the State Live Stock Sanitary Board.

§ 2. PENALTY.] Any person who refuses to assist or endeavors to prevent the State Live Stock Sanitary Board or its agents in carrying out the purposes of this act shall be guilty of a misdemeanor and be punished by a fine of not less than twenty-five dollars or more than five hundred dollars.

Approved March 9, 1921.

CHAPTER 87.

(H. B. No. 127—Mouck.)

BOVINE TUBERCULOSIS.

AN ACT to Amend and Re-enact Section 2702 of the Compiled Laws of the State of North Dakota for 1913 as Amended by Chapter 263, Session Laws of North Dakota for the year 1915, and Amending and Re-enacting Section 2706 of the Compiled Laws of the State of North Dakota for 1913, Relating to the Reimbursement of 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 as amended by Chapter 263, Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

§ 2702. MAXIMUM VALUATION.] In no case shall the appraised value of a grade neat cattle of two years old or more exceed sixty dollars, nor that of a grade neat cattle under two years old exceed thirty dollars; provided, in the case of pure bred neat cattle, accompanied by a certificate of registration in a recognized herd book, the appraised value of said pure bred neat cattle of two years old or over shall not exceed one hundred fifty dollars, nor that of said pure bred cattle under two years of age exceed seventy-five dollars.

§ 2. AMENDMENT.] That Section 2706 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2706. CLAIMS, HOW PAID.] The return of appraisers made under this act shall be in writing, and signed by the State Live Stock Sanitary Board or its agents making the appraisement, or by the board of appraisers in case of protest, also signed by the owner of said neat cattle condemned and certified to by the Executive Officer of the State Live

Stock Sanitary Board to the State Auditor who shall draw a warrant on the State Treasurer in favor of the owner for the amount thereof; provided that the amount of indemnity paid by the State shall not exceed one-third of the difference between the appraised value of such neat cattle and the net value of the salvage thereof; further provided, that in the event that the Federal Government fails to provide an equal amount of indemnity with the State then the owner shall be paid one-half of the difference between the appraised value of such neat cattle and the net value of the salvage thereof.

§ 3. EMERGENCY.] An emergency exists, whereas the Federal Government co-operates with the State Government in the payment of indemnity for cattle slaughtered for tuberculosis and the Federal laws provide that one-third of the appraised value less the net salvage shall be paid by the Federal Government and one-third of the appraised value less the net salvage shall be paid by the State, and whereas the amount being paid by the Federal Government under the present State law is much less than the amount being paid by the State; therefore this Act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1921.

PRACTICE OF MEDICINE

CHAPTER 88.

(H. B. No. 37—Slominski.)

EDUCATIONAL QUALIFICATIONS.

AN ACT to Amend and Re-enact Section 466 of the Compiled Laws of North Dakota for the year 1913, Relating to Preliminary Qualifications of Applicants for Licenses to Practice Medicine in the State of North Dakota.

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

§ 1. AMENDMENT.] That Section 466 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 466. PRELIMINARY EXAMINATION.] All applicants for licenses to practice medicine in the State of North Dakota and all applicants for the examination of the board of medical examiners herein provided for, must, as a pre-requisite thereto, and except as provided in Section 465 of this article, present evidence which shall be satisfactory to said board of having graduated from a reputable medical college and having attended in such college or colleges the lectures of no less than four

college years of at least eight months each, and must give evidence which shall be satisfactory to said board of a preliminary education which would be necessary to admit said student to the junior or third year of the University of North Dakota, or some equally reputable American College or university; provided, however, that in case of applicants who have graduated from a reputable medical college prior to the year of 1905, satisfactory evidence of attendance on the lectures and classes of three college years of at least six months each, shall be deemed sufficient to entitle such applicants to take the examination herein provided for; provided, further, that in the case of applicants who have graduated from a reputable medical college during the year 1905, and subsequent thereto, and have attended in such college or colleges the lectures of no less than four college years of at least eight months each, and provided, further, that all applicants for licenses to practice medicine and surgery in the State who have been commissioned or held commissions in the medical corps of the army or navy of the United States, or its allies during the late war and have been honorably discharged therefrom, shall be entitled to take the examination herein provided for. Provided, however, that in case of applicants who have graduated from a reputable medical college prior to the year of 1905, satisfactory evidence of attendance on the lectures and classes of three college years of at least six months each, shall be deemed sufficient to entitle such applicant to take the examination herein provided for; and provided further, that in case of applicants who have graduated from a reputable medical college since July 1st, 1919, they must, in addition to evidence of such graduation, and four years' attendance, also give evidence which shall be satisfactory to said board, of a preliminary education which would be necessary to admit said student to the junior or third year of the University of North Dakota or some equally reputable American College or University.

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

Approved February 18, 1921.

MORTGAGES

CHAPTER 89.

(H. B. No. 116—Larson and Sagen.)

CROP MORTGAGES.

AN ACT Providing for the Furnishing by the Register of Deeds of each County to Elevators Making Application and paying the fee provided therefor, of an Abstract of all Mortgages and Liens upon Grain Grown during each year, and Filed in the Office of the Register of Deeds.

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

§ 1. APPLICATION.] Any Elevator Company doing business in this state may annually make written application to the Register of Deeds for an abstract of all mortgages and liens upon grains grown during the year within the county. Such application shall state the name of the elevator and the post office address thereof and shall be accompanied by a fee of \$5.00.

§ 2. ABSTRACTS OF MORTGAGES AND LIENS, HOW AND WHEN FURNISHED.] Each Register of Deeds shall, on or before the 15th day of July of each year, mail to each and every applicant having paid such fee for such year, an abstract of all existing mortgages and liens upon grain or crops raised or to be raised during such year, showing the name of the person against whom the lien is claimed, arranged alphabetically, the name of the person holding or claiming such lien, a description of the land upon which the grain is raised, upon which said lien is claimed, the kind of grain and the amount of the lien claimed. Such abstract shall further contain a list of all mortgages and liens filed against crops or grain grown in such crop year which have been satisfied. At least once a week during the balance of the calendar year the Register of Deeds shall mail to each of such applicants a similar abstract covering the liens, mortgages and releases thereon filed in his office since the date of furnishing such prior abstract.

Approved March 9, 1921.

NEGOTIABLE INSTRUMENTS

CHAPTER 90.

(S. B. No. 35—Berg.)

NEGOTIABLE INSTRUMENTS.

AN ACT Repealing Section 6972 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Negotiable Instruments Made Payable at a Bank.

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

§ 1. That Section 6972 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same is hereby repealed.

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

Approved March 2, 1921.

 CHAPTER 91,

(S. B. No. 195—Rusch.)

 RENEWAL NOTES.

AN ACT Relating to the Taking of New Promissory Notes in Renewal of Notes Already Held by Banks, Other Corporations or Individuals, Effecting Their Legality.

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

§ 1. That it shall be illegal, hereafter, for any person, or corporation, State or National Bank, doing business in the State of North Dakota, to take from any debtor or other person obligated upon a promissory note, any renewal note therefor without returning the promissory note renewed, unless there be written or printed across the renewed note the words "Renewed note."

§ 2. Any promissory note given in renewal of a previous promissory note shall be of no force or effect unless given in conformity with Section 1 hereof.

§ 3. All acts and provisions of law conflicting with this enactment are repealed.

§ 4. EMERGENCY.] Whereas, there are many banks, corporations and persons who and which have taken promissory notes for renewal purposes, and which notes have fallen into the hands of innocent persons and become collectible twice, an emergency exists and this Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 18, 1921.

 CHAPTER 92.

(S. B. No. 11—Rusch.)

 UNLAWFUL OBLIGATIONS IN WRITING.

AN ACT Amending and Re-enacting Section 10251 of the Compiled Laws of North Dakota for the year 1913, Relating to Unlawful Obligations in Writing.

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

§ 1. AMENDMENT.] Section 10251, Compiled Laws of North Dakota, for the year 1913, is hereby amended and re-enacted to read as follows:

§ 10251. UNLAWFUL OBLIGATIONS IN WRITING.] Every person who takes any obligation in writing for any lightning rod, or any of its attachments, or for any patent right or claimed to be a patent right, or for which any stallion or jackass shall form the whole or any part of the consideration, or for any patent medicine, or for which the whole or any part of the consideration shall be the future cure of any disease or ailment, or for the sale of the capital stock of foreign corporations shall form the whole or any part of the consideration, shall, before it is signed by the maker, stamp or write in red ink across the face of such written obligation in plain, legible writing, or print the words "given for a lightning rod," or "given for a patent right," or "given for a Stallion," or "given for a jackass," or "given for patent medicine," or "given for the cure of disease," or "given for the sale of capital stock of foreign corporations," as the case may require provided this act shall not apply to the sale of capital stock of cooperative corporations. Such obligations so stamped shall be subject to defenses in the hands of every holder or owner thereof. Any person who shall violate the provisions of this section is guilty of a misdemeanor, and upon conviction thereof is punishable by fine not less than two hundred and fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment, and shall be liable in a civil action to the party injured for all damages sustained by him.

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

§ 3. EMERGENCY.] Whereas, it is necessary to protect the best interests of the state that this bill become a law at an early date. This act shall be considered an emergency and be in force and effect immediately after its passage and approval.

Approved March 9, 1921.

NEWSPAPERS

CHAPTER 93.

(S. B. No. 154—Liederbach and Porter.)

PRINTING FEES.

AN ACT to Amend and Re-enact Section 3540 of the Compiled Laws of North Dakota for the year 1913, relating to the fees paid to newspapers for the publication of legal notices.

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

§ 1. AMENDMENT.] That Section 3540 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 3540. PAY REQUIRED.] The fees to be paid to newspapers for the publication of all notices and publications that are now required or hereafter may be required by law to be published by county officers; all summons, citations, notices, orders and other processes in actions or proceedings in the supreme, district, county or justice courts of the state, which are or hereafter may be required by law to be published; all publications of every nature that are now or hereafter may be required to be published by state officers, elective or appointive; all notices of foreclosure of real estate or chattel mortgages or other liens on real estate or personal property foreclosed by advertisement; all notices required to be published by the cities, villages, townships, school districts and other political sub-divisions of the state and the officers thereof; and all legal notices of whatsoever kind or character required by law to be published, shall be as follows: Nine cents per counted line of nonpareil type for the first insertion and six cents per counted line of nonpareil type for each subsequent insertion, or seven cents per counted line of brevier type for the first insertion and five cents per counted line for each subsequent insertion. All tabulated matter, leader work, or work containing one column of figures shall be figured at one and one-half times the rate for straight matter, and all tabulated matter with two or more columns of figures shall be computed at double the rate for straight matter. A line shall be construed to mean thirteen ems pica in length.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no uniform schedule of rates for legal printing now provided by law this Act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1921.

NOTARIES PUBLIC

CHAPTER 94.

(H. B. No. 99—Anderson of Griggs.)

PROTEST FEES.

AN ACT to Amend and Re-enact Section 3529 of the Compiled Laws of North Dakota for the year 1913 Relating to Fees of Notaries Public.

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

§ 1. AMENDMENTS.] Section 3529 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 3529. Notaries public are entitled to charge and receive the following fees:

1. For each protest, fifty cents.
2. For recording the same, twenty-five cents.
3. For taking affidavit and seal, twenty-five cents.
4. For administering an oath or affirmation, ten cents.
5. For taking a deposition, each ten words, one and one-half cents.
6. For each certificate and seal, twenty-five cents.
7. For taking proof of acknowledgment, twenty-five cents.

Approved March 2, 1921.

PARDONS

CHAPTER 95.

(S. B. No. 202—Baird.)

PAROLE OF MURDERERS.

AN ACT to Amend and Re enact Section 2 of Chapter 63 of the Session Laws of 1915 Prescribing and Limiting the Punishment of the Crime of Murder in the First Degree and Limiting the Time, Manner and Conditions Whereby Such Person May Be Pardoned.

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

§ 1. AMENDMENT.] Section 2 of Chapter 63 of the Session Laws of 1915 is hereby amended and re-enacted to read as follows:

§ 2. Persons Convicted and Under Sentence of Murder in First Degree When Subject to Pardon. No person hereafter or heretofore convicted of murder in the first degree shall be eligible to pardon, commutation of sentence or parole 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.

Approved March 9, 1921.

PARK COMMISSION

CHAPTER 96.

(S. B. No. 41—Noltimier and Ployhar.)

PARK COMMISSION.

AN ACT to Amend and Re-enact Section 4059 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 71 Session Laws of 1915, and Chapter 178, Session Laws of 1917, relating to Powers of Park Commission, be amended and re-enacted to read as follows:

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

§ 1. That Section 4059 of the Compiled Laws of North Dakota for the year 1913, be amended by Chapter 71, Session Laws of 1915, and as amended by Chapter 178, Session Laws of 1917, relating to powers of Park Commission be amended and re-enacted to read as follows:

§ 4059. Powers of Park Commission. Limited Levy, Bonds; the Park Commission Shall Have Power.

(1) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits, or within six miles thereof for park, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect, and improve the same.

(2) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through or around said parks and to construct, erect, build, maintain, manage, govern, and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

(3) To pass all ordinances necessary, requisite, and needful for regulation and government thereof, and to make, change and enforce any ordinance with reference thereto.

(4) To levy special assessments on all property especially benefited by the purchase, opening, establishment and improvements of such parks, boulevards and ways or streets or ways about the same.

(5) To require the services of the city engineer of the city included in such park district, who shall be ex-officio engineer, and surveyor or such Park Commission and to procure the services of a clerk for such commission and such clerk shall be paid by such commission for his services as clerk a salary not to exceed fifty dollars (\$50.00) per month, to appoint other employes including such police force as may be deemed necessary.

(6) To issue negotiable bonds of such park district in an amount not to exceed one per cent (1%) of the assessed value of the taxable prop-

erty within such park district for the preceding year; provided, further, that no bonds shall be issued as herebefore provided, unless at a general or special election after twenty days notice in a newspaper published in the city, stating the purpose for which such bonds are to be issued and the amount thereof, the legal voters of such park district shall by a majority vote, determine in favor of issuing such bonds; provided, further, that at or before the time of issuing such bonds of incurring the indebtedness for which the same are to be issued provision shall be made for the collection of direct annual tax sufficient to pay the interest upon said debt or such bonds when the same fall due and to pay and discharge the principal thereof when the same becomes due, and such provisions for the collection of such annual tax shall be irrevocable until such debt is paid; provided, further, that the bonds issued under the provisions of this chapter shall be issued for a longer period than twenty years and that such bonds shall bear interest at a rate not to exceed six per cent (6%) and shall be sold for not less than their par value. Bonds as hereinbefore provided to be issued, shall be so issued and used exclusively for the purchasing and acquiring of land, boulevards and ways for such parks or park system or for the permanent improvement thereof including the erection of buildings, pools, ponds and the erection of dams in waters adjacent thereto. The Board of Park Commissioners are hereby empowered and authorized to issue bonds in place of or to supply means to meet maturing bonds or for the consolidation or funding of the same.

(7) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such board, the proceeds of which said taxes shall also be available for use in payment for any land in such year or theretofore purchased or for improvements theretofore made for park purposes, provided; that such tax so levied shall in no year exceed the sum of two mills on each dollar of taxable property within said district over and above the amount necessary to pay interest and sinking fund on bond; and special assessments lawfully levied against park board property by other departments of government.

(8) To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the sub-division and platting of property within four hundred feet thereof.

(9) To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes or obligations of the district.

(10) To connect any park or parks owned or controlled by it with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose.

(11) To plant, set out, maintain, protect and care for shade trees in any of the public streets or highways of their respective districts, and to specify and regulate the kinds of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the methods to be used in the planting and cultivation thereof, and to pass such ordinances as may be requisite, necessary or needful for the protection and control of such trees.

(12) To plat and lay out such portions of park property as is not needed for the accommodation of the general public and to lease, let and demise such lots or portions as are now or may hereafter be laid out for residential or concession purposes, and to provide by ordinances the use that shall be made of said leaseholds, the character of structures that may be reared or placed thereon and to generally regulate the use and enjoyment thereof by the lessees or their successors.

Approved March 9, 1921.

PROHIBITION

CHAPTER 97.

(H. B. No. 5—Miller and Halcrow.)

PROHIBITION.

AN ACT to Prohibit intoxicating Liquors and Beverages and Property intended for the Manufacture of Same; Prohibiting the Transportation of Liquor and Providing for the Forfeiture of Property Used for the Transportation of Same; to Provide for its Enforcement and the Repeal of Laws in Conflict Therewith.

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

§ 1. INTOXICATING LIQUOR DEFINED.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall, by the courts, be presumed, viz: alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in additions thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, of not, and by whatever name called, containing one half of 1 percentum or more of alcohol by volume which are fit for use for beverage purposes; provided, that the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 percentum of alcohol by volume, and is made as prescribed by and under the direction of Federal Statute, and is otherwise denominated than as beer, ale, or porter, and is pasturized and contained and sold in, or from, hermetically sealed and labeled bottles.

(2) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations, and their clerks, agents and abettors.

(3) The phrase "Federal Statute" shall mean the laws, regulations and requirements of the United States now or hereafter in force in North Dakota.

§ 2. PROHIBITING INTOXICATING BEVERAGES.] No person shall within this state manufacture, sell, barter, transport, import, deliver, export or furnish any intoxicating liquor or possess the same except as permitted by Federal Statute. All the provisions of this Act shall be liberally construed to the end that the use of intoxicating liquor as a beverage may be prevented. Provided, that pure grain or ethyl alcohol for non-beverage purposes; wine for sacramental purposes; denatured alcohol or denatured rum; medical preparations that are unfit for beverage purposes; patented, patent and proprietary medicines that are unfit for beverage purposes; toilet, medical and antiseptic preparations and solutions that are unfit for beverage purposes; flavoring extracts and sirups that are unfit for use as a beverage, or for intoxicating beverage purposes; or vinegar or sweet cider may be manufactured, purchased, sold, bartered, transported, imported, exported, delivered, furnished and possessed when permitted by Federal Statute.

§ 3. PROHIBIT UNLAWFUL ADVERTISEMENTS, ETC.] It shall be unlawful to advertise, manufacture, sell or possess any utensil, contrivance, machine, preparation, compound, tablet, substance, formula direction, or recipe, advertised, designed, or intended for use in the unlawful manufacture of intoxicating liquor.

§ 4. SOLICITING AND RECEIVING PROHIBITED.] No person shall solicit or receive, nor knowingly permit his employe to solicit or receive for him from any person any order for liquor or property designed, or intended for use in the unlawful manufacture of intoxicating liquor, or give any information of how such liquor or property may be obtained in violation of this Act.

§ 5. COMMON NUISANCE. TO BE ABATED. LIQUORS AND PROPERTY DESTROYED. PRESUMPTIONS. PROCESS. PROCEDURE.] Any room, house, building, boat, vehicle, aircraft, automobile, railway car, conveyance, structure, or place where intoxicating liquors, or property designed, or intended for use in the manufacture of such liquors is manufactured, sold, bartered, furnished, kept, possessed, or transported in violation of any of the provisions of this Act, or where persons are permitted to resort for the purpose of drinking intoxicating liquor, is hereby declared to be a common nuisance; 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 room, house, building, boat, vehicle, aircraft, automobile, railway car, conveyance, structure, or 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 room, house, building, boat, vehicle, aircraft, automobile, railway car, conveyance, structure, or 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 and property designed or intended for use in the unlawful manufacture of 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 room, house, building, boat, vehicle, aircraft, automobile, railway car, conveyance, structure, or place for the illegal purposes forbidden herein, or otherwise, aids, abets or assists in any violation of this Section or Act, 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 \$1,000, 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 room, house, building, boat, railway car, structure, or place and keep securely in his possession such vehicle, aircraft, automobile, or conveyance where such nuisance was located, as against the use or occupation of the same for saloon purposes, and keep the same securely closed and in his custody for the period of one year (unless sooner released as hereinafter provided), and any person breaking open said room, house, building, boat, railway car, structure, or place, or using the premises, or said vehicle, aircraft, automobile, or conveyance so ordered to be closed, or taken possession of shall be punished for contempt, as hereinafter provided, in case of violation of injunctions; provided, however, that when lease hold premises or property so taken possession of are closed under a temporary injunctive 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 or property shall be turned over to the owner upon the order of the court or judge as hereinafter set forth. But the release of the premises and 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 injunctive order, if in an equity case, or the closing of the premises and taking the property, if in a criminal case; in the meantime and in either form of action the premises and property where such nuisance is 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.

