

L A W S

PASSED AT

THE TWENTIETH 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. 1927, AND CONCLUD-
ING MARCH FOURTH, 1927

AUTHENTICATION

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

I, Robert Byrne, 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 Twentieth Session of the Legislative Assembly of the State of North Dakota, beginning January 4th, 1927, and terminating March 4th, 1927, 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 first day of July, 1927.

ROBERT BYRNE,

Secretary of State.

(SEAL)

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By ROBERT BYRNE
Secretary of State
of the State of North Dakota.

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THE LAWS

AGRICULTURAL COLLEGE

CHAPTER 1 (H. B. No. 116—Fowler)

LEGISLATIVE ASSENT TO ACT OF CONGRESS APPROVED FEBRUARY 24, 1925, ENDOWING AGRICULTURAL EXPERIMENT STATIONS, ETC.

An Act Giving the Legislative Assent of the State of North Dakota to the Purpose of the Grants of Money Authorized and Provided for in the Act of Congress Entitled, "An Act to Authorize the More Complete Endowment of Agricultural Experiment Stations, and for Other Purposes," Approved February 24, 1925.

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

§ 1. That, Whereas, the Act of Congress hereinafter mentioned grants certain sums of money annually for the more complete endowment and maintenance of certain Agricultural Experiment Stations, subject to the legislative assent of the several States and Territories, now, therefore, the legislative assent of the State of North Dakota is hereby given to the provisions of said Act of Congress and to the purpose of the grants of money authorized and provided for in the act of Congress entitled, "An Act to Authorize the more complete endowment of agricultural experiment stations, and for other purposes."

Approved February 24, 1925.

§ 2. That the Secretary of State is hereby directed to forward a certified copy of this Act to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Approved March 1, 1927.

APPROPRIATIONS

(H. B. No. 40—Committee on Appropriations)

CHAPTER 2 AGRICULTURAL COLLEGE—PARTIAL VETO

An Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of The Agricultural College, Fargo, North Dakota.

March 14, 1927.

To the Honorable Secretary of State:

I have before me House Bill No. 40, making an appropriation to pay the general maintenance, improvements and repairs, equipment, miscellaneous and public service of the Agricultural College at Fargo.

I find that the appropriations provided for this institution include New Buildings, as follows:

Wing on Agricultural Building	\$ 85,000.00
Wing on Science Hall	85,000.00
Equipment	6,000.00
	Total
	\$176,000.00

The above items were not recommended by the Budget Board, and owing to the fact that the Legislature has seen fit to make appropriations considerably in excess of available funds, it becomes necessary for me to veto these three items.

The Budget Board worked sincerely and honestly for six weeks during the fall to determine where the State of North Dakota could best invest approximately \$8,000,000.00, and after careful study they recommended the appropriations itemized in their report to the Legislature. I hope the time will soon come when legislators will pay more attention to the recommendations of the Budget Board. If no attention is to be paid to the recommendations reported by the Budget Board then why continue to incur the expense of operating such board?

With the exception of the items above eliminated, I have approved of House Bill No. 40, and herewith file the same.

Very truly yours,
A. G. SORLIE,
Governor.

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 \$774,772.00 or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, miscellaneous and public service of the Agricultural College, Fargo, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

ADMINISTRATION

1—President's Office	\$ 19,950.00
2—Business Office	21,320.00
3—Registrar's Office	14,850.00
4—Telegraph and Telephone	8,000.00
5—Publications and General Printing	5,000.00
6—Divisional Expense	1,500.00

EDUCATION

1—School of Agriculture	169,220.00
2—School of Mechanic Arts	99,040.00
3—School of Home Economics	64,200.00
4—School of Chemistry	56,300.00
5—School of Pharmacy	22,200.00
6—School of Veterinary Medicine	8,020.00
7—School of Education	20,400.00
8—School of Science and Literature	168,980.00
9—Summer Sessions	10,000.00
10—College Library	20,000.00
11—Music (Band, Orchestra, etc.)	7,000.00
12—Physical Education—Women	6,800.00
13—Physical Education—Men	13,940.00
14—Military Science	6,390.00
15—Students' Welfare	2,000.00
16—General Educational Expense	10,000.00
17—Leaves of Absence	4,000.00

PHYSICAL PLANT

1—Buildings and Grounds, Salaries	54,260.00
2—Light, Water, Power and Gas	13,000.00
3—Fuel	64,000.00
4—Power House and Janitor's Supplies	24,250.00
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Total Maintenance	\$914,620.00
Less Estimated Income	385,000.00
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Total Net Maintenance	\$529,620.00

IMPROVEMENTS AND REPAIRS

Special Improvement Assessments:	
(a) Trunk Sewer and Job No. 2507	3,403.10
(b) Trunk Water Job No. 2601	1,071.00
(c) Federal and State Highway (Meridian Road) No. 183 (26) and 268 C	5,277.90
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Total	\$ 9,752.00

Less Experiment Apportionment	4,000.00
Total College Assessment	\$ 5,752.00
1—Drainage, Water and Steam Lines	1,500.00
2—Campus Streets and Sidewalks:	
(a) Sidewalks (replacements and extensions)	500.00
(b) Streets, Curbing and Gravel	2,000.00
3—Chemistry Building	1,600.00
4—Ceres Hall	1,500.00
5—Engineering Buildings	1,000.00
6—Power Plant	400.00
7—Science Hall	1,500.00
8—Old Main Building	7,500.00
9—Library Building	200.00
10—Dairy Building	200.00
11—Miscellaneous	1,500.00
Total Improvements and Repairs	\$ 25,152.00

EQUIPMENT

1—Special Equipment, Mechanic Arts	\$ 5,000.00
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MISCELLANEOUS

1—Insurance (including Workmen's Compensation)	\$ 20,000.00
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PUBLIC SERVICE

1—Salaries	\$ 10,400.00
2—Operating Budget	8,600.00

NEW BUILDINGS

1—Wing on Agricultural Building	\$ 85,000.00
2—Wing on Science Hall	85,000.00
3—Equipment	6,000.00

Total for all Purposes	\$774,772.00
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Approved except as to the items set forth in the Partial Veto attached hereto, March 10, 1927.

CHAPTER 3

(H. B. No. 39—Committee on Appropriations)

AGRICULTURAL COLLEGE EXPERIMENT STATION

An Act Making an Appropriation to Pay the General Maintenance, Improvements and Repairs, New Buildings, Pure Seed and Miscellaneous Items of the Experiment Station at the Agricultural College, Fargo, North Dakota and its Branch Stations.

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

§ 1. APPROPRIATIONS.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$288,195.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings, pure seed and miscellaneous items of the Experiment Station at the Agricultural College, Fargo, North Dakota, and its Branch Stations, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES, MAIN STATION

1—Administration	\$ 15,600.00
2—Station Staff	181,434.00
3—Other Employees	87,600.00
4—Labor	71,461.00
Operating Expenses, Main Station	170,800.00
Appropriation for Pure Seed	15,000.00
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Total Maintenance	\$541,895.00
Less Estimated Income	366,200.00
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Net Maintenance	\$175,695.00

IMPROVEMENTS AND REPAIRS

1—General Repairs	\$ 5,000.00
2—Sewer, Water and Paving Project 2680, 183 (26), 2601, 2507, Station Share of Assessment for 1927-29	4,000.00
3—Drainage Horticultural Grounds	1,000.00
4—Drainage, Farm (First Line)	1,500.00

NEW BUILDINGS

1—Veterinary Animal Disease	5,000.00
2—Plant Disease Greenhouse	5,000.00

MISCELLANEOUS

1—Station Share Institutional Heat, Light, Water, Power, Telephone and Campus Service	30,000.00
2—Fire and Tornado Insurance	3,200.00
3—Workmen's Compensation	2,800.00

BRANCH STATIONS

1—Dickinson	12,000.00
2—Edgeley	10,000.00

3—Hettinger	10,000.00
4—Langdon	10,000.00
5—Williston	10,000.00
6—McLeod Demonstration Farm	3,000.00
Total	\$288,195.00

Approved March 7, 1927.

CHAPTER 4

(H. B. No. 38—Committee on Appropriations)

AGRICULTURAL COLLEGE—EXTENSION DIVISION

An Act Making an Appropriation to Pay the General Maintenance, and as an Offset for Federal Aid, in Extension Division Work of the Agricultural College.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$110,000.00, or so much thereof as may be necessary to pay the general expenses in carrying out the work of the Extension Division of the Agricultural College, Fargo, North Dakota, and assist in carrying out the provisions of the Smith-Lever Federal Aid Work in the Agricultural Demonstration, as provided for under Chapter 5, Session Laws of 1925, for the biennium beginning July 1st, 1927, and ending June 30, 1929, to-wit:

1—County Agents	\$105,150.00
2—Field Agents (Agriculture)	71,000.00
3—Field Agents (Home Economics)	30,800.00
4—Club Work (Boys' and Girls')	20,840.00
5—Home Demonstration Work (Homemaker's Clubs)	18,800.00
6—Publicity	10,800.00
7—Publications	5,600.00
8—Administration	23,920.00
9—Maintenance	10,000.00
Total	\$296,910.00
Less Estimated Income	186,910.00
Total Net Appropriation	\$110,000.00

Approved March 7, 1927.

CHAPTER 5
(H. B. No. 6—Thatcher)

DAIRY DIVISION—DEPT. AGRICULTURE & LABOR

An Act To appropriate \$4,200.00 to pay Travel Expense, and Stenographer's Salary of the Dairy Division of the Department of Agriculture and Labor for the Period Commencing February 1, 1927, and ending June 30, 1927.

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 \$4,200.00 to pay the travel expense and stenographer's salary of the Dairy Division of the Department of Agriculture and Labor for the period commencing February 1, 1927, and ending June 30, 1927, to-wit:

Travel expense	\$3,800.00
Stenographer	400.00

Total	\$4,200.00
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§ 2. 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 1, 1927.

CHAPTER 6
(H. B. No. 37—Committee on Appropriations)

ERADICATION BEE DISEASES

An Act Making an Appropriation for the Inspection and Eradication of Bee Diseases, Under the Provisions of Chapter 140, Session Laws of North Dakota for the Year 1923.

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 \$1,000.00, or so much thereof as may be necessary, to defray the expenses of the Commissioner of Agriculture and Labor, or his agents, in carrying out the provisions of Chapter 140 of the Session Laws of North Dakota for the year 1923, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 21, 1927.

CHAPTER 7

(H. B. No. 111—Committee on Appropriations)

ARTESIAN WATERS

An Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 17, Session Laws of 1921, Relating to Preservation and Control of the Artesian Waters of the State, for the Biennial Period From July 1, 1927 to June 30, 1929.

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 \$2,500.00, or so much thereof as may be necessary, to carry out the provisions of Chapter 17, Session Laws 1921, relating to preservation and control of the artesian waters of this state, for the biennial period from July 1, 1927, to June 30, 1929.

Approved March 1, 1927.

CHAPTER 8

(S. B. No. 13—Committee on Appropriations)

CAPITOL BUILDING AND GROUNDS

An Act Making an Appropriation for the Maintenance of the State Capitol and for Improvements, Rents, Repairs, Insurance and Upkeep of Grounds.

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 \$129,134.00, or so much thereof as may be necessary for the maintenance, improvements and repairs, rents, insurance, upkeep of grounds and miscellaneous of the State Capitol Building for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

General Maintenance	\$ 74,000.00
Improvements and Repairs	20,000.00
Rent on Down Town Offices	7,500.00
Insurance and Workmen's Compensation	22,834.00
Operation of State Trolley Line	2,000.00
Grading Grounds and Roads and Planting Trees	2,000.00
For Repair of members seats in House Chamber	800.00

Total\$129,134.00

Approved March 5, 1927.

CHAPTER 9

(H. B. No. 181—Committee on Appropriations)

CAPITOL BUILDING TO JUNE 30, 1927

An Act Making an Appropriation of \$8,000.00 for the Maintenance, Improvements, Repairs, Rents, Insurance and Upkeep of the State Capitol Building for the Balance of the Fiscal Year Ending June 30, 1927.

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 \$8,000.00, or so much thereof as is necessary for the maintenance, improvements, repairs, rents, insurance and upkeep of the State Capitol Building for the balance of the fiscal year ending June 30, 1927.

§2. EMERGENCY.] The funds available being insufficient for the purpose enumerated, this Act is declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved February 28, 1927.

CHAPTER 10

(H. B. No. 19—Committee on Appropriations)

BOARD OF ADMINISTRATION—CHILDREN'S BUREAU

An Act Making an Appropriation for Use by the Board of Administration in administering Child Welfare Laws.

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 \$11,000.00, or so much thereof as may be necessary, for use by the Board of Administration in performing the duties imposed upon it by law in connection with the administration of the child welfare laws of this state, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary—Director	\$ 6,000.00
Clerkhire	2,500.00
Postage	100.00
Office Supplies	50.00
Furniture and Fixtures	50.00
Printing	150.00
Miscellaneous (Including Emergency Relief)	650.00
Travel Expense	1,500.00
Total	\$11,000.00

Approved March 1, 1927.

CHAPTER 11

(H. B. No. 22—Committee on Appropriations)

STATE TRANSPORTATION OFFICER

An Act Making an Appropriation to Pay the Salary, Travel Expense and Miscellaneous Items of the State Transportation Officer.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$27,700.00, or so much thereof as may be necessary to pay the salary, travel and miscellaneous items of the State Transportation officer for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary	\$ 3,600.00
Travel Expense	24,000.00
Miscellaneous	100.00
Total	\$27,700.00

Approved February 16, 1927.

CHAPTER 12

(S. B. No. 12—Committee on Appropriations)

GAME & FISH BOARD

An Act Making an Appropriation for Salaries, Clerkhire and Miscellaneous Expenses of the Game and Fish Board.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury credited to the Game and Fish Fund, not otherwise appropriated, the sum of \$86,400.00, or so much thereof as may be necessary for the payment of salaries, per diem, office rent, printing, traveling expense and general maintenance of game farms, fish hatchery and miscellaneous items of the Game and Fish Commission, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Wardens	\$21,000.00
Fish Commissioner and Deputy	6,000.00
Secretary	2,400.00
Clerkhire for Secretary and Wardens	3,000.00
Per Diem for Board and Officers	1,000.00
Postage	600.00
Office Supplies	500.00
Furniture and Fixtures	500.00
Printing	2,000.00

Miscellaneous	2,000.00
Travel Expense—Officers, Wardens, Secretary	27,000.00
Office Rent, Two Chief Wardens and Secretary	1,500.00
Travel Expense—Fish Commissioner & Deputy	2,400.00
Care and Propagation of Game & Fish	5,000.00
Maintenance of Game Farms	5,000.00
Maintenance of Fish Hatcheries	5,000.00
Rewards and Convictions	1,500.00
Total	\$86,400.00

Provided that any surplus money accumulating to the credit of the Game and Fish Commission fund may be used for the propagation of game and fish.

Approved February 28, 1927.

CHAPTER 13

(S. B. No. 45—Committee on Appropriations)

LIVE STOCK SANITARY BOARD

An Act Making an Appropriation for the Per Diem and General Expenses of the State Live Stock Sanitary Board.

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 \$31,950.00, or so much thereof as may be necessary to pay the general expenses of the State Live Stock Sanitary Board, for the Biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary—Executive Officer and State Veterinarian	\$ 7,200.00
Clerkhire: Stenographer	3,000.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	200.00
Printing	750.00
Miscellaneous	300.00
Travel Expense, Services and Expenses of the Board's Agents	18,000.00
Insurance Premium in Workmen's Compensation Bureau	750.00
Compensation and Expenses of Members of State Live Stock Sanitary Board	1,200.00
Total	\$31,950.00

Approved February 10, 1927.

CHAPTER 14

(S. B. No. 9—Committee on Appropriations)

BOARD OF AUDITORS

An Act Making an Appropriation to the Board of Auditors as Provided for in Section 369 of the Compiled Laws of the State of North Dakota, for the year 1913, as Amended and Re-enacted by Chapter 226, Laws of 1915, and as Amended and Re-enacted by the Initiated Law approved November 2nd, 1920, and as Provided for in Chapter 143, Laws of 1923.

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 \$20,000.00, or so much thereof as may be necessary to the State Board of Auditors for the purpose of examining and auditing the accounts, books and vouchers of the State Treasurer, Departments and Commissions and of all industrial institutions of this State, and for the purpose of ascertaining the assets and liabilities of the same as provided for in Section 369, of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted by Chapter 226, Laws of 1915, and as amended and re-enacted by the initiated law approved November 2nd, 1920, and as provided for in Chapter 143, Laws of 1923, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 19, 1927.

CHAPTER 15

(H. B. No. 31—Committee on Appropriations)

PREMIUM ON BONDS OF STATE OFFICIALS

An Act Making an Appropriation for the Purpose of Paying Premiums on Bonds of State Officials as Provided by Chapter 175, Session Laws of North Dakota for 1917.

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 \$2,500.00, for the biennium, or so much thereof as may be necessary to pay the premiums on bonds of state officials, bonded under the provisions of Chapter 175, Session Laws of North Dakota for the year 1917.

Approved February 16, 1927.

CHAPTER 16

(S. B. No. 44—Committee on Appropriations)

BOVINE TUBERCULOSIS

An Act Appropriating Funds to Indemnify Owners of Animals Infected With Bovine Tuberculosis.

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 \$90,000.00, or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with bovine tuberculosis for the destruction of such animals as provided in Section 2699 to 2710, inclusive, of the Compiled Laws of North Dakota for the year 1913, and amendments thereto.

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

Dated February 10, 1927.

CHAPTER 17

(H. B. No. 240—Elken)

BOYS & GIRLS CLUB WORK AT STATE FAIRS

An Act to appropriate \$2,000.00 for the Payment of the Expenses to be Incurred by Boys and Girls Club Work at State Fairs.

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

§ 1. APPROPRIATION.] The sum of one thousand dollars is hereby appropriated annually for the biennium beginning July 1, 1927 and ending June 30, 1929 out of any money in the State Treasury not otherwise appropriated for the use and benefit of the Boys and Girls Club Premiums and Expenses only at the final annual achievement contest at the State Fairs. The Appropriation herein mentioned shall be expended under the direction of the Extension Department of the Agricultural College.

Approved March 3, 1927.

CHAPTER 18
(H. B. No. 183—Wilson)

BOX ELDER CREEK

An Act to appropriate the Sum of Twenty Thousand (\$20,000.00) Dollars for the Purpose of Aiding in the Construction of a Bridge and Approaches Across Box Elder Creek on the State Line Between North Dakota and South Dakota at a Point Approximately Five Miles East of the Montana State Line, Under the Provisions of Chapter 73 of the Laws of North Dakota for the Year 1919.

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

§ 1. It 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 Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919 the sum of \$20,000.00, or so much thereof as may be necessary between the date of the passage and approval of this act and June 30, 1929, inclusive, for the purpose of aiding in the construction of the sub-structure, superstructure and structural approaches to a bridge across Box Elder Creek on the State Line between the State of North Dakota and the State of South Dakota at a point approximately Five Miles East of the Montana State Line, under the provisions of Chapter 73 of the Laws 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.

Approved March 3, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—65—45—2

Senate—25—23—1

CHAPTER 19
(H. B. No. 189—Rabe)

ELBOWOODS BRIDGE SURVEY

An Act to appropriate the Sum of \$3,000.00 From Any Moneys in the State Highway Fund, for the Purpose of Making a Preliminary Survey and Sounding of the Missouri River at or Near Elbowoods, North Dakota, on State Highway Route No. 24, to Determine the Advisability and Feasibility of Constructing a Bridge Across Said River on Said State Highway Route, Under the Provisions of Subsection C, of Section 2976t15 of the Supplement to the Compiled Laws of 1913.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under Subsection C of Section 2976t15 of the

Supplement to the Compiled Laws of 1913, the sum of \$3,000.00 or so much thereof as may be necessary, for the purpose of making a preliminary survey and sounding of the Missouri River and approaches thereto at or near Elbowoods, in McLean County, on State Highway Route No. 24, for the purpose of determining the advisability and feasibility of building and constructing a bridge across said river on said State Highway Route.

Approved March 1, 1927.

CHAPTER 20

(H. B. No. 176—Bell, Fowler, Jardine, Plath, Roberts, Watt and Twichell)

FARGO BRIDGE

An Act to Amend and Re-enact Section 1958a3 of the Supplement to the Compiled Laws of North Dakota of 1913, said Section Being Chapter 11 of the Session Laws of North Dakota of 1925; An Act to appropriate the Sum of \$75,000.00, From Any Moneys in the State Highway Fund, for the Purpose of Aiding in the Construction of a Bridge Across the Red River of the North, Between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, Under the Provisions of Chapter 73 of the Laws of North Dakota for the Year 1919.

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

§ 1. AMENDMENT.] Section 1958a3 of the Supplement to the Compiled Laws of North Dakota of 1913, the same being Chapter 11 of the Session Laws of North Dakota of 1925, is hereby amended and re-enacted to read as follows:

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 \$75,000.00, or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30, 1929, inclusive, for the purpose of aid in the construction of the sub-structure, superstructure and structural approaches to a bridge across the Red River of the North, between the City of Fargo, Cass County, North Dakota, and the City of Moorhead, Clay County, Minnesota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

§ 2. EMERGENCY.] Whereas, the appropriation of like amount made by Chapter 11 of the Session Laws of North Dakota for the year 1925, for this purpose, has not been in any part expended by reason of the inability of Minnesota and North Dakota officials to agree upon the location of such bridge structure; And Whereas this appropriation supersedes the former appropriation

for this purpose; And Whereas it is anticipated that the place of erection of such structure may be agreed upon within a very short time and before the First day of July A. D. 1927; Therefore an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1927.

CHAPTER 21

(S. B. No. 6—Whitman)

GRAND FORKS BRIDGE

An Act to appropriate the Sum of \$75,000.00, From Any Moneys in the State Highway Fund, for the Purpose of Aiding in the Construction of a Bridge Across the Red River of the North, Between the City of Grand Forks, Grand Forks County, North Dakota, and the City of East Grand Forks, Polk County, Minnesota, Under the Provisions of Subdivision C of Section 2976 T. 15 of the Supplement to the Compiled Laws, 1913.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under Subdivision C of Section 2976 T. 15 of the Supplement to the Compiled Laws 1913, the sum of \$75,000.00 or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30, 1929, inclusive, for the purpose of aid in the construction of the substructure, superstructure and structural approaches to a bridge across the Red River of the North, between the City of Grand Forks, Grand Forks County, North Dakota, and in the City of East Grand Forks, Polk County, Minnesota, under the provisions of Chapter 73 of the Laws 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.

Approved January 28, 1927.

CHAPTER 22

(H. B. No. 63—Iverson and Johnson)

LITTLE MISSOURI NEAR CHALONER'S FERRY

An Act to appropriate the sum of \$35,000.00 from the State Highway Bridge Fund for the purpose of aiding in the construction of a bridge across the Little Missouri at a point at, or near the present location of Chaloner's Ferry on Federal Highway No. 85, in McKenzie County, North Dakota, under the provisions of Chapter 73, of the Laws of North Dakota for the Year 1919 and Acts Amendatory Thereof.

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 Bridge Fund provided 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 \$35,000.00 or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30th, 1929, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and structural approach of a bridge across the Little Missouri River at or near the present location of Chaloner's Ferry on Federal Highway No. 85, in McKenzie County, North Dakota, under the provisions of Chapter 73, of the laws of North Dakota for the year 1919, and Acts amendatory thereof.

§ 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 1, 1927.

CHAPTER 23

(H. B. No. 220—Lynch, Polfuss, Holthusen and Worner)

WAHPETON BRIDGE

An Act to appropriate the sum of Thirty Thousand (\$30,000) Dollars, From Any Moneys in the State Highway Fund, for the purpose of Aiding in the Construction of a Bridge Across the Bois De Sioux River, Between the City of Wahpeton, Richland County, North Dakota, and the City of Breckenridge, Wilkin County, Minnesota, Under the Provisions of Chapter 73 of the Laws of North Dakota for the Year 1919.

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 Thirty Thousand (\$30,000.00) Dollars, or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30, A. D. 1929, inclusive, for the purpose of aid in the construction of the sub-structure, super-structure and structural approaches to a bridge across the Bois De Sioux River between the city of Wahpeton, Richland County, North Dakota, and the city of Breckenridge, Wilkin County, Minnesota, under the provisions of Chapter 73 of the Laws 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.

Approved February 28, 1927.

CHAPTER 24

(S. B. No. 19—Committee on Appropriations)

BUDGET—PARTIAL VETO

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 All Acts, or Parts of Acts, Insofar as the Same Shall Relate to Appropriations Conflicting Herewith or to Appropriations for the Same Matters or Purposes Provided for Herein.

March 10, 1927.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 19, an act to appropriate money for the expenses of the Executive, Legislative and Judicial Departments of the State Government, or the General Budget. I have approved this bill with the exception of the following items:

STATE AUDITOR

Certain items in the General Budget have been raised without any apparent justification. The Budget Board allowed the State Auditor the sum of \$59,300.00. The State Auditor is a member of the Budget Board, and this amount was allowed with his consent and approval. Senate Bill No. 19 appropriates the sum of \$67,500.00 for the State Auditor, and provides for the following items over the allowance made by the Budget Board:

Gasoline Tax Auditor	\$4,800.00
Travel Expense	4,300.00
	<hr/>
Total	\$9,100.00

The investigation and inspection of companies dealing in gasoline in the state has heretofore been taken care of by the Oil Inspector of the State Regulatory Department. That department is equipped to do the work and can well continue to handle it.

The allowance for travel expense for the State Auditor should be no more than that allowed other departments engaged in similar work. Since the Governor does not have the power to veto part of any item, I am obliged to veto the entire allowance for travel expense, and I recommend that the state auditor apply to the Emergency Commission for an allowance for travel expense for his department.

The work of the State Auditor's department is almost identical with that of the State Treasurer's department. Senate Bill No. 19 appropriates the sum of \$48,840.00 for the State Treasurer. The allowance to the State Treasurer for travel expense is but \$500.00.

The State Auditor's budget for the last biennium, 1925-27, was \$41,700.00, or \$25,800.00 less than the budget provided in Senate Bill No. 19.

I have, therefore, vetoed the item of \$4,800.00 for gasoline tax auditor, and the item of \$4,300.00 for travel expense included in the budget for the State Auditor.

INDUSTRIAL COMMISSION

I asked in my legislative message to have the office of secretary of the Industrial Commission discontinued, upon the ground and for the reason that there was no necessity for such secretary. Some other department of the state can handle the work of the Industrial Commission without any additional expense. Therefore, I veto the following items in the budget of the Industrial Commission:

Salary of the secretary	\$5,600.00
Furniture and fixtures	100.00
Miscellaneous	600.00
Travel expense	500.00
Total	<u>\$6,800.00</u>

The secretarial work of the Industrial Commission can be turned over to the department of the State Examiner, where it will be much more efficiently handled. Departments of the state are like private organizations; if some member of the organization is not kept fully occupied the effect is bad and he soon demoralizes the whole organization. We should see to it that all departments are busy with constructive work.

Very truly yours,
A. G. SORLIE,
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 sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purposes specified in the following sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations herein made shall be available for the expenses to be incurred in and about the several purposes herein set out, during the fiscal period of two years, beginning July 1st, 1927, and ending June 30th, 1929.

§ 3. APPROPRIATIONS.]

Sub-division 1.

EXECUTIVE OFFICE

Salary, Governor	\$ 10,000.00
Clerkhire:	
Secretary to Governor	5,600.00
Executive Secretary	3,600.00
For the State's proportion of expense in co-operating with other states in furtherance of the Great Lakes- St. Lawrence Deep Waterway Project	2,000.00
Postage	500.00
Office Supplies	200.00

Furniture and Fixtures	200.00
Printing	400.00
Miscellaneous	500.00
Travel Expense	600.00
Contingent Fund	1,250.00
Governor's Conference	300.00
	<hr/>
Total	\$ 25,150.00

Sub-division 2.

LIEUTENANT GOVERNOR

Salary	\$ 2,000.00
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Sub-division 3.

SUPREME COURT

Salary—Five Justices	\$ 55,000.00
Clerkhire:	
Clerk of Court	5,000.00
Stenographer and Deputy Clerk at \$125.00 per month	3,000.00
Five Stenographers to Justices at \$110.00 per month....	13,200.00
Postage	550.00
Office Supplies	400.00
Furniture and Fixtures	1,500.00
Printing	500.00
Miscellaneous	600.00
	<hr/>
Total	\$ 79,750.00

Sub-division 4.

SUPREME COURT REPORTER AND
STATE LAW LIBRARIAN

Salary	\$ 5,600.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	1,000.00
Printing	100.00
Miscellaneous	200.00
Travel Expense	100.00
Publishing five volumes of North Dakota Reports	7,500.00
Purchase of New Books and Periodicals for Law Library	5,000.00
	<hr/>
Total	\$ 19,800.00

JUDGES OF DISTRICT COURTS

Sub-division 5.

Salary—Fifteen Judges	\$120,000.00
Miscellaneous expenses while holding Court outside the County in which the Judges reside, and while serving on the Supreme Bench	15,500.00
Total	<u>\$135,500.00</u>

Sub-division 6.

SECRETARY OF STATE—PUBLIC PRINTING

Legal Notices	\$ 400.00
Publishing Abstracts of Votes, two elections	1,000.00
Publicity Pamphlet	14,000.00
Postage for Publicity Pamphlet	5,000.00
Authenticated Edition Session Laws 1927	3,500.00
Popular Edition Session Laws 1927, available April 1, 1927	1,200.00
Presidential Primary Election and other Notices	600.00
Presidential Primary Ballots	4,000.00
Total	<u>\$ 29,700.00</u>

Sub-division 7.

SECRETARY OF STATE

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk and Bookkeeper	3,600.00
Stenographers	6,000.00
Recording Clerks	8,000.00
Extra Clerkhire during Elections and Legislative As- semblies	1,000.00
Postage	4,000.00
Office Supplies	1,000.00
Furniture and Fixtures	600.00
Printing	3,600.00
Miscellaneous	2,000.00
Travel Expense	500.00
Election Laws	2,000.00
Manual	2,000.00
Total	<u>\$ 45,900.00</u>

Sub-division 8.

STATE TREASURER

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk	4,000.00
Cashier	3,600.00
Bookkeeper	3,600.00
Bookkeeper	3,600.00
Receipt Clerk	3,000.00
Farm Loan Clerk	3,000.00
Cigarette Revenue Clerks	5,000.00
Stenographer	2,640.00
Postage (Fund for Postage available April 1, 1927)	5,000.00
Office Supplies	500.00
Furniture and Fixtures	300.00
Printing	2,000.00
Miscellaneous	500.00
Travel Expense	500.00
	<hr/>
Total	\$ 48,840.00

Sub-division 9.

STATE AUDITOR

Salary	\$ 6,000.00
Clerkhire:	
Deputy	\$5,600.00
Chief Clerk	4,400.00
Voucher and Audit Clerk	3,600.00
Bookkeeper	3,600.00
Bookkeeper	3,600.00
Mileage and Warrant Clerk	3,000.00
Warrant Clerk	3,000.00
Gasoline Tax Clerks	9,600.00
Extra Clerkhire	1,200.00
Gasoline Tax Auditor	4,800.00
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Total Clerkhire	\$ 42,400.00
Fund for Extra Clerkhire, Postage, Printing and Gasoline Tax Law Enforcement Available March 15, 1927	2,000.00
Postage	3,200.00
Office Supplies	500.00
Furniture and Fixtures	1,500.00
Printing	6,000.00

Miscellaneous	400.00
Travel Expense	4,300.00
Supplies, Departments and Counties	1,000.00
Lists New Taxable Lands	200.00
Total	\$ 67,500.00

Sub-division 10.

INSURANCE DEPARTMENT

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Actuary Examiner	6,000.00
Bookkeeper	3,000.00
Stenographer	2,640.00
Postage	1,200.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	6,000.00
Miscellaneous	500.00
Travel Expense	500.00
Total	\$ 32,040.00

Sub-division 11.

STATE FIRE MARSHAL DEPARTMENT

Salary, Fire Marshal	\$ 5,000.00
Clerkhire:	
Chief Assistant	4,200.00
Deputy	3,000.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	150.00
Printing	300.00
Miscellaneous	600.00
Travel Expense	6,000.00
Investigations of Suspicious Fires	2,000.00
Fees to Fire Chiefs for Reporting Fires	1,000.00
Total	\$ 22,800.00

Sub-division 12.

ATTORNEY GENERAL

Salary	\$ 7,200.00
Four Assistant Attorneys General	26,000.00
Special Assistant Attorneys General	12,000.00
Commerce Counsel for Railroad Commission	7,200.00
Four Stenographers and Extra Help	13,000.00
Postage	1,200.00
Office Supplies	600.00
Furniture and Fixtures	500.00
Printing	1,500.00
Miscellaneous	1,800.00
Travel Expense	4,000.00
Miscellaneous Court Cases	3,000.00
Library	1,000.00
Fund for Cigarette Law Enforcement	9,000.00
Total	\$ 88,000.00

Sub-division 13.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary	\$ 6,000.00
Clerkhire:	
Deputy Superintendent of Public Instruction	5,600.00
Assistant Superintendent of Public Instruction	4,000.00
Chief Clerk	3,000.00
Four Stenographers	9,480.00
Extra Clerkhire	400.00
Postage	1,800.00
Office Supplies	500.00
Furniture and Fixtures	500.00
Printing	18,000.00
Miscellaneous	800.00
Travel Expense	2,500.00
Plans for School Buildings	500.00
Total	\$ 53,080.00

Sub-division 14.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID AND EXAMINATION

Salary—One High School Inspector	\$ 5,000.00
Salary—Two Rural Graded and Consolidated Inspectors	8,800.00
Clerkhire, High School Examination:	
High School Examiner	3,000.00
Stenographer	2,400.00

Expense Conducting High School and Eighth Grade Examinations	4,000.00
Travel Expense:	
One High School Inspector	2,000.00
Two Rural Graded and Consolidated Inspectors.....	4,000.00
State Aid:	
For High Schools	170,000.00
For Rural Graded and Consolidated Schools.....	450,000.00
For County Agricultural Schools	20,000.00
For Teachers Institutes	10,600.00
For Evening Schools	4,000.00
Total	\$683,800.00

Sub-division 15.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Office Deputy	4,000.00
Stenographers	2,640.00
Postage	500.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	3,000.00
Miscellaneous	500.00
Travel Expense	1,000.00
Total	\$ 23,840.00

Sub-division 16.

DEPARTMENT OF AGRICULTURE AND LABOR
DAIRY DIVISION

Salary—Dairy Commissioner	\$ 5,600.00
Clerkhire:	
Assistant Dairy Commissioners	14,000.00
Secretary	3,000.00
Official Tester	2,640.00
Stenographers	3,640.00
Postage	1,500.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	1,200.00
Miscellaneous	600.00
Travel Expense	13,000.00
Total	\$ 45,780.00

Sub-division 17.

LAND COMMISSIONER

Salary—Land Commisioner	\$ 6,000.00
Clerkhire:	
Deputy	5,600.00
Chief Clerk and Bookkeeper	3,600.00
Field Agent	4,000.00
Farm Supervisor	4,000.00
Bond and Mortgage Clerk	3,600.00
Lease and Site Clerk	3,000.00
Two Stenographers	5,280.00
Patent Clerk	3,000.00
Postage	2,000.00
Office Supplies	400.00
Furniture and Fixtures	400.00
Printing	1,800.00
Miscellaneous	400.00
Travel Expense	5,000.00
Expense Leasing Unsold Lands	3,000.00
Expense School Land Sales	2,500.00
Reward Fund	1,000.00
Premium on Bonds	150.00
Filing Selection Lists	50.00
 Total	 \$ 54,780.00

Sub-division 18.

STATE EXAMINER

Salary—State Examiner	\$ 10,000.00
Clerkhire:	
Office Deputy	7,000.00
Assistant Office Deputy	4,800.00
Nine Road Deputies	36,000.00
Five City, County and Institution Examiners	24,000.00
Chief Clerk	3,600.00
Assistant Clerk	3,000.00
Stenographer hire	5,280.00
Postage	2,500.00
Office Supplies	700.00
Furniture and Fixtures	400.00
Printing	2,200.00
Miscellaneous	1,500.00
Travel Expense	33,000.00
Bonds for Examiners	1,600.00
Expenses for Investigating	1,000.00
 Total	 \$136,580.00

Sub-division 19-A.

BOARD OF RAILROAD COMMISSIONERS

Salary—Three Commissioners	\$ 18,000.00
Clerkhire:	
Secretary	5,000.00
Chief Clerk	3,600.00
Traffic Expert	7,200.00
Assistant Traffic Expert	4,200.00
Chief Engineer	7,200.00
Assistant Chief Engineer	4,000.00
Accountant	5,400.00
Reporter	6,000.00
Stenographers	11,000.00
Postage	2,000.00
Office Supplies	1,500.00
Furniture and Fixtures	1,000.00
Printing	3,000.00
Miscellaneous	2,000.00
Travel Expense	12,000.00
Handling Cases Before Interstate Commerce Commission	4,000.00
Expenses Incurred as Members of National Association of Railway and Utility Commissioners	2,000.00
Total	\$ 99,100.00

Sub-division 19-B.

BOARD OF RAILROAD COMMISSIONERS
ELEVATOR DIVISION

Clerkhire:	
Chief Elevator Accountant	\$ 5,600.00
Elevator Accountant	4,000.00
Federal Grain Inspector	4,800.00
Stenographers and Clerk	6,600.00
Postage	1,000.00
Office Supplies	400.00
Furniture and Fixtures	500.00
Printing	1,500.00
Miscellaneous	1,000.00
Travel Expense	3,000.00
Total	\$ 28,400.00

Sub-division 20.

GUARANTY FUND COMMISSION

Salary—Commissioners per diem at \$5.00	\$ 3,000.00
Clerkhire:	
Assistant Secretary	4,800.00
Bookkeeper and Assistant Clerk	3,000.00
Three Stenographers and Clerks	8,000.00
Postage	6,000.00
Office Supplies	1,000.00
Furniture and Fixtures	750.00
Printing	2,000.00
Miscellaneous	2,500.00
Travel Expense—Commissioners	4,000.00
Supervisors or Inspectors	8,000.00
Travel Expense for Inspectors	6,000.00
Total	\$ 49,050.00

Sub-division 21.

STATE SECURITIES COMMISSION

Salary—Executive Officer	\$ 5,600.00
Stenographer (Part Time)	1,200.00
Postage	200.00
Printing	100.00
Miscellaneous	500.00
Travel Expense	800.00
Premium on Bond	50.00
Investigations	400.00
Total	\$ 8,850.00

Sub-division 22.

STATE TAX COMMISSIONER

Salary—Tax Commissioner	\$ 8,000.00
Clerkhire:	
Deputy Tax Commissioner	6,500.00
Income Tax Deputy	5,600.00
Income Tax Field Auditor	5,800.00
Inheritance Tax Deputy	4,800.00
Cashier (Income)	3,000.00
Statistical Clerk	3,000.00
Abatement Clerk	3,000.00
Corporation Clerk	3,000.00
Stenographer	3,000.00
Filing Clerk	2,640.00
Income Tax Clerks	2,640.00

Extra Clerk Hire	700.00
Postage	3,400.00
Office Supplies	600.00
Furniture and Fixtures	600.00
Printing	6,400.00
Miscellaneous	800.00
Travel Expense	3,000.00
Total	<u>\$ 66,480.00</u>

Sub-division 23.

BOARD OF ADMINISTRATION

Salary—Three Members	\$ 18,000.00
Clerkhire:	
Executive Secretary	5,600.00
Chief Clerk	3,600.00
Stenographer	1,380.00
Auditor	5,400.00
Assistant Auditor	3,600.00
Purchasing Agent	4,800.00
Voucher Clerk	3,000.00
Supply Clerk	2,400.00
Postage	1,000.00
Office Supplies	800.00
Furniture and Fixtures	500.00
Printing	2,000.00
Miscellaneous	2,000.00
Travel Expense	11,000.00
Total	<u>\$ 65,080.00</u>

Sub-division 24.

STATE LIBRARY COMMISSION

Salary—Director	\$ 5,000.00
Clerkhire:	
Chief of Traveling Library Department	3,600.00
Reference Librarian	3,200.00
Cataloguer	3,000.00
Stenographer	2,640.00
Postage	500.00
Office Supplies	300.00
Furniture and Fixtures	200.00
Printing	300.00
Miscellaneous	500.00

Travel Expense	1,000.00
Aids to Libraries	200.00
Books	3,000.00
Preparation of Books	200.00
Binding	500.00
Total	\$ 24,140.00

Sub-division 25.

ADJUTANT GENERAL

Salary—Adjutant General	\$ 6,000.00
Clerkhire	3,000.00
U. S. Property and Disbursing Officer	4,800.00
Postage	100.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	200.00
Miscellaneous	50.00
Travel Expense	600.00
Total	\$ 15,350.00

Sub-division 26.

ADJUTANT GENERAL—RETURNED SOLDIERS' FUND

Clerkhire:

Chief Clerk	\$ 5,000.00
Clerk, Historical Division	3,360.00
Stenographer	2,640.00
Postage	1,000.00
Office Supplies	400.00
Furniture and Fixtures	400.00
Printing	250.00
Miscellaneous	50.00
Total	\$ 13,100.00

Sub-division 27.

STATE ENGINEER

Salary—State Engineer	\$ 6,000.00
Clerkhire:	
Assistant State Engineer	4,800.00
Stenographer	2,400.00
Part Time Assistants	240.00
Postage	300.00
Office Supplies	300.00

Furniture and Fixtures	300.00
Printing	500.00
Miscellaneous	200.00
Travel Expense	2,000.00
Field Assistants	2,000.00
Hydrographic Surveys	2,000.00
Geological Survey—Missouri River Diversion Project....	25,000.00
Total	\$ 46,040.00

Sub-division 28.

STATE PRINTER

Salary—State Printer	\$ 5,000.00
Clerkhire	2,400.00
Extra Clerkhire during Session of Legislature	200.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	200.00
Miscellaneous	300.00
Travel Expense	300.00
Total	\$ 8,800.00

Sub-division 29.

INDUSTRIAL COMMISSION

Salary, Secretary	\$ 5,600.00
Clerkhire	3,000.00
Postage	500.00
Office Supplies	200.00
Furniture and Fixtures	100.00
Printing	750.00
Miscellaneous	600.00
Travel Expense	500.00
Total	\$ 11,250.00

Sub-division 30.

TWENTY-FIRST LEGISLATIVE ASSEMBLY

Mileage and per diem, Members	\$ 57,000.00
Per diem, Officers and Employees	23,000.00
Printing	25,000.00
Miscellaneous Expenses and Supplies	7,500.00
Total	\$112,500.00

Sub-division 31.

STATE BOARD OF PARDONS

Per diem and necessary traveling expenses and miscellaneous items of expense incurred by such board as provided by Chapter 97, Laws of 1923\$ 500.00

Sub-division 32.

STATE BUDGET BOARD

Per diem and other expenses of every kind incurred by the State Budget Board as prescribed by Chapter 61, Laws of 1915\$ 2,000.00

Sub-division 33.

REWARD FOR APPREHENSION OF CRIMINALS

Reward for apprehension of criminals as prescribed by Chapter 200, Laws of 1917\$ 1,000.00

Sub-division 34.

ARREST AND RETURN OF FUGITIVES FROM JUSTICE

For the arrest and return of fugitives from justice as provided by Section 11162, Compiled Laws of 1913 as amended and re-enacted by Chapter 160, Laws of 1915\$ 5,000.00

§ 4. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.] All acts and parts of acts that may be in conflict herewith, are hereby repealed 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 effect or be construed to apply to the remaining items of appropriation herein or purposes provided for herein.

§ 5. 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 for 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, with the exception of items listed in Partial Veto, attached hereto March 10, 1927.

CHAPTER 25

(H. B. No. 48—Committee on Appropriations)

BURIAL OF INMATES OF PENITENTIARY AND STATE TRAINING SCHOOL

An Act Making an Appropriation to Pay the Burial Expenses of Inmates of the Penitentiary and State Training School as Prescribed by Chapter 12, Laws of 1915.

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 \$500.00, for the biennium, or so much thereof as may be necessary to pay the costs of burial of inmates of the Penitentiary and State Training School as prescribed by Chapter 12, Session Laws of North Dakota for the year 1915.

Approved February 21, 1927.

CHAPTER 26

(H. B. No. 49—Committee on Appropriations)

BURIAL SOLDIERS, SAILORS AND MARINES, WAR OF REBELLION

An Act Making an Appropriation to Pay for the Burial Expense of Honorably Discharged Sailors, Soldiers and Marines of the United States War of the Rebellion and Erection of Head Stones Therefor, as Authorized by Sections 3181, 3182, 3183, and 3184 of the Compiled Laws of 1913.

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 \$300.00, for the biennium, or so much thereof as may be necessary to pay for the burial of honorably discharged sailors, soldiers and marines of the United States War of Rebellion, and the erection of headstones therefor, as authorized under Sections 3181, 3182, 3183 and 3184 of the Compiled Laws of North Dakota for 1913.

Approved February 21, 1927.

CHAPTER 27

(H. B. No. 180—Committee on Appropriations)

N. D. CHILDREN'S HOME

An Act Making an Appropriation for the North Dakota Children's Home Society, of Fargo, 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 \$10,000.00, or so much thereof as may be necessary to the North Dakota Children's Home Society, a corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$15.00 per month, or major fraction thereof, for the care, support and maintenance of each poor and indigent infant inmate of the Children's Home now maintained by said society at Fargo, North Dakota, and who is a resident of this State; such sums to be payable out of the State Treasury upon monthly vouchers duly verified by the Superintendent of such Home, provided, further, that such Home shall make to the State Auditor an annual statement showing the disposition of such funds in detail and such further facts as the Auditor may require, and such Home shall be subject to inspection by the Board of Administration.

Approved February 28, 1927.

CHAPTER 28

(H. B. No. 28—Committee on Appropriations)

MINE INSPECTION

An Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Coal Mine Inspection.

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 \$10,200.00, or so much thereof as may be necessary to pay salary, clerkhire, per diem and general expenses in carrying out the provisions of Chapter 168 of the Session Laws of 1919, and amendments thereto, relative to Mine Inspection, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary—Inspector	\$ 5,000.00
Clerkhire	2,000.00
Examining Board per diem and Expense	300.00
Postage	100.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	200.00
Miscellaneous	400.00
Travel Expense	2,000.00
 Total	 \$ 10,200.00

Approved February 21, 1927.

CHAPTER 29

(S. B. No. 238—Schlosser and Sathre)

HON. CHAS. M. COOLEY, DISTRICT JUDGE

An Act Appropriating the Sum of Five Thousand Dollars (\$5,000.00) from the General Funds of the State to Compensate Honorable Chas. M. Cooley, Judge of the First Judicial District of North Dakota, for Services Rendered as Special Judge Under Chapter 137 of the Session Laws of North Dakota for 1923.

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

WHEREAS, it appears to this Legislative Assembly that the Hon. Chas. M. Cooley, one of the Judges of the First Judicial District of North Dakota, has for three and one-half years served as Special Judge for the adjudication of all bank receivership matters in North Dakota, under the provisions of Chapter 137 of the Session Laws of North Dakota for 1923; and, as such Special Judge, has, in addition to his usual duties, performed all of the duties of the Court Commissioner provided for in said Act, and, in that connection has passed upon and considered a vast number of applications, petitions and orders and held hearings in more than two hundred seventy bank receivership cases brought under his jurisdiction; all of such extra judicial services having been performed without additional compensation, and the State of North Dakota has thereby saved the amount of the salary of the Court Commissioner under said Act, which is the sum of five thousand five hundred dollars (\$5,500.00) per annum since July 1st, 1923; and,

WHEREAS, the Hon. Chas. M. Cooley has for many years rendered the State of North Dakota distinguished services as a jurist, which services are recognized by lawyers and laymen alike as being eminent, efficient and profoundly unselfish and loyal, and,

WHEREAS, it now appears that Hon. Chas. M. Cooley, being past seventy years of age, has suffered a several (severe) physical collapse, and possible permanent disability, due in part, to the increased judicial work imposed upon him by the State of North Dakota during the past three years under said receivership Act, therefore;

§ 1. There is hereby appropriated out of any funds of the State of North Dakota, not otherwise appropriated, the sum of five thousand dollars (\$5,000.00) to be paid the Hon. Chas. M. Cooley, Judge of the First Judicial District of North Dakota, as compensation for the services rendered by him in addition to his regular duties as District Judge, as a Special Judge under the provisions of Chapter 137 of the Session Laws of North Dakota for 1923.