§ 6. The attorney general, his assistant, state's attorney, or any citizen of the county where such nuisance exists, or is kept, or is maintained, may maintain an action in the name of the state to abate and perpetually enjoin the same. The injunction shall be granted at the commencement of the action in the usual manner of granting injunctions, except that the affidavit or complaint, or both, may be made by the state's attorney, attorney general or his assistant upon information and belief; and no bond shall be required; and if an affidavit shall be presented to the court or judge, stating or showing that intoxicating liquor, or property designed for use in the manufacture of intoxicating liquor, particularly describing the same, is manufactured, sold, bartered, furnished, kept, possessed, or transported on the premises, or at any room, house, building, boat, vehicle, aircraft, automobile, railway car, conveyance, structure or place, particularly describing the same, where said nuisance is located, contrary to law the court or judge must at the time of granting the injunction issue his warrant commanding the officer serving such writ of injunction, at the time of such service to search diligently the premises and conveyances and carefully invoice all the articles found therein, used in or about the carrying on of the unlawful business, for which search and invoicing said officer shall receive the sum of \$10 in addition to the fees now allowed by law for serving an injunction. If such officer upon such search shall find upon such premises any intoxicating liquor, or property designed, or intended for use in the manufacture of such liquor he shall take the same into his custody and securely hold the same to abide the final judgment in the action (the expenses for such holding to be taxed

as part of the costs in the action) ; and such officer shall also take and hold possession of all personal property found on such premises, and shall take and hold possession of such premises and conveyances and keep the same closed and in his custody until such final judgment. The findings of such intoxicating liquor or property on such premises or in such conveyances shall be prima facie evidence of the existence of the nuisance complained of. Any person violating the terms of any injunction granted in such proceedings shall be punished for contempt, for the first offense by a fine of not less than \$200 nor more than \$1,000, 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 of contempt by imprisonment in the penitentiary not exceeding two years and not less than one in the discretion of the court or judge thereof. In case judgment is rendered in favor of the plaintiff in any action brought under the provisions of this section, the court or judge rendering the same shall also render judgment for a reasonable attorney's fee in such action in favor of the plaintiff and against the defendants therein; which attorney's fee shall be taxed and collected as other costs therein, and when collected paid to the attorney or attorneys of the plaintiff therein; provided, if such attorney is the state's attorney, such attorney's fee shall be paid into the county treasury as in Section 10110 provided. In contempt proceedings arising out of the violation of any injunction granted under the provisions of this chapter, the court, or in vacation the judge thereof, shall have the power to try summarily and punish the party or parties guilty as required by law. Processes shall run in the name of the State of North Dakota. The affidavits upon which the attachment for contempt issues, shall make a prima facie case for the state. The accused may plead in the same manner as to an information, or indictment, insofar as the same is applicable. Evidence may be oral or in the form of affidavits, or both; the defendant may be required to make answer to interrogatories, either written or oral as in the discretion of the court or judge may seem proper; the defendant shall not necessarily be discharged upon his denial of the facts stated in the moving papers; the clerk of court shall upon the application of either party issue subpoenas for witnesses, and except as above set forth, the practice in such contempt proceedings shall conform as nearly as may be to that adopted by the ninetieth rule of the supreme court of the United States for proceedings in equity in the circuit courts.

§ 7. FINES AND COSTS CONSTITUTE LIENS. PROVISOR.] All fines and costs assessed against any person or persons for any violation of this chapter shall be a lien upon the real estate of such person or persons until paid; and in case any person or persons shall let or lease any building, premises, or conveyance or shall permit the same to be used and occupied for the manufacture, storage, transportation, or sale of intoxicating liquor, or property designed, or intended for use in the manufacture of such liquor contrary to the provisions of this Act, the premises or con-

veyance so leased and occupied shall be subject to a lien for and may be sold to pay all fines and costs assessed against any such occupant for any violation of this chapter; and such lien may be enforced by civil action in any court having jurisdiction; provided, that the persons against whom such fines and costs are assessed shall be committed to the county jail until such fines and costs are paid; provided, that no imprisonment for non-payment of fine and costs shall exceed the period of six months.

§ 8. CONTENTS OF AFFIDAVIT. SEARCH WARRANTS.] It shall be unlawful to have or possess any intoxicating liquor or property designed for the manufacture of liquor intended for use in violating this act or which has been so used, and no property rights shall exist in any such liquor or property. A search warrant may issue out of any court of competent jurisdiction heretofore authorized to issue search warrants whenever any person shall appear before such court and make affidavit that he has discovered that such liquor or property is, or has recently been manufactured, stored, possessed or sold in violation of this act in any place or upon any premises and particularly describing the place to be searched. Such court shall issue a search warrant against said premises, and directed to the proper officer, commanding him to search the premises described in the above affidavit, and to seize all intoxicating liquors, and all property designed, or intended for use in the manufacture of such liquor, and all vessels, bottles, or containers which have been used in connection therewith, and take the same into his custody, make proper return upon such search warrant with invoice of such liquor and property seized, to abide the further order of the court. If it is found that such liquor or property was so unlawfully held or possessed, or had been so unlawfully used, the liquor and all property designed for the unlawful manufacture of liquor, shall be destroyed. The property seized on any such warrant shall not be taken from the officer seizing the same on any writ of replevin or other like process.

§ 9. SEIZING TRANSPORTED LIQUOR.] When any sheriff, deputy sheriff, constable, marshal, police or peace officer of this State shall discover any person in the act of transporting in violation of the law, intoxicating liquor in any wagon, buggy, automobile, water or air craft, or other vehicle, or conveyance, it shall be his duty to seize any and all intoxicating liquors found therein being transported contrary to law. Whenever intoxicating liquors transported or possessed illegally shall be seized by an officer he shall take possession of the vehicle and team or automobile, boat, air or water craft, or any other conveyance, and shall arrest any person in charge thereof. Such officer shall at once proceed against the person arrested under the provisions of this act in any court having competent jurisdiction; but the said vehicle or conveyance shall be returned to the owner upon execution by him of a good and valid bond, with sufficient sureties, in sum double the value of the property, which said bond shall be approved by said officer and shall be conditioned to return said property to the custody of said officer on the day

of trial to abide the judgment of the court. The court upon conviction of the person so arrested shall order the liquor destroyed, and the property used in the transportation of the same to be forfeited, and shall require the State's Attorney of the county in which such property was seized to cause summons to be issued against all persons having any right, title or interest in the property seized, which summons shall particularly describe the property and state that the same is held for forfeiture and sale under the provisions of this act, and that in default of answer or claim filed within thirty days after the service of such summons, the court will enter its order forfeiting such property to the State of North Dakota. Such summons shall be served in the manner provided for the service of summons in a civil action. If no answer shall be filed or claim made within the time allowed, the court shall under its order forfeiting such property to the State of North Dakota, and for the sale of the same in the manner provided for the sale of personal property on execution. If answer is filed or claim made the court shall require each claimant to furnish a good and sufficient bond conditioned for the prosecution of said action and for the payment of costs should he fail to support his claim. The Court shall thereupon proceed to hear and determine the claim according to law. If at such hearing any claimant shall prove to the satisfaction of the Court that he is the owner of such property or has a valid lien thereon and that he had no knowledge of the use of such automobile, wagon, buggy, water or air craft, or other vehicle or conveyance for such unlawful purpose, the same shall be surrendered to him, if the owner; if a lien holder, the lien shall be foreclosed, the property sold and the proceeds applied in payment of the costs of such sale, then in satisfaction of the lien or liens and the balance deposited as hereinafter provided. If the claimant or claimants shall fail to sustain their claim, judgment shall be entered against them for costs, and the court shall enter its order for the forfeiture and sale of the property as hereinbefore provided in case of default. After deducting the costs and expenses of such proceeding the balance of all money received under the provisions of this Act shall be paid to the Treasurer of the County wherein the seizure was made for the benefit of the State School fund.

§ 10. INTOXICATED ON TRAIN.] Any person who shall publicly drink, or offer to another any intoxicating beverage upon any train within this state, or who shall be intoxicated upon any train operated upon any railroad in the State of North Dakota, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court.

§ 11: PERSON CHARGED WITH INTOXICATION TO ANSWER QUESTIONS. Whenever any person shall be arrested for intoxication the justice of the peace, police magistrate, county or district judge before whom he shall be brought for trial may cause him to be questioned fully

under oath as to where, when and how he secured the intoxicating liquor causing his intoxication. Testimony so taken shall be reduced to writing and signed by the witness and one copy thereof shall forthwith be delivered to the states attorney of the county wherein the same is taken. If any person shall fail or refuse to answer fully and truthfully any question that may be put to him on such examination, as to where, when and how he secured the liquor causing his intoxication, he shall be deemed guilty of contempt of court and shall be punished by a fine of not less than \$50, nor more than \$100, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment; provided that when compelled to testify and disclose incriminating testimony against himself in any case he shall not be prosecuted in such case.

§ 12. If any section, or provision of this Act shall be held to be invalid, it is hereby provided that all other provisions of this act which are not expressly held to be invalid shall continue in full force and effect.

§ 13. PENALTY.] Any person who shall within this state violate any of the provisions of this Act, (unless the penalty is elsewhere provided for) shall for the first offense be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than \$200 nor more than \$1,000, and be imprisoned in the county jail not less than ninety days nor more than one year; and for the second and every successive offense shall be deemed guilty of a felony and be punished by imprisonment in the penitentiary not exceeding two years and not less than one year. Provided, that the phrase "second offense" shall mean a conviction of any offense prohibited by this Act, and a subsequent conviction of violating any provision of this Act whether for the first time or not. This shall not apply to sections five, six, ten and eleven of this Act. Provided, however, that if the evidence in such case convinces the court that the person convicted of transporting intoxicating liquors in violation of this Act, was in charge of and used any wagon, buggy, automobile, water or air craft, or other vehicle or conveyance not owned by him, or without permission of the owner, or when such vehicle or conveyance so used was mortgaged property, or if there be in or upon such conveyance so used or upon any person therein any firearms, or guns, he shall be deemed guilty of a felony, and be punished by imprisonment in the penitentiary not less than six months and not more than five years.

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

§ 15. EMERGENCY.] Whereas, this Act is intended to bring the prohibition laws of North Dakota into full accord with the Eighteenth Amendment and the Volstead Act, it is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 18, 1921.

PUBLIC PRINTING

CHAPTER 98.

(H. B. No. 203—Lackey.)

CLASSIFICATION—BIDS.

AN ACT to Amend and Re-enact Sections 46, 51, and 69 of the Compiled Laws of North Dakota for 1913. Classifying Public Printing and Relating to the Printing of the Popular Edition of Session Laws: Fixing the Specifications for the Unauthenticated Edition of the Session Laws of the State of North Dakota, and Repealing All Acts and Parts of Acts in Conflict Therewith.

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

§ 1. **AMENDMENT.]** Section 46 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 46. **CLASSES OF PRINTING.]** The Printing of the state is hereby divided into five classes, to be let in separate contracts as follows:

1. The printing of bills, resolutions and other documents for the use of and incident to the legislative assembly shall constitute the first class.
2. The printing and binding of the journals of the senate and house of representatives shall constitute the second class.
3. The printing and binding of the executive and public documents and reports shall constitute the third class.
4. The printing and binding of the volume of laws, with the joint resolutions, which shall be included in said volume, shall constitute the fourth class.
5. The printing of all blanks, circulars and other miscellaneous job work necessary for the use of the executive departments, other than such as are printed in pamphlet form and not entering into the volumes of executive documents, and all printing not included in the foregoing classes shall constitute the fifth class.

§ 2. **AMENDMENT.]** Section 51 of the Compiled Laws of the year 1913 is hereby amended and re-enacted to read as follows:

Opening of Bids. Awards. The commissioners or any two of them, shall within two days after the expiration of the term for receiving proposals as aforesaid and not later than the first Tuesday after the first Monday in August proceed to open in public all such proposals received by them and to award the contract for each class of printing to the lowest bidder therefor, subject to the reservations of the preceding section; pro-

vided, however, if two or more persons bid the same and the lowest price for any class, or classes of printing, the commissioners shall award the contract to such one or more of them as in their opinion will best subserve the interests of the state.

Approved March 18, 1921.

CHAPTER 99.

(H. B. NO. 79—Harding)

PAPER—BINDING.

An Act for an Act to Repeal Section 48 and to amend and re-enact Sections 49 and 59 of the Compiled Laws of the State of North Dakota for the year 1913, relating to public printing and binding.

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

§ 1. That Section 48 of the Compiled Laws for the year 1913 is hereby repealed.

§ 2. That Section 49 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 49. PAPER. QUALITY.] All paper used for printing and binding of whatever nature shall be standard weights and grades and approved by the State Publication and Printing Commission.

§ 3. That Section 59 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 59. NUMBER OF VOLUMES TO BE PRINTED AND STYLE OF BINDING.] Two thousand volumes of the Session Laws shall be printed and bound in Buckram. The volumes of executive documents provided for in Section 54 of this article shall be bound in half binding. Two hundred copies of the biennial reports of the state auditor, state treasurer, commissioner of insurance and superintendent of public instruction shall be bound in cloth, the remainder authorized by law, to be bound in pamphlet form, unless otherwise ordered by the commissioner of printing.

Approved March 18, 1921.

RAILROADS

CHAPTER 100.

(H. B. NO. 169—Whitmer.)

CABOOSE CARS.

AN ACT for an Act to Amend and Re-enact Section 4671 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the size and construction of caboose cars.

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

§ 1. AMENDMENT.] That Section 4671 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4671. WHEN TO TAKE EFFECT. HOW CONSTRUCTED.] That from and after the first day of January, 1924, it shall be unlawful, except as otherwise provided in this article for any such common carrier, by railroad, to use on its lines any caboose car or other car used for like purposes unless such caboose or other car shall be at least 24 feet in length, exclusive of platform, and equipped with two, four wheel trucks; the center sill of which car or caboose shall be constructed of steel, and said caboose car or other car shall be of constructive strength equal to that of the 30 ton capacity freight cars, constructed according to M. C. B. standards, and shall be provided with a door in each end thereof and an outside platform across each end of said car; each platform shall not be less than twenty-four inches in width and shall be equipped with proper guard rails, and with grab irons and steps for safety of the persons getting on and off said car. Said steps shall be equipped with a suitable rod, board or other guard at each end at the back thereof, properly designed to prevent slipping from said steps.

Approved March 9, 1921.

CHAPTER 101.

(H. B. No. 90—Kjos.)

CARRIAGE OF SICK.

AN ACT Requiring Railroad Companies to Provide Separate Compartments for Carriage of Sick People and Providing a Penalty for Violation Thereof.

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

§ 1. Every person, company, corporation or receiver thereof, operating any railroad within this State for the carriage of persons, shall when required by order of the Board of Railroad Commissioners to equip, maintain and use upon one train each day, in each direction, a suitable compartment made by curtains or otherwise, for the carriage of sick and injured persons. Such compartment shall be entirely enclosed by curtains or otherwise from the rest of the car in which the same is located. Such Railroad Companies shall provide and carry on trains, one good heavy mattress, at least 8 inches thick, of proper width to fit inside of seats. That arrangements be made to remove the back of one seat thereby making room for one mattress. That these seats arranged to receive such mattress be enclosed with curtains for carriage of sick. Provided, however, that this Act shall not apply to roads upon which a train equipped with a compartment or sleeping car is operated each way, each day.

Provided further, that with the approval of the Board of Railroad Commissioners, a charge in addition to the regular passenger rate may be made for the use of such room.

§ 2. PENALTY.] Any person or corporation 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 Hundred Dollars (\$100.00), nor more than Five Hundred Dollars (\$500.00) for each offense.

Approved March 9, 1921.

CHAPTER 102.

(S. B. No. 58—Fleckten.)

ENGINE CURTAINS.

AN ACT Making it unlawful for any railroad corporation, doing business in North Dakota, to operate any locomotive engine propelled by steam or electric power, without equipping such engine with Suitable Protecting Curtains; and prescribing a penalty for the violation of this Act.

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

§ 1. It shall be unlawful for any railroad company to use within the state on its line or lines any locomotive engine not equipped with canvas curtains attached to back of cab and enclosing all opening between cab and tender of said engine. Said curtains to be of sufficient length to extend 18 inches below deck of cab. Side curtains to be fastened securely to back of cab, made to slide back to front end of tender and fastened thereto with hooks or other contrivances that engine men can easily unfasten, so that all openings at step are entirely enclosed.

Back curtains to be fastened to back of cab and of sufficient length to reach over front end of tender so as to close any openings between side curtains and back curtains, so arranged as to slide back or roll up and may not be removed from locomotive.

Where open coal gates or boards are used on tender, a curtain shall be hung back of said coal gates or boards of sufficient width to cover openings at front of tender and reach to within 18 inches of floor of tender.

The front windows in cab, each side of cab, shall be equipped with "frost glass" in winter time; provided, however, that nothing in this act shall be so construed as to prohibit the passage of a locomotive engine not so equipped with suitable protecting curtains, moving under its own steam or electricity, either with or without a train, when such movement is from a point without this state through and to a point beyond its borders, or from a point without this state to a point within it, or from a point within this state to without it, if such passage is for the purpose of moving it to or from a repair shop or shops for the purpose of repairing such locomotive engine, and when it is not intended for service within this state.

§ 2. All new locomotive engines placed in service, after this act shall take effect, shall be equipped with protecting curtains or other equally protective devices. As to all locomotive engines not actually in service, nor assigned to or held for such service, within this state, at the time of passage of this act, it shall take effect on and after the first day of January, nineteen hundred and twenty-two. As to any locomotive engine or engines in actual service, or assigned to and held for such service, within this state, when this act shall take effect, the same may be continued in service until it is necessary to withdraw it or them for general heavy repairs; and every locomotive so withdrawn from service for general heavy repairs shall be properly equipped with such protecting curtains or other equally protective devices before it shall be returned to service.

§ 3. Any railroad corporation failing to comply with the provisions of this Act, or violating said Act, shall upon conviction be fined in the sum of One Hundred Dollars (\$100.00) for each engine thus operated, without such appliances contrary to the provisions of this Act.

Approved March 9, 1921.

RETURNED SOLDIER'S FUND

CHAPTER 103.

(H. B. No. 52.—Boyd, Cart, Carlson, Kitchin,
Semling, Stark, Preszler and Yeater.)

RETURNED SOLDIER'S FUND.

AN ACT Levying a Tax of One Mill upon each dollar of assessed valuation of all taxable property within the state for each year for the purpose of creating a fund to be known as the "Returned Soldier's Fund," providing for the payment thereof to returned soldiers, defining the powers and duties of the Adjutant General and of the Industrial Commission with reference thereto and making an appropriation therefor.

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

§ 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this state for the year 1921, and every year thereafter, to be paid during said years, one mill, and all such revenues including interest and penalties, as may be collected thereby shall be paid into a special fund to be known as the "Returned Soldier's Fund," which fund shall be paid to returned soldiers as compensation; provided, that in the event that any returned soldier is mentally incompetent, application may be made therefor on his behalf by any person having the custody of any such soldier; provided, that nothing herein shall be held to repeal, affect or prevent the levy, collection and disbursement of the one-half of one mill tax levied upon each dollar of assessed valuation of all taxable property within the state for the year 1919, under the provisions of Section 1 of Chapter 206 of the Session Laws of 1919; provided, further, that nothing herein shall be held to repeal, affect or prevent the levy, collection and disbursement of the three-quarters of one mill tax levied upon each dollar of assessed valuation of all taxable property within the state for the year 1920, under the provisions of Chapter 55 of the Laws passed by the Special Session of the 16th Legislative Assembly, and approved December 11th, 1919, but such tax so levied, when collected, shall be available under the provisions of this Act, whether application has been heretofore filed with the Adjutant General or not.

§ 2. The term "returned soldier," as used in this Act, shall include any citizen of this state who has been honorably discharged from the military or naval service of the United States, or any citizen of this state who has been engaged or associated with either the military or naval forces of any of the governments associated with the United States government in the present war and who has been honorably discharged from

such service. The term "any citizen" as used in this Act shall include any person who at the time of enlistment or induction into any such military or naval service was a resident of the State of North Dakota.

§ 3. Any returned soldier, as hereinafter defined, upon proof thereof to the satisfaction of the Adjutant General of the State of North Dakota, and after application in such form as the Adjutant General may prescribe herefor, shall be entitled to receive from said fund twenty-five dollars per month for each and every month or fraction thereof, as computed by the federal government in like instances, that any such returned soldier was engaged in the service of the United States in the present war; but such computed time shall not commence at a date prior to the declaration of war by the United States nor continue longer than November 1, 1919, except as to soldiers who prior to the signing of the armistice were sent to Russia and are still in the service under such original enlistment, for the purposes defined and enumerated in Section 1 of this Act. Payments shall be made in one payment from such fund to such returned soldiers in the order in which their applications are received, filed and approved, out of any funds available therefor, on vouchers issued by the Adjutant General, and approved by the State Auditing Board provided, that in the case of the death of any soldier while in service or before his application has been received, approved and paid, the said payment so shown to be due shall be payable to an orphan child or the orphan children, under lawful age, or to the widow, or to the mother or to the father if reasonably in need of same, of the deceased soldier, in the order named; provided further, that the Adjutant General, with the consent of the Industrial Commission, may in his discretion give priority to claims under this Act. No proceedings in county court shall be required to establish the relationship of either the children, wife, mother or father, but all such claims shall be presented to the Adjutant General, and when such relationship has been established to his satisfaction he may allow such claims and they shall then be paid in accordance with the provisions of this Act without further procedure; provided, further, that no payments shall be made under the provisions of this Act, save for the time spent in active service, and provided, further, that the compensation paid under this Act shall be used within the State of North Dakota only, unless the said Adjutant General, under the direction and consent of the Industrial Commission, shall direct otherwise; provided, further, that when it shall be made to appear to the Adjutant General that any such returned soldier shall have deserted his wife or minor children and when no divorce shall have been granted, then the amount to which such returned soldier shall be entitled, under the provisions of this Act may be paid to such wife and minor children.