Approved March 3, 1927.

CHAPTER 30

(H. B. No. 26—Committee on Appropriations)

COMMISSIONERS FOR RELEASE OF INSANE PATIENTS

An Act Making an Appropriation to Provide Funds to Pay the Necessary Expenses and Reasonable Compensation to Commissioners Appointed in Actions to Release Insane Patients as Prescribed by Section 2562 of the Compiled Laws of 1913.

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 \$400.00, for the biennium, or so much thereof as may be necessary to pay the expenses and reasonable compensation to commissioners appointed in actions to release insane patients as provided for under Section 2562 of the Compiled Laws of North Dakota for 1913.

Approved February 16, 1927.

CHAPTER 31

(S. B. No. 95—Carey)

COMPILED LAWS OF 1913 FOR OFFICIAL PURPOSES

An Act Making an Appropriation for the Payment of Compiled Laws of 1913 Purchased by the Secretary of State for Official Purposes.

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 \$3,000.00 to pay for 200 sets of the Compiled Laws of 1913 purchased by the Secretary of State for use by members and committees of the Legislative Assembly and official departments of the State of North Dakota.

§ 2. EMERGENCY.] Whereas an emergency exists in that this purchase had to be made prior to the opening of the Twentieth Legislative Assembly in order to provide sufficient sets of the Compiled Laws of 1913 for legislative purposes, it is hereby declared that this Act shall take effect upon its passage and approval.

Approved February 19, 1927.

CHAPTER 32

(H. B. No. 36—Committee on Appropriations)

STATE CONTINGENCY FUND

An Act Making an Appropriation to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapter 26 and 152 of the Session Laws of North Dakota for the Year 1915.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$40,000.00, or so much thereof, as may be necessary for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to provide funds for the State Emergency Commission and which fund shall be known as the State Contingency Fund and be for the purposes authorized under Chapter 26 and 152 of the Session Laws of North Dakota for the year 1915.

Approved February 16, 1927.

CHAPTER 33

(H. B. No. 68—Sperry)

CORN SHOW

An Act to Appropriate \$2,000.00 to the North Dakota State Corn Show for the Biennial Period Ending June 30th, 1929, Agreeable With Chapter 108 of the Session Laws of 1925.

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

§ I. APPROPRIATION.] There is hereby appropriated out of the funds of the State Treasury, not otherwise appropriated, the sum of \$2,000.00, for the Biennial Period ending June 30th, 1929, to be expended by the North Dakota State Corn Show in conformance to Chapter 108 of the Session Laws of 1925 for the State of North Dakota.

Approved March 1, 1927.

CHAPTER 34

(H. B. No. 46—Committee on Appropriations)

DELEGATES NATIONAL CONVENTIONS

An Act Making an Appropriation to Defray Expenses of the Delegates to National Political Conventions as Prescribed by Section 916 of the Compiled Laws of 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,000.00, for the biennium, or so much thereof as may be necessary to pay the traveling expenses of delegates to National Nominative Political Conventions as prescribed by Section 916 of the Compiled Laws of North Dakota for 1913.

Approved February 21, 1927.

CHAPTER 35

(H. B. No. 175—Twichell and Burkhart)

HON. J. W. O'NEIL

An Act Making an Appropriation for Medical and Hospital Expenses of the last Sickness, and for Funeral Expenses, of Hon. J. W. O'Neil, Who Died in Bismarck While in the Performance of His Duties as a Member of the 20th Legislative Assembly.

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 Five Hundred (\$500.00) Dollars to pay the medical and hospital expense of the last illness, and the funeral expenses, of the Hon. J. W. O'Neil, a member of the House of Representatives of the 20th Legislative Assembly, who died at Bismarck from illness contracted while engaged in the service of the state; such moneys to be paid upon warrant issued by the disbursing officers of the state, made payable to Mrs. J. W. O'Neil, his widow, and to be delivered to her authorized representative or agent for use for such purposes.

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

Approved February 7, 1927.

CHAPTER 36

(S. B. No. 130—Hamilton)

FENCE ROOSEVELT CABIN & FLAG POLE

An Act Making an Appropriation for the Purchase and Erection of an Iron Fence Around the Roosevelt Cabin, Which is Located Upon the Capitol Grounds, and for the Purchase and Erection of a Flag Pole at the Memorial Building.

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 \$1,750.00, or so much thereof as is necessary to purchase and erect an iron fence around the Roosevelt Cabin which is located upon the Capitol Grounds, and to purchase and erect a steel flag pole at the Memorial Building.

§ 2. EMERGENCY.] There being at present no proper or sufficient protection for the Roosevelt Cabin, and no means whereby a flag may be displayed at the Memorial Building, this Act is declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 5, 1927.

CHAPTER 37

(S. B. No. 10—Committee on Appropriations)

FIREMEN'S ASSOCIATION

An Act Making an Appropriation for the Use and Benefit of the North Dakota Firemen's Association for the Purpose of Promoting the Efficiency and Growth of its Different Departments, and the Holding of an Annual Tournament, According to the Rules and Regulations of Such Association.

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 \$2,000.00, or so much thereof as may be necessary for the use and benefit of the North Dakota Firemen's Association for the purpose of promoting the efficiency and growth of its different departments, and for the holding of an annual tournament, according to the rules and regulations of such association, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 9, 1927.

CHAPTER 38

(H. B. No. 151—Westford)

STATE ENGINEER—ASSISTANCE COUNTY BOARDS OF FLOOD IRRIGATION

An Act Making it the Duty of the State Engineer to Assist County Boards of Flood Irrigation in the Performance of Their Duties and Making an Appropriation Therefor.

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

§ 1. It shall be the duty of the State Engineer, upon the request of the Board of Flood Irrigation of any county in this state, to assist said board in determining whether or not the construction of any proposed dams, gates, and necessary ditches and canals for the purpose of controlling, regulating and forcing the overflow of water in non-navigable rivers or streams within this state, would be conducive to the public health, convenience or welfare.

§ 2. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of (\$5,000.00) Five Thousand Dollars or so much thereof as may be necessary, which sum may be expended by the State Engineer in performing his duties under this Act.

Approved February 28, 1927.

CHAPTER 39

(S. B. No. 43—Committee on Appropriations)

GLANDERS AND DOURINE

An Act Making an Appropriation for the Glanders and Dourine Indemnity Fund.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,000.00, or so much thereof as may be necessary to indemnify the owners of animals afflicted with the disease known as Glanders and Dourine, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 10, 1927.

CHAPTER 40

(H. B. No. 50—Committee on Appropriations)

F. J. GRAHAM

An Act Making an Appropriation to Pay F. J. Graham, Ellendale, North Dakota, Balance Due Him for Services as Attorney for Special House Committee in the Investigation of the State Highway Commission.

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 \$620.60, to pay balance due F. J. Graham for services as attorney for Special House Committee in the investigation of the State Highway Commission as prescribed by Chapter 34, Laws of 1925.

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

Approved March 1, 1927.

CHAPTER 41

(S. B. No. 219—Olson of Burleigh and Brant)

HIGHWAY COMMISSION—LOSS OF TOOLS BY MECHANICS IN FIRE

An Act Appropriating the Sum of \$1,100.00 out of the State Highway Operating Fund of the Highway Commission for the Purpose of Reimbursing Certain Mechanics for Losses Sustained in the Destruction of the Highway Commission Shops by Fire.

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 Highway Operating Fund the sum of \$1,100.00 for the purpose of re-imbursing certain mechanics employed by the State Highway Commission, whose kits of tools were destroyed in the burning of the Highway Commission Shops. The said amount is apportioned as follows:

Frank Burbage	\$ 250.00
Frank Hubbard	150.00
William Young	200.00
Harry Potter	100.00
Chas. Sundland	100.00
Vincent Cavasino	100.00
W. H. Miller	100.00
Bert Korup	50.00
Peter White	50.00
Total	\$1,100.00

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

Approved March 5, 1927.

CHAPTER 42

(H. B. No. 23—Committee on Appropriations)

STATE HISTORICAL SOCIETY

An Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the State Historical Society.

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 \$23,650.00, or so much thereof as may be necessary to pay the Salary, Clerkhire and miscellaneous items of the State Historical Society for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary, Superintendent	\$ 5,500.00
Clerkhire:	
Librarian	3,600.00
Assistant in Museum and Photographer	3,000.00
Stenographer	2,400.00
Postage	350.00
Office Supplies	450.00
Furniture and Fixtures	500.00
Printing	1,350.00
Miscellaneous	500.00
Travel Expense	500.00

Field Work	300.00
Museum	1,000.00
Books	1,000.00
Binding Newspapers	1,300.00
Editor of Collections	600.00
State Parks	500.00
Museum Furniture	800.00

Total\$23,650.00

Approved March 5, 1927.

CHAPTER 43

(H. B. No. 27—Committee on Appropriations)

COMMISSIONER OF IMMIGRATION

An Act Making an Appropriation to Pay Salary, Stenographer and General Expenses of the Commissioner of Immigration.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$18,900.00, or so much thereof as may be necessary to pay the salary, stenographer, printing and miscellaneous items for the Commissioner of Immigration, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary—Commissioner	\$ 5,400.00
Clerkhire:	
Stenographer—Secretary	2,400.00
Postage	1,000.00
Office Supplies	300.00
Printing, Pamphlets, Pictures, Cuts, etc.	2,500.00
Miscellaneous, Telephone, Telegraph, etc.	800.00
Preparing and Displaying Exhibits	5,000.00
Travel Expense	1,500.00

Total\$18,900.00

Approved March 5, 1927.

CHAPTER 44

(S. B. No. 14—Committee on Appropriations)

SCHOOL FOR THE BLIND

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School for the Blind at Bathgate.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$33,950.00, or so much thereof as may be necessary to pay the general maintenance, equipment, improvements and repairs and miscellaneous expenses of the State School for the Blind at Bathgate, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$28,000.00

OPERATING EXPENSE

1—Fuel (including freight)	6,500.00
2—Light, Power, Water, Gas	700.00
3—Telephone, Telegraph, Postage	200.00
4—Freight and Express	150.00
5—Insurance, Bonds, etc.	1,900.00
6—Printing	50.00
7—Travel	300.00
8—Office Supplies	150.00
9—Educational Supplies	1,000.00
10—Power House Supplies	350.00
11—Janitor's Supplies	250.00
12—Student's Welfare	300.00
13—Food (including meats, etc.)	7,600.00
14—Clothing	100.00
15—Hospital and Medical Service	500.00
16—Laundry Cost	500.00
17—Farm, Garden and Grounds	2,000.00
18—Kitchen Utensils	200.00

Total Maintenance	\$50,750.00
Less estimated, I & I, Inst. Coll., etc.	25,000.00

Net Maintenance\$25,750.00

IMPROVEMENTS AND REPAIRS

1—General Repairs	\$ 2,000.00
2—Rebuilding Root Cellar	1,200.00

EQUIPMENT

1—Furniture, Beds, Bedding, etc.	1,000.00
2—Books & Musical Instruments	1,500.00
3—Replacement, Plumbing, Steam Fitting	1,000.00

MISCELLANEOUS ITEMS

Care of Blind Babies 1,500.00

Total	\$33,950.00
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Approved March 3, 1927.

CHAPTER 45

(S. B. No. 33—Committee on Appropriations)

DICKINSON NORMAL

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses for the State Normal School, Dickinson, North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$152,500.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Normal School, Dickinson, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$125,000.00

OPERATING EXPENSE

1—Fuel (including freight)	14,500.00
2—Light, Power, Water, Gas	2,100.00
3—Telephone, Telegraph, Postage	800.00
4—Freight and Express	400.00
5—Insurance, Bonds, etc.	4,000.00
6—Printing	1,200.00
7—Travel	400.00
8—Office Supplies	400.00
9—Educational Supplies	2,500.00
10—Power House Supplies	1,000.00
11—Janitor's Supplies	1,100.00
12—Students' Welfare	900.00

Total Maintenance	\$154,300.00
Less Estimated Income, Inst. Coll., etc.	15,000.00

Net Maintenance\$139,300.00

IMPROVEMENTS AND REPAIRS

1—Improvements to Grounds	\$ 1,000.00
2—Electric Fixtures and Lamps	300.00
3—Storage Shed	2,200.00
4—Dynamo for Electric Lights	2,000.00

EQUIPMENT

1—Apparatus and Equipment, Gymnasium	400.00
2—Furniture and Equipment, Offices	500.00
3—Furniture and Equipment, Library	800.00
4—Furniture and Equipment, Man'l Training	600.00
5—Furniture and Equipment, Home Economics	500.00
6—Furniture and Equipment, Class Rooms	400.00
7—Furniture and Apparatus, Laboratory	600.00
8—Library Books & Periodicals	3,000.00
9—Refrigerator	900.00
Total	\$152,500.00

Approved March 3, 1927.

CHAPTER 46

(H. B. No. 13—Committee on Appropriations)

SCHOOL FOR THE DEAF

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Expenses of the School for the Deaf at Devils Lake, North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$194,935.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new building and miscellaneous expenses of the School for the Deaf at Devils Lake, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$100,000.00

OPERATING EXPENSE

1—Fuel (including freight)	17,500.00
2—Light, Power, Water, Gas	4,500.00
3—Telephone, Telegraph, Postage	900.00
4—Insurance, Bonds, etc.	6,500.00
5—Printing	2,000.00
6—Travel	600.00
7—Office Supplies	400.00
8—Educational Supplies	4,500.00
9—Power House and Janitor's Supplies	2,000.00
10—Student's Welfare	1,000.00
11—Food (including meats, etc.)	20,000.00

12—Hospital and Medical Service	600.00
13—Farm and Garden Supplies and Upkeep	2,000.00
14—Automobile and Bus Upkeep	650.00
15—Kitchen Supplies	800.00
16—Bedding and Linen (and Dry Goods)	1,000.00
17—Laundry Supplies	500.00
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Total Maintenance	\$165,450.00
Less estimated income, I & I, Inst. Coll., etc.	38,000.00
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Net Maintenance	\$127,450.00

IMPROVEMENTS AND REPAIRS

1—Upkeep of Grounds, Nursery Stock	\$ 500.00
2—Plumbing and Heating	1,000.00
3—Electric Wiring and Supplies	350.00
4—Painting	1,000.00
5—General Repairs on Building	2,000.00
6—Cement Walks	500.00
7—Irrigation System for Campus	500.00

NEW BUILDINGS

1—Industrial Building	\$ 50,000.00
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EQUIPMENT

1—Library and Text Books	1,000.00
2—Furniture	2,500.00
3—Grand Piano	800.00
4—Audiometer	300.00
5—Domestic Science Equipment	1,000.00
6—Domestic Art Equipment	500.00
7—Mangle for Laundry	2,435.00
8—Electric Refrigerating Units	2,000.00

MISCELLANEOUS ITEMS

1—Western Union Clock Rental	400.00
2—Land Rental	700.00
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Total	\$194,935.00

Approved March 3, 1927.

CHAPTER 47

(H. B. No. 11—Committee on Appropriations)

NORMAL AND INDUSTRIAL SCHOOL, ELLENDALE

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal and Industrial School at Ellendale.

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 \$101,070.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Normal and Industrial School at Ellendale, for the Biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$102,500.00

OPERATING EXPENSE

1—Fuel (Including Freight)	\$ 10,500.00
2—Light, Power, Water, Gas	600.00
3—Telephone, Telegraph, Postage	720.00
4—Freight and Express	400.00
5—Insurance, Bonds, etc.	4,200.00
6—Printing	1,000.00
7—Travel	400.00
8—Office Supplies	500.00
9—Educational Supplies	2,000.00
10—Power House Supplies	400.00
11—Janitor's Supplies	900.00
12—Student's Welfare	900.00
13—Instructors for Summer School	8,000.00
14—Farm Maintenance	1,000.00
15—Practice Teaching in City Schools	1,000.00
Total Maintenance	\$135,020.00
Less estimated income, I & I, Inst. Coll., etc.	44,000.00
Net Maintenance	\$ 91,020.00

IMPROVEMENTS AND REPAIRS

1—Watermain Repairs	\$ 200.00
2—Repairs on Buildings	4,000.00
3—Repair of Walks and Grounds	300.00
4—Boiler Settings and Fittings	1,800.00

EQUIPMENT

1—Laboratories	1,000.00
2—Replacement	750.00
3—Library, Books, Periodicals, etc.	2,000.00
Total	\$101,070.00

Approved February 28, 1927.

CHAPTER 48

(S. B. No. 31—Committee on Appropriations)

INSTITUTION FOR FEEBLE MINDED

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items for the Institution for the Feeble Minded at Grafton, 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 \$313,159.00 or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the Institution for the Feeble Minded at Grafton, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees	\$168,000.00
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OPERATING EXPENSE

1—Fuel (including freight)	\$ 50,000.00
2—Light, Power, Water, Gas	2,200.00
3—Telephone, Telegraph, Postage	900.00
4—Freight and Express	500.00
5—Insurance, Bonds, etc.	6,500.00
6—Printing	1,000.00
7—Travel	500.00
8—Office Supplies	1,000.00
9—Educational Supplies	1,600.00
10—Power House Supplies	2,000.00
11—Janitor's Supplies	4,000.00
12—Inmates Welfare	2,800.00
13—Food (including meats, etc.)	50,000.00
14—Clothing	28,000.00
15—Hospital and Medical Service	3,500.00
16—Farm and Garden	8,500.00

17—Laundry	3,300.00
18—Other Supplies	2,500.00
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Total Maintenance	\$336,800.00
Less estimated income, Inst. Coll., etc.	180,000.00
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Net Maintenance	\$156,800.00
IMPROVEMENTS AND REPAIRS	
1—Paints and Painting	\$ 1,000.00
2—Building Repairs	4,500.00
3—Boiler House Repair	2,000.00
4—Heating and Plumbing	1,500.00
5—Wells	500.00
NEW BUILDINGS	
1—Laundry Addition	2,000.00
2—Boys' Dormitory	125,000.00
EQUIPMENT	
1—Laundry Equipment	6,859.00
2—Kitchen Equipment	1,000.00
3—Fencing	500.00
4—Beds and Furniture	2,000.00
5—Furnishings	2,000.00
6—Hospital	2,500.00
7—Shop	500.00
8—School	500.00
MISCELLANEOUS ITEMS	
1—Land Rental	4,000.00
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Total	\$313,159.00

Approved March 7, 1927.

CHAPTER 49

(S. B. No. 32—Committee on Appropriations)

SCHOOL OF FORESTRY

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State School of Forestry at Bottineau.

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 \$78,820.00, or so much thereof as may be necessary for the purpose of paying the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State School of Forestry at Bottineau, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$ 55,820.00

OPERATING EXPENSE

1—Fuel (including freight)	4,400.00
2—Light, Power, Water, Gas	700.00
3—Telephone, Telegraph, Postage	450.00
4—Freight and Express	500.00
5—Insurance, Bonds, etc.	3,000.00
6—Printing	600.00
7—Travel	400.00
8—Office Supplies	500.00
9—Educational Supplies	1,100.00
10—Janitor's Supplies	800.00
11—Student's Welfare	400.00
12—Dormitory Maintenance	700.00
13—Federal Offset State Nursery	4,000.00
14—Federal Offset Forestry Extension	3,000.00

Total Maintenance	\$ 76,370.00
Less estimated income, Inst. Coll., etc.	8,000.00

Net Maintenance\$ 68,370.00

IMPROVEMENTS AND REPAIRS

1—General Repairs	2,000.00
2—Painting Buildings (inside & out)	1,500.00
3—Repair Greenhouse	2,000.00
4—Drain Pipes around foundation	500.00

EQUIPMENT

1—Library, Books, Periodicals	1,000.00
2—School & Laboratory Equipment	2,700.00
3—Replacing worn out machinery and machinery State Forest Nursery	750.00

Total\$ 78,820.00

Approved March 3, 1927.

CHAPTER 50

(H. B. No. 30—Committee on Appropriations)

FLORENCE CRITTENTON HOME

An Act Making an Appropriation for the Florence Crittenton Home at Fargo, 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 \$10,000.00, or so much thereof as may be necessary to the

Florence Crittenton Home, a Corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$15.00 per month, or major fraction thereof, for the care, support and maintenance of each poor and indigent girl and each poor and indigent infant and inmate of such Home, and who is a resident of this State; such sums to be payable out of the State Treasury upon monthly vouchers duly verified by the Superintendent of such Home, provided, further that such Home shall make to the State Auditor an annual statement showing the disposition of such funds in detail and such further facts as the Auditor may require, and such Home shall be subject to inspection by the Board of Administration.

Approved February 16, 1927.

CHAPTER 51

(H. B. No. 9—Committee on Appropriations)

HOSPITAL FOR THE INSANE

An Act Making an Appropriation for the Payment of Salaries and Wages, Improvements and Repairs, Equipment and Miscellaneous Items for the State Hospital for the Insane at Jamestown, 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 \$105,000.00, or so much thereof as may be necessary to pay the salaries and wages, improvements and repairs, equipment and miscellaneous items of the State Hospital for the Insane at Jamestown, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

1—Administration	\$ 18,390.00
2—Assistant Physicians & Dentist	19,200.00
3—Other Employees	285,691.00

OPERATING EXPENSE

1—Fuel (including freight)	112,000.00
2—Telephone, Telegraph, Postage	2,300.00
3—Printing & Office Supplies	1,300.00
4—Travel	1,000.00
5—Educational Supplies	1,500.00
6—Power House Supplies	2,500.00
7—Inmates' Welfare	3,000.00
8—Food (including meats, etc.)	200,000.00
9—Clothing	60,000.00
10—Hospital and Medical Service	8,000.00
11—Beds and Bedding	15,000.00
12—Miscellaneous Physical Plant	16,000.00
13—Farm, Garden and Grounds	28,000.00
14—Laundry Supplies and Cleansers	22,000.00

15—All other Maintenance Expenses	50,000.00
Total Maintenance	\$845,881.00
Less estimated incomes, I & I, Inst. Coll., etc.	845,881.00
IMPROVEMENTS AND REPAIRS	
1—General Repairs	\$ 12,000.00
2—Main Tunnel and Repiping the same	15,000.00
NEW BUILDINGS	
1—Sewage Disposal Plant	\$ 40,000.00
2—Filtration and Softening Plant	18,000.00
MISCELLANEOUS ITEMS	
1—Insurance, Bonds, etc.	\$ 20,000.00
Total	\$105,000.00
Approved February 28, 1927.	

CHAPTER 52

(H. B. No. 144—Committee on Appropriations)

HOSPITAL FOR INSANE—LOAN

An Act Making an Appropriation of \$21,495.88 to Repay the Bank of North Dakota for a Loan Made to the Hospital for the Insane and also for the Payment of any Interest Due Thereon.

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 \$21,495.88, or so much thereof as may be necessary to pay the Bank of North Dakota for a loan of \$20,000.00 and interest thereon which has been made to the Hospital for the Insane.

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

Approved February 28, 1927.

CHAPTER 53

(H. B. No. 8—Committee on Appropriations)

INSANE PATIENTS, RESIDENCE UNDETERMINED

An Act Making an Appropriation for the Care of Insane Patients Whose Residence Can Not Be Determined and Whose Care Must Be Borne by the State.

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 \$72,000.00, or so much thereof as may be necessary to care for the insane patients whose residence cannot be determined and whose care must be borne by the State, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 16, 1927.

CHAPTER 54

(H. B. No. 254—Committee on Appropriations)

HOSPITAL FOR THE INSANE—WARD BUILDING

An Act Making an Appropriation for the Purpose of Erecting a Ward Building at the State Hospital for the Insane at Jamestown.

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 Two Hundred Thousand Dollars, or so much thereof as may be necessary, for the purpose of erecting a ward building at the State Hospital for the Insane at Jamestown.

Approved March 10, 1927.

CHAPTER 55

(S. B. No. 35—Committee on Appropriations)

MAYVILLE NORMAL

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Normal School, Mayville, N. D.