§ 4. The Adjutant General of the State of North Dakota, under the supervision of the Industrial Commission, shall have charge and supervision of all such payments and the carrying out of the provisions of this Act. The Adjutant General is hereby authorized and empowered to

adopt and establish all rules and regulations necessary for the purpose of carrying out the provisions of this Act.

§ 5. It shall be the duty of the Industrial Commission and the Adjutant General to cooperate with the United States Government and endeavor to secure further and additional aid and assistance for such returned soldiers.

§ 6. The Adjutant General of the State of North Dakota, subject to the supervision of the Industrial Commission, is hereby authorized and empowered to employ the necessary clerical help for the purpose of carrying out the provisions of this act and shall fix the compensation of all such help and pay such compensation, together with all other expenses, on vouchers therefor approved by the State Auditing Board; provided, that the total amount of such salaries, compensation and other expenses shall not exceed the amount appropriated therefor by the Legislative Assembly in the General Appropriation or Budget Bill.

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

Approved March 2, 1921.

SCHOOLS

CHAPTER 104.

(H. B. No. 57—Maddock and Hanson of Benson.)

AGRICULTURAL AND TRAINING SCHOOLS.

AN ACT to Amend and Re-enact Section 1455 of the Compiled Laws of the State of North Dakota for the year 1913 and Section 1456 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 207 of the Session Laws of the State of North Dakota for the year 1917, Relating to County Agricultural and Training Schools.

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

§ 1. That Section 1455 of the Compiled Laws of the State of North Dakota for 1913, be, and hereby is amended and re-enacted to read as follows:

§ 1455. GENERAL OR SPECIAL ELECTION TO ESTABLISH SCHOOL APPROPRIATION BY COUNTY COMMISSIONERS.] Whenever in the opinion of the citizens of any county in the state, it shall be deemed wise to establish a county school for the purpose of giving instruction in agriculture, domestic economy, manual training, and for training of teachers for the rural schools and a petition containing the names of not less than

three hundred free holders is filed with the board of county commissioners, praying for the establishment of such a school, such board of county commissioners shall at its next regular meeting consider such petition and in case such board of county commissioners decide in favor of establishing such a school, such board of county commissioners shall submit the question of establishing and maintaining such school to the electors of such county either at the next general election or they may order a special election for the purpose of determining whether such county shall establish such school. Such special election shall be held in the manner and upon the notice prescribed by law for other elections; but the published and posted notices of such election shall state its object and the amount of money to be appropriated for the establishing of such school. If the majority of all votes cast at such general or special election upon the question of establishing such school are in favor of establishing such school, the board of county commissioners of such county is hereby authorized to appropriate money for the organization, equipment and maintenance of same and to levy and spread on the tax roll a sufficient sum to carry into effect the provisions of this article; but such sum shall not be less than ten thousand dollars, nor more than sixty-five thousand dollars, and not exceeding such sum as may be recommended by the board of trustees of the county agricultural and training school created by this article, which sum together with any gift or donation offered by any city or village desiring the location of such school shall be sufficient to purchase a building already constructed or to purchase material or labor to erect a new main building and such outbuildings as may be necessary; said sum may be all levied in one year, or the board of trustees of the county agricultural and training school created by this article may issue and sell certificates of indebtedness in an amount not to exceed said sum plus any additional amount required to pay the interest that may accrue on such certificates, which interest shall not exceed six per cent per annum and shall be paid annually. Such certificates shall be paid *in not less than five nor more than twenty* equal yearly payments and in case such certificates are issued and sold, it shall be the duty of the county board to levy and spread upon the tax roll a sufficient sum to pay the same as they become due together with accrued interest.

§ 2. That Section 1456 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 207 of the Session Laws of the State of North Dakota for the year 1917, be, and hereby is amended and re-enacted to read as follows:

§ 1456. JOINT MAINTENANCE BY COUNTY AND STATE.] After the establishment of such a school, the maintenance thereof shall be borne jointly by such county and the state, as hereinafter provided. The Board of County Commissioners are hereby empowered and directed, annually, to levy and spread on the tax roll a sum sufficient to pay the county's share of the cost of maintenance; provided that not to exceed one-half of the yearly cost of maintenance shall be paid by the state, but the state's

share of such maintenance shall not exceed the sum of five thousand dollars (\$5,000.00) in any one year; it being the intent of this act that a sum at least equal to the state's share shall be levied and paid by the county, but this shall not prevent the county from levying a greater sum for maintenance, if deemed necessary; provided, further that the Board of County Commissioners may from time to time levy and spread upon the tax roll such additional sums of money for the *purchase*, erection, and construction of additional buildings and improvements, or for the purchase of equipment, but levies for such purposes shall not exceed the sum of five thousand dollars in any one year, without first having been submitted to a vote of the electors of such county as provided in Section 1455. *Unused portions of the equipment fund may be transferred to a building fund or to a real estate fund by the Board of County Commissioners upon the recommendation of the Board of Trustees and of the County Agricultural and Training School.*

Approved March 9, 1921.

CHAPTER 105.

(S. B. No. 187—Wog.)

BONDS OF COMMON SCHOOL DISTRICTS.

AN ACT Amending and Re-enacting Section 1334 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Interest on Bonds of Common School Districts.

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

§ 1. That Section 1334 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 1334. BONDS, DENOMINATION OF, INTEREST...LIMIT OF ISSUE.] The denominations of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; provided, that the amount of bonds including all other indebtedness shall not exceed five per cent of the assessed valuation of the school district and may be made payable in not less than five or more than twenty years from their date.

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

Approved March 11, 1921.

CHAPTER 106.

(S. B. No. 15—Ettestad.)

BUILDING SCHOOL HOUSES.

AN ACT to Amend and Re-enact Section 1340, Compiled Laws of North Dakota for 1913, Relating to Proposals for Building School Houses.

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

§1. That Section 1340, Compiled Laws of 1913, of the State of North Dakota, be, and the same hereby is, amended and re-enacted to read as follows:

§ 1340. PROPOSALS FOR BUILDING SCHOOL HOUSES.] When any school house is built with funds provided for in the manner herein authorized, the school board shall advertise at least thirty days in some newspaper printed in the county or by posting notices for the same length of time in at least three of the most public and conspicuous places, if no newspaper is published in the county, for sealed proposals for building such school house in accordance with plans and specifications furnished by the school board, reserving the right to reject any and all bids, and if any of the proposals shall be reasonable and satisfactory, such board shall award the contract to the lowest responsible bidder and shall require of such contractor a bond in an amount at least equal to the amount of the contract, conditioned that he will properly account for all money and property of the school district that may come into his hands and that he will perform the conditions of his contract in a faithful manner and in accordance with its provisions; and in case all the proposals are rejected, such board shall advertise anew in the same manner as before until a reasonable bid shall be submitted.

Approved February 18, 1921.

CHAPTER 107.

(H. B. No. 66—Committee on Education.)

HIGH SCHOOLS, TUITION FEES.

AN ACT to Provide for the Payment of Non-resident Tuition Fee in the High School Department of Standardized Graded and Standardized High Schools Receiving State Aid; Repealing Acts or parts of Acts in so far as they conflict with this act.

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

§ 1. Non-resident pupils may be admitted to the high school department of standardized graded schools or standardized high schools.

The school district board or board of education in any school district having a standardized graded school or standardized high school shall admit to the high school department, whenever the facilities for seating and instruction will warrant, any non-resident pupil who is prepared to enter such high school department; provided, that a common school diploma issued by the county superintendent of schools setting forth that the holder thereof has completed the course of study prescribed by the State Superintendent of Public Instruction for the common schools of the state shall be evidence of the completion of the course of study necessary for admittance to the high school department of a standardized graded school or standardized high school and for making claim for tuition from the district in which such non-resident pupil resides as hereinafter provided for.

§ 2. TUITION FEE, STATEMENT OF.] It shall be the duty of any school district not having a full four year high school course of at least fifteen (15) units to pay the tuition of pupils residing in such district that enter the high school department in any standardized graded school or standardized high school department in the state to complete such part of a full four year high school course of at least fifteen (15) units as is not offered in the district in which the pupil resides. The school district board or board of education of the district in which the standardized high school is located shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupil not to exceed one and one-half dollars per week for the time such non-resident pupils are in attendance, and the school board or board of education of the district in which the standardized graded school is located shall be entitled and is hereby authorized to charge a tuition fee for such non-resident pupils not to exceed one and one-half dollars per week for the time such non-resident pupils are enrolled.

§ 3. TUITION FEE, HOW COLLECTED.] On or before the first day of July in each year the clerk of the school district board or board of education shall make a sworn statement to the clerk of the school board from which any person may have been admitted to the high school department as provided for in this act. Said statement shall set forth the residence, name, age, and date of entrance to such school, and the number of weeks enrolled during the preceding school year of each person so admitted from such district; this statement shall show the amount of tuition which under this act, the district is entitled to receive for each person reported as having been a member of the school from such district and the aggregate sum for all persons so admitted from such district which statement shall be filed as a claim against the district and shall be allowed as other claims are allowed.

§ 4. REPEAL.] All acts or parts of acts in so far as they conflict herewith are hereby repealed.

Approved February 18, 1921.

CHAPTER 108.

(H. B. No. 168—McGauvren.)

INVESTMENT OF SCHOOL FUNDS.

AN ACT to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 241 of the Session Laws of 1915, and as Amended by Chapter 204 of the Session Laws of 1917, and as Amended by Chapter 198 of the Session Laws of 1919, Relating to the Investment of University and School Land Funds.

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

§ 1. Section 287 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 241 of the Session Laws of 1915, and as amended by Chapter 204 of the Session Laws of 1917, and as amended by Chapter 198 of the Session Laws of 1919, is hereby amended and re-enacted 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, Training 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 construction of drains under the authority of law within the State, bonds of the United States, bonds of the state of North Dakota, or in first mortgages on farm lands in this State, not exceeding in amount one-half of the actual value of any sub-division on which the same may be loaned, such value to be determined by the Board of Appraisal of School Lands; provided, that at least one-third 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. 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 converted 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 of 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 interest paying date on payment of the whole amount due thereon. 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.

4. **PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.]**
The borrower shall submit to the State Land Commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the Land Commissioner, together with an appraisal of the land signed by at least two members of the County Board of Appraisal and other information which may be required by the Land Commissioner to be furnished by said Board. Such application and appraisal shall be presented to the Board of University and School Lands at their next meeting for consideration. Immediately after a loan is authorized the Land Commissioner shall notify the applicant in writing, stating the amount that will be loaned. If the amount is satisfactory to the applicant he shall present to the Attorney General of the State an abstract continued to date.

The Attorney General shall carefully examine the same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the Attorney General a mortgage and note executed by the owner of said premises, by wife or husband or both as the case may be, with the State of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to date subsequent. The Attorney General shall then certify in duplicate to the Land Commissioner and State Auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the State Auditor.

If the Attorney General finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificates and abstract before the State Auditor, who shall draw his warrant in favor of the County Treasurer of the county in which the loan is made for the amount of the loan. The County Treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The County Treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file statement of such fees with the State Land Commissioner. The County Treasurer shall then draw checks disbursing the proceeds of the loan in the following manner:

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof.

Second: The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the State Land Commissioner, the abstract and all other instruments in connection with the loan.

Approved March 9, 1921.

CHAPTER 109.

(H. B. No. 199—Olson and Grangaard.)

NORMAL SCHOOLS.

AN ACT to Amend and Re-enact Section 1589, 1594 and 1595 of the Compiled Laws of 1913, Relative to Normal Schools.

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

§ 1. AMENDMENT.] That Section 1589 of the Compiled Laws of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

§ 1589. RULES, INSPECTION AND COURSES OF STUDY.] The Board shall make the necessary rules and regulations for its government and control of the normal schools and it shall, as a whole, or by committee, visit and inspect each school at least twice a year. It shall determine the yearly calendar and courses of study for the different schools, which courses of study shall be uniform for each of the several schools and embrace the academic and professional branches usually taught in state normal schools; provided that none of such courses of study shall extend more than two years beyond the course of study prescribed in a high school of the first class, except where special authority for further extension of the work has been given by the Board of Administration.

§ 2. AMENDMENT.] That Section 1594 of the Compiled Laws of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

§ 1594. DIPLOMAS AND DEGREES.] The Board of Administration and the faculty of each school shall grant the bachelor of arts degree in education and issue diplomas of appropriate grade, to all persons completing any of the courses of study leading thereto, known to possess good moral character, and having met all other requirements made by the board and faculty, said diplomas to set forth the above mentioned facts and to be designated state normal school diplomas.

§ 3. AMENDMENT.] That Section 1595 of the Compiled Laws of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

§ 1595. DIPLOMAS AS LICENSES.] All degrees and diplomas issued as herein described shall have value as teachers' licenses according to the provisions of the certification law of the state.

§ 4. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1921.

CHAPTER 110.

(H. B. No. 171—Mr. Kopp.)

STUDENTS LOANING FUND.

AN ACT for an Act authorizing the Board of Administration to create a Students Loaning Fund in State Normal Schools.

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

§ 1. The Board of Administration is hereby authorized, in its discretion, upon application made by the President of any State Normal School, to create in connection with such school a fund to be used for the purpose of making loans to students in such institutions. Such fund to be known as the Student's Loan Fund, and to be created by diverting such portion of the Institutional Fund of such school for such period of time as the Board of Administration shall in their discretion direct.

§ 2. The Student's Loan Fund shall be administered by a local Board consisting of three persons to be appointed by the Board of Administration, from the locality in which the institution is located, of whom the President of the Institution shall be one.

§ 3. Loans from such fund shall be made to deserving students, residents of this State, who are studying for the profession of teaching, to enable them to complete their studies. They shall be made without

interest until after the completion of the course of study, and shall not exceed the sum of \$25.00 in any one month, nor an aggregate of more than \$300.00 to any student.

§ 4. The Board of Administration shall make such rules, not inconsistent herewith as may be necessary for the safe guarding of such fund.

Approved March 9, 1921.

CHAPTER 111.

(H. B. No. 201—Bjorgo, Boyd, Carlson, Kitcken, Semling, Stark, Preszler.)

CITIZENSHIP OF TEACHERS.

AN ACT Entitled an Act Whereby teachers teaching in the Public Schools of North Dakota be United States Citizens.

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

§ 1. All Teachers before contracting to teach in any public school in North Dakota up to and including the eight grades and high schools, including all such schools receiving public funds shall be citizens of the United States, or shall have declared their intentions to become citizens of the United States.

Approved March 9, 1921.

CHAPTER 112.

(S. B. No. 162—Byrne and Storstad.)

MINIMUM SALARY FOR TEACHERS.

AN ACT to provide a minimum amount of training, a minimum salary for a teaching experience of less than one school year, and a schedule of salary minimum for a teaching experience of from one to six years inclusive, for the teachers in the public schools of North Dakota.

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

§ 1. TRAINING.] Any teacher entering the teaching profession in the public schools of this state after August 31st, 1923, shall, as a minimum requirement, hold a diploma from an approved four year high school course or its equivalent, and meet all the certificating requirements as to professional study.

§ 2. MINIMUM SALARY.] The minimum salary that may be paid to any teacher in the public schools of this state with a teaching experi-

ence of less than one school year shall be based upon training, and such minimum salary shall not be less than hereinafter set forth:

1. A teacher who has taught in the public schools of this state prior to August 31st, 1922, and who has less training than that of an approved four year high school course or its equivalent, shall receive a minimum salary of seven hundred and twenty dollars (\$720.00) per school year or a proportional amount thereof for any lesser period.

2. A teacher who has completed and received a diploma from an approved four year high school course or its equivalent, shall receive a minimum salary of eight hundred and ten dollars (\$810.00) per school year or a proportional amount thereof for any lesser period.

3. A teacher who has in addition to the completion of an approved four year high school course or its equivalent, received a diploma from the Elementary or one year course of an approved normal school, school of education, or its equivalent, shall receive a minimum salary of one thousand dollars (\$1,000.00) per school year or a proportional amount thereof for any lesser period.

4. A teacher who has in addition to the completion of an approved four year high school course or its equivalent received a diploma from the standard or two year course of an approved normal school, school of education, or who holds a second grade professional certificate for life, shall receive a minimum salary of one thousand and one hundred dollars (\$1,100.00) per school year or a proportional amount thereof for any lesser period.

5. A teacher who has in addition to the completion of an approved four year high school course or its equivalent completed three years of training in an approved normal, technical school, or college, or who holds a first grade professional certificate for life, shall receive a minimum salary of one thousand and two hundred dollars (\$1,200.00) per school year or a proportional amount thereof for any lesser period.

6. A teacher who has in addition to the completion of an approved four year high school course or its equivalent, completed and received a degree from an approved standard college, shall receive a minimum salary of thirteen hundred dollars (\$1,300.00) per school year or a proportional amount thereof for any lesser period. Provided that no less than fifty dollars (\$50.00) per year shall be added for each year of service in the profession of teaching for a period not to exceed five years. Provided, further, that in cases of emergency, the county school superintendent may authorize the employment of persons not having the qualifications hereinbefore set forth.

§ 3. SCHOOL YEAR.] A "School Year" as used in this Act shall be construed to mean nine school months.

§ 4. APPROVED SCHOOLS.] "Approved Schools" shall be construed to mean those approved by the certifying authority of this state.

§ 5. SCHEDULES.] Each school board and each board of education shall not later than February 10th each year, make a schedule of

minimum salaries to be paid the ensuing school year by their respective districts to teachers of from one to six years (inclusive) successful teaching experience in which each year shall be assigned a higher minimum salary than the preceding, on forms to be furnished by the County Superintendent of Schools, this schedule shall be filed by the clerk in the office of the County Superintendent of Schools on or before March 1st each year. Statutory minimums shall be printed, and all schedule minimums adopted by the respective boards shall be written, stamped, or printed, in each teacher's contract, together with a printed reference to this Act.

§ 6. VIOLATION, PENALTY.] If any school officer or officers shall permit a teacher to teach in their respective district with less training than required by this act, or shall pay to a teacher for school services at a rate less than that fixed by this act, or represented by schedule on file in the office of the County Superintendent of Schools, or fail to comply with any of the provisions of this act such school officer or officers shall be subject to a fine of an amount no less than \$25.00 nor more than \$200.00 for each separate offense. And such school district shall be liable in a civil action for wages to such teacher at the rate provided in this act or as indicated by schedule on file, which may be recovered by such teacher, together with an attorney's fee of \$25.00 in any court of justice of competent jurisdiction.

§ 7. SALARY RETENTION.] An amount not to exceed ten per centum (10%) of the salary due a teacher for services rendered in the public schools of this state may be retained by the school board or board of education until mutual termination or expiration of the contract between such teacher and such school board or board of education, the amount thus retained shall be paid by such school board or board of education upon mutual termination or expiration of the contract to such teacher.

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

Approved March 9, 1921.

CHAPTER 113.

(H. B. No. 174—Lackey by Request.)

TRANSPORTATION OF PUPILS.

AN ACT to amend and re-enact Section 1190 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 199 of the Laws of North Dakota for the year 1919, as amended by Chapter 53 of the Laws of North Dakota, Special Session of the year 1919, Relating to the consolidation of schools; and contracting for the transportation of

pupils to and from said schools; and providing for a board of arbitration.

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

§ 1. AMENDMENT.] That Section 1190 of the compiled laws of North Dakota for the year 1913 as amended by Chapter 199 of the Laws of North Dakota for the year 1919, as amended by Chapter 53 of the Laws of North Dakota, special session in the year 1919, be and the same is hereby amended, and re-enacted to read as follows:

§ 1190. Consolidation of Schools and Transportation of Pupils. The district school board may call, and if petitioned by one-third of the voters of the district, shall call an election to determine the question.

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

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

3. To decide whether transportation shall be by public conveyance or otherwise; such transportation shall be by public conveyance unless two-thirds of the votes cast at such election are opposed to such mode of transportation.

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, except as herein otherwise provided, are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter. In the event of carrying out either proposal prior to or after the passage of this Act, it shall be the duty of the board to provide for the transportation of the pupils at public expense, to and from the consolidated school, except to those pupils living less than one and one-half miles from such school; and it shall also be the duty of the board, if deemed expedient, to move to the site selected, school houses, already built or to sell such school houses. Provided, that transportation may be furnished either by the use of public conveyance or by allowing to each family as compensation a sum of not less than twenty cents nor more than one dollar and fifty cents per school day of attendance, such compensation to be equitably based upon the distance traveled and the number of children transported. Provided, further, that the sum total of expenses to a district for transportation shall not be greater where the family system of payment is used than would be the case under a system of public conveyances. Provided, also, that in case a patron is dissatisfied with the arrangement made by the School Board with regard to the transportation of his children, he may apply to the School Board for a Board of Arbitration consisting of one selected by the patron, one selected by the School Board and an-

other chosen by the two already selected; the School District to pay all costs thereof; said cost not to exceed three dollars per diem per member of said Arbitration Board. The decision of said Arbitration Board shall be final and binding on the Board.