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 \$178,850.00, or so much thereof as may be necessary to pay the general maintenance of the State Normal School at Mayville, together with improvements and repairs, equipment and miscellaneous items, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

1—Administration, Faculty and other Employees\$165,000.00

OPERATING EXPENSE

1—Fuel (including freight)	24,000.00
2—Light, Power, Water, Gas	7,000.00
3—Telephone, Telegraph, Postage	1,200.00
4—Freight and Express	1,000.00
5—Insurance, Bonds, etc.	5,600.00
6—Printing	1,500.00
7—Travel	400.00
8—Office Supplies	600.00
9—Educational Supplies	2,500.00
10—Power House Supplies	1,600.00
11—Janitor's Supplies	2,000.00
12—Student's Welfare	1,000.00

13—Truck Maintenance	500.00
14—City Board of Education	8,000.00
15—Grounds	1,000.00
16—Summer School Teachers	6,000.00
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Total Maintenance	\$228,900.00
Less estimated income, I & I, Inst. Coll., etc.	55,000.00
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Net Maintenance	\$173,900.00

IMPROVEMENTS AND REPAIRS

1—Repairs, Plumbing, Heating, Ventilating	700.00
2—Repairs on Dormitories	1,000.00

EQUIPMENT

1—New Furniture, Class Rooms, Office, Dormitories	800.00
2—Typewriters: Commercial Department	250.00
3—Library: Books, Papers, Magazines	2,000.00

MISCELLANEOUS ITEMS

1—Lloyd Thomas Appraisal	200.00
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Total	\$178,850.00

Approved March 10, 1927.

CHAPTER 56

(S. B. No. 36—Committee on Appropriations)

MINOT NORMAL

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School, Minot, 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 \$287,950.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous items of the State Normal School, Minot, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees	\$265,000.00
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OPERATING EXPENSE

1—Fuel (including freight)	\$ 22,000.00
2—Light, Power, Water, Gas	2,000.00
3—Telephone, Telegraph, Postage	1,500.00
4—Freight and Express	1,500.00
5—Insurance, Bonds, etc.	4,400.00
6—Printing	2,000.00
7—Travel	400.00
8—Office Supplies	750.00
9—Educational Supplies	6,000.00
10—Power House Supplies	1,000.00
11—Janitor's Supplies	2,000.00
12—Student's Welfare	1,000.00
13—Campus Maintenance	1,000.00
Total Maintenance	\$310,550.00
Less estimated income, Inst. Coll., etc.,	40,000.00
Net Maintenance	\$270,550.00

IMPROVEMENTS AND REPAIRS

1—General Repairs	\$ 3,500.00
2—Repairs, Boiler and Boiler Room	750.00

EQUIPMENT

1—Science and Agricultural Equipment	\$ 1,000.00
2—Furniture and Musical Instruments	1,000.00
3—Library Books and Periodicals	3,000.00
4—Stokers and Bunkers	4,000.00
5—Commercial Department	500.00

MISCELLANEOUS ITEMS

1—Taxes and Special Improvement	\$ 3,400.00
2—Appraisalment and Valuation	250.00

Total\$287,950.00

Approved March 7, 1927.

CHAPTER 57

(S. B. No. 17—Committee on Appropriations)

STATE PENITENTIARY

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Penitentiary.

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 \$305,100.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Penitentiary, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$ 92,000.00

OPERATING EXPENSES

1—Fuel (including freight)	\$ 35,000.00
2—Light, Power, Water, Gas	3,700.00
3—Telephone, Telegraph, Postage	2,300.00
4—Freight and Express	2,200.00
5—Insurance, Bonds, etc.	13,300.00
6—Printing	1,000.00
7—Travel	1,200.00
8—Office Supplies	1,000.00
9—Educational Supplies	500.00
10—Power House Supplies	5,000.00
11—Janitor's Supplies	6,000.00
12—Inmate's Welfare	3,000.00
13—Food (including meats, etc.)	100,000.00
14—Clothing	21,500.00
15—Hospital and Medical Service	6,000.00
16—Warden's Expense	1,000.00
17—Bertillion and Escapes	4,000.00
18—Transportation & Clothing (released convicts)	9,500.00
19—Maintenance, Autos, Trucks & Tractors	4,000.00
20—Inmates' Wages	20,000.00
21—Maintenance, Farm and Shops	5,500.00

Total Maintenance	\$337,700.00
Less Estimated Income, Inst. Coll., etc.	50,000.00

Net Maintenance\$287,700.00

IMPROVEMENTS AND REPAIRS\$ 9,000.00

EQUIPMENT

1—Shoe Machinery	\$ 1,000.00
2—Kitchen Utensils	1,000.00
3—Farm Equipment	2,000.00
4—Plumbing, Carpenter & Blacksmith Shops	500.00
5—Hospital	400.00

MISCELLANEOUS ITEMS

1—Land Rentals	3,500.00
Total	\$305,100.00

Approved March 5, 1927.

CHAPTER 58

(S. B. No. 16—Committee on Appropriations)

PENITENTIARY—BUILDINGS & IMPROVEMENTS, PURCHASE OF LANDS

An Act to Make an Appropriation from the State Prison Revolving Fund for the Construction of buildings and Improvements and for the Purchase of Land for the State Penitentiary.

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

§ 1. That there is hereby appropriated out of the state prison revolving fund the sum of one hundred fifteen thousand five hundred and fifty dollars, or so much thereof as may be necessary, to be expended by the Board of Administration, for the construction of buildings and improvements at the State Penitentiary, and for the purchase of land for the Penitentiary, as follows:

Officers' Quarters	\$ 50,000.00
Dairy Barn	25,000.00
Poultry House	5,000.00
Purchase of Land	25,000.00
Land Contract Payment and Interest	10,550.00
Total	\$115,550.00

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

Approved March 5, 1927.

CHAPTER 59

(H. B. No. 12—Committee on Appropriations)

STATE SCHOOL OF SCIENCE

An Act Making an Appropriation for the Payment of Salaries and Wages, Improvements, and Repairs, New Building, Equipment and Miscellaneous Expenses of the State School of Science at Wahpeton, 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 \$173,850.00, or so much thereof as may be necessary to pay the salaries and wages, improvements and repairs, new building, equipment and miscellaneous expenses of the State School of Science at Wahpeton, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and other employees\$112,000.00

OPERATING EXPENSE .

1—Fuel (including freight)	\$ 12,500.00
2—Light, Power, Water, Gas	3,500.00
3—Telephone, Telegraph, Postage	1,000.00
4—Freight and Express	350.00
5—Insurance, Bonds, etc.	8,700.00
6—Printing	2,000.00
7—Travel	400.00
8—Office Supplies	400.00
9—Educational Supplies	2,500.00
10—Power House Supplies	400.00
11—Janitor's Supplies	1,000.00
12—Student's Welfare	900.00
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Total Maintenance	\$145,650.00
Less estimated income, I & I, Inst. Coll., etc.	55,000.00
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Net Maintenance	\$ 90,650.00

IMPROVEMENTS AND REPAIRS

General Repairs\$ 5,000.00

NEW BUILDINGS

Trades Building\$ 65,000.00

EQUIPMENT

1—Dormitory	\$ 1,000.00
2—Dining Room	1,000.00
3—Trades	9,000.00
4—Library Books and Periodicals	1,000.00
5—Class Rooms	1,200.00
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Total	\$173,850.00

Approved March 1, 1927.

CHAPTER 60

(H. B. No. 255—Committee on Appropriations)

STATE TRAINING SCHOOL—GIRLS' BUILDING

An Act Making an Appropriation for the Erection of a Building for Girls and Furnishing Equipment Therefor at the State Training School, Mandan, 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 Seventy Five Thousand Dollars, or so much thereof as may be necessary to erect a suitable building for girls and furnish equipment therefor at the State Training School at Mandan, North Dakota.

Approved March 10, 1927.

CHAPTER 61

(S. B. No. 18—Committee on Appropriations)

TRAINING SCHOOL

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Expenses of the State Training School, Mandan, 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 \$271,500.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment and miscellaneous expenses of the State Training School, Mandan, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$ 98,700.00

OPERATING EXPENSE

1—Fuel (including freight)	\$ 19,000.00
2—Light, Power, Water, Gas	6,550.00
3—Telephone, Telegraph, Postage	1,750.00
4—Freight and Express	2,000.00
5—Insurance, Bonds, etc.	11,000.00
6—Printing	900.00
7—Travel	5,400.00
8—Office Supplies	500.00
9—Educational Supplies	2,500.00
10—Power House Supplies	2,000.00

10½—Repairing Steam and Water Pipes	2,000.00
11—Janitor's and Laundry Supplies	3,000.00
12—Inmate's Welfare	4,000.00
13—Food (including meats, etc.)	52,000.00
14—Clothing	32,000.00
15—Hospital and Medical Service	14,000.00
16—Students' Wages	2,000.00
17—Farm and Garden Maintenance	10,000.00
18—Carpenter & Plumbing Shop Supplies, Auto Truck Repairs, Gasoline, Kerosene, Oils & Greases	6,000.00
Total Maintenance	\$275,300.00
Less estimated income, I & I, Inst. Coll., etc.	40,000.00
Net Maintenance	\$235,300.00

IMPROVEMENTS AND REPAIRS

1—Hog House, \$1,500.00; Chicken House, \$1,500.00; Root Cellar, \$3,000.00; Total	\$ 6,000.00
2—General Repairs	7,500.00
3—Well and Reservoir	10,000.00
4—Repairs to Supt's House	500.00
5—Repairs to Farm Buildings	500.00
6—Paint, Kalsomine, Grounds, Cement Walks and Grading	1,000.00

EQUIPMENT

1—Farm Machinery	\$ 750.00
2—Washing Machine, \$1,000.00; Churn and Butter Mixer, \$200.00; Dryer, \$1,000.00; Total	2,200.00
3—Household Equipment	2,000.00
4—Office Equipment	250.00
5—Plumbing and Carpenter Shop	1,500.00
6—Tailor and Barber Shop	650.00
7—School Equipment	400.00

MISCELLANEOUS ITEMS

1—Burial Expense & Rewards	600.00
2—Land Rental	2,350.00
Total	\$271,500.00

Approved March 5, 1927.

CHAPTER 62

(H. B. No. 10—Committee on Appropriations)

TUBERCULOSIS SANATORIUM

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, New Buildings, Equipment and Miscellaneous Expenses for the Tuberculosis Sanatorium at San Haven, 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 \$333,000.00, or so much thereof as may be necessary for paying the general maintenance, improvements and repairs, new buildings, equipment and miscellaneous expenses of the Tuberculosis Sanatorium at San Haven, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration and Employees\$ 85,000.00

OPERATING EXPENSE

1—Fuel (including freight)	\$ 40,000.00
2—Telephone, Telegraph, Postage	900.00
3—Freight & Express	3,000.00
4—Insurance, Bonds, etc.	7,000.00
5—Printing	1,000.00
6—Travel	600.00
7—Office Supplies	1,500.00
8—Educational Supplies	1,500.00
9—Power House Supplies	3,000.00
10—Janitor's Supplies	3,000.00
11—Patient's Welfare	2,500.00
12—Food (including meats, etc.)	75,000.00
13—Clothing	3,000.00
14—Hospital and Medical Service	5,000.00
15—Farm, Garden and Dairy	10,000.00
16—Laundry Supplies	2,500.00
17—Advertisement for Help	500.00
18—Refunds	2,500.00
19—Auto and Truck Maintenance	1,750.00
Total Maintenance	\$249,250.00
Less Estimated Income, County Care, Inst. Coll., etc.....	\$115,000.00
Net Maintenance	\$134,250.00

IMPROVEMENTS AND REPAIRS

1—Grounds and Roads	\$ 500.00
2—Plants, Flowers, etc.	250.00
3—Repair of Water Tower	500.00
4—Plumbing Repairs	2,000.00
5—Engine & Boiler Room Repairs	1,000.00
6—Building Repairs to Main Building	1,500.00

NEW BUILDINGS

1—Children's Building Completion	25,000.00
2—New Infirmary	125,000.00
3—Water Softening Plant	6,000.00
4—Cattle Barn	2,000.00
5—Addition to Garden House	1,000.00
6—Tunnel to Infirmary and Repiping Same	8,000.00

EQUIPMENT

1—Equipment for New Infirmary	\$ 10,000.00
2—Increase of Laundry Equipment	5,000.00
3—Refrigerator for Infirmary	2,000.00
4—Elevator for Infirmary	6,000.00
5—Vault for Office	1,500.00

MISCELLANEOUS ITEMS

1—Purchase of Additional land	1,500.00
Total	<u>\$333,000.00</u>

Approved February 28, 1927.

CHAPTER 63

(H. B. No. 35—Committee on Appropriations)

UNIVERSITY

An Act Making an Appropriation to Pay for the General Maintenance, Improvements and Repairs, New Building, Equipment, Public Health Laboratories, Lignite Testing, Clay Testing and Miscellaneous Expenses of the State University at Grand Forks, 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 \$1,338,210.00, or so much thereof as may be necessary to pay the general maintenance of the State University at Grand Forks, North Dakota, together with improvements and repairs, new building, equipment, miscellaneous items, public health laboratories, lignite testing and clay testing, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

MAINTENANCE, EDUCATION DEPARTMENT

1—College of Engineering	\$145,800.00
2—College of Liberal Arts	290,770.00
3—School of Commerce	53,110.00
4—School of Education	161,870.00
5—School of Law	49,700.00
6—School of Medicine	43,900.00
7—Military & Physical Training for Men	29,560.00
8—Library	41,240.00
9—Summer Session	35,000.00
10—Office of Dean of Men	9,160.00
11—General Educational Service	15,000.00
12—Dispensary	4,000.00
13—Leaves-of-Absence	4,000.00
Extension Division	\$ 35,000.00

MAINTENANCE, ADMINISTRATION

1—President's Office	\$ 24,500.00
2—Business Office	22,200.00
3—Registrar's Office	20,000.00
4—Stenographic Bureau	11,400.00
5—Telephone & Telegraph	10,200.00
6—Publicity, Printing, Publications	7,000.00
7—Divisional Expense	1,000.00

MAINTENANCE, PHYSICAL PLANT

1—Grounds & Property	14,500.00
2—Bldgs., Mtce., including Janitors, Repairs, etc.....	53,000.00
3—Power Plant, Labor, Repairs, Equipment & Supplies	42,000.00
4—Power Plant, Fuel	64,000.00
5—Office of Supt. of Bldgs. & Grounds, including Plumbers, Painters, Carpenters, Janitor Supplies, etc.	43,300.00
Total Maintenance	\$1,231,210.00
Less Estimated Income	268,000.00
Net Maintenance	\$963,210.00

IMPROVEMENTS AND REPAIRS

1—Remodeling Macnie Hall for Home Economics Dept.	10,000.00
2—Moving Boarding Department	2,000.00
3—Converting Commons Bldg. into Library Bldg. a. Construction Work	16,500.00

b. Equipment and Moving	1,500.00
c. Library Stacks	20,000.00
4—Campus Lighting Extension	1,200.00
5—Sidewalks	500.00
6—Concrete Curbs in front of principal buildings.....	2,000.00
7—Repairing Armory Roof and Ceiling and Inside Painting	2,000.00

NEW BUILDINGS

1—Arts Building	225,000.00
2—Equipment	8,000.00

EQUIPMENT

1—Signal and Clock Extensions	400.00
2—Cooling System for Boarding Dept.	5,000.00
3—Laboratory Equipment for Mining Engineering, Metal and Industrial Chemistry	3,500.00

MISCELLANEOUS

1—Insurance	
a. Fire	19,000.00
b. Tornado	2,800.00
c. Workmen's Compensation	1,200.00
2—Special Taxes	5,800.00
3—Memorial Field	2,000.00

PUBLIC SERVICE

1—Public Health Laboratories	
a. Main Laboratory	19,000.00
b. Bismarck Branch	7,800.00
c. Minot Branch	6,800.00
d. Fargo Branch	5,000.00
2—Clay Testing	4,000.00
3—Lignite Testing and Investigation	10,000.00
Total	\$ 52,600.00
Less Local Income	6,000.00
Net, Public Service	46,600.00
Total For All Purposes	\$1,338,210.00

Approved March 4, 1927.

CHAPTER 64

(S. B. No. 34—Committee on Appropriations)

VALLEY CITY NORMAL

An Act Making an Appropriation for the General Maintenance, Improvements and Repairs, Equipment and Miscellaneous Items of the State Normal School at Valley City, North Dakota.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$350,563.00, or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, equipment, loan from the Bank of North Dakota, and miscellaneous items of the State Normal School, Valley City, North Dakota, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

SALARIES AND WAGES

Administration, Faculty and Other Employees\$348,000.00

OPERATING EXPENSE

1—Fuel (including freight)	30,000.00
2—Light, Power, Water, Gas	3,500.00
3—Telephone, Telegraph, Postage	2,000.00
4—Freight and Express	1,500.00
5—Insurance, Bonds, Etc.	9,360.00
6—Printing (Stationery, Catalogs, Advertisement).....	3,000.00
7—Travel	400.00
8—Office Supplies	600.00
9—Educational Supplies	7,000.00
10—Power House Supplies	2,500.00
11—Janitor's Supplies	4,000.00
12—Student's Welfare	2,000.00

Total Maintenance	\$413,860.00
Less estimated income, I & I, Inst. Coll., etc.	125,000.00

Net Maintenance	\$288,860.00
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IMPROVEMENTS AND REPAIRS

1—General Repairs	\$ 10,000.00
2—Special Repairs to Industrial Arts Building.....	9,000.00
3—Heating Plant Repairs and Additions	20,000.00
4—Care and Improvement of Grounds, Drives and Walks	2,000.00

EQUIPMENT

1—Library, Books, Periodicals, Binding and Supplies	3,000.00
2—Furniture, Apparatus and Machinery	3,000.00
3—Furniture for Dormitories	1,000.00

MISCELLANEOUS

1—Paving Normal Avenue (Due August 15, 1928)....	1,883.00
2—Paving Euclid Avenue (Due August 15, 1928).....	3,670.00
3—Loan of \$7,500.00 from the Bank of North Dakota with interest at 6% from November 1, 1925, to April 1, 1927	8,150.00
The \$8,150.00 to pay loan from Bank of North Dakota to be available April 1, 1927.	

Total\$350,563.00

Approved March 5, 1927.

CHAPTER 65

(H. B. No. 21—Committee on Appropriations)

FIRE INSURANCE TAX FOR FIRE DEPARTMENTS

An Act Making an Appropriation for the Purpose of Paying Insurance Tax to the Various Fire Departments of the State, in Compliance With the Provisions of Section 3993 to 3998, inclusive, of the Compiled Laws for 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$100,000.00, or so much thereof as may be necessary to comply with the provisions of Section 3993 to 3998, inclusive, of the Compiled Laws of North Dakota for the year 1913 relating to the payment of premiums received upon policies issued upon property, to various fire departments, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 16, 1927.

CHAPTER 66

(H. B. No. 45—Committee on Appropriations)

C. E. LOUNSBURY

An Act Making an Appropriation to Pay C. E. Lounsbury, Wahpeton, North Dakota, Balance Due Him for Witness Fees, Mileage and Attorney's Fees in the Investigation of the State Highway Commission.

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

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

sum of \$291.10, to pay balance due C. E. Lounsbury for witness fees, mileage and attorney's fees in the investigation of the State Highway Commission as prescribed by Chapter 34, Laws of 1925.

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

Approved March 1, 1927.

CHAPTER 67

(H. B. No. 29—Committee on Appropriations)

MINIMUM WAGE DEPARTMENT

An Act Making an Appropriation for the Purpose of Paying Salary, and Miscellaneous General Expenses of the Department of Minimum Wage.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,090.00, or so much thereof as may be necessary to pay salary and all miscellaneous and general expenses in carrying out the provisions of Chapter 174, Laws of 1919, and amendments thereto, relative to Minimum Wage for the biennium beginning July 1st, 1927, and ending June 30, 1929, to-wit:

Salary—Secretary	\$3,240.00
Postage	250.00
Office Supplies	100.00
Printing	300.00
Miscellaneous	100.00
Travel Expense	600.00
Hearings, Conferences, Witness and Legal Fees	500.00
Total	\$ 5,090.00

Approved March 5, 1927.

CHAPTER 68

(H. B. No. 253—Committee on Appropriations)

MOTOR VEHICLE REGISTRATION

An Act to Amend and Re-enact Sub-section B of Section 2976t15 of Supplement to the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Sub-section B of Section 2976t15 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2976t15. (B) A sum not to exceed \$340,000.00 for the biennium ending June 30, 1929, is hereby set apart and appropriated from said State Highway Fund for the following purposes, namely:

To defray the expenses of the State Highway Commission in maintaining the Motor Vehicle Registration Department the sum of \$122,870.00, or so much thereof as may be necessary, to-wit:

Salary	\$ 4,800.00
Clerkhire	28,820.00
Postage	38,500.00
Office Supplies	750.00
Furniture and Fixtures	1,500.00
Printing	5,000.00
Miscellaneous	
Light and Power	1,500.00
Travel Expense	1,000.00
Special Agents	2,000.00
License Tags	35,000.00
Refund Account	1,000.00
Rent and Janitor	3,000.00
Total	<u>\$122,870.00</u>

To defray the expenses of the State Highway Department in carrying out the provisions of this act, and in carrying out the provisions and purposes of the State Highway Commission Act, and co-operating with the Federal Government under the Act of Congress approved July 11, 1916 (Public No. 156) entitled "An act to provide that the United States shall aid the states in the construction of rural postroads and for other purposes," and in carrying out the provisions of any other law imposing duties or conferring powers on said commission, the remainder of said sum of \$340,000.00 or so much thereof as may be necessary.

Not later than August 1st of each year next preceding the session of the Legislative Assembly, the State Auditor shall send to the Secretary of the State Highway Commission a suitable blank form to be filled out by said Secretary, with an itemized statement of the amount of money which said commission considers necessary for the proper maintenance and operation of his department, during the two fiscal years next ensuing. The said Secretary shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the Legislative Assembly, to the State Auditor, together with such data and statements as may be necessary to fully and clearly explain the

purposes and need of any appropriation which is requested by the said State Highway Department for the purposes covered by this sub-section.

Approved March 5, 1927.

CHAPTER 69

(S. B. No. 8—Committee on Appropriations)

NATIONAL GUARD

An Act Making an Appropriation to Provide Funds for the Maintenance of the North Dakota National Guard or State Militia, as Provided for Under Chapter 35 of the Political Code of the Compiled Laws of North Dakota, for the year 1913, and to Meet Other Requirements Prescribed by the Federal Statutes.

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 \$60,000.00 or so much thereof, as may be necessary to provide proper maintenance for the North Dakota National Guard or State Militia, as prescribed in Chapter 35 of the Political Code of the Compiled Laws of North Dakota for the year 1913, and to meet other requirements prescribed by the Federal Statutes, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 19, 1927.

CHAPTER 70

(H. B. No. 18—Committee on Appropriations)

PUBLIC HEALTH DEPARTMENT

An Act Making an Appropriation for the Purpose of Paying Salary, Clerkhire and General Expenses of the Department of Public Health.

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 \$40,500.00, or so much thereof as may be necessary to pay the salary, clerkhire and all miscellaneous items and expenses for the Department of Public Health, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary—State Health Officer	\$ 7,200.00
Vital Statistics	
Statistician	3,600.00
Two Clerks	4,800.00
Child Hygiene and Public Health Nursing to meet aid granted by Shepherd-Towner Bill	
Director	3,000.00

Preventable Diseases and Venereal Diseases	
Director	6,000.00
Clerk	2,400.00
Postage	1,000.00
Office Supplies	1,000.00
Furniture and Fixtures	1,000.00
Printing	2,500.00
Miscellaneous	1,000.00
Travel Expense	2,500.00
Card Indexing and Binding Certificates of Birth, Death and Marriages	
Two Clerks	4,000.00
Binding	400.00
Printing	100.00
 Total	 \$ 40,500.00

Approved March 5, 1927.