Approved March 9, 1921.

CHAPTER 114.

(S. B. No. 152—Whitman.)

UNIVERSITY ALUMNI BUILDING.

AN ACT to permit the use of certain ground upon the campus of the University and to consent to the erection of an Alumni Building thereupon by the Alumni Association for purpose of aiding the University and the cooperative interest of its Alumni and to grant to such Alumni Association the right to exercise control and dominion over such ground and the Building to be constructed, thereon subject to the rules and regulations of the State and of its Board of Administration: exempting building from assessment and taxation.

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

§ 1. Permission is herewith granted to the Alumni Association of the University of North Dakota, a corporation, with the advice and consent of the State Board of Administration, to select a space and plat of ground upon the campus of the University, not exceeding 300 feet in length and 150 feet in width for the purpose of erecting and maintaining thereupon an Alumni Building by such Alumni Association to cost not less than \$75,000.00.

§ 2. The selection of such ground shall be evidenced by a formal application of the Alumni Association to the Board of Administration, setting forth the particular description of the ground desired, the nature and the character of the building to be erected thereupon, the estimated cost thereof, the manner of contemplated operation, and the kind of supervision and control to be exercised thereover. The Board of Administration shall thereupon investigate such application, and, upon being satisfied, that such application or any amendment thereof made with their advice, should be granted for the best interests of the University, may consent to the use and control by the Alumni Association of the ground designated in the application, or the amendment, thereof, for the purpose specified in such application. Such consent shall be formally recorded in the minutes of the proceedings of the Board of Administration.

§ 3. Such Alumni Association shall be authorized to erect upon such ground so selected an Alumni Building (to cost not less than \$75,000 pursuant to the application made.) To fully equip and furnish

the same, and to exercise dominion and control over such ground, building, its appurtenances and furnishings, subject to the rules and regulations of the State and the Board of Administration.

§ 4. The Board of Administration shall have authority to make a contract with such Alumni Association for the furnishing of heat and light to such building at rates which they may deem reasonable and proper.

§ 5. The title to the ground so selected shall forever remain in the State subject to the purposes herein specified; the title to the Alumni Building so to be erected shall remain in the Alumni Association, until it may be formally relinquished or granted to the State. Such building its appurtenances and furnishings, so long as the same are used for the purposes specified in the application, shall be free from, and not subject to any taxes or assessments of the State or of any local or municipal subdivision thereof.

§ 6. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved March 2, 1921.

CHAPTER 115.

(S. B. No. 121—McNair.)

VOCATIONAL REHABILITATION.

AN ACT to Provide for the acceptance of the benefits of an Act by the Senate and House of Representatives of the United States of America in Congress assembled. (H. R. 4438, approved June 2, 1920) entitled "An Act to Provide for the Promotion of Vocational Rehabilitation of Persons disabled in Industry or otherwise and Their Return to Civil Employment"; to provide for the administration of same.

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

§ 1. That the State of North Dakota hereby accepts all of the provisions and benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled, entitled "An Act to Provide for the Promotion of Vocational Rehabilitation of Persons Disabled in Industry or Otherwise and Their Return to Civil Employment." (H. R. 4438. Approved June 2, 1920.)

§ 2. That the State Treasurer is hereby designated and appointed custodian of all monies received by the State from the appropriations made by said Act of Congress and he is authorized to receive and to provide for the proper custody of the same and to make disbursements thereof in the manner provided in the aforesaid Act and for the purpose therein specified. He shall pay out any monies appropriated by the State of

North Dakota for the purpose of carrying out the provisions of this Act upon the order of the State Board of Administration.

§ 3. The Board of Administration shall designate such assistants as may be necessary to properly carry out the provisions of this Act. The Director of Vocational Education shall be the executive officer of the Board of Administration and carry into effect such rules and regulations as the aforesaid board may adopt and shall prepare such reports concerning the conditions of vocational rehabilitation of persons disabled in industry or otherwise, as the Board of Administration may require.

§ 4. The Board of Administration shall have all necessary authority to cooperate with the Federal Board for Vocational Education in the administration of said Act of Congress. It shall cooperate with the Workmen's Compensation Bureau. The Board shall administer any legislation which may hereafter be enacted by the Legislature of the State of North Dakota and shall administer the funds provided by the Federal government and the State of North Dakota under the provisions of this Act, for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment. It shall have full authority to formulate plans for the promotion of the training of such persons in subjects essential to their rehabilitation. It shall have authority to fix the compensation of officials and assistants as may be necessary to administer the Federal Act and this Act of the State of North Dakota, and to pay such compensation and other necessary expenses of administration from funds appropriated by this Act. It shall have authority to make studies and investigations relating to the rehabilitation of disabled persons; to promote and aid in the establishment of schools, departments or classes giving such necessary training; to cooperate with local boards of education, organizations and communities in the maintenance of such schools, departments or classes; to prescribe qualifications for the teachers, directors and supervisors of such subjects.

§ 5. The board of education of any school district having control of its own public school system may cooperate with the Board of Administration in the establishment of schools or classes giving instruction in the training of disabled persons and may use any money raised by public taxation in the same manner as monies for other school purposes are used for the maintenance and support of public schools.

§ 6. The monies appropriated by the State of North Dakota, the funds deposited with the State Treasurer under the provisions of the Federal Act and any other funds accruing to the State for vocational rehabilitation training of disabled persons shall be used by the Board of Administration for the purposes set forth in this Act, and the monies so appropriated and accruing shall be paid out upon requisition of the Board of Administration, upon the State Auditor who shall draw his warrant upon the State Treasurer for the amount for which requisition was made.

§ 7. The Board of Administration in its annual report to the Governor shall set forth the conditions of vocational rehabilitation edu-

cation in the State of North Dakota, a list of the schools to which Federal and State aid has been given, and a detailed statement of expenditures of the Federal fund and the State fund provided in this State.

Approved March 11, 1921.

SLEDS

CHAPTER 116.

(H. B. No. 124—Johnson of Pembina.)

SLEDS.

AN ACT to Amend and Re-enact Chapter 205 of the Session Laws of the State of North Dakota for the year 1919 prohibiting the sale of any new draft sleds within the state of which the runners measure less than four feet six inches from center to center and making the sale of same a misdemeanor and providing for the revocation of the license of any foreign corporation to do business in the state which fails to comply with the terms of this act.

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

That Chapter 205 of the Session Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 1. That on and after the first day of July, 1921, it shall be unlawful for any person, firm or corporation to sell or deliver in this state any first hand or new draft sled to any other person, firm or corporation for use in this state unless the width of such sled from center to center of the runners is four feet and six inches.

§ 2. The sale or introduction for sale or use in the State of North Dakota of any new draft sled which does not conform to the provisions of section one hereof is hereby prohibited and the failure or omission by any foreign corporation to comply with the provisions of this act and any violation of the terms of this act by such foreign corporation shall constitute ground for the revocation in the manner provided by law of any license or authority theretofore granted to such foreign corporation to do business in this state.

§ 3. Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred nor more than three hundred dollars.

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1921.

STATE EMPLOYMENT SERVICE

CHAPTER 117.

(H. B. No. 101—Frandsen.)

FREE EMPLOYMENT BUREAU.

AN ACT Entitled, an Act Establishing a System of State Free Employment Service, Providing for the Maintenance thereof, Defining the duties of such department, its officers and employees, and appropriating money for the carrying out of the provisions of this Act.

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

§ 1. EMPLOYMENT SERVICE ESTABLISHED.] The State Free Employment Service of the State of North Dakota is hereby established. The Commissioner of Agriculture and Labor shall also be the executive officer of the State Free Employment Service, and the management of such service shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of said Commissioner of Agriculture and Labor as may be required in carrying out the provisions of this Act. Such agents being located at convenient points in the state for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point and to use their best endeavors to keep the supply of labor filled at the places where it is desired, and in seasonable time.

Such agents may be located at points in the state which will best serve to carry out the provisions and intent of this Act, and the Commissioner in charge has power to enter into agreements with governing bodies of cities, towns or counties which desire such service, to use a portion of the fund provided by the state to assist in the maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

The Commissioner of Agriculture and Labor in the capacity of head of the State Free Employment Service is hereby empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation to secure and distribute the necessary books and forms for keeping a record of the movement of labor, registration and placements, and all reports required to be made to that end.

§ 2. DUTIES OF AGENTS.] The agents in charge of any of the state free employment offices established under the provisions of this Act, and under the direction of the Commissioner of Agriculture and Labor,

shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the Commissioner of Agriculture and Labor.

§ 3. REPORTS BY AGENTS.] Each such agent shall make the Commissioner of Agriculture and Labor such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the commissioner may require.

§ 4. THE COMMISSIONER HAS AUTHORITY TO ADVERTISE.] The Commissioner of Agriculture and Labor shall have power to solicit business for the State Free Employment Service, established under this Act, by advertising in newspapers and in any other way he may deem expedient, provided that the expenditure under the provisions of this act shall not exceed ten per cent of the total expenditure.

§ 5. NO FEES TO BE COLLECTED.] No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this Act.

§ 6. PENALTY FOR RECEIVING FEES.] Any agent or clerk, subordinate or appointee, appointed under the provisions of this Act who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment, or from any one offering employment, under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00,) or by imprisonment in jail not to exceed three months, or both and shall thereafter be disqualified from holding any office or position in such department.

§ 7. NOTICES OF STRIKES OR LOCKOUTS.] An employer, or a representative of employers or employees may file at a State Free Employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected, if filed by employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the State Free Employment Service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

§ 8. The Commissioner of Agriculture and Labor is hereby authorized and empowered to cooperate with the Federal government in the establishment and maintenance within the State of North Dakota of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and of carrying on any such bureau, shall be borne by the cooperative parties, upon an equitable basis to be agreed upon between them.

§ 9. APPROPRIATION.] There is hereby appropriated for the purpose of this Act out of any moneys in the State Treasury not otherwise appropriated, the sum of Ten Thousand Dollars (\$10,000.00), or as much thereof as may be necessary to carry out the provisions of this Act.

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

Approved March 9, 1921.

TAXATION

CHAPTER 118.

(S. B. No. 156.—Bowman.)

ACTIONS.

An Act Restricting Rights of Litigants to Bring Actions in Courts to Set Aside Taxes or Assessments or to Recover Taxes before Submitting their Claims to the Board of County Commissioners for Adjustment and dismissing Actions heretofore brought.

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

§ 1. ACTIONS NOT ALLOWED—WHEN.] No action shall be brought in the courts of this state to annul any taxes or tax assessments or to recover back taxes erroneously paid, or any part thereof, until the same shall first have been submitted to the Board of County Commissioners for adjustment in accordance with the existing law, and all actions hereinafter brought, or heretofore brought which have not been prosecuted to judgment, shall, on motion be dismissed without prejudice, provided, that this Act shall not apply to special assessments.

§ 2. EMERGENCY.] Whereas an emergency exists, this act shall be in full force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 119.

(H. B. No. 128.—Bauer by Request.)

ASSESSMENT OF CORPORATIONS.

An Act to Amend and Re-enact Section 2110 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 221 of the Session Laws of 1919, relating to the Listing of Property of Corporations, Joint-Stock Companies or Associations for Taxation.

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

§ 1. AMENDMENT.] Section 2110 of the Compiled Laws of North Dakota, 1913, as Amended by Chapter 221 of the Session Laws of 1919, is hereby amended and re-enacted to read as follows:

§ 2110. The President, Secretary or other principal accounting officer of any corporation, joint-stock company or association, whether incorporated or not, except banking corporations, whose taxation is especially provided for in this article, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly:

1. The name and location of the corporation, joint-stock company or association.
2. The amount of capital stock authorized and the number of shares into which said capital stock is divided.
3. The amount of capital stock paid up.
4. The market value, or if no market value then the actual value of the shares of stock.
5. The total amount of all indebtedness except the indebtedness of current expenses.
6. The value of all its real property, if any.
7. The value of its personal property.

The aggregate amount of the 6th and 7th items shall be deducted from the aggregate amount of the 4th and 5th, and the remainder, if any, shall be listed as "corporate excess."

The real and personal property, except moneys and credits, of each corporation, joint-stock company or association shall be listed and assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, corporation, joint-stock company or association to make such return statement it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

Approved March 10, 1921.

CHAPTER 120.

(S. B. No. 147.—Fraser.)

AUCTION SALES.

An Act to Amend and Re-enact Chapter 183 of the Session Laws of 1917, an Act Requiring the Owners of Personal Property to Notify the County Treasurer of the Sale of such Property at Public Auction, Providing for the Collection of their Personal Property Taxes and Prescribing Duties of Auctioneers, and Clerks in Relation thereto.

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

§ 1. AMENDMENT.] That Chapter 183 of the Session Laws of 1917 be amended and re-enacted to read as follows:

Every owner of personal property who decides to sell such property at public auction shall notify the County Treasurer of the County in which such property is to be sold not less than six days prior to the date fixed for the sale by sending to him either a copy of the auction bill, or a notice of such auction sale, which must contain the name and post office address of the clerk of such auction sale.

§ 2. Upon receipt of such notice, the county treasurer shall ascertain whether the owner of such personal property has paid the personal property taxes assessed against him and if he finds that such taxes are due and owing he shall immediately notify the clerk of said public auction sale by registered letter showing the amount due on the property to be sold at said auction sale.

§ 3. Every clerk of every public auction sale shall before turning over the proceeds of the sale of such personal property sold at public auction sale, shall retain in his possession sufficient funds therefrom to pay all personal property taxes assessed against the same or which may be outstanding against the same and shall within ten days from date of said sale turn the amount therefrom to the County Treasurer in the County of which said sale took place or in which the taxes have been levied and take his receipt therefor.

§ 4. Any person violating any of the provisions of this Act shall be subject to a fine of not to exceed fifty dollars for each offense.

Approved March 10, 1921.

CHAPTER 121.

(S. B. No. 48.—Mees.)

CLASSIFICATION OF ACRE PROPERTY.

An Act Requiring County Commissioners to have classified all acre property in the State, providing method of contracting for such work of classification, authorizing a tax levy therefor, fixing classification schedules, providing for notice to public prior to adoption of such classification and fixing the duties of the Board of County Commissioners, Boards of Review and Equalization and Local Assessors with respect to such classification schedules.

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

§ 1. It is hereby made the duty of the board of county commissioners upon receipt of a petition bearing the signatures of not less than fifty per cent (50%) of the resident freeholders of such acreage property in such county in this state to have made and compiled a schedule and classification of all acre property in said county, in the manner hereinafter provided. Such schedule and classification to be made and prepared under the supervision and according to the rules and regulations adopted by the County Commissioners and approved by the State Tax Commissioner, the object of this act is to create a uniform classification of land throughout the state. The provision of this section requiring the approval of the Tax Commissioner shall be mandatory.

§ 2. In Counties where it is deemed best by the said board of County Commissioners the work may be let on contract. The contracts for said work of classification of acre property shall be let to the lowest responsible bidder upon written bids, which bids shall be accompanied by a certified check or bidder's bond in a sum of not less than one thousand dollars to insure the execution of a legal and binding contract, in conformity with the provisions of this act by the successful bidder or bidders. Such bids shall be received and considered only after an advertisement for bids for such purpose shall have been published in the official newspaper of the county, once a week, for six consecutive weeks, and also three insertions in a daily newspaper of general circulation throughout the state. The Board of County Commissioners may in its discretion cause said advertisement to be run in a newspaper, trade journal or publication printed and published outside of the State of North Dakota, which is primarily devoted to engineering projects and subjects. The board may enter into one contract for the said work of classification of all acre property in the county, or if they deem it advisable, the county may be divided into not more than four parts as nearly equal as possible and separate contracts let therefor. Provided, however, that nothing in this section shall be so construed as to prevent local boards of re-

view together with the County Commissioner to provide for a classification of acre property in organized townships. The Commissioners shall reserve the right to reject any or all bids and upon failure to receive satisfactory bids shall re-advertise the work.

§ 3. The successful bidder shall execute, with the county as the party of the second part, a contract for the work of classification of said lands, and shall furnish a satisfactory surety or personal bond, in a sum not less than two thousand dollars, nor more than ten thousand dollars, in the discretion of the board of county commissioners, conditioned upon the faithful performance of the terms and conditions of the contract.

§ 4. For the purpose of providing the necessary funds to carry out the provisions of this act the county commissioners shall levy annually, for as many years as necessary a tax upon all of the taxable property in the county, to create a fund to be known as the "Land Classification Fund." Provided, however, that in no case shall the levy in any one year exceed one-fourth of one mill on all the taxable property in the county. Provided, further, that the county commissioners may when necessary pay the expenses occurring under the provisions of this act, including payments on the contract hereinbefore described, from the general fund of the county until such time as sufficient funds have been raised under the levy herein provided for to pay such expenses, and at such time the county treasurer shall upon order of the board of county commissioners reimburse the general fund for such advance.

§ 5. All acre property in this state, whether taxable at the time the classification hereunder is made or not, shall be scheduled and classified under the provisions of this act, excepting only lands used for rights of way of common carriers. Said classifications shall be made to the end that it will correctly reflect the true value of all such property and to that end determine the value of any and all tracts of land classified hereunder, all recognized elements of value should be taken into consideration and used, including proximity to market, topography of the land, percentage tillable, composition, nature and fertility of soil.

§ 6. The method of classifying used shall be uniform throughout the entire state and after taking into consideration all true elements of value the land of the state hereinbefore described shall be grouped and classified in units of forty acres each, following the present legal descriptions of sections, half sections, quarter sections, eighty and forty acre tracts, under the following classification tables.

Class.	Value.
A-1	from \$190.00 to \$200.00 per acre.
A-2	from 180.00 to 190.00 per acre.
A-3	from 170.00 to 180.00 per acre.
A-4	from 160.00 to 170.00 per acre.
A-5	from 150.00 to 160.00 per acre.
A-6	from 140.00 to 150.00 per acre.
A-7	from 130.00 to 140.00 per acre.
A-8	from 120.00 to 130.00 per acre.
A-9	from 110.00 to 120.00 per acre.
A-10	from 100.00 to 110.00 per acre.
B-1	from 95.00 to 100.00 per acre.
B-2	from 90.00 to 95.00 per acre.
B-3	from 85.00 to 90.00 per acre.
B-4	from 80.00 to 85.00 per acre.
B-5	from 75.00 to 80.00 per acre.
B-6	from 70.00 to 75.00 per acre.
B-7	from 65.00 to 70.00 per acre.
B-8	from 60.00 to 65.00 per acre.
B-9	from 55.00 to 60.00 per acre.
B-10	from 50.00 to 55.00 per acre.
C-1	from 47.50 to 50.00 per acre.
C-2	from 45.00 to 47.50 per acre.
C-3	from 42.50 to 45.00 per acre.
C-4	from 40.00 to 42.50 per acre.
C-5	from 38.50 to 40.00 per acre.
C-6	from 35.00 to 38.50 per acre.
C-7	from 32.50 to 35.00 per acre.
C-8	from 30.00 to 32.50 per acre.
C-9	from 28.50 to 30.00 per acre.
C-10	from 25.00 to 28.50 per acre.
D-1	from 22.50 to 25.00 per acre.
D-2	from 20.00 to 22.50 per acre.
D-3	from 18.50 to 20.00 per acre.
D-4	from 15.00 to 18.50 per acre.
D-5	from 12.50 to 15.00 per acre.
D-6	from 10.00 to 12.50 per acre.
D-7	from 7.50 to 10.00 per acre.
D-8	from 5.00 to 7.50 per acre.
D-9	from 2.50 to 5.00 per acre.
D-10	from 1.00 to 2.50 per acre.

Whenever land values in the state exceed schedule as represented by Class A-1, said land shall be classified in a new classification designated as Class AA, with the same sub-classes as indicated in this schedule, provided, however, that the spread of value between each sub-class shall be twenty dollars.

§ 7. The provisions of this act relating to the method of arriving at values of acre property and the classification thereof shall be incorporated by reference into the contracts entered into for the survey and classification of said property, and said contractor shall at the time of examining, surveying and classifying said property take and keep full and complete field notes and data of all matters and conditions upon which said classification of each forty acre tract is based, and said contract shall not be deemed complete on the part of said contractor until such field notes and data have been prepared, transcribed and submitted to the board of county commissioners by way of copies, maps, blue prints and explanatory diagrams and statements or in such other or additional manner as the contract shall provide, in arriving at the valuation aforesaid no improvements thereupon shall be taken into consideration.

§ 8. Upon full and complete compliance with the terms of the contract in the manner hereinbefore described, and the acceptance thereof by the board of county commissioners, it shall be the duty of said board of county commissioners to give notice through the official newspaper of the county by the publication therein once each week for two consecutive weeks of a day or days certain upon which the owners of classified property, or their agents or attorneys, may examine such classification tables and supporting data of all kinds and be given an opportunity to appear, object and submit proof to said board of any improper, unfair, discriminatory or unreasonable value or classification of such property. After such hearings have been held, and within ten days thereafter, the board of county commissioners, after due and careful consideration of all complaints duly made by owners of classified property, their agents or attorneys, shall amend, change, modify or adopt the classification as finally submitted by the contractor, as in judgment and discretion of said board the facts justify; provided, that in case any changes, amendments or modifications or requirements are made by the board of county commissioners their reasons therefor shall be reduced to writing, spread upon the minutes of the board, and made a part of the classification date by the county auditor. When final approval has been given and said classification has been adopted by the board of county commissioners, it shall not thereupon be subject to change, amendment or modification by the board of county commissioners for a period of one year, and then only upon such notice as is required heretofore in this section; provided, however, that stenographic or clerical errors may be corrected at any regular meetings of the board of county commissioners. Provided, further the same rules shall apply to the returns of local boards of review.