CHAPTER 71

(H. B. No. 47—Committee on Appropriations)

PRESIDENTIAL ELECTORS

An Act Making an Appropriation to Pay the Expenses and Per Diem of Presidential Electors as Prescribed by Section 1038 of the Compiled Laws of 1913.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$500.00, for the biennium, or so much thereof as may be necessary to pay the expenses and per diem of Presidential Electors as prescribed by Section 1038 of the Compiled Laws of North Dakota for 1913.

Approved February 21, 1927.

CHAPTER 72

(S. B. No. 7—Committee on Appropriations)

MISCELLANEOUS REFUNDS

An Act Making an Appropriation for the Purpose of Refunding Money Erroneously Paid Into or Credited to the General Fund.

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

§ I. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$6,000.00, or so much thereof as may be necessary for the purpose of making certain refunds out of the General Fund and

which is known as the Miscellaneous Refunds account, used for the purpose of refunding money erroneously paid into or credited to the General Fund.

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

Approved February 19, 1927.

CHAPTER 73

(H. B. No. 227—Helbling, Freeman and Fowler)

AGRICULTURAL FAIRS

An Act Making an Appropriation for Agricultural Fair Purposes and Providing for the Division, Expenditure and Disbursement Thereof.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds in the Treasury of the State of North Dakota not otherwise appropriated the sum of Thirty-five Thousand (\$35,000.00) Dollars for Agricultural Fair purposes to be divided, expended and disbursed as follows:

The sum of Ten Thousand (\$10,000.00) Dollars, payable Five Thousand (\$5,000.00) Dollars July 1st, 1927, and Five Thousand (\$5,000.00) Dollars July 1st, 1928, to the North Dakota State Fair Association for Grand Forks to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits of fairs held by said Association in each of said years.

The sum of Ten Thousand (\$10,000.00) Dollars, payable Five Thousand (\$5,000.00) Dollars July 1st, 1927, and Five Thousand (\$5,000.00) Dollars July 1st, 1928, to the North Dakota State Fair Association for Fargo to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said Association in each of said years.

The sum of Ten Thousand (\$10,000.00) Dollars payable Five Thousand (\$5,000.00) Dollars July 1st, 1927, and Five Thousand (\$5,000.00) Dollars July 1st, 1928, to the Missouri Slope Agricultural and Fair Association for Mandan to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said Association in each of said years.

The sum of Five Thousand (\$5,000.00) Dollars, as an additional appropriation, payable Two Thousand Five Hundred (\$2,500.00) Dollars July 1st, 1927, and Two Thousand Five Hundred (\$2,500.00) Dollars July 1st, 1928, to the North West Agricultural, Live Stock and Fair Association at Minot to be expended for maintenance and premiums for live stock, poultry and agricultural exhibits at fairs held by said Association in each of said years.

Approved March 10, 1927.

CHAPTER 74
(H. B. No. 76—Oberg)

WASHBURN BRIDGE SURVEY

An Act to appropriate the sum of \$3,000.00 from any moneys in the State Highway Fund, for the purpose of making a preliminary survey and sounding of the Missouri River at or near Washburn, North Dakota, to determine the advisability and feasibility of constructing a bridge across said river between the city of Washburn in McLean County and the city of Center in Oliver County, under the provisions of subsection C of section 2976t15 of the Supplement to the Compiled Laws of 1913.

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

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under subsection C of section 2976t15 of the Supplement to the Compiled Laws of 1913, the sum of \$3,000.00 or so much thereof as may be necessary, for the purpose of making a preliminary survey and sounding of the Missouri River and approaches thereto at or near Washburn in McLean County for the purpose of determining the advisability and feasibility of building and constructing a bridge across said river between the cities of Washburn in McLean County and Center in Oliver County, North Dakota.

Approved March 1, 1927.

CHAPTER 75
(S. B. No. 42—Committee on Appropriations)

VETERINARY MEDICAL EXAMINERS

An Act making an appropriation to pay the expenses of the State Board of Veterinary Medical Examiners as authorized under section 2711 to 2720, inclusive, of the Compiled Laws of North Dakota for the year 1913.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$885.00, or so much thereof as may be necessary to pay per diem, salary, clerkhire, travel and miscellaneous expenses of the State Board of Veterinary Medical Examiners as authorized under sections 2711 to 2720, inclusive, of the Compiled Laws of 1913, for the biennium beginning July 1st, 1927, and ending June 30th, 1929.

Approved February 10, 1927.

CHAPTER 76

(H. B. No. 20—Committee on Appropriations)

VOCATIONAL EDUCATION AND REHABILITATION

An Act Making an Appropriation for the Purpose of Carrying Out the Provisions of Chapter 203 of the Session Laws of 1919 and Chapter 115 of the Session Laws of 1921, Relating to Vocational Education and Vocational Rehabilitation.

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 \$27,150.00, or so much thereof as may be necessary to pay the expenses of carrying out the provisions of Chapter 203 of the Session Laws of 1919 and Chapter 115 of the Session Laws of 1921, relative to Vocational Education and Vocational Rehabilitation, for the biennium beginning July 1st, 1927, and ending June 30th, 1929, to-wit:

Salary	\$ 3,000.00
Postage	150.00
Office Supplies	100.00
Printing	400.00
Miscellaneous	100.00
Travel Expense	1,400.00
Aid to Vocational Schools	8,000.00
Civilian Vocational Rehabilitation	14,000.00
Total	\$ 27,150.00

Approved March 1, 1927.

CHAPTER 77

(S. B. No. 11—Committee on Appropriations)

WOLF AND MAGPIE BOUNTY

An Act Making an Appropriation for the Purpose of Paying a Bounty on Wolves and Coyotes as Provided for Under Chapter 145 of the Session Laws of 1923, and Magpie Bounty as Provided for by Chapter 144 of Session Laws of 1923.

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 \$75,000.00, or so much thereof as may be necessary for the purpose of paying the bounty on wolves and coyotes as prescribed under Chapter 145 of the Session Laws for the year 1923, and magpie bounty as provided for by Chapter 144, Session Laws of 1923.

Approved March 3, 1927.

DEFICITS

CHAPTER 78

(H. B. No. 17—Committee on Appropriations)

MOTOR VEHICLE REGISTRATION—DEFICIT

An Act Making an Appropriation to Provide for the Payment of an Existing Deficit in the Department of Motor Vehicle Registration.

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 credited to the State Highway Fund under paragraph 4 of Section 11, of Chapter 44, Laws of the Special Session of North Dakota for the year 1919, as amended by Section 2 of Chapter 167, Session Laws of 1925, not otherwise appropriated, the sum of \$25,800.00, or so much thereof as may be necessary to pay an existing deficit in the Department of Motor Vehicle Registration, to June 30th, 1927, to-wit:

Clerkhire	\$ 4,600.00
Postage	9,500.00
Office Supplies	300.00
Furniture and Fixtures	500.00
Printing	2,500.00
Miscellaneous, Light and Power	400.00
License Tags	6,500.00
Rent and Janitor	1,500.00
 Total	 \$ 25,800.00

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

Approved March 3, 1927.

CHAPTER 79

(S. B. No. 112—Committee on Appropriations)

DEPARTMENT OF PUBLIC INSTRUCTION—DEFICIT

An Act to Provide for the Payment of an Existing Deficit in the Department of Public Instruction.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$5,350.00, or so much thereof as may be necessary to pay the existing deficit, and for the purpose of carrying on the work of the Department of Public Instruction, from January 1, 1927, to June 30th, 1927, to-wit:

Travel Expense, State Superintendent	\$ 300.00
Printing	2,000.00
Eighth Grade and High School Examination	2,500.00
Travel Expense, High School Inspector	300.00
For Parent-Teacher Association Work	250.00
	\$ 5,350.00
Total	\$ 5,350.00

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

Approved March 5, 1927.

CHAPTER 80

(S. B. No. 113—Committee on Appropriations)

TRAINING SCHOOL—DEFICIT

An Act Making an Appropriation to Provide for the Payment of a Deficit in the General Maintenance Fund of the State Training School at Mandan, 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 \$40,000.00 for the purpose of paying a deficit in the General Maintenance Fund of the State Training School at Mandan, North Dakota.

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

Approved March 5, 1927.

CHAPTER 81

(S. B. No. 78—Committee on Appropriations)

WOLF BOUNTY FUND—DEFICIT

An Act Making an Appropriation to Provide for the Payment of a Deficit in the State Wolf Bounty Fund.

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

§ 1. APPROPRIATIONS.] There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the sum of \$50,000.00, for the purpose of paying a deficit in the State Wolf Bounty Fund.

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

Approved February 28, 1927.

REPEALS

CHAPTER 82

(H. B. No. 98—Committee on Appropriations)

VOCATIONAL EDUCATION

An Act to Repeal Section 7 of Chapter 203, Session Laws 1919, Relating to Vocational Education.

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

§ 1. That Section 7 of Chapter 203, Session Laws 1919, be, and the same hereby is, repealed.

Approved February 21, 1927.

CHAPTER 83

(H. B. No. 97—Committee on Appropriations)

MINIMUM WAGE DEPARTMENT

An Act to Repeal Section 17 of Chapter 174, Session Laws 1919, Making an Annual Appropriation for the Purpose of Carrying Out the Provisions of Said Chapter.

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

§ 1. REPEAL.] That Section 17 of Chapter 174, Session Laws 1919, be, and the same hereby is, repealed.

Approved February 28, 1927.

TRANSFERS

CHAPTER 84

(H. B. No. 197—Committee on Appropriations)

AGRICULTURAL COLLEGE

An Act to Transfer the Sum of \$25,000.00 From the Fund Appropriated to the North Dakota Agricultural College for Equipment to Said College's Fund for Maintenance.

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

§ 1. The Auditor and Treasurer of the State of North Dakota are hereby authorized and directed to transfer the sum of Twenty-Five Thousand Dollars (\$25,000.00) from the fund appropriated by the Nineteenth Legislative Assembly of North Dakota to the North Dakota Agricultural College for electric light equipment to the fund appropriated for Maintenance, for said College, and when so transferred the same may be by said College used for Maintenance.

§ 2. 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 February 28, 1927.

CHAPTER 85

(H. B. No. 363—Watt)

TRANSFER \$100,000 SPECIAL BRIDGE FUND

An Act Transferring the Sum of One Hundred Thousand Dollars (\$100,000.00) From the Special Bridge Fund Provided by Subdivision (C) of Section 2976t15 of the Supplement to the Compiled Laws of North Dakota for 1913, to the General Fund of the State.

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

§ 1. That the sum of One Hundred Thousand Dollars (\$100,000.00) is hereby transferred from the special bridge fund existing under the provisions of Subdivision (C) of Section 2976t15 of the Supplement to the Compiled Laws of North Dakota for 1913, to the general fund of the State; there now being in such special fund more than said amount in excess of all sums appropriated for special bridge projects therefrom.

Approved March 1, 1927.

CHAPTER 86

(S. B. No. 26—Committee on Appropriations)

SECURITIES COMMISSION FEES

An Act to Transfer to the General Fund in the State Treasury the Balance on Hand July 1, 1927, in the Special Fund Accruing from Fees Collected by the State Securities Commission Under the Provisions of Section 22 of Chapter 182, Session Laws of 1923, the Same Being Section 5235a22 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925.

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

§ 1. That the balance on hand July 1, 1927, in the special fund accruing from fees collected by the State Securities Commission under the provisions of Section 22 of Chapter 182, Session Laws 1923, the same being Section 5235a22 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby transferred to and made a part of the general fund in said State Treasury.

Approved February 23, 1927.

CHAPTER 87

(S. B. No. 28—Committee on Appropriations)

TESTERS' LICENSE FEES

An Act to Transfer to the General Fund in the State Treasury the Balance on Hand July 1, 1927, in the Fund Accruing from Testers' License Fees Collected and Paid into the Treasury Under the Provisions of Chapter 103, Session Laws 1917, the Same Being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925.

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

§ 1. That the balance on hand July 1, 1927, in the fund accruing from testers' license fees collected and paid into the state treasury under the provisions of Chapter 103, Session Laws 1917, the same being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby transferred to and made a part of the general fund in said state treasury.

Approved February 19, 1927.

ARTESIAN WATERS

CHAPTER 88

(H. B. No. 87—Committee on Appropriations)

PRESERVATION AND CONTROL OF ARTESIAN WATERS

An Act to Amend and Re-enact Section 8 of Chapter 17, Session Laws 1921, the Same Being Section 2790b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, Relating to the Preservation and Control of Artesian Waters of this State.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 17, Session Laws 1921, the same being Section 2790b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby amended and re-enacted to read as follows:

§ 8. (Section 2790b7.) 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. 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 and Assistant State Geologist, who shall name a disinterested person as a third arbitrator, and such board shall review the matter and render final decision thereon.

Approved March 3, 1927.

AUCTIONEERS

CHAPTER 89

(S. B. No. 110—Van Arnam)

NON-RESIDENT AUCTIONEERS LICENSE

An Act Providing for the Compulsory Licensing of Non-residents Making Auction Sales Within This State; Providing for the Manner of Payment of License Fee, and Providing a Penalty for the Violation Thereof.

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

§ 1. LICENSE FEE. HOW PAID.] Any person not a resident of the State of North Dakota, selling personal property or real estate at auction within the State of North Dakota, shall, before making such sale, pay a fee of Twenty-five (\$25.00) Dollars, in the manner hereinafter provided, for each and every sale so held or conducted. Such auctioneer shall, before the making of any such sale,

pay to the treasurer of the county within which any such sale is to be held by him, the license fee hereinbefore provided. Provided, however, that the payment of such license fee shall not be required for the selling at auction of pure bred or registered live stock, nor be required from auctioneers from any state which does not require the payment of a license fee by non-resident auctioneers.

Section 2. PENALTY.] Any person not a resident of the State of North Dakota, holding any such sale without first paying the license fee hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined One Hundred (\$100.00) Dollars. Each such sale so held without the payment of such license fee, shall constitute a separate offense.

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

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

Approved February 19, 1927.

AUTO TRANSPORTATION

CHAPTER 90

(S. B. No. 246—Atkins)

AUTO TRANSPORTATION COMPANIES

An Act to Amend and Re-enact Article 55b of Chapter 38 of the Political Code of the State of North Dakota, Being Sections 2976v1 to 2976v16, both inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota, Providing for the Supervision and Regulation of the Transportation of Persons and Property for Compensation Over Any Public Highway by Motor Propelled Vehicles; Defining Auto Transportation Companies; Providing for Supervision and Regulation Thereof by the Board of Railroad Commissioners of the State of North Dakota; Providing for the Enforcement of the Provisions of This Act and for Punishment for Violation Thereof.

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

§ 1. AMENDMENT.] That Sections 2976v1 to 2976v16, both inclusive, of the Supplement to the 1913 Compiled Laws of North Dakota, being Article 55b of Chapter 38 of the Political Code of the State of North Dakota, be and the same are hereby amended and re-enacted as follows:

§ 2976v1. DEFINITION OF TERMS.]

(a) The term "Corporation" when used in this act means a corporation, company or association, or joint stock association.

(b) The term "person" when used in this act means an individual, a firm or a co-partnership.

(c) The term "Commission" when used in this act means the Board of Railroad Commissioners of the State of North Dakota, or the director of Public Works, or such other board or body as may succeed to the powers and duties now held by the Board of Railroad Commissioners.

(d) The term "auto transportation company" when used in this act means every corporation or person, their lessees, trustees, receivers or trustees appointed by any court whatsoever, owning, controlling, operating or managing any motor propelled vehicle not usually operated on or over rails, used in the business of transporting persons, and, or property for compensation over any public highway in this state; provided, that the term "auto transportation company" as used in this act shall not include corporations or persons, their lessees, trustees, receivers or trustees appointed by any court whatsoever, insofar as they own, control, operate or manage hotel busses, taxicabs or transfer trucks, operated exclusively within the incorporated limits of any city, town or village, school busses wherever operated, motor propelled vehicles operated exclusively in transporting agricultural, horticultural or dairy or other farm products from the point of production to the market, or rural mail carriers employed by the United States Government.

(e) The term "public highway," when used in this act, means every street, road, or highway in this state, and shall include any highway, state road, county road, public street, avenue, alley, driveway, boulevard, or other place built, supported, maintained, controlled or used by the public or the state, county, district, or municipal officers for the use of the public as a highway or for the transportation of persons and, or property, or as a place of travel.

(f) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route over which any Class "A" auto transportation company usually or ordinarily operates any motor propelled vehicles, even though there may be departures from the said termini or route, whether such departures be periodic or irregular. Whether or not any motor propelled vehicle is operated by any auto transportation company "between fixed termini or over a regular route" or otherwise, within the meaning of this act, shall be a question of fact, and the finding of the Commission thereon shall be final and shall not be subject to review.

(g) The word "certificate" means the certificate of public convenience and necessity authorized to be issued by the Commission, after notice and hearing, under the provisions of this act, to Class "A" auto transportation companies.

(h) The word "permit" means the permit authorized to be issued by the Commission, under the provisions of this act, to Class "B" auto transportation companies.

(i) The words "for compensation" mean for remuneration of any kind, paid or promised, either directly or indirectly.

§ 2976v2. OPERATION OF VEHICLES.] No auto transportation company, nor corporation, nor person, or its or their legal representatives, shall operate on any public highway in this state any motor propelled vehicle for the transportation of persons and, or property for compensation, except in accordance with the provisions of this act.

§ 2976v3. CLASSIFICATION OF COMPANIES.] Auto transportation companies are hereby divided into two classes for the purposes of this act, to be known as Class "A" auto transportation companies, and Class "B" auto transportation companies. Class "A" auto transportation companies shall embrace all auto transportation companies operating between fixed termini or over a regular route. Class "B" auto transportation companies shall embrace all auto transportation companies not operating between fixed termini or over a regular route.

§ 2976v4. POWER OF COMMISSION; RATES.] The "Commission" of the State of North Dakota is hereby vested with power and authority and it is hereby made its duty to supervise and regulate every auto transportation company in this state subject to the provisions of this act; to fix just, fair, reasonable, sufficient and non-discriminatory rates, fares, charges, classifications, rules and regulations of each auto transportation company; to alter rates, rules and regulations; to regulate the accounts, service, rates of speed of such auto transportation company and safety of operations of each such auto transportation company; to require the filing of annual and other reports, tariffs, schedules, or other data by such auto transportation companies; and to supervise and regulate auto transportation companies in all other matters affecting the relationship between such auto transportation companies and the traveling and shipping public. The Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all such auto transportation companies; and within such limits shall have power and authority to make orders and to prescribe rules and regulations affecting auto transportation companies.

The Commission may, at any time, by its order duly entered after a hearing had upon notice to the holder of any certificate hereunder, and an opportunity to such holder to be heard, at which it shall be proved that such holder wilfully violates or refuses to

observe any of its proper orders, rules or regulations, or any provisions of this act, suspend, revoke, alter or amend any certificate issued under the provisions of this article, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of this Commission as is provided for in Section 2976v10 of this article.

The Commission shall have power and authority, by general order or otherwise, to prescribe rules and regulations in conformity with this act, applicable to any and all auto transportation companies. All rules and regulations in relation to schedules, service, tariffs, rates, facilities, accounts and reports shall have due regard for the difference existing between Class A and Class B auto transportation companies as herein defined, and shall be just, fair and reasonable as to said two classes of companies in their relation to each other, to the public, and to other common carriers.

In fixing the tariffs or rates to be charged for the carrying of persons and, or property, the Commission shall take into consideration, among other things, the kind and character of service to be performed, the public convenience and necessity therefor, and the effect of such tariffs and rates upon other common carriers, if any, and as far as possible avoid detrimental or unreasonable competition with existing transportation service.

No time schedule, tariff or rates shall be put into effect or be changed or altered except upon hearing duly had and an order therefor by the Commission. Notice of such hearing shall be served upon any competing auto transportation company or railroad; provided, however, that in case of an emergency or where application is made for minor or unimportant alterations of time schedules the Commission may, in its discretion, authorize the changing or alteration of time schedules without a hearing, and prior to the service of such notice, but in that event notice shall be served within a reasonable time after such action on the part of the Commission and any competing auto transportation company or railroad affected by such change may, upon application, be entitled to a hearing upon such alteration or change.

No auto transportation company shall charge or demand or collect or receive a greater or less or different compensation for the transportation of persons and, or property, or for any service in connection therewith, than the rates, fares and charges which have been duly approved therefor by an order of the Commission; nor shall any auto transportation company refund or remit in any manner or by any device, any portion of the rates, fares and charges required to be collected by the Commission's order, nor extend to any shipper or person any privilege or facilities in the transportation of persons and, or property, except such as have been provided for by an order of the Commission.

§ 2976v5. CONSENT OF COMMISSION TO OPERATION: CERTIFICATE, TERMS AND CONDITIONS.] No auto transportation company shall hereafter operate for the transportation of persons and, or property for compensation, between fixed termini or over a regular route in this state, without first having obtained from the Commission, under the provisions of this act, a certificate declaring that public convenience and necessity require such operation. Any right, privilege, permit or certificate held, owned or obtained by any auto transportation company, may be sold, assigned, leased, transferred or inherited as other property, only upon authorization by the Commission. The Commission shall have power, after notice and hearing, when the applicant requests a certificate to operate in a territory already served by a certificate holder under this act, to issue said certificate as prayed for, or for good cause shown to refuse to issue same, or to issue it for the partial exercise only of said privilege sought, and may attach to the exercise of the rights granted by said certificate such terms and conditions as, in its judgment, the public convenience and necessity may require.

§ 2976v6. PETITION ON APPLYING FOR CERTIFICATE OR PERMIT.] Any Class A auto transportation company making application for a certificate under this act shall file with the Commission a duly verified petition which shall specify the following matters:

1. The name and address of the applicant and the names and addresses of its officers, if any.
2. The public highway or highways over which, and the fixed termini between which, or the route or routes over which it intends to operate, if the same are fixed.
3. The kind of transportation, whether of persons or property, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of the vehicle to be used in freight traffic.
4. The proposed time schedule.
5. A schedule of the tariff or rates desired to be charged for the transportation of freight or passengers.
6. A complete and detailed description of the property proposed to be devoted to the public service.
7. A detailed statement showing the assets and liabilities of such applicant.
8. And such other or additional information as the Commission may by order require.

Any class B auto transportation company making application for a permit under this act shall file with the Commission a duly verified petition which shall specify the following matters:

1. The name and address of the applicant and the names and addresses of its officers, if any.
2. The kind of transportation, whether of persons and, or property, together with a full and complete description of the character of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage capacity of the vehicle to be used in freight traffic.
3. A schedule of the tariff or rates desired to be charged for the transportation of freight or passengers.
4. A complete and detailed description of the property proposed to be devoted to the public service.
5. A detailed statement showing the assets and liabilities of such applicant.
6. And such other or additional information as the Commission may by order require.

§ 2976v7. HEARING: FIXING TIME AND PLACE OF: SERVICE OF NOTICE OF.] Upon the filing of such petition the Commission shall fix a time and place for hearing thereon which shall not be less than ten (10) days after such filing. The Commission shall cause notice of hearing thereon to be served upon an officer or owner of any auto transportation company that, in the opinion of the Commission, might be affected by the granting of any such certificate, and upon a station agent of any railroad operating into or through any village or city located on the proposed route of the applicant, and on the State Highway Department, at least ten days before the date of the hearing, and any such railroad, auto transportation company, State Highway Department, or any other interested party may appear and offer testimony for or against the granting of such certificate. Provided, however, that permits may be issued to Class "B" carriers with or without hearing, in the discretion of the Commission.

§ 2976v8. CONSIDERATION GIVEN ON DETERMINING WHETHER CERTIFICATE SHALL BE ISSUED.] In determining whether or not a certificate should be issued, the Commission shall give reasonable consideration to the transportation service being furnished or that could be furnished by a railroad and the effect which such proposed transportation service may have upon other forms of transportation service which are essential and indispensable to the communities to be affected by such proposed transportation service or that might be affected thereby, and to the traffic already existing upon

the route proposed to be traveled and the effect that such proposed service may have upon the existing travel upon said route and the excess cost of maintaining such highway on account of the installation of such additional service, if any. The Commission shall avoid as far as possible, consistent with the public interest, the duplication of transportation service.