§ 9. Upon the final approval provided for in section eight being given to said classification tables, it shall be the duty of the county auditor to have said classification tables prepared and printed at the expense of the county and so arranged that a list of all lands in each

assessing district can be delivered to the assessor thereof. It shall thereupon be the duty of said assessor in listing and valuing the taxable acre property in his district to use said classification table as the basis of value of such acre property. It shall likewise be the duty of the county auditor to furnish such classification tables to each township board of supervisors, and local boards of review, and it shall be the duty of said boards to use said tables as a guide in their work of equalization. It shall likewise be the duty of the board of county commissioners when sitting as a county board of equalization, to use such classification tables and supporting data in exercising and performing their statutory duties with respect to equalization.

§ 10. All classification tables and supporting data hereinbefore described shall be open to inspection and examination in the office of the county auditor to any interested person appearing during office hours.

Approved March 10, 1921.

CHAPTER 122.

(H. B. No. 25.—Anderson of Burleigh.)

EXEMPTIONS, LIMITATIONS.

An Act to Amend and Re-enact Sub-Section 11 and Sub-Section 15 of Chapter 223, Session Laws of North Dakota for the year 1919, Relating to Taxation and more Specifically to the Exemption of Property from Taxation; and Providing for a Limitation on Tax Levies Upon all Taxable Property.

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

§ 1. AMENDMENT. That Sub-Section 11 and Sub-Section 15 of Chapter 223 of the Session Laws of North Dakota for the year 1919 are hereby amended and re-enacted to read as follows:

Sub-Section 11. Structures and improvements, when used as a place of residence and when personally occupied by the legal or equitable owner on village, town or city lots to the amount of five hundred dollars (\$500.00).

Sub-Section 15. The tools, implements or other equipment of a farmer, to the amount of five hundred dollars (\$500.00).

§ 2. The total amount of taxes levied for any purpose, except special levies for local improvements and for the maintenance of sinking funds in any county or political sub-division thereof in any village, town or city within the state shall not exceed an amount equal to one-third of the total combined levies, which were made for the years 1918, 1919, and 1920, except that school districts may levy not to exceed 30

per cent in excess of such amount, and provided that any county or political sub-division thereof or any village, town or city may increase such levy in the same proportion as the assessed property valuation increases or has increased over that of the year 1919. Provided, however, that the electors of any county or political sub-division thereof or any village, town or city within the state, may by a majority vote authorize a levy of 25 per cent in excess of this limit.

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

Approved March 19, 1921.

CHAPTER 123.

(H. B. No. 61.—Mr. Wood.)

INCOME TAX EXEMPTIONS.

An Act to Amend and Re-enact Section 5 of Chapter 224 of the Session Laws of North Dakota, for the year 1919, Relating to Income Taxes.

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

§ 1. AMENDMENT.] Section 5 of Chapter 224 of the Session Laws of the State of North Dakota, for the year 1919, is hereby amended and re-enacted to read as follows, to-wit:

§ 5. The following income shall be exempt from the provisions of this act:

The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured as a return of any premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at maturity of the term mentioned in the contract, or upon the surrender of the contract; the value of any property acquired by gift, bequest or descent; (but the income from all the above enumerated property shall be taxable), interest upon the obligations of the United States and its possessions, and interest upon the obligations of the State of North Dakota and the political sub-division thereof; securities issued under the provisions of the Federal Farm Loan Act of July 17, 1916, and the amendments thereto, or from bonds of the State of North Dakota, or income from loans on North Dakota real property; and the compensation of all officers and employees of the United States, except such part thereof as may be paid by the State.

Approved March 10, 1921.

CHAPTER 124.

(H. B. No. 162.—Erickson of Walsh.)

INHERITANCE TAX.

AN Act to Amend and Re-enact Section 13b and Section 43 of Chapter 225, Laws of North Dakota, 1919, Relating to the Taxation of Transfers of Property by Will, Gift or by Intestate Law.

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

§ 1. That Section 13b of Chapter 225, Laws of North Dakota, 1919, relating to the Taxation of Transfers of Property by Will, Gift or by Intestate Law be and the same hereby is amended to read as follows:

§ 13b. The State Treasurer shall, upon receipt of the total amount of the tax due from said estate, issue to the administrator or executor paying the same, his receipt therefor, and in addition to said receipt shall at the same time issue to said administrator or executor a certified statement, bearing the seal of his office, to the effect that the full amount of the inheritance tax due from the said estate to the State of North Dakota has been paid. Where the total amount of the tax is paid to the State, the State Treasurer shall pay into the County Treasury of the County in which the estate was probated fifty per cent of the amount received; provided, that in a case where the estate is settled outside the state, or the property thereof exists in more than one county, the total amount of the tax shall be paid into the State Treasury.

§ 2. That Section 43 of Chapter 225, Laws of North Dakota 1919, aforesaid, be and the same is hereby amended and re-enacted to read as follows:

“§ 43. The County Treasurer shall retain for the use of the county, out of all taxes paid and accounted for by him each year under this Act, fifty per cent on all sums so collected by or paid to said Treasurer.”

Approved March 9, 1921.

CHAPTER 125.

(S. B. No. 7—Murphy.)

INHERITANCE TAX.

AN ACT to Repeal Section 14 of Chapter 225, Laws of North Dakota, 1919, Relating to the Taxation of Transfers of Property by Will, Gift or by Intestate Law.

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

§ 1. That Section 14, Section 14-a and Section 14-b of Chapter 225, Session Laws of North Dakota, for the year 1919, relating to the

taxation of transfers of property by Will, Gift, or by Intestate Laws, be and the same is hereby repealed.

§ 2. The intention of this law is to exempt from inheritance tax all intangibles of non-resident decedents.

Approved March 3, 1921.

TOBACCO

CHAPTER 126.

(H. B. No. 154—Halcrow.)

CIGARETTES.

AN ACT to Amend and Re-enact Section 10184 and 10185 of the Compiled Laws of North Dakota for 1913. Prohibiting the Manufacture, Sale, Disposing of, Giving Away, and Soliciting Orders for Cigarettes, or Cigarette Papers and Providing Penalty.

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

§ 1. AMENDMENT.] Section 10184 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 10184. MANUFACTURE, SALE, DISPOSING OF, GIVING AWAY, SOLICITING ORDERS FOR CIGARETTES AND CIGARETTE PAPERS PROHIBITED.] It shall be unlawful for any person, by himself, clerk, servant, employe or agent, directly or indirectly, upon any pretense or by any device, to manufacture, sell, exchange, barter, dispose of or give away, or keep for sale any cigarettes, cigarette papers or cigarette wrappers, or any paper made or prepared for the purpose of being filled with tobacco for smoking.

Further, it shall be unlawful for any person by himself, clerk, servant, employe or agent, directly or indirectly, to solicit, receive, or procure from, or aid in soliciting or procuring from any person within this state any order, directions, or instructions providing for, or in any manner relating to the delivery, purchase or sale, either within, or from without the State of North Dakota for any cigarettes, cigarette papers, or cigarette wrappers or any paper made for the purpose of being filled with tobacco for smoking.

§ 2. KEEPING. PRIMA FACIE EVIDENCE.] The keeping of cigarettes, or cigarette papers or wrappers in his public place of business by any owner or proprietor thereof, by himself, clerk, servant, employe or agent shall be prima facie evidence of the keeping of the same for sale.

Provided, that this section shall not apply to such cigarettes, or cigarette papers or wrappers, in reasonable quantities, that are carried upon the person of such owner or proprietor, or his clerks or employees for their own personal use.

§ 3. AMENDMENT.] Section 10185 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 10185. Penalty. Any person violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, for the first offense, shall be fined in any sum not less than \$25, nor more than \$100; and for the second and every successive offense, be fined in any sum not less than \$100 nor more than \$300 or be confined in the county jail not less than ten days nor more than thirty days.

Approved March 9, 1921.

CHAPTER 127.

(H. B. No. 51—McLarty.)

SMOKING.

AN ACT to Prohibit the Use of Tobacco by Smoking in Certain Places and Providing Penalty.

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

§ 1. It shall be unlawful for any person within this state to use tobacco by smoking in cigars, cigarettes, pipes or in any other form in the dining room of any hotel, or in any cafe, restaurant or eating room in which both men and women are being served, or in any street car, or railway coach, except in rooms, coaches and compartments specially provided for that purpose; or for the proprietor of any hotel, cafe, restaurant or eating room, or the conductor of any street car, or railway coach to knowingly permit any such act in any such place. Any person violating any provision of this Act shall upon conviction thereof be punished by a fine in any sum not less than \$5.00 and not more than \$25.00.

Approved March 1, 1921.

TRANSFERS

CHAPTER 128.

(H. B. No. 155—Olson of Billings.)

RECORD OF TRANSFERS.

AN ACT to Amend and Re-enact Section 4624 of the Compiled Laws of the State of North Dakota for the year 1913, relating to conveyances and Mortgages of railroad corporations, so as to provide the manner of execution and manner and place of record of every conveyance or lease, deed of trust, mortgage or assignment, or satisfaction thereof, made by any railroad, telegraph or telephone corporation.

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

§ 1. That Section 4624, Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 4624. CONVEYANCES, ETC., OF RAILROAD, TELEGRAPH AND TELEPHONE CORPORATIONS, HOW EXECUTED AND RECORDED.] Every conveyance, or lease, deed of trust, mortgage, assignment or satisfaction thereof, made by any railroad telegraph or telephone corporation, of any franchises, right-of-way, real estate, fixtures, poles, wire and general equipment used in carrying on the business of the corporation, or any real property in pursuance of law shall be executed and acknowledged in the manner in which conveyance of real estate by corporations is required to be to entitle the same to be recorded, and shall be recorded in the office of the Secretary of State, who shall endorse thereon his certificate thereof, specifying the day and hour of its reception, and the volume and page where recorded, which shall be evidence of such fact. Every such record of any such instrument shall from the time of reception, have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds may have by law as to property in his county, and shall be notice of the rights and interest of the grantee, lessee, or mortgagee, by said instrument to the same extent as if it was recorded in each and all of the several counties in which any property therein described may be situated. And provided, further, that every conveyance or lease, deed of trust, or mortgage, thus made, which covers any real property other than that used by said railroad, telegraph or telephone corporation, as right-of-way for its railroad or telegraph or telephone lines, shall likewise be recorded in the office of register of deeds for each and every county wherein such other real estate, or any part thereof is situated; and provided, further, that such

conveyance, lease, deed of trust or mortgage shall not operate as a conveyance of, or as creating any lien upon, any such real estate other than railroad or telegraph or telephone right-of-way, until such instrument has been duly recorded in the office of the register of deeds of the county in which the same is situated.

§ 2. Whereas there is now no provision for the recording of certain of the documents herein described in the office of the Secretary of State, it is hereby declared that this Act is an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 10, 1921.

TRIAL

CHAPTER 129.

(H. B. No. 63—Martin and Bjorgo.)

AFFIDAVIT OF PREJUDICE.

AN ACT to Amend and Re-enact Section 7644 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 1 of the Session Laws for the year 1919, (regular session), Relating to change of Judges in Civil and Criminal Actions in the District Court, for Prejudice or Bias of Judge thereof; providing for the calling in of another Judge of another Judicial District, and the payment of his expenses, and the discharge of Jurors therein, and repealing all acts or parts of acts in conflict herewith.

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

§1. FOR PREJUDICE OR BIAS.] When either part to a Civil action pending in any of the District Courts of the state, or any defendant in any criminal action pending in any of the District Courts of the state, shall after issue joined and before the opening of any regular, special or adjourned term at which the cause is to be tried file an affidavit stating that he has reason to believe and does believe that he cannot have a fair and impartial trial or hearing before the Judge of the District Court by reason of the prejudice or bias of such Judge, the Court shall proceed no further in the action and shall thereupon be disqualified to do any further act in said cause; provided that where the information in a criminal action is filed in term time such affidavit may be filed at any time before trial.

§ 2. AFFIDAVIT OF PREJUDICE. BY WHOM MADE.] Such affidavit shall be made by the defendant or his attorney in a criminal action and in civil actions by the party to the action desiring such change of Trial Judge or by his attorney.

§ 3. **AFFIDAVIT TO BE FILED.]** Such affidavit with two copies thereof shall be filed with the Clerk of the Court in which the action is pending. Upon the filing of such affidavit the Clerk shall immediately give notice to the Judge so disqualified by delivering to him a copy of such affidavit. Said Clerk shall promptly forward to the Clerk of the State Supreme Court a copy of such affidavit.

§ 4. **THE SUPREME COURT TO DESIGNATE TRIAL JUDGE.]** The Supreme Court shall upon receipt of such affidavit of prejudice from the Clerk of the District Court designate a District Judge to act in the place and stead of the Judge disqualified.

§ 5. **EXPENSES OF JUDGE.]** Any Judge of the District Court designated by the Supreme Court to act in said cause shall as soon as possible after receiving such notice from the Supreme Court and during said term, unless otherwise agreed by the parties to said action, proceed with the trial of said cause, first giving reasonable notice of the date of trial to the parties to said action, or their attorneys, and the actual expenses of such incoming Judge shall upon the furnishing of a voucher therefor by said Judge to the State Auditor be approved for payment and paid to the State Treasurer out of the General Fund.

§ 6. **JURORS NOT TO BE EXCUSED BY DISQUALIFIED JUDGE.]** After the filing of such affidavit of prejudice with the Clerk of the District Court no juror shall be excused except for good cause shown to the incoming judge and by such incoming judge.

§ 7. **NUMBER OF CHANGES ALLOWED.]** No more than one change shall be granted on the application of a defendant in a criminal action or to either party in a civil action.

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

Approved March 10, 1921.

CHAPTER 130.

(H. B. No. 6—Bauer.)

CONTINUANCES.

AN ACT to Amend and Re-enact Section 7949 of the Compiled Laws of North Dakota, 1913, Relating to continuances of cases.

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

§ 1. **AMENDMENT.]** Section 7949 of the Compiled Laws of North Dakota is hereby amended and re-enacted so as to read as follows:

§ 7949. **CASES CONTINUED.]** In all actions, Civil or Criminal, pending in any Court in this State at any time when the Legislature is in Session, it shall be sufficient cause for a continuance of said action to

a succeeding term of said Court, if it shall be made to appear by affidavit of any Attorney of Record, that either party to said action applying for such continuance or the Attorney has been the Attorney of Record of either party since commencement of such action or suit or for more than fifteen days prior to filing such affidavit, and is a member of either House of the Legislature, and is then or will be at the beginning of the term of said Court in which said action is pending, actually engaged in the performance of his duties at the said session of the Legislature, and that the attendance of such party or the Attorney of Record is necessary to the fair and proper trial of said action. Notice of motion, together with a copy of the affidavit, shall be served upon the other party to the action, at least ten days prior to the opening of said term of Court at which said action is pending, if said action is pending in such Court at the opening of the term.

§ 2. Upon the proof of service of such notice and affidavit the case shall be continued over to the next succeeding term, and shall not be tried over the objection of the party within ten days after the adjournment of the legislature.

§ 3. REPEAL.] All acts or parts of acts in conflict with the provision of this act are hereby repealed.

§4. EMERGENCY.] Whereas an emergency exists, now therefore this action shall be in full force and effect immediately after its passage and approval.

Approved March 3, 1921.

CHAPTER 131.

(H. B. No. 74.—Lackey.)

NEW TRIAL.

AN ACT to Amend and Re enact Section 7660, Compiled Laws of 1913, Relating to Causes for a New Trial.

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

§ 1. AMENDMENT.] Section 7660, Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 1. CAUSES FOR NEW TRIAL.] The former verdict or other decision may be vacated and a new trial granted on the application of the party aggrieved for any of the following causes materially affecting the substantial rights of such party:

1. Irregularity in the proceedings of the Court, Jury, or adverse party, or any order of the court or abuse of discretion by which either party was prevented from having a fair trial.

2. Misconduct of the jury; and whenever any one or more of the jurors have been induced to assent to any general or special verdict or to a finding on any question submitted to them by the court by a resort to the determination of chance, such misconduct may be proved by the affidavit of any one of the jurors.

3. Accident or surprise, which ordinary prudence could not have guarded against.

4. Newly discovered evidence material to the party making the application, which he could not with reasonable diligence have discovered and produced at the trial.

5. Excessive damages appearing to have been given under the influence of passion or prejudice.

6. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law.

7. Error in law occurring at the trial and excepted to by the party making the application.

8. Loss or destruction, without fault on the part of the party aggrieved, of the official shorthand minutes, taken at the trial containing the testimony offered and the instructions of the court when given orally to the jury, or either, before a transcript thereof has been made.

§ 2. EMERGENCY.] Whereas the Supreme Court of this State has but recently handed down a decision holding that the grounds for a new trial, enumerated in the above section are exclusive, and under such law as the same stands a person may be deprived of an appeal to the supreme court, without fault on his part, by reason of a loss of such shorthand minutes, an emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved February 18, 1921.

CHAPTER 132.

(H. B. No. 170—Starke.)

SPECIAL VERDICTS AND FINDINGS.

AN ACT to Amend and Re-enact Section 7633 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to When Special Verdicts Directed to Special Findings, how prepared and Judgment entered thereon.

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

§ 1. AMENDMENT.] That Section 7633 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 7633. WHEN SPECIAL VERDICTS DIRECTED. SPECIAL FINDINGS. HOW PREPARED.] The Court in its discretion may upon the

request of either party direct the Jury to find a special verdict. Such verdict shall be prepared by the Court in the form of questions in writing, which shall be confined to matters involving the merits of the case and shall admit of direct answer. Such questions shall be submitted by the Court to the parties at or before the close of the testimony, and the Court must incorporate therein such additional questions, of like character, as shall be demanded by either party, and the Jury shall make their answers thereto in writing. The Court may also direct the Jury, if they render a general verdict, to find in writing upon any particular question of fact, to be stated as aforesaid.

In every action for the recovery of money only or of specific real property, the Jury may in their discretion, when not otherwise directed by the Court render a general or special verdict. The special verdict or finding must be filed with the Clerk and entered upon the minutes. When the special findings of fact are inconsistent with the general verdict, the former controls the latter and the Court must give judgment accordingly.

Approved March 10, 1921.

CHAPTER 133.

(H. B. No. 56.—Starke.)

DIRECTED VERDICTS.

AN ACT to Amend and Re-enact Section 7643 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Judgments, District and Supreme Courts to Direct.

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

§ 1. AMENDMENT.] That Section 7643 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 7643. JUDGMENT NOTWITHSTANDING VERDICT.] When at the close of the testimony any party to the action moves the court to direct a verdict in his favor, and the adverse party objects thereto, such motion shall be denied and the court shall submit to the jury such issue or issues, within the pleadings on which any evidence has been taken, as either or any party to the action shall request, but upon a subsequent motion, by such moving party after verdict rendered in such action, that judgment be entered notwithstanding the verdict, or if the jury have failed to agree upon a verdict, for a directed verdict, the court shall grant the same if, upon the evidence as it stood at the time such motion to direct a verdict was made, the moving party was entitled to such directed verdict. An order for judgment notwithstanding the verdict may also

be made on a motion in the alternative form asking therefor, or if the same be denied, for a new trial. If the motion for judgment notwithstanding the verdict be denied, the supreme court, on appeal from the judgment, may order judgment to be entered, when it appears from the testimony that a verdict should have been so directed; and it may also so order on appeal from the whole order denying such motion when made in the alternative form whether a new trial was granted or denied by such order.

Approved February 18, 1921.

VALIDATING ACTS

CHAPTER 134.

(H. B. No. 109—Olson of Billings.)

MUNICIPAL INDEBTEDNESS.

AN ACT Legalizing Certain Acts of City, Village and School District Officials.

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

§ 1. 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 plant, 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.

§ 2. PENDING ACTIONS NOT AFFECTED. DEBT LIMIT.] This act shall not affect any actions now pending in which the validity of such warrants, orders or indebtedness is called in question; providing, however, that the issue of such bonds shall not be construed to be an increase of the indebtedness of the municipality and the proceeds from sales of such bonds shall be applied exclusively toward the discharge of the indebtedness of such city, village or school district referred to in Section 2 of this Act.

Approved March 10, 1921.

LEGAL NOTICES.

CHAPTER 135.

(S. B. No. 34—Thorson.)

AN ACT Legalizing and Validating all Notices and Publications commenced in an Official Newspaper Prior to the 1st day of January, 1921.

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

§ 1. The publication of all notices and publications required by the provisions of Chapters 187 and 188 of the Session Laws of North Dakota for the year 1919 to be published in an Official Newspaper that were prior to the first day of January, 1921, commenced in an official newspaper and continued therein after such newspaper ceased to be the official newspaper or were continued in the newly elected official newspaper are hereby declared legal and valid for all purposes.

Approved March 2, 1921.

VILLAGES

CHAPTER 136.

(H. B. No. 59.—Sims.)

SIDEWALKS.

AN ACT to Amend and Re-enact Section 3905 of the Compiled Laws of North Dakota for the year 1913, relating to the building and repairing of side walks by villages, the giving of notice thereof, the duties of real property owners, and the powers of the Board of Trustees in regard thereto.

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

§ 1. AMENDMENT.] That section 3905 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 3905. SIDEWALKS TO BE BUILT OR REPAIRED. NOTICE OF, HOW GIVEN, POWERS AND DUTIES OF TRUSTEES. DUTY OF OWNERS.] It is hereby made the duty of all owners of land adjoining any street, lane or alley in any incorporated village in this state to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed or shall hereafter be constructed or directed by the board of trustees to be built, and of such material and width and upon such place and grade as the board of trustees may, by resolution, prescribe. Whenever the board of trustees shall deem it necessary that any sidewalk shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed or reconstructed. The publication of such resolution twice in some paper printed or published in said village, or if no paper is published in said village, the village board shall designate some other paper within the county wherein such resolution shall be printed, which 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 each along his respective land, construct and fully complete such sidewalk within two weeks after the last publication of such resolution, as aforesaid, the board of trustees shall cause such portion of such sidewalk as have not been built by the owners of such lands to be built by the street commissioner, or upon contract, or in any other manner as the board may determine. The board of trustees shall assess and levy upon and against such lot and parcel of land along which such sidewalk has been constructed or recon-

structed a sum sufficient to cover the cost of such sidewalk along and fronting upon the same lots and parcels of land respectively, which shall be in the following form:

The board of trustees of the village of.....doth hereby assess and levy upon and against the several lots and parcels of land below described and respective sums of money set against each lot or parcel. This assessment is made to defray the cost of.....a sidewalk along the.....side of.....from.....to.....in accordance with a resolution of the board of trustees, passed the.....day 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 trustees, this.....
day of.....A. D. 19.....

.....
President.

Attest:

.....
Village Clerk.

The village shall not be liable on any contract for the building or repairing of sidewalks to be paid by moneys raised by general taxation, except that where lots against which sidewalk special assessments are laid have become either the absolute property of the County because of a sale for delinquent taxes, or the absolute property of the village because of a sale for delinquent special assessments, the board of trustees shall, by resolution, direct the village treasurer to pay into the sidewalk special fund, out of the general funds of the village, the amount of the sidewalk special assessments against all such lots, with interest at 7% but without penalty or costs.

Approved March 11, 1921.

UNION LABEL

CHAPTER 137.

(H. B. No. 9—Lakle.)

UNION LABEL.

AN ACT to Protect Trade Mark of Workmen's Unions and the Wearing of Union Emblems.

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

§ 1. It shall be unlawful for any person or corporation to wear or use the emblem adopted by, or representing any labor union of this State unless such person or corporation is entitled to wear or use such emblem under the rules of the union which said emblem represents.

§ 2. "Emblem" is herein defined in this Act to mean, Button, Watch fob, Design, Devise, Trademark, Label, Shop Card, or form of advertisement indicating membership in any labor organization.

§ 3. Any person or corporation violating the provisions of this Act shall be punishable by imprisonment in the County Jail for a term not to exceed thirty days, or by a fine not to exceed \$50.00 or by both such fine and imprisonment.

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1921.

WAR

CHAPTER 138.

(S. B. No. 155—Baird.)

DURATION OF WAR.

AN ACT Defining Duration of War.

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

§ 1. That the period of time designated, "During the time the United States is engaged in the present war" in Section one (1) of Chapter ten (10) of the Laws of the Special Session of the Fifteenth Legislative Assembly is hereby declared to be terminated November 11, 1921.

§ 2. That the period of time designated, "The Duration of the War" in Chapter 5 of the Laws of the Special Session of the Fifteenth Legislative Assembly is terminated.

Approved March 18, 1921.

WEEDS

CHAPTER 139.

(H. B. No. 118—Johnson of Cass.)

COMMISSIONER OF NOXIOUS WEEDS.

AN ACT to Amend and Re-enact Sections 624 and 625 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 252 of the Laws of North Dakota for the year 1917 and by Chapter 25 of the Laws passed by the Special Session of the Legislative Assembly of North Dakota in 1919, relative to the Commissioner of noxious weeds.

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

§ 1. That Section 624 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Laws of North Dakota for the year 1917 and as further amended by Chapter 25 of the Laws passed by the Special Session of the Legislative Assembly of North Dakota in 1919 is hereby amended and re-enacted to read as follows:

§ 624. WEED COMMISSIONERS. HOW APPOINTED.] The Board of County Commissioners must, when petitioned by at least one-tenth of the freeholders in such county, or at any time when deemed advisable may, without petition, appoint some competent person in each commissioners district of said county, who shall be styled "Commissioner of Noxious Weeds," who shall take the oath required of county officers and shall hold his office for the term of one year and until his successor is appointed and qualified each such commissioner shall receive as compensation the sum of five dollars per day for each day necessarily spent in the performance of his duties and mileage at the rate of ten cents per mile for each mile necessarily traveled. The Board of County Commissioners, may, at any time, for a good cause, remove any weed commissioner from office and appoint a successor to serve the remaining portion of his time. All the powers and duties of the township supervisors, city council or board of trustees, as defined and set forth in Article 28 on page 5 of the Political Code of the Compiled Laws of 1913 are hereby transferred to and made part of the duties and powers of the County Commissioners of each county and the duties in said Article 28 imposed upon commissioners of noxious weeds are hereby transferred to and made a part of the duties of weed commissioners appointed by virtue of this Act. Said weed commissioners shall also perform such other duties as may hereafter be imposed upon them by law. Any weed commissioner shall have the power and authority, with the approval of the Board of County Commissioners, to appoint one or more deputies who shall re-

ceive as a compensation such amount as shall be fixed by the Board of County Commissioners at any regular or special meeting, and who shall hold office until removed by the weed commissioner, or by the Board of County Commissioners. Each weed commissioner appointed under the provisions of this Act shall have power and authority to employ all the assistance necessary to carry out the provisions of this or any other Act relating to noxious weeds.

§ 2. The Section 627 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Laws of North Dakota for the year 1917, as amended by Chapter 25, Special Session Laws of 1919 is hereby amended to read as follows:

§ 627. It shall be the duty of the Board of County Commissioners to pay, out of the general fund, the salary and mileage of each commissioner of noxious weeds and his deputies and such other expenses and disbursements as may be incurred in connection with the enforcement of any law relating to noxious weeds now in force or which may hereafter be enacted upon verified vouchers duly audited and approved and the Board of County Commissioners in each county may appropriate and set aside such a sum each year, as in the opinion of the Board, is necessary to pay the salary expenses and mileage of the commissioners of noxious weeds and their deputies, and the Board is authorized to levy a sufficient tax on all taxable property for such purposes.

§ 3. All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. EMERGENCY.] Whereas there is now no adequate existing law providing for the appointment of a Weed Commissioner, and emergency is declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1921.

CHAPTER 140.

(H. B. No. 119—Roy Johnson.)

SOW THISTLES.

AN ACT Declaring Sow Thistles to be a Noxious Weed, Providing for its Destruction and Providing for the Payment of the Expense of its Destruction.

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

§ 1. WEEDS DECLARED NOXIOUS.] The plant known as perennial Sow Thistle is hereby declared to be noxious weed and common nuisance. No person or corporation owning, occupying or controlling land shall permit any perennial Sow Thistle to go to seed thereon or for more than two successive years to reproduce itself thereon by underground roots, stems or buds.

§ 2. It shall be the duty of every person or corporation, owning, occupying or controlling land within this State to destroy or cause to be destroyed, all the perennial sow thistle growing thereon.

§ 3. It shall be the duty of each Weed Commissioner appointed pursuant to the provisions of Section 624 of the Compiled Laws of North Dakota for the year 1913 and acts amendatory thereto to see that the provisions of this act are carried out within his district. For the purpose of enforcing the provisions of this act every Weed Commissioner appointed pursuant to the Laws of this State and his deputies and employees, are authorized and empowered to enter upon the premises of any person or corporation for the purpose of making investigation as to the existence of Sow Thistle upon said premises.

§ 4. When the Weed Commissioner of any district or his deputy or deputies, shall find growing upon any land within his district, any of the weeds known as perennial Sow Thistle, it shall be the duty of said Weed Commissioner or his deputy to give notice to the owner, lessee, occupant, agent or person having the care or charge of said land, requiring such owner, lessee, occupant, agent or person having the care or charge thereof, to cause the same to be cut down, pulled or destroyed on or before a date to be fixed in said notice, which shall not be less than ten days from the date of service or the posting of said notice; and in case such owner, lessee, occupant, agent or person having the care or charge thereof shall refuse or neglect to cut down, pull or destroy said Sow Thistle on or before the date fixed in said notice, then the said Weed Commissioner, his deputies and employees, shall enter upon the land and cause all said Sow Thistles to be cut down, pulled or destroyed, with as little damage to growing crops as may be; provided that the expense of such cutting, pulling and destruction shall not exceed one hundred dollars per 160 acres in each year and provide further that when said perennial Sow Thistle is growing upon land owned by a non-resident of the county in which said land is situated, and such owner has no agent known to the Weed Commissioner in the county in which said land is situated, said notice shall be posted in a conspicuous place on the land in view of the traveling public.

§ 5. Immediately after completing the cutting or destruction of Sow Thistle, pursuant to the provisions of this Act, the Weed Commissioner shall send by registered mail to the owner of the land on which said Sow Thistle was cut or destroyed, a statement of the expense of such cutting and removal, including a description of the land, verified by oath, which said statement shall contain a notice requiring the owner to pay the same within twenty days to the County Treasurer of the County wherein said real estate is located, and notifying him that unless the same is paid within twenty days, the same will become a lien upon said real estate. A copy of said notice, together with the proof of mailing or service, shall be at once filed with the County Auditor and if said amount is not paid within the time therein stated, said County Auditor shall

spread the same upon the tax roll prepared by him and said amount shall become a lien upon said real estate and be collected as other taxes are collected, and said real estate shall be sold for non-payment of said taxes the same as now or hereafter may be provided by law for the sale of real estate for delinquent taxes. Should the owner of said real estate not pay said charges within the stated time, the same shall be presented to the Board of County Commissioners by the County Auditor and by them allowed and paid out of the General Fund of said county by the County Treasurer and when said amount is collected as taxes it shall be paid into the general fund of said county. In case the owner of the land is not a resident of the county and his post office address cannot be ascertained by the Weed Commissioner, such notice shall be sent by registered mail to the person who last paid the taxes upon said land, the name and address of such tax payer to be furnished by the County Treasurer of the county in which such land is located.

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

§ 7. EMERGENCY.] Whereas there is now no adequate law providing for the destruction of Sow Thistles within the State and the increasing growth of said Sow Thistle is becoming a menace to the farmers of this State, an emergency is declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 10, 1921.

WORKMEN'S COMPENSATION

CHAPTER 141.

(H. B. No. 22—Vogel.)

COMPENSATION.

AN ACT to Amend and Re-enact Section 3 of Chapter 162 of the Laws of North Dakota for the year 1919. Relating to the Payment of Compensation to Injured Employees, or their Dependents, and the Payment of Burial Expenses in the Event of Death Resulting from Injuries.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 162 of the Laws of North Dakota for the year 1919, relating to the payment of compensation to injured employees, or their dependents, and the payment of burial expenses in the event of death resulting from injuries, is hereby amended and re-enacted to read as follows, to-wit:

§ 3. On and after July 1, 1919, it shall be the duty of the Workmen's Compensation Bureau hereinafter created to disburse compensation from the North Dakota Workmen's Compensation Fund to any employee subject to this act for injury arising in the course of employment in accordance with the following provisions:

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota Workmen's Compensation Fund shall furnish to such employee such medical, surgical and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation except as provided in the preceding paragraph, provided that if the period of disability exceeds seven days, compensation shall be paid from the date of injury.

C. If the injury cause total disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages.

D. If the injury cause temporary partial disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined and the North Dakota Workmen's Compensation Fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages for the following periods:

	Weeks
For a one per cent disability.....	5.2
For a ten per cent disability.....	52
For a twenty per cent disability.....	104
For a thirty per cent disability.....	156
For a forty per cent disability.....	208
For a fifty per cent disability.....	260
For a sixty per cent disability.....	312
For a seventy per cent disability.....	364
For an eighty per cent disability.....	416
For a ninety per cent disability.....	468

The Bureau shall immediately fix and file its schedule of specific benefits to be allowed for specific injuries. But such schedule shall not be changed more than once in each year. The Bureau shall not decrease, but may, however, in any case, for cause shown, increase such specific benefits.

F. The weekly compensation for total disability shall not be more than Twenty Dollars (\$20.00) nor less than Six Dollars (\$6.00), unless

the employees' weekly wages are less than Six Dollars (\$6.00), in which case his weekly compensation shall be the full amount of his weekly wages. The weekly compensation for partial disability shall not be more than Twenty Dollars (\$20.00). In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the Bureau shall, on any review after the time when the weekly wage-earning capacity of such person would probably, but for the injury have increased, award compensation based on such probable weekly wage-earning capacity.

G. If death results from the injury within six years the North Dakota Workmen's Compensation Fund shall pay to the following persons for the following periods a weekly compensation equal to the following percentages of the deceased employee's weekly wages, subject to the modification that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury.

a. To the widow, if there is no child, thirty-five per cent. This compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 156 weeks' compensation.

b. To the widower, if there is no child, thirty-five per cent if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

c. To the widow or widower, if there is a child, the compensation payable under the clause (a) or clause (b) and in addition thereto ten per cent for each child, not to exceed a total of sixty-six and two-thirds per cent for such widow or widower and children. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support.

d. To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not to exceed a total of sixty-six and two-thirds per cent, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self-support becomes capable of self-support. The compensation of a child under legal age shall be paid to its guardian.

e. To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent, twenty per cent to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Bureau. The above percentages shall be paid if there is no widow, widower or child. If there

is a widow, widower or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per cent.

f. To the brothers, sisters, grand-parents, and grand-children, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent to such dependent; if more than one are wholly dependent, thirty per cent, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per cent divided among such dependents share and share alike. The above percentages shall be paid if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid so much of the above percentages, as, when added to the total percentages payable to the widow, widower, children and dependent parents, will not exceed a total of sixty-six and two-thirds per cent.

g. The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries, or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death, unless before that time, he, if a grand-parent dies, marries, or ceases to be dependent, or, if a brother, sister, or grand-child, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister, or grand-child under legal age shall be paid to his or her guardian.

h. Upon the cessation of compensation under this section to or on account of any person, the compensation of the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable, shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

i. In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided would result in injustice, the Bureau may, in its discretion, modify the apportionment to meet the requirements of the case.

j. If any person entitled to compensation under this section whose compensation by the terms of this section ceases upon its marriage, accepts any payments of compensation after his marriage, shall be guilty of a misdemeanor.

k. In computing compensation in case of death the weekly wages of the deceased shall be considered to have been not more than Thirty Dollars (\$30.00) nor less than Eighteen Dollars (\$18.00), but the total weekly compensation shall not exceed the weekly wages of the deceased.

H. In case of death or of permanent total or of permanent partial disability, and if the Bureau determines that it is for the best interest of

the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 week's compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

1. If death results from the injury within six years the North Dakota Workmen's Compensation Fund shall pay to the personal representative of the deceased employee burial expenses not to exceed one hundred fifty dollars (\$150.00.)

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

Approved March 9, 1921.

CHAPTER 142.

(H. B. No. 18—Vogel.)

DEFINITIONS.

AN ACT to Amend and Re-enact Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, defining certain words and phrases contained in said Chapter.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, defining certain words and phrases contained in said chapter, is hereby amended and re-enacted to read as follows, to-wit:

§ 2. Whenever used in this act: "Employment" includes employment by the state and all political sub-divisions thereof, and all public and quasi-public corporations therein, and all private employments.

"Hazardous employment" means any employment in which one or more employes are regularly employed in the same business, or in or about the same establishment, except agriculture and domestic, service, and except also any employment of a common carrier by steam railroad.

"Employe" means every person engaged in a hazardous employment under any appointment, or contract of hire, or apprenticeship express or implied, oral or written including aliens, and also including minors, whether lawfully or unlawfully employed, but excluding any

person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and excluding also any executive officer of a business concern who receives a salary of more than twenty-four hundred dollars (\$2,400.00) per year.

"Employer" means the state and all political sub-divisions thereof, all public and quasi-public corporations therein, and every person, partnership, association, and private corporation, including any public service corporation, and the legal representative of any deceased employer, or the receiver or trustee of a person, partnership, association or corporation, carrying on a hazardous employment.

"Injury" means only an injury arising in the course of employment, including an injury caused by the wilful act of a third person directed against an employe because of his employment, but shall not include injuries caused by the employee's wilful intention to injure himself or to injure another. If the employer claims an exemption or forfeiture under this section the burden of proof shall be upon him.

"Partial Disability" includes disfigurement resulting from an injury such as to diminish ability to obtain employment.

"Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration.

"Weekly wages" shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman during the twelve months preceding his injury; provided that where, by reason of the shortness of the time during which the workman has been in the employment or the terms of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade of employment at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district. If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with a larger regular wages, only such larger wages shall be taken into consideration in computing his average weekly wages.

"Child" include step-children, adopted children, posthumous children, and acknowledged illegitimate children, but does not include married children unless dependent. "Brother" and "sister" include step-brothers and step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. All of the above terms and the term "grand-child" include only persons who at the time of the death of the deceased employe are under eighteen years of age or over that age and incapable of self-support. "Parent" includes step-parents and parents by adoption. "Widow" includes only the decedent's wife living with or dependent

for support upon him at the time of his injury. "Widower" includes only the decedent's husband dependent for support upon her at the time of her injury. "Adopted" and "Adoption" include only legal adoption prior to the time of the injury.

Any term shall include the singular and plural and both sexes where the context so requires.

§ 2. All acts and parts of acts in so far as they are in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1921.

CHAPTER 143.

(H. B. No. 21—Vogel.)

EMPLOYERS REPORTS.

AN ACT to Amend and Re-enact Section 5 of Chapter 162 of the Laws of North Dakota for 1919, Relating to Information furnished by employers, to the Workmen's Compensation Bureau of North Dakota and Penalty for failure to furnish information required.

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

§ 1. AMENDMENT.] That Section 5 of Chapter 162 of the Laws of North Dakota for 1919 relating to information furnished by employers to the Workmen's Compensation Bureau of North Dakota and penalty for failure to furnish information required, is hereby amended and re-enacted to read as follows, to-wit:

§ 5. Every employer shall furnish the Bureau upon request the information required by it to carry out the purposes of this Act. It is further provided that if the Workmen's Compensation Bureau finds that any person, firm, private corporation or any public service corporation, either within or without the State of North Dakota, is an employer within the meaning of this Act, it shall determine the date when he or it became such, which finding and determination for all purposes of this Act be prima facie but not conclusive evidence thereof, unless it can be otherwise shown by the employer affected. The Bureau shall forthwith give notice of said action to the employer, who shall immediately thereafter furnish the Bureau with a payroll covering the period included in said finding, not exceeding twelve (12) months last past, together with an estimated payroll for twelve (12) months next succeeding from the date of such finding, and comply with all provisions of the Workmen's Compensation Act, and all amendments thereto, which information shall be furnished on blanks to be prepared by the Bureau; and it shall be the duty of the Bureau to furnish such blanks to employers free of charge upon request therefor. Every employer receiving from the Bureau any blank, with directions to fill out the same,

shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the Bureau in writing good and sufficient reasons for such failure. The Bureau may require that the information herein required to be furnished be verified under oath and returned to the Bureau within the period fixed by it or by law. The Bureau or any member thereof, or any person employed by the Bureau for that purpose, shall have the right to examine, under oath any employer, officer, agent or employe thereof for the purpose of ascertaining any information which such employer is required by this act to furnish to the Bureau. Any employer who shall fail or refuse to furnish to the Bureau the annual statement herein required, or who shall fail or refuse to furnish such other information as may be required by the Bureau under authority of this section, shall be liable to a penalty of five hundred dollars (\$500.00) to be collected in civil action brought against said employer in the name of the state; all such penalties, when collected, shall be paid into the North Dakota workmen's Compensation Fund and become a part thereof.

All books, records and payrolls of the employers of the state, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the Bureau or any of its traveling auditors, inspectors or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the Bureau in its administration of the law. Refusal on the part of any employer to submit his books, records and payrolls for the inspection of any member of the Bureau or traveling auditor, inspector or assistant presenting written authority from the Bureau shall subject such employer to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the state and paid into the Workmen's Compensation Fund to become a part thereof.

Any employer who wilfully misrepresents to the Bureau the amount of payroll upon which the premium under this act is based shall be liable to the state in ten times the amount of the difference between the premium paid and the amount the employer should have paid. The liability to the state under this section shall be enforced in a civil action in the name of the state, and all sums collected under this section shall be paid into the Workmen's Compensation Fund.