§ 2976V9. INSURANCE OR BOND REQUIRED.] The Commission shall, in the granting of a certificate or permit to operate any auto transportation company for transporting persons and, or property for compensation, require the owner or operator to first procure liability and property damage insurance from a company licensed to make liability insurance in the State of North Dakota or a surety bond of a company licensed to write surety bonds in the State of North Dakota, in such amounts as the Commission may fix as being adequate for the protection of the interests of the public, with due regard to the hazard and density of traffic, which insurance policy or surety bond shall guarantee the payment of any final judgment obtained against the insured for death or injury to persons or loss, or damage to property, not exceeding the amounts determined by the Commission and specified in such policy or bond, resulting from the negligence of such auto transportation company. Each policy of insurance or surety bond required, shall be filed with the Commission and kept in full force and effect, and failure to so do shall be cause for the revocation of the certificate.

§ 2976V10. COMPLAINTS; ORDERS; DECISIONS; APPEALS.] In all respects in which the Commission has power and authority under this act, applications and complaints may be made and filed with it and notices issued thereon, hearing held, opinions and decisions made and filed, petitions for rehearing filed and acted upon, and appeals from such orders and decisions may be taken by any party to the District Court of the county where such hearing was held, unless otherwise provided for in this article, in the same manner and under the same terms and conditions provided for by Sections 4609C1 to 4609C56, inclusive, Supplement to the 1913 Compiled Laws of North Dakota.

§ 2976VII. VIOLATION OF PROVISIONS.] Every officer, agent or employee of any corporation, and every other person who violates or fails to comply with, or who procures, aids or abets in the violation of any provisions of this act, or who fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement or any part or provision thereof, is guilty of a misdemeanor and punishable as such.

§ 2976VI2. FEES.] Every Class A auto transportation company now operating or which shall hereafter operate in this state

shall at the time of making application for a certificate and annually thereafter on or between April 1st and April 15th of each calendar year, pay a fee of not less than fifteen dollars (\$15.00) nor more than thirty dollars (\$30.00) to be fixed by the Commission in each instance.

Miscellaneous fees shall be as follows:

Application for transfer of a certificate of public convenience and necessity	\$5.00
Application for the mortgaging of a certificate of public convenience and necessity	5.00
Application for the issuance of a duplicate certificate of public convenience and necessity	3.00
For copies of any records of the Commission pertaining to auto transportation companies—per one hundred words or portion thereof15

All sums collected hereunder shall be turned over by the Commission to the State Treasurer, within thirty days after their receipt and be by him credited to a special fund to be used by the Commission, upon proper voucher and audit by the State Auditing Board, for the expenses of said Commission in administering the provisions of this act.

§ 2976VI3. CREATION OF AUTO TRANSPORTATION FUND.] For the purpose of carrying out the provisions of this act, there is hereby created in the State Treasury a state fund to be known as the "Auto Transportation Fund." All fees collected by the Commission as herein provided shall be paid into the State Treasury monthly and shall be credited to the said "Auto Transportation Fund."

§ 2976VI4. FEES.] Every Class B auto transportation company now operating or which shall hereafter operate in this state shall at the time of the issuance of such permit and annually thereafter on or between April 1st and April 15th of each calendar year, pay a minimum fee of \$10.00 for each motor propelled vehicle used by any such company for the transportation of persons; and, if the passenger seating capacity of such vehicle exceeds eight passengers, a further fee computed on the basis of 50 cents per passenger for such additional seating capacity shall be paid. For each motor propelled vehicle used by any such company for transporting property for hire, every such company shall pay a minimum fee of \$10.00 at the time and in the manner aforesaid; and, if the rated capacity of any vehicle exceeds three tons, an additional fee computed on the basis of \$2.00 for each additional rated ton capacity shall be paid.

§ 2976VI5. FORFEITURE OF RIGHTS.] Any auto transportation company shall forfeit all rights under a certificate issued under the provisions of this act by non-use thereof for a period of sixty days after the granting of such certificate.

§ 2976VI6. BALANCE OF STATUTE NOT TO BE AFFECTED BY UNCONSTITUTIONALITY OF ACT.] If any section, subsection, sentence, clause or phrase of this act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and does exist, and this act shall be in force and effect from and after its passage and approval.

Approved March 7, 1927.

BANKS AND BANKING

CHAPTER 91

(H. B. No. 79—Committee on Banks and Banking)

CERTIFICATES OF AUTHORITY OF BANKS

An Act to Amend and Re-enact Section 5149 of the Compiled Laws of North Dakota for 1913, Relating to the Organization of Banking Associations and Empowering the State Banking Board to Supervise and Control the Issuance of Certificates of Authority Thereto.

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

§ 1. AMENDMENT.] Section 5149 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 5149. The organization certificate shall be acknowledged before a clerk of some court of record or a notary public and shall be, together with the acknowledgment thereof, authenticated by the seal of such court or notary. The same shall thereupon be transmitted to the State Banking Board with a request for permission to present the same to the Secretary of State, with application to him for the issuance of a certificate of authority. Upon receiving such organization certificate the Board shall cause notice of the application therefor to be published in the official newspaper of the county within which such association is proposed to be established, which notice shall contain a statement of a time and place where the Board will hear such application and that any person objecting thereto may appear and show cause why such application should not be approved. At the time and place so stated the said Board shall diligently inquire whether the place where said Banking Association is proposed to be located is in need of further banking facilities and whether the proposed association is adapted to the filling of such needs, and whether the proposed incorporators are

possessed of such character, integrity, reputation and financial standing as shown by a detailed financial statement that their connection with a Banking Association will not be detrimental to the public welfare of the community in which such bank is proposed to be established. The Board shall hear any reasons advanced by the applicants why they should be permitted to organize the proposed association, and any reasons advanced by any person in opposition thereto why such association should not be permitted to be organized. At the termination of such hearing the Board shall make a brief statement in writing of its conclusions whether such association should be permitted to be organized, and if it finds that it should not, stating briefly the reasons why. A copy of such conclusions shall be either indorsed upon or attached to the organization certificate, together with the refusal or grant of permission to the proposed incorporators to present the said organization certificate to the Secretary of State. PROVIDED, HOWEVER, the determination in favor of such organization must be joined in by all the members of the Board.

If the determination of the Banking Board is in favor of the applicants, the organization certificate and permission of the Board accompanying the same, shall be recorded in the office of the Register of Deeds in the county where such Banking Association is to be established, and the same shall be transmitted to the Secretary of State and received by him, and he shall record and carefully preserve it in his office, and certify the facts to the State Banking Board, and issue a certificate of authority to the corporation, which certificate of authority shall be transmitted to and held by the state examiner until an examination is made and the certificate of the state examiner or a deputy examiner procured to the effect that the capital stock has been paid in full and that all conditions of the law have been strictly complied with. But if the determination of the Banking Board is against the said application such organization certificate must not be either recorded in the office of the Register of Deeds, or, if presented, received by the Secretary of State.

§ 2. If any part of this act granting powers to the Banking Board shall be held to be invalid, such part shall not be deemed to have been the inducement to the granting of any other powers, and shall not invalidate the act as to any such other powers.

§ 3. All acts or parts of acts inconsistent herewith are hereby repealed.

Approved February 28, 1927.

CHAPTER 92

(H. B. No. 249—Fowler)

COLLECTIONS BY BANKS AND LIABILITY

An Act to Amend and Re-enact Section 6954A1 Supplement to the 1913 Compiled Laws, Relating to the Collection of Items Through Banking Channels and Establishing the Liability of Collecting Agencies.

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

§ 1. AMENDMENT.] Section 6954A1 Supplement to the 1913 Compiled Laws is hereby amended and re-enacted to read as follows:

§ 6954A1. The Bank of North Dakota, or any national bank doing business in this state, or any state banking association as defined in Section 519A12 (519A12?) Supplement to the 1913 Compiled Laws, which shall cash, receive for application on an obligation, or for collection or deposit and credit, any check, note, or other negotiable instrument drawn upon or payable at any other bank, savings bank, trust company, or other financial institution located in another city or town, or which should be presented for acceptance or payment in another city or town, whether within or without this state, may, at its option, forward such instrument for presentment or collection directly to the bank on which it is drawn, or at which it is made payable, or may forward it through the Federal Reserve Bank, or other recognized banking agencies, and in payment of such collection such bank or other agency may accept the exchange or draft of the collecting or payor bank. Such method of collection shall, in the absence of a special agreement to the contrary, be deemed to be agreed to by the parties and the forwarding bank and successive agencies shall not be liable to the owner or depositor until actual final payment is received by the collection of such exchange or draft, and until such final collection the depositor, indorser, guarantor, or surety of any check, draft, or other instrument so received, deposited, cashed or credited, shall be liable to the bank to the extent of any money paid out or credit given by it on account of such instrument.

PROVIDED, HOWEVER, the bank and every other agency through whose hands such instrument or the proceeds thereof shall pass shall be charged with ordinary business care, and shall be liable for any lack thereof, or for any default or negligence on its part resulting in loss, but not for the default, negligence or lack of care of any other agencies, and the owner or depositor of such instrument shall have a cause of action directly against such bank, or other agencies, for his damage or loss on account of its default or lack of ordinary care.

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

Approved March 5, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—92—16—5

Senate—30—17—2

CHAPTER 93

(H. B. No. 293—Committee on Banking)

CONSOLIDATION OR MERGER OF BANKS

An Act Relating to the Consolidation or Merger of Banks.

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

§ 1. Any two or more banks may, with the approval of the State Examiner, consolidate or merge into one bank under the charter of either existing bank, on such terms and conditions as may be lawfully agreed upon by a majority of the board of directors of each bank proposing to consolidate or merge, and be ratified and confirmed by the vote of the shareholders of each such bank owning at least two-thirds of its capital stock outstanding, at a meeting to be held on the call of the directors, after sending notice to each shareholder of record by registered mail at least ten days prior to said meeting; provided, that the stockholders may unanimously waive such notice and may consent to such meeting and consolidation or merger in writing. Provided also, that the capital stock of such consolidated bank shall not be less than that required under existing law for the organization of a bank of the class of the largest consolidating bank.

The assets and liabilities of the consolidated bank shall be reported by the surviving bank. All the rights, franchises, and interest of said bank so consolidated in and to every species of property, real, personal and mixed and choses in action thereto belonging, shall be deemed to be transferred to and vested in such bank into which it is consolidated without other instrument of transfer, and the said consolidated bank shall hold and enjoy the same and all rights of property, franchises, and interests in the same manner and to the same extent as was held and enjoyed by the bank so consolidated therewith, provided, however, that the merging bank shall transfer to the surviving bank all of its real property by good and sufficient deed of conveyance and for that and other purposes shall remain a body corporate for a period of at least three years after merger and shall not then dissolve without the approval of the State Examiner.

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

Approved March 5, 1927.

CHAPTER 94

(H. B. No. 152—Thompson of Ramsey)

REGULAR & SPECIAL REPORTS BY BANKS

An Act to Amend and Re-enact Section 5167 of the Compiled Laws of 1913, as Amended by Chapter 94, Session Laws of 1925, Requiring Regular and Special Reports to the State Examiner by Banking Associations, Savings Banks and Trust Companies, and Providing Penalties for Failure to Make the Same.

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

§ 1. AMENDMENT.] That Section 5167 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 94, Session Laws of 1925, is hereby amended and re-enacted to read as follows:

§ 5167. REGULAR AND SPECIAL REPORTS. PENALTIES FOR FAILURE TO MAKE.] Every banking association, savings bank, and trust company organized under this Chapter, shall make three or more reports each year to the State Examiner, the number to be determined by the State Banking Board, in such form as the State Banking Board shall prescribe; such forms to be as nearly as possible like those prescribed by the comptroller of the currency for similar reports for national banks. Such reports shall exhibit in detail, under appropriate heads, the resources and liabilities of the association at the close of the business on a past day by him specified, which shall if practicable, be the same day for which similar reports are required from national banking associations within the state by the comptroller of the currency of the United States. Each report must be verified by the oath of the president or the cashier and attested as correct by at least two of the directors, and must be transmitted to the examiner within seven days after receipt of the request for the same, and an abstract of not less than three of such reports in a form prescribed by the board, shall be published, at the expense of the association, in some newspaper in the city, town or village where such bank is located, and in case there is no such newspaper then in a legal newspaper of the county in which such association is located. The State Banking Board shall also call for a special report from any association whenever in their judgment the same is necessary in order to obtain full and complete knowledge of its condition. Every association which fails to make and transmit any report required in pursuance of this section, shall forfeit and pay to the state a penalty of two hundred dollars for each delinquency.

Approved February 28, 1927.

CHAPTER 95

(H. B. No. 81—Committee on Banks and Banking)

LIMITATION OF BANK LOANS

An Act to Amend and Re-enact Section 5172 of the Compiled Laws of North Dakota for 1913, Relating to the Limits of Loans by Banking Associations.

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

§ I. AMENDMENT.] Section 5172 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 5172. LIMIT OF LOAN TO ONE CONCERN.] The total liability to any Association of any person, corporation, company or firm, including in the liabilities of the firm the liabilities of the several members thereof for money borrowed and paper of the same parties as makers thereof purchased, shall not at any time exceed fifteen per cent of the capital stock and surplus of such Association actually paid in when such surplus does not exceed twenty per cent of the capital stock; and if such surplus exceeds twenty per cent but does not exceed fifty per cent, such liability shall not exceed twelve and a half per cent of the capital stock and surplus; and if such surplus exceeds fifty per cent of the capital stock such liability shall not exceed ten per cent of the amount of the capital stock and surplus. But the discount of bills of exchange drawn in good faith against actual existing values, or loans upon produce in transit or actually in store as collateral security—(provided that all paper relating to such transactions be made payable to and such paper and security therefor be and remain in the possession and control of such Association until the advance or debt be paid)—shall not be considered as money borrowed and such Association may discount commercial or business paper actually owned by the person negotiating the same without it being deemed an addition to the loan to said negotiator.

PROVIDED FURTHER, HOWEVER; That the liability which may be permitted to exist against any Association, corporation, person, company or firm, as hereinbefore provided, shall not be lessened at any time by the increase of surplus, nor be less than the liability permitted by law when this act takes effect.

Approved February 28, 1927.

CHAPTER 96
(S. B. No. 237—Ettestad)

SECURED SAVINGS DEPOSITS

An Act Relating to Banks, Providing for Secured Savings Deposits, Fixing the Reserve, Limiting the Investment of Such Deposits, Exempting the Same from the Depositor's Guaranty Fund Law, Establishing a First Lien on General Assets, Providing Notice of Withdrawal, the Keeping of Separate Books and Records, and Providing a Penalty for the Violation of the Provisions Hereof.

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

§ 1. SECURED SAVINGS DEPOSITS; ESTABLISHED; LIMIT OF AMOUNT; INTEREST.] Any bank or trust company may establish a class of deposits to be known as "Secured Savings Deposits," which shall not exceed in amount for any one depositor the sum of Five Hundred Dollars. Interest thereon shall not be promised or paid, either directly or indirectly, to such depositor in excess of two and one-half per cent per annum, but the same may be compounded quarterly or semi-annually.

Such banks shall maintain and keep as cash reserve an amount which shall equal ten per cent of its total Secured Savings Deposits, four-fifths of which amount shall, as nearly as practicable, consist of balances due from reserve agents to be approved by the State Banking Board, and carried in the name of such bank in an account entitled "Secured Savings Account of Bank of, N. Dak.," and as nearly as practicable, not exceeding one-fifth of such reserve provided for herein may be kept in another department of such bank.

§ 2. INVESTMENTS RESTRICTED.] Any bank having Secured Savings Deposits shall invest the deposits received in such department only in bonds or certificates of indebtedness of the United States, the State of North Dakota, any County or School District within the State, or such other political subdivisions of the state, the bonds and certificates of indebtedness of which may, from time to time, be approved for investment of such deposits by the State Banking Board.

§ 3. RESERVE AND INVESTMENTS TO BE KEPT SEPARATE; PLEDGING OR LOANING ASSETS PROHIBITED.] The reserve, bonds and investments belonging to the Secured Savings Department of any such bank shall be kept separate and apart from the other reserves, bonds, investments, loans and discounts of the bank, and shall be applicable only to the repayment of such Secured Savings Deposits, and shall not be pledged, loaned or hypothecated as security for loans of such bank or otherwise, excepting as permitted by section one of this act.

§ 4. PROTECTION REMOVED WHERE HIGHER INTEREST RATE PAID; SECURED DEPOSITS NOT SUBJECT TO DEPOSITORS GUARANTY FUND LAW.] The protection provided for in this act to depositors hereunder shall not apply to a depositor who accepts, either directly or indirectly or by whatever device, interest or compensation upon such deposit of a higher rate than provided for in section one herein, but he shall in such event be treated and considered as a common creditor of such bank. The deposits received by any bank under this act shall not be subject to the provisions of the Depositors Guaranty Fund Law, and the amount thereof shall not be included in making return for assessment for account of such Fund.

§ 5. FIRST LIEN ON BANK'S GENERAL ASSETS; EXCEPTION.] The amount of the cash reserve standing to the credit of the Secured Savings Department in any such bank shall be, and is hereby declared to be, secured by a first and paramount lien upon the assets of such bank in favor of such Secured Savings Depositors; save and except funds deposited in such institution belonging to the estate of any insolvent bank, deposited therein by the Receiver or other person officially in charge, which shall have preference over all other claims. In the event of the closing of any bank having Secured Savings Deposits, if it shall appear that such deposits or investments have been wrongfully mingled with the other assets of such bank, or, except as otherwise hereinbefore provided, that such reserves and investments have not been maintained separately, but have been unlawfully co-mingled, such Secured Savings Deposits shall be deemed to be especially secured by a first and paramount lien upon all the other assets of such bank as in this section provided.

§ 6. DEPOSITS; NOTICE OF WITHDRAWAL; RULES AND REGULATIONS TO RECEIVE APPROVAL OF STATE BANKING BOARD.] Deposits received under the provisions of this act shall be paid to the order of the depositor or his representative and shall be kept, maintained and paid out, with interest as herein provided for, under such rules and regulations as the Boards of Directors from time to time prescribe, not inconsistent with the provisions of this act and of the banking laws of the state, and shall be effective upon approval of the State Banking Board, and which shall be printed in a pass book furnished the depositor, and also conspicuously posted in the lobby of the bank in some place accessible and visible to all, and no changes which may at any time be made in such rules and regulations affecting the rights of depositors acquired previously thereto in respect to the deposits or interest thereon shall be operative until approved by the State Banking Board nor until sixty days after the posting of such change; provided, however, that in order to prevent loss to the depositor, by enforced sale of securities below their real value, it shall be lawful for the directors in their discretion, to require notice of one week before the withdrawal of any part of any secured savings deposit of more than twenty dollars and not exceeding one hundred

dollars; of two weeks before the withdrawal of any part of any deposit of more than one hundred dollars and not exceeding two hundred fifty dollars; of three weeks before the withdrawal of any part of any deposit of more than two hundred fifty dollars and not exceeding five hundred dollars, and in case where the deposit has been made on certificate for a definite time and the depositor fails to withdraw the same within ten days after such definite time, then notice for withdrawal may be required as prescribed above, and provided, further, that the directors of any such bank may, and by the written consent of the State Banking Board shall, make any changes deemed necessary in regard to the notices heretofore required to be given by the depositor for the withdrawal of their deposits, by extending the time that notice shall be given by any depositor for the withdrawal of all such deposits, to a period of time not exceeding three months, and provided, further, that the directors may limit the aggregate amount that any depositor may deposit to such sum as they deem expedient to receive, not exceeding the amount limited under section one of this act, and may in their discretion refuse to receive any deposit, and may also, at any time, return all or any part of any deposit and the accrued interest thereon to any depositor without notice.

§ 7. SEPARATE BOOKS TO BE KEPT; REPORTS TO STATE EXAMINER.] Every bank which shall establish and maintain a Secured Savings Department, shall be required to keep separate books and records of the deposits made therein, and of the investments made and belonging to such department, and shall be required to make reports of the condition of such department to the State Examiner on the last business day of each month, and also at the time of making report of the condition of the general business of the bank, and which last mentioned report shall show separately therein the amount of such Secured Savings Deposits, investments and reserves, and upon forms prescribed and approved by the State Banking Board, and such Board may require in the published statement of condition of such bank that the same shall be set forth as separate items in such published report.

§ 8. NOT APPLICABLE UNTIL SECURED SAVINGS DEPARTMENT ESTABLISHED.] This act shall not apply to any deposit originating prior to the taking effect hereof, but shall apply only to new deposits thereafter made, nor shall this act be construed to limit or interfere with the establishing or conducting of a general savings department in State Banks and Trust companies.

§ 9. PENALTY.] Every officer, agent or clerk of any banking association who wilfully and knowingly subscribes or makes any false statements or entries in books of such association, or knowingly subscribes or exhibits any false paper with intent to deceive any person authorized to examine as to the condition of such association, or

wilfully subscribes or makes false reports, shall be punished by imprisonment in the state penitentiary not less than one nor exceeding ten years, or in the county jail not exceeding one year, or by a fine not exceeding ten thousand dollars, or by both such fine and imprisonment.

§ 10. EMERGENCY.] This act is hereby declared to be an emergency measure and shall take effect and be in force upon its passage and approval.

Approved March 5, 1927.

CHAPTER 97

(H. B. No. 80—Committee on Banks and Banking)

SURPLUS OF BANKS

An Act Providing for an Increase of Surplus of Banking Associations and Exempting Such Surplus from Taxation.

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

§ 1. From and after the first day of July, 1927, every Banking Association and trust company doing business shall semi-annually or annually, as its governing board shall deem advisable, ascertain and set apart and convert into a surplus fund at least fifty percent of its net earnings until such surplus shall equal one hundred percent of its capital stock, and no dividends shall be declared upon its stock except from the remaining fifty percent of its net earnings. Such surplus is intended to strengthen the banking associations of the state and safe-guard the depositors and it shall, therefore, be exempt from taxation and not taken into account in determining the taxable value of the shares of stock of banking associations.

§ 2. If at any time the surplus of a banking association shall fall below the highest point it shall have therefore attained, no dividends shall be declared on the capital stock until such surplus has been restored to such highest point, and until it is so restored all of the net earnings shall be converted into such surplus fund.

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

Approved February 28, 1927.

CHAPTER 98
(S. B. No. 249—Ployhar)

LIMITATION OF ACTIONS AGAINST INSOLVENT BANKS

An Act Providing a Limitation for Filing and Bringing Suit on Claims Against Insolvent Banks or Their Receivers.

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

§ 1. When any bank shall hereafter become insolvent and go into the hands of a receiver he shall give notice thereof by registered mail to every creditor whose address appears on the records of the bank, or shall be known to the receiver, within sixty days after his appointment. Any claim against such bank not presented to the receiver within two and a half years after his taking possession thereof shall be barred and cannot thereafter be presented or an action maintained thereon. In the case of any bank that has theretofore closed and gone into the hands of a receiver where notice has already been mailed substantially as provided herein, whether within sixty days from the time of the taking possession by the receiver or not, and in which any claim has not been filed, it shall be barred and cannot be presented or an action maintained thereon after two and a half years from the date of the mailing of such notice.

PROVIDED, HOWEVER: no claimant shall have less than six months after the taking effect of this Act within which to present his claim or commence an action thereon; and provided further any person bringing action on a claim against any such receiver must allege in his complaint and prove that the action is not barred under the foregoing provisions.

An emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval.

Approved March 5, 1927.

CHAPTER 99
(H. B. No. 215—Thatcher and Swett)

ADMINISTRATION AND LIQUIDATION OF INSOLVENT BANKS

An Act Relating to Banking, Regulating the Administration of the Affairs of Insolvent Banks, Providing for Their Liquidation, Vesting the Supreme Court with Jurisdiction of such Liquidation Proceedings and Requesting it to assume Original Jurisdiction in Furtherance of the Public Interest, Creating the Position of Supreme Court Commissioner, Fixing His Compensation and Defining His Powers and Authority, and Providing for the Appointment of Receivers of Insolvent Banks and Continuing Receiverships, and Making an Appropriation to Meet the Expenses Incident to Carrying Out the Purpose of This Act, and Directing the Supreme Court to Exercise its Supervisory Authority Over the District Court in Proceedings for Liquidating the Affairs of Insolvent Banks, and Providing for the Re-opening and Reorganization of Closed or Suspended Banks, and Providing for

Liquidation of Closed Banks by the Depositors Therein, and Designating a Custodian of Records and Property After Winding Up Receiverships, and Providing for the Covering into the General Fund of the State of Unclaimed Dividends.

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

§ 1. JURISDICTION OF SUPREME COURT.] The Supreme Court of the State of North Dakota is hereby given, and requested to exercise, original jurisdiction of the insolvency proceedings to liquidate and wind up the affairs of all insolvent state banks within the State, at the time of the taking effect of this Act, and all such as may become insolvent during its continuance.

§ 2. LIST OF CLOSED BANKS TO BE CERTIFIED TO ATTORNEY GENERAL.] Immediately upon the taking effect of this Act the State Examiner shall certify to the Attorney General a list of all state banks in the State now closed as insolvent, whether in the hands of Receivers, the State Examiner's office, or other trustees or agents of the State (except such banks as are now in process of liquidation by a receiver appointed pursuant to Chapter 137 Session Laws of 1923 and such receiverships shall continue and be governed by the provisions of this Act as though such appointment had been made pursuant to this act) together with a concise statement, showing the time of insolvency, the name of the Receiver in charge, and such other information as the State Examiner believes will be of importance to the Attorney General.

§ 3. PROCEEDINGS FOR WINDING UP.] Immediately upon receiving such certificate the Attorney General shall institute a proceeding in the Supreme Court entitled in the name of the State of North Dakota, for itself, and on behalf of all creditors of such banks, as plaintiffs, against all of said insolvent banks as defendants, for the purpose of declaring them insolvent and winding up their affairs as insolvent banking associations. Such proceedings shall be brought by the filing in the office of the Clerk of the Supreme Court of a complaint reciting briefly the facts as to the insolvency in each of such banks, and the name of the receiver or other officer in charge.

Upon the filing of such complaint the Attorney General shall issue a summons in the usual form of summons issued in actions in the district court of the State, and containing an additional statement to the effect that a petition charging the bank in question with being insolvent is on file in the office of the Clerk of the Supreme Court, and that unless answer is made thereto within 15 days from such service such complaint will be taken as confessed. Such summons, however, as prepared for service on individual banks need only name as a defendant, the particular bank upon which service thereof is to be made, and such service may be made upon any officer of such bank.

Service of such Summons may be made in the same manner as the service of summons in ordinary civil actions is made, and the sheriff of the county in which the bank to be served is located shall upon request of the Attorney General immediately make service, or cause service thereof to be made, as in ordinary actions, but he shall not be entitled to collect any fees or expenses for making such service and he shall make return thereof when served to the Attorney General.

§ 4. TIME TO ANSWER.] Upon the Service of the Summons as aforesaid the defendant bank shall have fifteen days within which to serve and file an Answer denying insolvency, or any other material fact stated in the petition and unless within such fifteen days such answer is served and filed the insolvency of such defendant shall be deemed confessed.

§ 5. COURT COMMISSIONER; QUALIFICATIONS; JURISDICTION; REVIEW OF DECISION OF.] Upon the taking effect of this Act the Supreme Court shall appoint a Court Commissioner who shall have all the qualifications prescribed by law for a Judge of the Supreme Court to whom it may refer any matters committed to the jurisdiction of the Court by this Act, who shall act for and on behalf of the Supreme Court in hearing evidence, finding facts and making orders in any matter arising in connection with the action or actions instituted in such court under the provisions of this Act.

Such commissioner may sit for hearing and determination of any question of law or fact that may arise in such action or actions at any place within the State, and any such hearing may be brought on upon reasonable notice given by the Commissioner to the party in interest of the time and place of such hearing, and in the exercise of the jurisdiction conferred upon him, said Commissioner may permit matters to be brought before him either upon ordinary notice served upon the parties or by order to show cause, according to the practice of the district courts.

Any decision of the Commissioner may be reviewed by the Supreme Court on the action (motion?) of any party aggrieved at such times and under such rules as the Court may prescribe, and unless objected to by motion to review as herein provided, the court may deem the decision of the Commissioner correct and without notice or application affirm the same.

Any party desiring to have a review of the decision of the Commissioner by the Supreme Court must within three days after the making of the same, if he is present personally or by counsel, or within three days after written notice thereof, if not present, file with the Commissioner a brief written statement of the grounds of his

objection and containing the post office address of the party or his attorney upon which notice of hearing shall be served. Such statement shall be filed by the Commissioner with the Clerk of the Supreme Court and Notice of the Hearing of such Motion for review shall be given to the complaining party by letter addressed to him, or his attorney at the place named in such statement. The time of giving notice of such hearing to be fixed by rule or order of the Supreme Court.

§ 6. SAME; SALARY; CLERICAL ASSISTANCE; OATH.] Such Commissioner shall be paid out of the general funds of the State the same salary as is paid to Justices of the Supreme Court and may employ such clerical assistance as shall be allowed by the Court, and shall be reimbursed by the State for all his actual expenses incurred in connection with the performance of his duties to be passed upon by the State Auditing Board as other claims against the state. Such Commissioner shall take the constitutional oath to perform his duties according to the Constitution of the United States and the State of North Dakota.

§ 7. RULES AND REGULATIONS.] The Supreme Court shall make rules and regulations from time to time governing the reference of matters to the Commissioner and the exercise of his jurisdiction and powers and the manner and method of reviewing his decision.

§ 8. RECEIVER; APPOINTMENT OF; SUPERSEDING OTHER RECEIVER.] Upon the filing of the Complaint aforesaid the Court shall appoint a Receiver, or two joint Receivers, of all said insolvent banks, which Receiver shall have all the powers and authorities ordinarily possessed and exercised by receivers of insolvent corporations or prescribed by statute and the Court shall have all the power and authority with regard to the administration and closing of the affairs of such banks as are ordinarily possessed and exercised by courts of equity over the affairs of insolvent corporations. If upon a hearing on an issue raised by answer to the complaint, it shall be established that any Bank proceeded against is not insolvent, then the Receiver shall be deemed to have been a Temporary Receiver, and shall account and be discharged accordingly as to such bank, in all other respects the Receiver shall be deemed to be a Permanent Receiver.

The Receiver so appointed by the Court shall supersede, and supplant any receiver theretofore appointed by the Banking Department, or by any other court, or any examiner or officer of the Banking Department that may be in charge of any of such banks, but until the receiver appointed under this Act shall take possession of any such bank the receiver, or other officer already in charge, shall continue, and it shall be his duty to protect, conserve and administer

its affairs to the best of his ability, and he shall remain liable under his bond for all his acts committed prior to being finally relieved of his trust.

§ 9. PROCEEDING AGAINST OTHER BANKS DEEMED INSOLVENT.] If during the life of this Act any other banking association shall be deemed insolvent by the authorities vested by law with the right to institute insolvency proceedings against the banks, and such authorities desire to institute such proceedings, they shall make report thereof to the Attorney General, with the necessary facts as to insolvency, and he shall file a complaint such as hereinbefore provided for, as to such other association or associations, as to which it is desired to institute proceedings, joining as many as is desirable in one proceeding; and the same proceedings shall be had thereon as is provided with reference to associations already insolvent, and the court shall thereupon in like manner appoint the same receiver, or receivers, for such additional association, or associations, and the original proceeding provided for herein, and all subsequent proceedings that may be taken as in this section provided shall be deemed to be merged and amalgamated into one proceeding, but the affairs of each association shall be kept separate.

§ 10. RECEIVER; APPLICATION TO COMMISSIONER FOR INSTRUCTIONS.] The Receiver appointed hereunder shall from time to time apply to the Commissioner for guidance and instructions and for the purpose of obtaining orders and directions with reference to the administration of the affairs or the disposition of the property of any of the Banks under his control, as receiver, in the same way and as far as may be practicable under the same course of procedure that receivers appointed by district courts apply to such district courts, and the receiver or any other parties aggrieved by any determination of the Commissioner may apply to the Court for a review thereof, as hereinbefore provided for.

§ 11. FIXING AMOUNT OF EXPENSES OF RECEIVERSHIP CHARGEABLE TO DIFFERENT BANKS.] At any time when the affairs of any bank under the receivership aforesaid are ready to be closed, the court shall fix the amount of the expense of the receivership properly chargeable to such bank.

§ 12. PROCEDURE.] So far as practicable, except as herein otherwise provided, and except as may be otherwise provided by the Court, the ordinary rules of procedure applicable to like actions in the district court shall govern the proceedings herein provided for; but the Court may from time to time prescribe such rules of procedure as it shall from time to time find best adapted to the furtherance of the general purpose of expeditiously and economically winding up the affairs of insolvent banks.

§ 13. COMMISSIONER: POWERS OF.] The Commissioner appointed hereunder shall have power and authority to issue subpoenas for witnesses any place within the State, and to administer oaths and to punish for contempt, to the same extent as a Judge of the District Court, subject to a review of his decision by the Supreme Court, as in case of other decisions. At any time when district court is not in session in any county, in which the Commissioner is holding a hearing, he shall have a right to take and use the court room of the district court, and he may call upon the Clerk of such District Court to act as his clerk, in issuing subpoenas, and may call upon the Sheriff of the County to act as his Court officer, and such officer shall perform such service without compensation.

§ 14. PLACE OF HEARING.] The Commissioner shall, as far as practicable, hold his hearings in the County in which the Bank interested is located, and as far as practicable and with fair regard to the convenience and interest of all parties at the most accessible point within the County.

§ 15. WITNESS FEES AND MILEAGE; WHO LIABLE.] In all hearings before the Commissioner the parties procuring the attendance of witnesses shall be liable for their witness fees and mileage, as is allowed in district court, and the Commissioner may make such order with reference to the payment of costs by the different parties as shall be just.

§ 16. JUDGMENTS; INTERLOCUTORY OR FINAL; TRANSCRIPT OF.] The Supreme Court may from time to time as occasion shall require enter interlocutory or final judgments affecting the rights of particular parties to the proceedings without affecting the rights of any other party, and any judgment so entered in the Supreme Court may be at the request of any interested party transcribed to the district court of any county in the State where it shall be docketed by the Clerk of Court, and shall from the time of docketing be taken and considered as a judgment of such district court in all things the same as though originally entered, and it may be enforced as a judgment in such court.

§ 17. APPROPRIATION.] There is hereby appropriated out of the general funds of the State the sum of \$10,000.00 per year, or so much thereof as may be necessary to pay the salary of the Court Commissioner and the expenses incident to the performance of his duties hereunder.

§ 18. TRANSFER OF PROCEEDINGS TO BURLEIGH COUNTY DISTRICT COURT; DESIGNATION OF DISTRICT JUDGE; REVIEW OF ACTS OF.] In case the Supreme Court shall be of the opinion that its

original jurisdiction does not extend to the controversy or controversies referred to in this Act, or if for any other reason the Supreme Court shall refrain from exercising its original jurisdiction with respect thereto, the proceeding shall not be dismissed, but all papers and files therein shall be transmitted to the Clerk of the District Court of Burleigh County, and that court shall be and is thereupon vested with full jurisdiction of such proceeding, and thereupon the Supreme Court, in the exercise of its supervisory jurisdiction shall designate some district judge to hear and try said controversy or controversies, and the judge so designated shall give precedence to such controversy or controversies over all other work and in the disposition thereof he shall be governed by the provisions of this Act, and endeavor in every way to carry the same into effect. The District Judge so designated shall perform all of the duties which the Act requires to be performed by the Court Commissioner, and in such case no Court Commissioner shall be appointed. In such case the acts of the District Court shall be subject to review by the Supreme Court in the same manner herein provided for review by the Supreme Court of the acts of the Court Commissioner. Provided that all acts of such district court performed under the provisions of this Act, including the appointment of a receiver, shall be subject to the supervisory control of the Supreme Court. In case of the designation of a District Judge as herein provided for, all his necessary traveling expenses incurred in carrying out the provisions of this Act shall be paid out of the general fund of the State upon vouchers duly presented, as in other cases of the expenses of District Judges. In case of the designation of a District Judge as in this Section provided, all further insolvency proceedings, in this Act hereinbefore provided to be instituted in the Supreme Court, shall be instituted in the District Court of Burleigh County, and conducted in like manner.

In case of the designation of a District Judge as in this Section provided for, the rules of procedure prescribed by the Act for the Court Commissioner shall govern the procedure before such District Judge, and the Supreme Court shall likewise make necessary rules governing the conduct of such proceeding or proceedings.

§ 19. REOPENING WITHOUT RECEIVERSHIP.] Whenever any bank shall for any reason be suspended or closed, or shall be placed on Special Deposit order by the Guaranty Fund Commission pursuant to law, if twenty-five of the depositors therein shall notify the state examiner or the secretary of the Guaranty Fund Commission, as the case may be, that they desire to attempt to reorganize or otherwise reopen or consolidate such bank with some other banking institution, a reasonable time shall be given by the state examiner or

the Guaranty Fund Commission, as the case may be, during which receivership proceedings will not be commenced; and thereupon the depositors must proceed immediately with the perfection of such plan and articles of agreement, outlining in general the proposed plan, which must be signed by deposit creditors representing eighty per cent of the amount of deposits in such bank, exclusive of deposits of public money secured by indemnity bond or otherwise. All other unsecured depositors shall be held to be subject to and bound by the terms of such agreement to the same extent as though they had joined in the execution thereof, and in case of the restoration of said bank to solvency and the re-opening thereof their claims shall be treated in all respects as if they had been parties to the making thereof. If at any time, in the opinion of the Guaranty Fund Commission or state examiner, as the case may be, reasonable progress is not being made in the attempted reorganization the grant of time to depositors may be withdrawn and receivership proceedings immediately instituted.

When eighty per cent of the depositors, as aforesaid, have joined in such agreement the same shall be presented to the Guaranty Fund Commission and the state examiner, with a full report of what has been done in adjusting the affairs of the bank in anticipation of reopening; and the state examiner and the Guaranty Fund Commission may thereupon require any further or additional things to be done that in their opinion will be necessary to place the bank in position to open and function as a going concern, and be admitted to participation in the Depositors Guaranty Fund; and the state examiner may then grant such reasonable time as seems necessary to placing the bank in such position and when the requirements of the state examiner and the Guaranty Fund Commission have been complied with said bank shall reopen and become in all things a going bank, subject to all provisions of law and regulations of the banking department and the Guaranty Fund Commission; PROVIDED, HOWEVER, at any time in the opinion of the state examiner the interests of the creditors of said bank are being jeopardized by delay he may immediately withdraw all grants of time and cause receivership proceedings to be instituted.

§ 20. REORGANIZATION AND OPENING OF BANKS.] Any bank coming under the jurisdiction of the Court as provided for in this Act, may be withdrawn from the control of the receiver hereinbefore provided for, and its reorganization and opening may be undertaken by its depositors as follows, to-wit:

A reorganization plan and articles of agreement in writing may be entered into by deposit creditors of such bank representing eighty per cent of the amount of deposits therein, exclusive of deposits of

public money secured by indemnity bond or otherwise. Thereupon all other unsecured depositors shall be held to be subject to such agreement and bound by all terms thereof to the same extent and with like effect as if they had joined in its execution, and in the event of the restoring of such bank to solvency and the reopening of it for business all depositors shall be bound to abide by the terms thereof. Such reorganization agreement shall name a committee of three, who may or may not be depositors, to put such organization into effect. The committee so named shall thereupon present said reorganization plan to the Court, with a written request, which need be in no particular form, for permission to perfect such plan and open such bank, and thereupon the Court shall fix a time and place at the earliest date the business of the Court will permit, when such request will be considered, except that it must permit of the giving of ten days notice thereof to the receiver in charge. If it shall appear to the Court upon such hearing that the committee named in such agreement is prepared to put the plan into operation and that it is in compliance with law, the application shall be granted, unless good reason to the contrary is shown by some objecting party; and an order shall thereupon be made by the Court permitting such reorganization, the withdrawal of such bank from the receivership, and the reopening thereof, when the state examiner and the secretary of the Guaranty Fund Commission shall certify that they have examined its affairs and that it is in condition to open and proceed with business as a solvent bank within the banking and Guaranty Fund statutes, and directing the receiver, upon presentation of such certificates, to turn over to the said bank, or account for all of the assets and effects thereof that have been taken possession of by him, deducting, however, the proper expenses of administration during the time the same has been in his charge, such expenses to be agreed upon by the said committee and the receiver, or in case of disagreement to be fixed by the Court. But the failure of the parties to so agree shall not delay the turning over of the assets other than those which the receiver claims to be entitled to by way of compensation, and the matter of the correctness of such claim shall be thereafter determined. Upon so delivering the assets and effects the receiver shall take the receipt of the said bank and the said committee jointly for the same and he shall thereupon be absolved from all future responsibility on account of the affairs of said bank, and the same shall thereupon become a going banking association, subject to all the rules of law and regulations applicable to other banking associations.

§ 21. LIQUIDATION BY DEPOSITORS.] When any bank shall be closed and taken charge of by the receiver, as provided for in this Act, or while proceedings are pending for taking charge thereof

under this Act, a plan for liquidation and articles of agreement may be executed in writing by deposit creditors thereof representing eighty per cent of the amount of deposits of such bank, exclusive of public money secured by indemnity bonds or otherwise; and all other unsecured depositors shall be held subject to such agreement and all of the terms thereof to the same extent and effect as if they had joined in its execution. Such agreement must provide for a liquidating committee of three, who may or may not be depositors, to be elected by the signers of such agreement, the same to be elected at a meeting held in the town where such bank is located, upon reasonable notice to each signer of the time and place of such election, and the vote of the holders of two-thirds of the amount of deposits represented in the aggregate by such signers shall be necessary to the election of each member of the liquidating committee. A full record of such election must be made in writing and signed by the chairman and secretary of the meeting, and the same must be preserved and presented to the state examiner and the Court in the proceedings hereinafter provided for.

Before the said plan and agreement are presented to the depositors for signing, as aforesaid, the same must be submitted to the state examiner, whose duty it shall be to act in an advisory capacity to the persons interested in the plan, and who shall pass upon the feasibility and practicability of the same, and either approve or disapprove thereof, and if he disapproves the plan, it shall be his duty to formulate and present in lieu thereof a plan and agreement that meet with his approval.

Upon the liquidating committee being elected as herein provided for, it shall present to the Court an application to have the liquidation of the said bank withdrawn from the receivership and vested in it, and the Court shall thereupon make an order fixing a time and place for the hearing of such application, which shall be at as early a date as is consistent with the transaction of the business of the Court, except that it shall be at a date that will permit of the giving of at least ten days' notice thereof to the receiver, which notice must be given by the applicants. Upon the hearing the Court shall advise itself fully in regard to the status of the existing receivership, the feasibility of the proposed plan, and the competency of the liquidating committee and its several members to act in the proposed capacity, and it shall have power to prescribe the terms and conditions upon which the liquidation of the affairs of such bank will be transferred from the receivership to such committee, and it may permit the applicants, with the consent of the state examiner, to modify or amend the said proposed plan. If no good reason is made to appear why the application as originally made or amended should not be granted, the Court must make its order appointing the

members of the said committee as joint receivers of said bank in the place and stead of the existing receiver, prescribe the amount of the bond, if any, they should be required to give upon qualifying as receivers, and the manner of their reporting and accounting to the Court, and directing the existing receiver to account to them and turn over all of the assets of the receivership, first deducting the proper expenses and charges for administration of the receivership up to such time, the amount thereof to be agreed upon between the existing and the new receivers, or in case of disagreement to be settled by the Court; but the failure of the parties to so agree shall not delay the transfer of the assets and effects to the new receivers, except such thereof as are claimed by the old receiver as compensation, as aforesaid, and the correctness of such claim shall be subsequently determined by the Court.

Upon so accounting and surrendering the assets and effects to the said new receivers, the existing receiver shall take their receipt therefor, and he shall be thereupon discharged from all liability and responsibility in connection with the further liquidation of such bank, and the said new receivers shall be deemed to have assumed the same liability, responsibility and accountability to the Court as other receivers.

§ 22. CONSTRUCTION OF ACT.] The provisions of this Act with reference to the withdrawal of banks from the receivership for the purpose of reorganization and opening, or for the purpose of liquidation, shall be deemed to be highly remedial in character and they contemplate the most expeditious disposal of such matters that is practicable, and shall be liberally construed to accomplish this purpose, and it shall be the duty of the Court and all other public officers having any connection therewith to give such matters preference over ordinary matters to the fullest extent that can be done without undue interference with other official and judicial business.

§ 23. CUSTODY OF RECORDS AND ASSETS AFTER TERMINATION OF RECEIVERSHIP.] When the affairs of any closed bank shall be wound up and the receiver discharged, all books, records, documents, and other property of such bank and any dividends unclaimed by the creditors of such bank shall be by such receiver delivered over to the State Examiner and his receipt taken therefor and filed with the Clerk of the Court having jurisdiction of such receivership.

The State Examiner is hereby appointed custodian of all books, records, documents, and other property of such bank and of the dividends unclaimed by creditors upon the winding up of the receivership proceedings. Such custodian shall be vested with the

title to any assets belonging to such bank and not distributed in such receivership, and he shall have full power and authority to convert such assets into cash. He shall also have authority to execute all deeds, satisfactions, assignments or other documents for the purpose of transferring such assets or for the purpose of clearing the records and quieting title to property in which said bank had an apparent interest. Any money collected by such custodian, over and above his necessary expenses, shall be distributed in the same manner as though the receivership had not been terminated. Any dividends remaining unclaimed for a period of two years from the termination of the receivership or other recoveries, shall be by said custodian covered into the Depositors Guaranty Fund of the state.

§ 24. CONSTITUTIONALITY: INVALIDITY OF PART SHALL NOT AFFECT REMAINDER.] Should any section or provisions of this Act be held unconstitutional or invalid, that shall not affect the validity of the Act as a whole or any part thereof, other than the part so held to be unconstitutional.

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

Approved March 7, 1927.

CHAPTER 100
(H. B. No. 292—Twichell)

RECORDING SHERIFF'S DEED ACQUIRED BY BANK OF
NORTH DAKOTA

An Act Relating to the Recording of Sheriff's Deeds and Other Conveyances of Real Property Acquired by the Bank of North Dakota, as Agent for the State Treasurer as Trustee of the State of North Dakota Under the Provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923, and Acts Amendatory Thereof; Prescribing the Duties of the County Auditor and Register of Deeds in Respect Thereto; and Providing that Section 2212 of the Supplement to the Compiled Laws of North Dakota for 1913 Shall Not Be Applicable Thereto.

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

§ 1. Whenever any Sheriff's deed or other conveyance of real property acquired by the Bank of North Dakota, as Agent for the State Treasurer as Trustee of the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and Acts amendatory thereof, is offered for recording, it shall

be the duty of the County Auditor to enter such transfer and the Register of Deeds to record the same without regard to the payment of any taxes due thereon; and the provisions of Section 2212 of the Supplement to the Compiled Laws of North Dakota for 1913 shall not be applicable thereto. In such case, the County Auditor shall enter on every Sheriff's deed or other conveyances so transferred, over his official signature the words, "transfer entered," and it shall thereupon be the duty of the Register of Deeds to receive and record the same.

Approved March 3, 1927.

BARBERS

CHAPTER 101
(H. B. No. 41—Cox)

BARBERS' EXAMINING BOARD

An Act to Amend and Re-enact Sections 560, 566, 567 and 571 of Article 22 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Barbers' Examining Board of the State of North Dakota; and to Provide for Said Board Adopting Rules and Regulations Relating to Sanitary Conditions in Barber Shops, Prohibiting the Occupation of Barbering Upon Certain People, and Regulating the Power of Said Board in Supervision of Barber Schools.

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

§ 1. REQUIREMENT OF REGISTRATION.] After July 1, 1927, no person, male or female, shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act, by the Board of Barber Examiners hereinafter established.

After July 1, 1927, no person, male or female, shall serve or attempt to serve as an apprentice under a registered barber without a certificate of registration as a registered apprentice by the board.

After July 1, 1927, it shall be unlawful to operate a Barber Shop unless it is at all times under the direct supervision and management of a registered barber.

§ 2. PRACTICE DEFINED.] Any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of disease or physical or mental ailments, and when done for payment either directly or indirectly), constitutes the practice of barbering: Shaving or trimming the beard or cutting the hair; Giving facial

or scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances; Singeing, shampooing or dyeing the hair or applying hair tonics; Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face, neck or upper part of the body.