The information contained in the employers' reports to the Bureau shall be for the exclusive use and information of said Bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the Bureau is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the department, in statistical form, for the use and information of the

state departments and the public. Any person in the employ of the Bureau who shall divulge any information secured by him in respect to the transactions, property or business of any company, firm, corporation, person association, co-partnership, or public utility to any person other than the members of the Bureau, while acting as an employee of the Bureau shall be guilty of a misdemeanor and upon conviction thereof shall thereafter be disqualified from holding any appointment with the Bureau.

§ 2. All acts and parts of acts, in so far as they are in conflict with the provisions of this act, are hereby repealed.

Approved March 9, 1921.

CHAPTER 144.

(H. B. No. 20.—Vogel.)

PAYMENT OF PREMIUMS.

An Act to Amend and Re-enact Section 8 of Chapter 162 of the Laws of North Dakota for the year 1919, Relating to Enforcement of Payment of Premiums to the Workmen's Compensation Fund.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 162 of the Laws of North Dakota for 1919, relating to the enforcement of payment of premiums to the Workmen's Compensation Fund, is hereby amended and re-enacted to read as follows, to-wit:

§ 8. If an employer fails, neglects, or refuses to make any payments required to be made by him or it to the Workmen's Compensation Fund, it shall be conclusively presumed that such employer has elected to pay his or its full premium into the Workmen's Compensation Fund, and the Bureau shall then determine the amount of premium due from said employer for the next succeeding twelve (12) months from the date notice is given by the Bureau of the amount so due and shall inform said employer of the amount thereof in such notice, and shall order the same paid into said fund; provided, that, if the annual premium payable to the Fund by any employer amounts to \$200.00 or more, one-half thereof shall be paid in cash within a period of ten (10) days from date said notice is received, and one-half thereof shall be paid within a period of six (6) months from date of said notice provided such employer files a certified check, a Certificate of Deposit, or a bond within said period of ten (10) days with the Workmen's Compensation Bureau with sureties to the approval of said Bureau, guaranteeing that such portion to be paid after the said ten (10) days will be paid to said Bureau within said period of six (6) months, to-

gether with the court costs which may be incurred on account of suit on such bond; and provided, also, if the annual premium payable to the Fund by any employer amounts to more than \$100.00 and less than \$200.00, \$100.00 thereof shall be paid in cash within said period of ten (10) days, and the remaining portion thereof shall be paid within said period of six (6) months, provided a certified check, a Certificate of Deposit or a bond is filed with said Bureau within said period of ten (10) days with sureties to the approval of the Bureau guaranteeing that such portion to be paid after the said ten (10) days will be paid to said Bureau within said period of six (6) months, together with court costs as aforesaid. Nothing in this Act shall be construed to prevent any employer from paying the whole amount of premium in cash.

In case of default of any employer in making any payment or in filing any proper bond as herein required, it shall be the duty of the Workmen's Compensation Bureau to certify, or cause to be certified, to the Attorney General of the State the name and place of business of such employer and the amount due from such employer, and it shall then be the duty of the Attorney General forthwith to bring, or cause to be brought, for the collection of such amount so due, a civil action against such employer, in the name of the State, and such action shall be brought in either the District Court of Burleigh County, North Dakota, or in any county in which such employer is engaged in business, at the option of the Attorney General.

If upon final hearing of said cause, it is found and determined that the defendant is an employer within the meaning of this Act, the court shall render judgment against said defendant for the amount of said premium, with interest from the date of the determination of said amount by the Bureau, together with costs, which judgment shall be paid into the Workmen's Compensation Fund. The payment of such judgment shall entitle such employer and employees of such employer to the benefits of this Act from the date said notice is issued by this Bureau notifying such employer of the amount of premium due. If the judgment cannot be paid in full, the Bureau shall determine the date upon which said employee's right to participate in the fund shall inure.

The payment of premium into the Workmen's Compensation Fund by an employer shall entitle such employer and the employees of such employer to the benefits of this Act from the time of payment of said money into the Workmen's Compensation Fund, except as otherwise provided in this section with reference to payment of judgments.

All judgments obtained in any action prosecuted by the Bureau, or by the State under authority of this Act, shall be a prior lien over all other judgments and liens, except those now in existence.

If any employer, who has complied with this Act, shall default in any payment required to be made by him or it to the Workmen's Compensation Fund for a period of ten (10) days after notice that such

payment is due, the same proceedings shall be had as in the case of an employer against whom the Bureau has made a finding as hereinbefore provided.

All such cases shall have precedence over all other civil actions and shall be assigned for trial as soon as the issues are made up.

If the defendant is a non-resident of this State, or a foreign corporation doing business in this State, service of summons may be made upon any agent, representative or foreman of said defendant wherever found in the State, or service may be made in any other manner designated by statute.

In any action, provided for herein for the collection of premiums the remedies of garnishment or attachment or both shall be available, and in any action for the collection of premiums no exemptions, except absolute exemptions, shall be claimed by or allowed to such employer.

§ 2. All acts, and parts of acts, in so far as they are in conflict with provisions of this act, are hereby repealed.

Approved March 9, 1921.

CHAPTER 145.

(H. B. No. 19.—Vogel.)

POWERS AND DUTIES.

An Act to Amend and Re-enact Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, as Amended by Chapter 73 of the Laws passed at the Special Session of the Sixteenth Legislative Assembly in December, 1919, Relating to the creation of the Workmen's Compensation Bureau of North Dakota, the Appointment and Removal of the Commissioners Thereof, the Salary of such Commissioners and the Powers and Duties of such Bureau.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, as amended by Chapter 73 of the Laws passed at the Special Session of the Sixteenth Legislative Assembly in December, 1919, relating to the creation of the Workmen's Compensation Bureau of North Dakota the appointment and removal of the Commissioners thereof, the salary of such Commissioners and the powers and duties of such Bureau, is hereby amended and re-enacted to read as follows, to-wit:

§ 4. PARAGRAPH A.] A Workmen's Compensation Bureau is hereby created in the Department of Agriculture and Labor consisting of the State Commissioner of Agriculture and Labor, the State Insurance Commissioner and three (3) Workmen's Compensation Commissioners to be appointed by the Governor, and the three commissioners

so appointed shall devote their entire time to the duties of the Bureau. At the expiration of each of the terms of the members of the bureau as legally constituted, their successors shall be appointed for a term of 5 years. One of the appointees of the said Bureau shall be a representative of labor, and one of the appointees of the said Bureau shall be a representative of the public; provided, that the Governor may remove for cause, any or all commissioners so appointed by him.

PARAGRAPH B.] The Commissioner of Agriculture and Labor shall be ex-officio head and chairman of the Bureau, the Commissioners of Insurance shall be ex-officio members of the Bureau, and the other members of the Bureau shall receive a salary of Two Thousand Five Hundred Dollars (\$2,500.00), a year.

PARAGRAPH C.] The Bureau shall be provided with offices in the capitol, or in some other suitable building in the City of Bismarck, at the expense of the Bureau, in which its records shall be kept, and it shall also be provided with necessary office furniture, stationery, and other supplies. The Bureau shall have a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words, "Workmen's Compensation Bureau—North Dakota—Seal." It shall employ such assistants and clerical help as it may deem necessary, and fix the compensation of all persons so employed; provided, that all such clerical assistants shall be subject to existing laws regulating the selection, grading and compensation of department clerks. The members of the Bureau and its assistants shall be entitled to receive from the fund their actual and necessary expenses while traveling on the business of the Bureau, but such expenses shall be sworn to by the persons who incurred the same, and shall be approved by the Chairman of the Bureau before payment is made.

PARAGRAPH D.] The Bureau may make necessary expenditures to obtain statistical and other information required for the enforcement of this act. The salaries and compensation of the members of the Bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and all other expenses of the Bureau herein authorized, including rent for offices of the Bureau, and the premium to be paid by the State Treasurer for the bond to be furnished by him, shall be audited and paid out of the Workmen's Compensation Fund and the appropriation herein made in the manner prescribed for similar expenditures in other departments or branches of the state service, provided, however, the same shall not exceed in any one year the sum of Fifty-five Thousand Dollars (\$55,000.00).

PARAGRAPH E.] The Bureau may make rules not inconsistent with this act for carrying out the provisions of this Act. Process and procedure under this act shall be as summary and simple as reasonably may be. The Bureau shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure,

other than as herein provided; but may make investigation in such manner as in its own judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act. The Bureau, or any member thereof, shall have the power to subpoena witnesses, administer oaths, and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute, and shall file a report of the same in their office. The Bureau shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this act.

PARAGRAPH F. A majority of the Bureau shall constitute a quorum for the transaction of business, and a vacancy shall not impair the right of the remaining members to exercise all the powers of the full Bureau so long as a majority remains, but the representatives of the employers and the employees respectively shall constitute a part of such majority. Any investigation, inquiry or hearing which the Bureau is authorized to hold, or undertake, may be held or undertaken by or before any one member of the Bureau. All investigations, inquiries, hearings and decisions of the Bureau and every order made by a member thereof, when approved and confirmed by a majority of the members, and so shown on its records of proceedings, shall be deemed to be the order of the Bureau.

PARAGRAPH G.] The Bureau is hereby vested with full power and jurisdiction over, and shall have such supervision of, every employment and place of employment subject to this act, as may be necessary adequately to enforce and administer all laws and regulations requiring such employment and place of employment to be safe, and shall issue safety regulations whenever necessary.

PARAGRAPH H.] It is hereby declared to be the intent of this act to restore to industry those injured in the course of employment. The Bureau shall accordingly assist industrial cripples to obtain appropriate training, education and employment, and may co-operate with the Federal Board of Vocational Education for this purpose.

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

Approved March 9, 1921.

CONCURRENT RESOLUTIONS

FEDERAL AID TO FARMERS.

SENATE CONCURRENT RESOLUTION.

(Introduced by Mr. Baker and Mr. Bond.)

BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring:

WHEREAS, a critical situation exists in much of that territory between the western boundary of Minnesota and the Rocky Mountains in that within this territory there are large numbers of farmers who, in the aggregate, have millions of acres under cultivation, but who have not sufficient seed and feed for the spring planting of 1921; and

WHEREAS, the farmers of this region demonstrated their loyalty to the government during the late war by producing food products to the limit of their strength and ability at less than cost, owing to drouth, grasshopper damage and high cost of labor; and

WHEREAS, in order to insure the best results from the forthcoming harvest, seed corn, seed potatoes and seed wheat should be provided with the proviso that, in order to secure seed grain and feed, a reasonable acreage of corn and potatoes must also be planted; and

WHEREAS, owing to the present financial depression existing throughout the entire country, it will not be possible for the banks, the counties or the state to arrange for furnishing the necessary seed and feed; and

WHEREAS, unless Federal aid is forthcoming, millions of these productive acres will not be cropped at this time when the production of agricultural products is recognized as a factor of vital importance to the welfare of the nation and the world;

NOW, THEREFORE BE IT RESOLVED, by the Senate of the Seventeenth Legislative Assembly of the State of North Dakota, the House of Representatives concurring; that we do hereby memorialize the Congress of the United States and respectfully urge that Congress take immediate action toward furnishing the means whereby the farmers in this section may be provided with federal aid, to the end that they may receive sufficient seed and feed to plant a normal acreage for the season of 1921.

BE IT FURTHER RESOLVED, that the Secretary of the Senate send a copy of this resolution to the President of the Senate and

the Speaker of the House of the Montana and South Dakota legislatures respectively; also to our members in Congress.

Filed in the Secretary of State's office February 9, 1921.

FLOOD CONTROL.

CONCURRENT RESOLUTION
(Introduced by Mr. Wenstrom.)

WHEREAS, the State Flood Commission is authorized to make investigations to determine proper means of controlling the tributaries of the Red River in order to prevent recurrence of the past disastrous floods, and

WHEREAS, the Canadian provincial and federal officials, have, in conference with our state officials at Winnipeg, expressed great desire to co-operate with the States of North Dakota and Minnesota in working out a broad plan of control, and

WHEREAS, the basin of the Pembina river, consisting of 3,700 square miles lies partly in the United States and partly in Manitoba, and

WHEREAS, its flood waters cause great damage to Pembina county and Manitoba;

BE IT RESOLVED, that the Senate and House of Representatives concurring, does hereby authorize the Flood Engineer to negotiate with the like department in Manitoba to the end that they jointly make such investigations and surveys as are necessary to determine the improvements needed to fit in with the general plan of flood protection now being prepared by the state to submit to the War Department.

Filed in the office of the Secretary of State March 5, 1921.

INTRASTATE RATES.

CONCURRENT RESOLUTION
(Introduced by Mr. Wenstrom.)

WHEREAS, the Congress of the United States enacted the Transportation Act of 1920, which said act amended the powers of the Interstate Commerce Commission, and

WHEREAS, the Interstate Commerce Commission pursuant to such amended powers has construed the act as giving them power to regulate, increase and prescribe intrastate rates for transportation of

persons and property entirely within the states to the same extent that it exercises its jurisdiction over interstate rates, and

WHEREAS, the Interstate Commerce Commission is this day holding a hearing in the City of Bismarck for the avowed purpose of investigating the entire body intrastate rates, fares and charges applicable solely within the State of North Dakota, with a view of increasing said freight rates 35 per cent, and increasing said passenger rates 20 per cent, although the Board of Railroad Commissioners of the State of North Dakota at a full hearing found that no increase was warranted, it appearing that the carriers, based upon their own book value of property devoted to common carrier purposes in the State of North Dakota amounting to \$185,440,198, are earning over \$3,000,000 more per year than six per cent upon such value, and

WHEREAS, the North Dakota intra-state rates which it is their avowed purpose to increase 35 per cent, judging from the action taken in similar cases, in connection with the intrastate rates of other sovereign states of the Union are as high now and in some instances higher than the intrastate rates of Minnesota are with the increase of 35 per cent.

WHEREAS, the increase of 35 per cent, as intended in the intrastate rates of North Dakota will make said rates 35 to 40 per cent higher than the level of intrastate rates in Minnesota.

BE IT RESOLVED, that the Senate of North Dakota, the House concurring, memorialize the Congress of the United States, bringing to its attention this condition of assuming jurisdiction of internal affairs of the State of North Dakota, urging the Congress of the United States to amend the Interstate Commerce Act (41 Statutes at Large 474) Section 13, Paragraph 4, the section under which the Interstate Commerce Commission is presuming to assert authority over internal affairs of this state, limiting said Commission so that it cannot authorize blanket increases in intrastate rates.

Filed in office of Secretary of State February 28, 1921.

RED RIVER OF THE NORTH.

CONCURRENT RESOLUTION.
(Introduced by Mr. Whitman.)

BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring:

WHEREAS, for more than twenty years last past the Red River of the North has been a non-navigable stream; and

WHEREAS, during the summer months the water in the river often is so low and impure that it is difficult for the inhabitants living

in cities upon the banks of said stream to obtain a sufficient supply of water; and

WHEREAS, in order to conserve the health of the people residing in the territory supplied with water by said river, it is deemed advisable and expedient to construct dams therein at points where cities are located upon its banks; and

WHEREAS, the construction of such dams will furnish settling basins for the water supply of various cities, power for the operation of public utilities, and in addition thereto, greatly beautify said stream, and allowing the use thereof for pleasure boats; and

WHEREAS, the Declaration by the Congress of the United States that said river is a non-navigable stream would permit the construction of bridges with stationary spans instead of lift spans or draw bridges, thus saving thousands of dollars in the construction thereof, and in this manner tend to promote traffic between the inhabitants of the States of North Dakota and Minnesota.

NOW, THEREFORE, BE IT RESOLVED by the legislative assembly of the State of North Dakota assembled in regular session, that by virtue of the foregoing facts and circumstances, an Act of Congress declaring said Red River of the North a non-navigable stream would be very beneficial to a great many citizens of the States of North Dakota and Minnesota.

THEREFORE, we respectfully request the Congress of the United States to pass an Act declaring said Red River of the North a non-navigable stream.

BE IT FURTHER RESOLVED, that the Secretary of the State of North Dakota be requested to forward copies of this Concurrent Resolution to the President of the Senate of the United States and Speaker of the House of Representatives at Washington, D. C., and to the members of the Senate and House of Representatives from the State of North Dakota.

Filed in the Secretary of State's office February 9, 1921.

ROOSEVELT PARK.

CONCURRENT RESOLUTION.

(Introduced by Mr. Carl B. Olson of Billings County.)

To the Senate and House of Representatives of the United States of America in Congress Assembled:

We, the Seventeenth Legislative Assembly of the State of North Dakota, beg leave to represent to your honorable bodies:

First: That there is in the western part of this state, lying within the boundaries of Billings County, near the town of Medora, a wonder-

ful Petrified Forest, consisting of thousands of petrified stumps ranging in size up to 8 and 10 feet high and as much as 14 feet in diameter. This prehistoric forest, appearing in a certain stratum of soil is apparently in its original position. A large number of the stumps being erect while others are prostrate due to the action of the elements in wearing away the soil on which this forest grew, while others appear as huge mushrooms on pedestals of firmer soil. That there is to be found among these petrified stumps the fossil leaves of these once giant trees. These fossils or petrified trees are found in the greatest profusion on four sections of land.

Second: That the surrounding country is a wonderful and picturesque section of Bad Lands along the Little Missouri river, being a distinct type of country, very interesting and alluring to tourists and sightseers, and of great scientific value.

Third: That there are groves of pines and quaking aspens which are found almost nowhere else within the State of North Dakota. Cedars, ash, cottonwood, boxelders, cherries, plums and berry trees abound in the hills and in the draws and canyons and along the Little Missouri River.

Fourth: That our late President Theodore Roosevelt loved this country and made it his home and that his cattle ranged over every section of this country while he was engaged in his stock business in Billings County, North Dakota.

Fifth: That this is the natural home of deer, elk, antelope, and buffalo and that there is now a considerable number of deer living on this tract of land. Bald and Golden Eagles are plentiful.

Sixth: That the above mentioned features and points of interest including Roosevelt's Range, are all contained in 33 sections of land involving 21,945.04 acres, being sections 5, 6, 7, 8, 17, 18, 19, 20, township 140, range 101, sections 1, 2, 3, 4, 5, 9, 10, 11, 12, 13, 14, 15, 16, 23 and 24, township 140, range 102, sections 31, 32, 33, 34, 35, township 141, range 101, and sections 26, 27, 34, 35, 36, township 141, range 102, all west of the fifth principal meridian. Less than 5% of this land is susceptible to cultivation.

Seventh: That even though the southern border of this proposed park is but one-half mile from the town of Medora, which is located on the Northern Pacific Railroad and the Red Trail or National Park Highway, it is nearly all inaccessible under the more convenient modes of travel and a large part is only accessible with saddle horses. Due to this fact the scenic and scientific wonders of this region are almost wholly unknown except locally.

Eighth: That there are artesian wells and natural fresh water springs at various points on this tract which make possible the most delightful and ideal campings grounds.

NOW, THEREFORE, We, the Seventeenth Legislative Assembly of the State of North Dakota, believing that this wonderful Fossil Forest and this beautiful and fantastic section of Bad Lands with its grotesque formation and its wonderfully colored buttes should be made accessible to scientists and sightseers and preserved inviolate for future generations do hereby most respectfully petition your honorable bodies to take steps for the purchase of the above described tract of land and as much more as your honorable bodies may deem fit, and the establishment of a National Park and game preserve. And we further respectfully request that the same shall be called Roosevelt Park as a lasting memorial to our beloved late President; and

BE IT RESOLVED, by the Seventeenth Legislative Assembly of the State of North Dakota, that our Senators and Representatives in Congress, be and hereby authorized and instructed to use all honorable means to induce the Congress of the United States to make the proposed Roosevelt Park a reality in the near future, under the care and supervision of the Federal Government. Also that the Secretary of the State of North Dakota, be and is hereby requested and instructed to transmit a copy of this memorial to the President of the United States, the Secretary of the Interior, and to each House of Congress, to each of our National Senators and Representatives and also a copy of this memorial together with a blue print of this proposed park to the Chairman of the National Park Commission.

Filed in the office of the Secretary of State, February 15, 1921.

SHEPARD-TOWNER BILL.

CONCURRENT RESOLUTION.

(Introduced by Mr. Baker.)

Urging the Congress of the United States to Enact into law the Bill Entitled "A Bill for the public protection of maternity and infancy, and providing a method of cooperation between the Government of the United States and the Several States" and known as the Shepard-Towner bill.

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

That the Congress of the United States be urged to pass and enact the bill known as the Shepard Towner bill, entitled "A bill for the public protection of maternity and infancy," and providing a method of co-operation between the government of the United States and the several States. That the Legislative Assembly of the State of North Dakota are in favor of the passage of such measure at the earliest possible moment.

Be it further resolved that copies of this resolution be forwarded to the Speaker of the House of Representatives and to the President of the Senate at Washington, D. C.

Filed in the office of the Secretary of State, February 16, 1921.

STANDING ROCK RESERVATION.

CONCURRENT RESOLUTION.

(Introduced by Mr. Mees.)

BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring.

WHEREAS, crops in the vicinity of and on the Standing Rock Reservation, located in the States of North and South Dakota, have been practical failures during the past three years; and

WHEREAS, under and pursuant to the proclamation of the President of the United States, under date of March 18, 1915, approximately twenty-five hundred settlers made entries upon the lands of said Standing Rock Reservation and have settled and made homes thereupon; and

WHEREAS, on account of aforesaid crop failures, and losses sustained in stock raising practically all of said entrymen are in default in their payments to the government of the United States on account of said entries; and

WHEREAS, no provision is made for the extension of time for the payment of said installments upon said entries in meritorious cases under the provisions of the Act of Congress of February 14, 1913, as is disclosed by the Department of the Interior circular No. 680; and

WHEREAS, under and by virtue of a ruling of the Department of the Interior as disclosed by said Department of the Interior Circular No. 680, Registers and Receivers of the Federal Land Offices located at Bismarck, North Dakota, and Lemmon, South Dakota, have been instructed as follows:

“You are directed, therefore, in all cases where payments are now due and unpaid, and where payments hereafter become due and are not paid, to serve notice on the entrymen, of the defaults, and that in the event of their failure to make the payments in the time allowed by you for that purpose, you will report their entries to this office, for cancellation.

“You will allow a period of 60 days from receipt of notice for the payment of sums now due and unpaid but in all cases where pay-

ments hereafter become due and are not paid you will require the payments to be made within a period of 30 days from receipt of notice."

NOW, THEREFORE, BE IT RESOLVED, by the Legislative Assembly of the State of North Dakota assembled in regular session that by virtue of the foregoing facts and circumstances great hardships and misfortunes will be and are being endured and suffered by such entryment to the great detriment of the states of North and South Dakota, and the citizens thereof;

Therefore we respectfully urge the National Congress in session assembled to immediately consider and relieve this most deplorable condition by proper legislation;

BE IT RESOLVED FURTHER, that the Secretary of State of the State of North Dakota be requested to forward copies of this Concurrent Resolution immediately upon its passage and approval to the President of the Senate of the United States and the Speaker of the National House of Representatives at Washington, D. C., and to the members of the Senate and the House of Representatives of the National Congress from the States of North and South Dakota.

Filed in the Secretary of State's office February 9, 1921.

VETOES

(S. B. No. 32.—Garberg.)

BAIL.

An Act to Amend and Re-enact Sections 11114 and 11115, Compiled Laws of the State of North Dakota for 1913, Relating to the Admitting to Bail of Persons charged with the Offense of Homicide.

Veto.

March 19, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 32, being an Act to Amend and Re-enact Sections 11114 and 11115, Compiled Laws of the State of North Dakota for 1913, Relating to the Admitting to Bail of Persons charged with the Offense of Homicide, without my approval for the reason that through an error in copying the bill, important words and phrases were omitted, such as to make the intent not sufficiently clear.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. That Section 11114, Compiled Laws of the State of North Dakota for 1913, be and the same hereby is amended and re-enacted to read as follows:

§ 11114. BAIL WHEN OFFENSE CHARGED IS HOMICIDE.] Bail by sufficient sureties may be submitted upon arrest in criminal actions, when the offense is punishable by death or when the offense charged is that of homicide, unless the proof of guilt is evident and the presumption thereof great. In such actions it shall be taken only by the supreme court or a judge thereof, or by a district court or a judge thereof shall be discretionary, regard being had to the nature and circumstances of the offense and to the evidence and to the usages of law. The finding of an indictment or the filing of an information does not add to the strength of the proof or the presumption to be drawn therefrom. In case the action has been tried by jury, and the jury have not agreed on a verdict and have been discharged by reason of inability to agree, then the defendant shall be entitled to bail unless it shall appear to the court or judge, by proof, that such disagreement was occasioned by the misconduct of the jury or the defendant or his counsel.

§ 2. That Section 11115, Compiled Laws of the State of North

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

§ 11115. BAIL ON APPEAL AFTER CONVICTION.] After a conviction of an offense, other than homicide a defendant who has appealed may be admitted to bail:

1. As a matter of right, when the appeal is from a judgment imposing a fine only.

2. As a matter of discretion in all other cases.

Disapproved March 19, 1921.

(S. B. No. 71.—Murphy by Request.)

TAXES WHEN DUE.

An Act to Amend and Re-enact Section 2185 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, Relating to Real Estate Taxes due and delinquent and the penalty and interest thereon.

Veto.

March 18, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 71 being an Act to Amend and Re-enact Section 2185 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, Relating to Real Estate Taxes due and delinquent and the penalty and interest thereon, without my approval for the reason that the wording of the bill is so mixed as to make it absolutely misleading; and for the further reason that Section 10 of Senate Bill 53, approved March 10, 1921, provides for collection of hail taxes and for penalties when they become delinquent and Chapter 67 of the Special Session Laws of 1919 provides collection of Real Estate Taxes and for penalties when such taxes become delinquent. Therefore I withhold my approval of this bill.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. AMENDMENT.] Section 2185 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 67 of the Special Session Laws of North Dakota for the year 1919, is hereby amended and re-enacted to read as follows:

§ 2185. All real estate taxes shall become due on the first day of December in each and every year for which the tax is levied. One-half of such tax shall become delinquent on the first day of March follow-

ing. The full amount of hail insurance both flat and indemnity, and all Special assessments shall likewise become delinquent on the first day of March following, and if one-half is unpaid after that date there shall attach to the unpaid one-half of said tax, a penalty of 5%; and on the first day of June following an additional penalty of 2%, and on the first day of November following an additional penalty of 2%. If the one-half payment hereinbefore referred to shall be paid before the same becomes delinquent the remaining part shall become delinquent on the 15th day of October and if unpaid on that date a penalty of 5% shall be added thereto; and if such part remains unpaid on the first day of November and additional penalty of 5% shall be added. All penalties prescribed in this section shall be cumulative and be charged and collected accordingly without being specially added or noted on the tax list.

§ 2. Whereas an emergency exists, now, therefore, this measure shall take effect and be in force immediately after its passage and approval.

Disapproved March 18, 1921.

(S. B. No. 181.—Levang.)

RECORDS.

An Act to Amend and Re-enact Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the Keeping of permanent books of record by the State Treasurer and the State Auditor, and authorizing the re-arrangement and revision of the present system, and providing an appropriation therefor.

Veto.

March 19, 1921.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 181, being an Act to Amend and Re-enact Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to the Keeping of Permanent Books of Record by the State Treasurer and the State Auditor, and Authorizing the Re-arrangement and Revision of the Present System, and providing an Appropriation therefor, without my approval for the reason that Senate Bill No. 25 makes appropriations for the needs of the offices concerned, and for the further reason that it is doubtful whether the new system of bookkeeping prescribed would be as efficient and economical as that set forth under the old law.

Very respectfully yours,

Lynn J. Frazier,

Governor.

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

§ 1. AMENDMENT.] That Section 144 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 144. PERMANENT RECORDS.] Permanent records shall be kept by the State Treasurer showing the amount of moneys received or paid out, showing from whom received or to whom paid, and on what account, fund or appropriation, and showing also the accounts with each fund or appropriation, and showing also the daily balances and the amount in cash on hand; and the State Treasurer is hereby authorized to act jointly with the State Auditor, under the direction and with the approval of the State Examiner, in re-arranging and re-vising the systems of bookkeeping now in use in the offices of said State Auditor and State Treasurer for the purpose of obtaining better and less cumbersome and expensive permanent records for said offices. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$5,000.00 for the installation of book-keeping machines in the offices of the State Auditor and the State Treasurer, this amount to be divided equally between the two offices.

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

Disapproved March 19, 1921.

REFERRED MEASURES

ELECTIONS, ABSENT VOTERS.

Chapter 32, Special Session Laws of 1919.

An Act to amend and re-enact Article 16 of Chapter 11, Compiled Laws of North Dakota, 1913, relating to absent voters and defining absent voters and declaring an emergency.

Disapproved June 30, 1920. 52,301 to 62,998.

INVESTIGATION COMMITTEE.

Chapter 41, Special Session Laws of 1919.

A Joint Resolution creating a joint investigation committee, defining its rights and powers and authorizing it to investigate all efforts to destroy or injure the property or rights of individuals, corporations, or any of the industries, enterprises or utilities owned by the state, or the credit of the state, or to unlawfully influence or corrupt elections or results thereof and to report the results of such examination to the governor, to the legislative assembly and state's attorneys; and making an appropriation therefor; and providing for bonds.

Disapproved June 30, 1920. 51,063 to 63,152.

STATE SHERIFF.

Chapter 56, Special Session Laws of 1919.

An Act to provide for the better enforcement of the laws of this state, constituting the county sheriffs of this state a state constabulary and defining their duties; creating the office of State Sheriff and defining his duties, making an appropriation therefor and repealing all acts and parts of acts in conflict herewith.

Disapproved June 30, 1920. 47,831 to 63,777.

REMOVAL OF COUNTY SEATS.

Chapter 103, Session Laws of 1919.

An Act to amend and re-enact Sections 3241 and 3244 of the Compiled Laws of the State of North Dakota for the year 1913, relating to the removal of county seats.

Disapproved November 2, 1920. 85,637 to 92,213.

INITIATED MEASURES

SUNDAY BASEBALL.

For an Act to Amend and Re-enact Section 9238 of the Compiled Laws of North Dakota for the year 1913, Relating to Sports on the First Day of the Week.

Be It Enacted by the People of the State of North Dakota:

§ 1. AMENDMENT.] That Section 9238 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted so as to read as follows:

§ 9238. Prohibited Sports Enumerated. All shooting, sporting horse racing or other public sports, circuses and street carnivals on the first day of the week are prohibited; provided, however, that the game of baseball when conducted in a quiet and orderly manner so as not to interfere with the peace, repose and comfort of the community, may be played between the hours of one p. m. and six p. m. on the Sabbath day. Provided, further, that no game of baseball shall be played on the first day of the week with five hundred feet of any church edifice.

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

Approved March 16, 1920. 26,681 to 24,885.

RED OR BLACK FLAGS.

AN ACT regulating the display of flags, ensigns, banners and standards within the State of North Dakota; making the display of said flags, ensigns, banners and standards a misdemeanor and providing a penalty therefor.

Provides that no flag other than the national flag, or a state flag, or the friendly flags of foreign nations, shall be carried in parade on any thoroughfare in the state, or exhibited in any public place, or on any vehicle, or building, or in any public manner.

Prohibits displaying in any parade or exhibition, in any public place or upon any vehicle or building, any red flag or black flag or banner, or ensign, having upon it any inscription opposed to the United States or State Government or the use of which would tend to occasion a breach of the public peace.

Makes the violation of the act a misdemeanor punishable by thirty days imprisonment or one hundred dollar fine, or both.

Be It Enacted by the People of the State of North Dakota:

§ 1. Carrying in Parade, or the Display of Certain Flags, Ensigns, Banners and Standards, Prohibited. No flag of any nation, state,

county or territory other than the National flag or a State flag, or the flag of a friendly foreign nation, or the dependencies of such nations, shall be carried in parade on any public street or highway within the State of North Dakota or exhibited in any hall or public place, or displayed or exhibited on any vehicle, or on any building or premises, or in any other manner in public within the State.

§ 2. RED OR BLACK FLAGS, ETC., PROHIBITED.] No red or black flag, and no banner, ensign, or sign having upon it any inscription opposed or antagonistic to the existing Government of the United States, or of the State of North Dakota, or the use or display of which would tend to occasion a breach of the public peace, shall be carried or displayed in any parade, on any public street or highway in the State of North Dakota, or exhibited in any hall or public place or upon any vehicle or any building or premises or in any other manner in public within the State.

§ 3. PENALTY.] Any person violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail, not exceeding thirty days or by a fine of not exceeding One Hundred Dollars or by both such fine and imprisonment.

Approved June 30, 1920. 74,634 to 41,009.

BOARD OF AUDITORS.

AN ACT amending Section 369 of the Compiled Laws of 1913, so as to include therein the requirement that the state board of auditors shall semi-annually examine the accounts, books, vouchers and funds, and ascertain the assets and liabilities of all industrial institutions and make public the results of said examination.

Amends Section 369 of the Compiled Laws of 1913 so as to require the state board of auditors to examine and audit the accounts, books and vouchers, and ascertain the assets and liabilities of all industrial institutions at least twice in each year, and make report thereof to the Governor, and make the same public.

Be It Enacted by the People of the State of North Dakota:

§ 1. That Section 369 of the Compiled Laws of the State of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

§ 369. (MEMBERS OF BOARD.) 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 examine and audit the accounts, books and vouchers of the state treasurer, and of the Bank of North Dakota and of all other industrial institutions of the state, and to take an account and ascertain the amount of funds in the state treasury or belonging to the state, and to take an account and ascertain the assets and liabilities of the Bank of

North Dakota and of all other industrial institutions of the state, at least twice in each year without previous notice to the treasurer, or to the officials of said state institutions and make report thereof, and of their acts and doings in the premises, to the governor, and make the same public, and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any outgoing treasurer, or bank manager, or manager of any industrial institution, to his successor in office, and report the same to the governor, and the failure or neglect of the aforesaid board of auditors, or any member thereof, to do and perform any of the acts at the time, or times, and in the manner in this section provided for, shall constitute and be misdemeanor in office. The board is authorized and empowered to employ such expert accountants as it may deem necessary to carry out the provisions of this section.

Approved November 2, 1920. 118,269 to 102,238.

BANK OF NORTH DAKOTA LOANS.

AN ACT limiting real estate mortgage loans by the Bank of North Dakota to actual farmers who are residents of this state.

Prohibits real estate mortgage loans to any person excepting actual resident farmers.

Repeals all acts or parts of acts inconsistent therewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. The Bank of North Dakota shall make real estate loans only to actual farmers who are residents of this state.

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

Approved November 2, 1920. 116,608 to 105,348.

DEPOSIT OF PUBLIC FUNDS.

AN ACT amending the Bank of North Dakota Act providing for the deposit of all state, county, township, municipal and school district funds, and funds of all penal, educational and industrial institutions, and all other public funds in the Bank of North Dakota.

Amends Section 7 of Chapter 147 of the laws of 1919, so as to omit the requirement that all local public funds shall be deposited in the Bank of North Dakota.

Be It Enacted by the People of the State of North Dakota:

§ 1. That Section 7 of Chapter 147 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 7. All state funds, and funds of all state penal, educational and industrial institutions shall be, by the persons having control of such funds, deposited in the Bank of North Dakota.

Approved November 2, 1920. 114,022 to 106,853.

OFFICIAL NEWSPAPERS.

AN ACT amending the law providing for the designation of county and municipal official newspapers in each county in the state and prescribing the manner of their selection and duties.

Defines the duties of official newspapers and designates what notices and publications are to be published therein.

Amends Section 5 of Chapter 187 of the laws of 1919 so as to omit the requirement that all summonses, notices, orders and other process in court actions, or that notices of foreclosure or statements of banks and other corporations, must be published in the official county newspaper.

Be It Enacted by the People of the State of North Dakota:

§ 1. That Section 5 of Chapter 187 of the Laws of the State of North Dakota for the year 1919 be amended and re-enacted to read as follows:

§ 5. DEFINING DUTIES OF SUCH OFFICIAL NEWSPAPER.] Such official newspaper as shall be chosen by the voters in said county as the state, county and municipal official newspaper therein, shall publish all official proceedings of the Board of County Commissioners in said county and all other notices and publications that are now required by law to be published by county officers; all publications of every nature that now are, or may hereafter be, required to be published by state officers, elective or appointive. Provided, however, that in organized cities, towns and villages where no official newspaper is published, said city, town or village, board, council or commission may designate an official newspaper for the publication of such notices and legal publications as are now or hereafter may be required by law for said cities, town and villages, including legal notices and official statements of the schools within such cities, towns and villages, but, in cities, town or villages where the state, county and municipal official newspaper is published such official notices and legal publications as are now or may hereafter be required by law to be published, shall be published in such official newspaper.

Approved November 2, 1920. 114,320 to 105,961.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

AN ACT amending Section 1109 of the Compiled Laws of 1913 so as to confer upon the superintendent of public instruction the duty of supervising the certification of teachers, standardization of schools, preparation of courses of study and examinations for eighth grade and high school pupils, and repealing all acts or parts of acts inconsistent therewith.

Amends Section 1109 of the Compiled Laws of 1913, so as to empower the superintendent of public instruction to supervise the certification of teachers, standardization of schools, preparation of courses of study and examination of pupils.

Repeals all acts or parts of acts inconsistent therewith.

Be It Enacted by the People of the State of North Dakota:

§ 1. That Section 1109 of the Compiled Laws of the State of

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

§ 1109. (Prescribe Courses of Study.) He shall have charge and supervision of the certification of teachers, standardization of schools and uniformity of text books, examinations for eighth grade and high school pupils and preparation of courses of study for the several classes of public schools.

§ 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved November 2, 1920, 114,571 to 104,722.

CONSTITUTIONAL AMENDMENTS

Chapter 93, Session Laws 1919.

Adopted March 16, 1920.

29,262 to 17,255.

ARTICLE 33.

The qualified electors of the state or of any county, or of any congressional, judicial or legislative district may petition for the recall any elective congressional, state, county, judicial or legislative officer by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by at least thirty per cent of the qualified electors who voted at the preceding election for the office of Governor in the state, county or district from which such officer is to be recalled. The officer with whom such petition is filed shall call a special election to be held not less than forty or more than forty-five days from the filing of such petition.

The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected. This article shall be self executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall.

Chapter 96, Session Laws 1919.

Adopted March 16, 1920.

31,579 to 14,153.

ARTICLE 34.

Section 161, Article 9. The Legislative Assembly shall have authority to provide by law for the leasing of lands granted to the state for educational and charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes and at a public auction after notice as heretofore provided in case of sale; provided, that all of said school lands now under cultivation may be leased, at the discretion and under the control of the Board of University and School Lands, for other than pasturage and meadow purposes until sold. All rents shall be paid in advance.

Provided further, that coal lands may also be leased for agricultural cultivation upon such terms and conditions and for such a period, not exceeding five years as the legislature may provide.

Chapter 91, Session Laws 1919, as Amended by Chapter 26, Special Session Laws 1919. Adopted March 16, 1920.

24,869 to 18,923.

ARTICLE 35.

Section 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, and a school district, by a majority vote may increase such indebtedness five per cent on such assessed value beyond said five per centum limit; provided also that any county or city by a majority vote may issue bonds upon any revenue producing utility owned by such county or city, or for the purchasing or acquiring the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise.

In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount, exclusive of the bonds upon said revenue producing utilities, whether contracted prior or subsequent to the adoption of this constitution, shall be included; provided further, that any incorporated city may become indebted in any amount not exceeding four per centum of such assessed value without regard to the existing indebtedness of such city for the

purpose of constructing or purchasing 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 purposes whatever. All bonds and obligations in excess of the amount of indebtedness permitted by this Constitution, given by any city, county, township, town, school district, or any other political subdivision shall be void.

Chapter 28, Special Session Laws 1919.

Adopted March 16, 1920.

31,082 to 16,366.

ARTICLE 36.

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

Chapter 89, Session Laws 1917.

Chapter 92, Session Laws 1919.

Adopted November 2, 1920.

135,370 to 60,772.

ARTICLE 37.

Section 121. Every person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in the state one year and in the county ninety days and in the precinct thirty days next preceding any election shall be a qualified elector at such election. First, citizens of the United States; second, civilized persons of Indian descent who have severed their tribal relation two years next preceding such election.

Chapter 86, Session Laws 1917.

Chapter 94, Session Laws 1919.

Adopted November 2, 1920.

129,628 to 63,569.

ARTICLE 38.

Section 215. The following public institutions of the State are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Con-

gress approved February 22, 1889, to be disposed of and used in such manner as the Legislative Assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this Constitution.

First: The seat of government at the City of Bismarck in the County of Burleigh.

Second: The State University and the School of Mines at the city of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the City of Fargo, in the County of Cass.

Fourth: A State Normal School at the city of Valley City, in the County of Barnes, and the Legislative Assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the act of Congress referred to shall grant to the said Normal School at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The School for the Deaf and Dumb of North Dakota at the City of Devils Lake, in the County of Ramsey.

Sixth: A State Training School at the City of Mandan, in the County of Morton.

Seventh: A State Normal School at the City of Mayville, in the County of Traill, and the Legislative Assembly in apportioning the grant of lands made by Congress in the act aforesaid for State Normal Schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A State Hospital for the Insane at the City of Jamestown, in the County of Stutsman. And the Legislative Assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the City of Grafton, in the County of Walsh, an institution for the Feeble Minded, on the grounds purchased by the Secretary of the Interior for a Penitentiary building.

Chapter 94, Session Laws 1917.

Chapter 95, Session Laws 1919.

Adopted November 2, 1920.

124,431 to 56,526.

ARTICLE 39.

Section 162. The moneys of the permanent school fund and other educational funds shall be invested only 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 authority of law within the

state, bonds of the United States, bonds of the State of North Dakota, or on first mortgages on farm lands in this state, not exceeding in amount one-half of the actual value of any sub-division on which the same may be loaned, such value to be determined by the board of appraisal of school lands.

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