§ 3. PRACTICE OF APPRENTICE.] No registered apprentice may independently practice barbering, but they may as an apprentice do any or all of the acts constituting the practice of barbering under the immediate personal supervision of a registered barber.

§ 4. EXEMPTIONS.] The following persons are exempt from the provisions of this act in the proper discharge of their professional duties:

1. Persons authorized by the law of this State to practice medicine and surgery;
2. Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service.
3. Registered Nurses.

However, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes. Provided, however, that Registered Hairdressers and Cosmetologists shall not be precluded hereby from cutting the hair of women or children, or from practicing their profession in the manner which by law may be provided.

QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBERS

§ 5. A person is qualified to receive a certificate of registration to practice barbering:

1. Who is qualified under the provisions of Section 6 of this act;
2. Who is at least 18 years of age;
3. Who is of good moral character and temperate habits;
4. Who has practiced as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber; and
5. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the Board, must continue to practice as an apprentice for an additional six months, before he is again entitled to take the examination for a registered barber.

QUALIFICATIONS FOR CERTIFICATE OF REGISTRATION AS REGISTERED APPRENTICE

§ 6. A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who is at least sixteen and one-half years of age;
2. Who is of good moral character and temperate habits;
3. Who has graduated from a school of barbering approved by the Board, and
4. Who has passed a satisfactory examination conducted by the Board to determine his fitness to practice as a registered apprentice; or who has served as an apprentice in this state, prior to the taking effect of this Act.

An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred hours, to be completed in not less than three months, of not more than eight hours in any one working day, in a school of barbering approved by the Board.

§ 7. MINIMUM STANDARD OF PROFESSIONAL EDUCATION.] No school of barbering shall be approved by the Board unless it requires as a prerequisite to graduation a course of instruction of not less than 1000 hours to be completed in not less than six months of not more than eight hours in any one working day; such course of instruction to include the following subjects: Scientific fundamentals of barbering, hygiene, bacteriology, histology of the hair, skin, nails, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, glands and nails, massaging and manipulating the muscles of the upper body, hair cutting, shaving and arranging, dressing, coloring, bleaching and tinting the hair. Provided, that no school of Barbering shall make any charge for any services which is covered and included within the practice of barbering and which may be rendered by any student in such school.

§ 8. APPLICATION FOR EXAMINATION.] Each applicant for an examination shall:

1. Make application to the board on blank forms prepared and furnished by the board, such applications to contain proof under the applicant's oath of the particular qualifications of the applicant.

2. Furnish to the Board two 5"x3" signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the Board when the applicant appears for examination;

3. Pay to the Board the required fee.

§ 9. EXAMINATIONS.] The Board shall conduct examinations of applicants for certificates of registration to practice as registered barbers and of applicants for certificates of registration to practice as registered apprentices and applicants to enter Barber Schools to determine their educational fitness, not less than four times each year at such time and place as the Board may determine.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the Board.

§ 10. ISSUANCE OF CERTIFICATES.] Whenever the provisions of this act have been complied with, the Board shall issue a certificate of registration as a registered barber or as a registered apprentice.

§ 11. PERSONS HAVING PRACTICED BARBERING IN ANOTHER COUNTRY OR STATE.] A person who is at least 18 years of age and of good moral character and temperate habits and either

1. Has a license or certificate of registration as a practicing barber from another State or Country, which has substantially the same requirements for licensing or registering Barbers as required by this Act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another State or Country for at least 5 years immediately prior to making application in this State.

Shall upon payment of the required fee be issued a permit to practice as a Journeyman barber only until he is called by the Board for examination to determine his fitness to receive a certificate of registration to practice Barbering. Should he fail to pass the required examination, he will be allowed to practice as a Journeyman Barber until he is called by the Board for the next term of examinations. Should he fail at a third examination, he must cease to practice barbering in this State.

1. A person who is at least sixteen and one half years of age,
2. Who is of good moral character and temperate habits, and has a grammar school or an equivalent education as determined by an examination conducted by the Board, and
3. Has a certificate of registration as an apprentice in a State or Country which has substantially the same requirements for registration as an apprentice as is required by this Act, shall upon payment of the required fee be issued a permit to work as an apprentice until called by the Board of Examination to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice, and the time spent in such other State or Country shall be credited upon the period of apprenticeship required by this act as a qualification to take the examination as a registered barber.

A person who has practiced as an apprentice in another State or Country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has the qualifications required in Section 6, of this Act, shall be credited with the time spent as an apprentice in such other State or Country upon the period of apprenticeship required by this act as a qualification to take the examination to determine his fitness to receive a certificate of registration as a registered barber.

§ 12. PRESENT PRACTITIONERS.] Any person, resident of this state, who either for three years immediately preceding July 1, 1927, was continuously engaged in the practice of barbering at one or more established places of business in this state or has prior to the first day of July, 1927, graduated from a school of barbering shall be granted a certificate of registration as a registered barber, without examination by making application to the Board on or before September 1, 1927, and paying the required fee.

Any person who on and prior to the 1st day of July, 1927, was practicing barbering as an apprentice under the supervision of a practicing barber in this State shall be granted a certificate of registration, to practice as an apprentice by making application to the Board on or before September 1, 1927, and paying the required fee, and shall be given credit for the time previously spent in such practice.

Any person who on or prior to July 1, 1927, was a student in a school of barbering is qualified upon graduation from such school to take the examination for a certificate of registration to practice as an apprentice without regard to whether such a school complied with the standards for approval specified in Section 7.

§ 13. DISPLAY OF CERTIFICATE.] Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

§ 14. RENEWAL AND RESTORATION OF CERTIFICATES.] Every registered barber and every registered apprentice who continues in active practice or service, shall annually, on or before July 1 of such year, renew his certificate of registration and pay the required fee. Every certificate of registration which has not been renewed during the month of July in any year, shall expire the first day of August in that year. A registered barber or a registered apprentice whose certificate of registration has expired may have his certificate restored immediately upon payment of the required restoration fee. Any registered barber who retires from the practice of barbering for not more than five years, may renew his certificate upon payment of the required restoration fee.

§ 15. REFUSAL AND REVOCATION OF CERTIFICATE.] The Board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

1. Conviction of a felony shown by a certified copy of the record of the court of conviction.
2. Gross malpractice or gross incompetency.
3. Continued practice by a person knowingly having an infectious or contagious disease.
4. Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit forming drugs.
5. Advertising by means of knowingly false or deceptive statements.
6. Immoral and unprofessional conduct, and
7. The commission of any of the offenses described in Section 18, Subdivisions 3, 4 and 6.

HEARINGS

§ 16. The Board may neither refuse to issue or refuse to renew, nor suspend nor revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least twenty-day notice in writing of the charge against him at a public hearing by the Board.

Upon the hearing of any such proceedings, the Board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Any Court in this State, or any judge thereof, either in term time or in vacation, upon application of the accused or the Board, may by order duly entered, require the attendance of witnesses and the production of relevant books and papers before the Board in any hearing relating to the refusal, suspension or revocation of certificates of registration.

§ 17. FEES.] The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering is \$10.00 and for issuance of the Certificate \$2.00.

The fees to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$5.00 and for the issuance of a certificate \$1.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$3.00, and for the restoration of an expired certificate \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

§ 18. CERTAIN ACTS PROHIBITED.] Each of the following are hereby declared a misdemeanor, punishable upon conviction of a fine of not less than \$25.00, nor more than \$200.00.

1. The violation of any of the provisions of Section 1, of this act.
2. Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.
3. Obtaining or attempting to obtain a certificate of registration by the payment of money other than the required fee, or any other thing of value, or by fraudulent misrepresentation.
4. Practicing or attempting to practice by fraudulent misrepresentations.
5. Wilful failure to display a certificate of registration as required by Section 13, and
6. The use of any room or place for barbering which is also used for residential purposes, unless a substantial partition of ceiling height separates the portion used for residential purposes, from such room used for barbering.

§ 19. PERJURY.] The wilful making of any false statement as to a material matter in any oath of affidavit which is required by the provisions of this act, is perjury and punishable as such.

§ 20. BOARD ESTABLISHED.] A board to be known as the Board of Barber Examiners is established, to consist of three members appointed by the Governor from a list of five names to be submitted by the State Barber Association. Each member shall be a practical Barber who has followed the occupation of barber in this State for at least five years prior to his appointment.

The members of the first board appointed shall serve for three years, two years and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The Governor may remove for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors.

§ 21. OFFICERS, COMPENSATION, ETC.] The Board shall elect a president, vice-president and a secretary-treasurer and shall have its headquarters at the State Capitol or at such other suitable place as may be designated by the Board. It shall adopt and use a common seal for the authentication of its orders and records, and the secretary and president shall have power to administer oaths.

Each member of said board shall receive a compensation of \$6.00 per day for actual service and ten cents per mile for each mile actually travelled in attending the meeting of said board, which compensation shall be paid out of any moneys in the hands of the treasurer of said board, provided that the said compensation and mileage shall in no event be paid out of the State Treasury.

The secretary-treasurer shall give to the State a bond in the sum of \$5,000.00, with sufficient sureties to be approved by the Secretary of State, for the faithful performance of his duties. The majority of a board in a meeting duly assembled, may perform and exercise all the duties and powers devolving upon the said Board.

Said Board shall make a biennial report to the Governor, which report shall contain a full statement of the receipts and disbursements of the board for the preceding two years, also a full statement of its doings and proceedings and such recommendations as may seem proper, looking to the better carrying out of the intents and purposes of this Act, which report shall not be printed except at the expense of the fund herein provided for. Any moneys in the hands of the treasurer of the said board at the time of making such report, shall be kept by him for the future maintenance of the board, and to be disbursed by him upon warrants duly signed by the secretary and president of the said Board.

The board shall have authority to employ such inspectors, clerks and other assistants as it may deem necessary to carry out the provisions of this act.

§ 22. RULES—INSPECTION—RECORDS.] The Board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act and prescribe sanitary regulations for barber shops and barber schools, subject to the approval of the State Department of Health. Any member of the board or its agents or assistants, shall have authority to enter and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board as approved by the State Board of Health shall be furnished by the board to the owner or manager of such barber shop or barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The Board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

§ 23. PARTIAL UNCONSTITUTIONALITY.] If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act, which can be given effect without the invalid portion.

§ 24. NAME OF ACT.] This act may be cited as THE NORTH DAKOTA BARBERS ACT and the law now in effect relating to the same subject being Article 22 of Chapter 5 of the Political Code of the Compiled Laws of the State of North Dakota for 1913, and all acts or parts of acts in conflict herewith are hereby expressly repealed.

Approved March 7, 1927.

BLIND CHILDREN

CHAPTER 102

(H. B. No. 88—Committee on Appropriations)

REPEAL MAINTENANCE AND INSTRUCTION OF BLIND CHILDREN UNDER SCHOOL AGE

An Act to Repeal Sections 1707 and 1708 of the Compiled Laws of North Dakota for 1913, Relating to the Care, Maintenance and Instruction of Blind Children Under School Age.

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

§ 1. That Sections 1707 and 1708 of the Compiled Laws of North Dakota for 1913 be, and the same hereby are, repealed.

Approved February 21, 1927.

BONDS

CHAPTER 103

(H. B. No. 53—Cox)

DUPLICATE BONDS OF STATE OF NORTH DAKOTA AND OTHER POLITICAL SUBDIVISIONS

An Act Providing for the Issuance of Duplicate Bonds, Warrants or Other Obligations of the State of North Dakota, or of Any of the Political Subdivisions Thereof in Case the Originals are Mutilated, Defaced, or Lost, and Prescribing the Procedure Therefor.

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

§ 1. Whenever any bond, warrant, interest coupon or other obligation of the State of North Dakota, or of a political subdivision thereof, becomes or shall have become so mutilated or defaced as to become unfit for circulation, it may be surrendered and canceled; or, if such an obligation be, or shall have been lost or destroyed, then, in either of such cases a duplicate thereof, and of the unpaid coupons (if any) may be issued to the owner, such duplicate to be marked with the word "Duplicate," and to correspond with the mutilated, defaced or missing instrument in number, date, amount, and unpaid coupons, and to be signed by the proper officials who are then in office; provided, that if the instrument so mutilated, defaced, lost or destroyed is due and payable no duplicate thereof shall be required, but the State Treasurer or the treasurer of the political subdivision as the case may be shall make payment thereof to the owner.

§ 2. In case a bond or interest coupon of the State of North Dakota is subject to such duplication it shall be issued upon resolution duly adopted by the Industrial Commission of the State of

North Dakota, and, in case of other obligations of the State of North Dakota, or of a political subdivision thereof, by resolution of the governing body; provided, however, that where such obligation, whether due or not due, has been lost or destroyed the owner shall first furnish proof of such loss or destruction and give a surety bond as the Industrial Commission, or governing body shall determine, to the State, or the political subdivision, as the case may be, in a sum double the amount of the lost obligation, and conditioned to save it harmless in the premises; provided further that if the Bank of North Dakota shall be the owner of any such instrument it shall not be required to furnish bond but it shall nevertheless furnish proof of loss or destruction and reimburse the State Treasurer or the treasurer of the political subdivision, as the case may be, for any loss or damage that the state or the political subdivision may incur or may have incurred by reason of such payment. A record of all such payments, reissues and duplicates shall be kept by the State Treasurer, or by the treasurer of the political subdivision, as the case may be, showing the date of such payments, duplicates or reissues and the person or persons to whom paid or issued, and such record shall at once be certified to the proper auditing official.

Approved February 19, 1927.

CHAPTER 104
(H. B. No. 160—Bell)

NORTH DAKOTA REAL ESTATE BONDS

An Act to Amend and Re-enact Section 4 of Chapter 292, Session Laws of 1923, the Same Being Section 2290-c-4, Supplement to the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 292, Session Laws of 1923, the same being Section 2290-c-4 of the Supplement to the Compiled Laws of North Dakota, 1913-1925, be, and the same is hereby amended and re-enacted to read as follows:

§ 4. (Section 2290-c-4.). BONDS; PAYABLE TO WHOM; DENOMINATIONS; MATURITY; INTEREST RATE.] The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Sections 151 and 152 of the Compiled Laws of North Dakota for the year 1913, are hereby declared to apply to them. They shall be issued in denomination or denominations, as the Industrial Commission shall decide, but in no case less than one hundred dollar denominations, and shall be payable in not less than ten or more than thirty years from the date of the issue

of such bonds; provided, however, that at the option of the Industrial Commission they may when issued be made payable at any time after five years from the date of their issue, upon notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of giving such notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and July in each year; and coupons shall be attached to each bond evidencing the amount of interest payable on each first day of January and July until maturity, unless and until the holder or purchaser shall have exercised the privilege granted by Sections 151 and 152 of the Compiled Laws of North Dakota for the year 1913.

The principal and interest shall be payable at the office of the State Treasurer in Bismarck; or at a bank or trust company in the city of New York. The terms of said bonds as to denominations, period of maturity, and rate of interest shall be fixed by the Industrial Commission within the limitation above stated. Each such bond and coupon must be presented at the office where the same is payable within six years from the date of its maturity; and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment.

Approved February 28, 1927.

CHAPTER 105

(H. B. No. 247—Quam and Brown of Adams)

REGULATING BONDS OF PUBLIC OFFICIALS

An Act to Amend and Re-enact Section 1 of Chapter 101 of the Session Laws of 1925, Relating to the Signing of Bonds by Public Officials.

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

Section 1 of Chapter 101 of the Session Laws of 1925, being Section 673A1, Supplement to the North Dakota Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 673A1. No officer or employee of the State shall become a surety upon any bond or undertaking of any other officer or employee of the State or upon any bond or undertaking of a depository of State funds. Nor shall any officer or employee of any municipality, political subdivision or public corporation become a surety upon any bond or undertaking of any other officer or employee thereof or on any bond or undertaking of a depository of the funds thereof.

Approved February 28, 1927.

CIGARETTES

CHAPTER 106 (H. B. No. 52—Hauge)

SALE OF CIGARETTES—CIGARETTE PAPERS AND SNUFF

An Act Amending and Re-enacting Chapter 107, Laws of North Dakota for the Year 1925, Relating to the Sale of Cigarettes, and Cigarette Papers and Wrappers and Papers Used and Prepared for the Making of Cigarettes; Providing for Issuing Licenses for the Purpose of Making Sales Thereof and Furnishing of Bond; Providing for the Levy, Assessment, Collection and Payment of a Tax Thereon; Providing for the Regulation of the Sales Thereof, and Penalty for Violation of this Act; and Defining the Duties of the Attorney General, State Auditor and State Treasurer Imposed Under the Provisions of this Act; and Providing that Any Person Violating this Act Shall Be Enjoined and that Any Building or Premises Made Use of for Purposes in Violation of this Act Shall Be Deemed a Nuisance and Abated by Injunction; and to include Snuff Within the Provisions and Requirements Thereof.

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

§ 1. AMENDMENT.] Chapter 107 of the Laws of North Dakota for the year 1925 is hereby amended and re-enacted so as to read as follows:

§ 1. No person, firm or corporation shall sell cigarettes or cigarette papers or snuff in the State of North Dakota without first obtaining a permit therefor, which said permit shall be granted and issued by the Attorney General on or before July 1st of each year, and said permit shall be in force and effect for one year following July 1st after its issue unless sooner revoked, and shall be granted only to the person, firm or corporation owning or operating the premises from which said sale is to be made and shall not be transferable; which permit shall have a number and show the residence and place of business of the holder. Such permit must be posted in a conspicuous place in the holder's place of business, in which place the sale of cigarettes, cigarette papers or snuff is to be made. The Attorney General shall revoke the permit of any person who has violated any of the provisions of this act, and no such permit shall again be issued for a period of two years thereafter. The Attorney General shall, upon the issuance or revocation of any permit hereunder, immediately notify the State Treasurer.

§ 2. No permit shall be issued until the applicant therefor shall file a bond, to be approved by the Attorney General, which bond shall be payable to the State of North Dakota, and shall be in an amount of not less than \$500.00, and conditioned upon the

faithful observance of all the provisions of this act, including the payment of all taxes, fines, penalties, and costs herein provided for. Such bond shall be signed by the obliger as principal, and by a surety company authorized to transact business in this state, or by two sureties who shall justify in double the amount of the bond, and neither of whom shall be surety on another like bond.

§ 3. No permit shall be issued until the applicant shall have paid to the Attorney General a mulct tax of \$12.50, as a license fee. The Attorney General shall receipt for such payments and shall forthwith pay all such remittances to the State Treasurer, and such funds shall be turned into the general fund of the state.

§ 4. Every person, partnership or corporation carrying on the business of selling or keeping for sale cigarettes or cigarette papers or snuff, or maintaining a place where such cigarettes, cigarette papers or snuff are kept with intent to sell the same, shall pay the mulct tax provided for in Section 3 hereof, payable on the first day of July in each year.

§ 5. From and after the taking effect of this act, there is hereby levied and assessed and shall be collected and paid to the State Treasurer upon all cigarettes, cigarette papers or wrappers and tubes, and snuff sold in North Dakota to consumers, the following taxes, to be paid prior to the time of sale and delivery thereof to the consumer:

Class A. On cigarettes weighing not more than three pounds per thousand, one and one-half mill on each such cigarette.

Class B. On cigarettes weighing more than three pounds per thousand, two mills on each such cigarette.

Class C. On cigarette papers or wrappers or any papers made or prepared for the purpose of making cigarettes made up in packages, books or sets; on each such package, book or set containing not more than fifty papers, one-half cent; containing more than fifty papers but not more than one hundred papers, one cent; containing more than one hundred papers, one-half cent for each fifty papers or major fractional part thereof.

Class D. On tubes, one cent for each fifty tubes or major fractional part thereof.

Class E. On snuff, two cents on each one and one-fourth ounces or major fractional part thereof.

All cigarettes sold in this State under the provisions of this Act, shall be put up in packages containing 5, 8, 10, 12, 15, 16, 20,

24, 40, 50, 80 or 100 cigarettes each. All snuff sold in this State under the provisions of this act shall be put up in packages containing not more than twelve ounces thereof each. Before being delivered to the consumer each package of cigarettes or snuff and each package, book or set of papers or of tubes, shall have securely affixed thereto, in such manner as to seal the opening of the package and be destroyed by the opening thereof, a suitable stamp denoting the tax thereon, and said stamp shall be properly cancelled prior to such sale or removal for consumption, under such regulations as the State Treasurer shall prescribe. Provided that cigarettes or snuff sold to a consumer in cartons, rolls or other containers having more than one package or box therein, shall have affixed thereto in the manner herein provided, stamps in the amount by this act required to be placed upon the several packages, boxes or receptacles, therein contained. Each package of snuff or cigarette and each package, or book or set of papers or of tubes displayed, exhibited, stored or possessed in original cartons or containers or otherwise, within or upon the premises from which sale thereof may be made to the consumers shall be conclusively presumed to be intended for sale to consumers and to be displayed, exhibited, stored or possessed for such purpose; and each such package of snuff or cigarette and each such package, book or set of papers or of tubes, at the time the same is so displayed, exhibited, stored or possessed upon such premises, shall have securely affixed thereto a suitable stamp, or stamps, denoting the tax thereon, which stamps shall be cancelled at the time and in the manner hereinbefore required; and the possession of any such package of snuff, cigarettes, package, book or set of cigarette papers or of tubes, within or upon any such premises, except in an unbroken carton or container, shall be prima facie evidence of a sale made in violation of this act; provided, however, that such presumption and the requirements as to stamps shall not apply to wholesale dealers selling to retail dealers for resale by the latter to consumers. The premises from which such sale to consumers may be made shall be deemed to include basements, rooms and store rooms within and upon or adjacent and contiguous to the premises described in the permit of the person, firm or corporation owning or operating the premises described in the permit, when such basement rooms or store rooms are in the possession of or used by such person, firm or corporation.

For any violation of any of the foregoing provisions of this section, the offender, upon conviction thereof, shall be fined not less than \$100.00 nor more than \$300.00 and costs of prosecution, and shall be committed to the county jail until such fine and costs are paid, but not for a period exceeding six months; and all cigarettes, cigarette papers or wrappers, and papers made or prepared

for the purpose of making cigarettes, and snuff in his possession or in his place of business, shall be confiscated and forfeited to the State.

It shall be unlawful for any person not authorized hereby, with intent to defraud the State, to make, alter, forge, or counterfeit any license or stamp provided for in this act or to have in his possession any forged, counterfeited, spurious or altered license or stamp, knowing the same to be forged, counterfeited, spurious or altered, and any person found guilty of any violation of this provision shall be fined not more than \$1,000.00 and shall be imprisoned in the State Penitentiary for a period of not more than three years.

§ 6. The State Auditor shall prepare and have suitable stamps for use on each kind of package prescribed in Section 5 of this act. Upon requisition from the State Treasurer, the State Auditor shall deliver to his order the stamps designated in such requisition, and shall charge the State Treasurer with the stamps thus delivered, and shall keep an accurate record of all stamps coming into and leaving his hands. The State Treasurer shall sell the stamps herein provided for only to dealers holding permits issued as provided in this act, and the moneys received from the sale of said stamps shall be turned into the general fund of the State.

§ 7. In the enforcement of this act, the Attorney General may call to his assistance any State's Attorney or any peace officer. The State Treasurer and the Attorney General are hereby authorized to appoint such necessary additional assistants as may be necessary to carry out the provisions of this act.

§ 8. Any person, firm or corporation violating any of the provisions of this act, or maintaining a place where such cigarettes, snuff or cigarette papers are sold or kept with intent to sell in violation of the provisions of this act, shall be deemed guilty of keeping and maintaining a nuisance, and the building or place so used for the sale or keeping for sale cigarettes, snuff or cigarette papers, or wrappers, in violation of the provisions of this act shall be deemed to be a nuisance, and such person, firm or corporation shall be enjoined, and such building or place abated as a nuisance, and the procedure for the actions to enjoin and abate such nuisance, or for contempt in violating an order of injunction, shall be, so far as applicable, the same as those now provided by the laws of this State for enjoining and abating intoxicating liquors.

§ 9. REPEAL.] Chapter 91 of the Compiled Laws of North Dakota for the year 1913, insofar as the same conflicts with the provisions of this act, and all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 10. An emergency is hereby declared to exist and this act shall take effect and be in force from and after May 1st, A. D. 1927.

Approved March 7, 1927.

CORN

CHAPTER 107 (H. B. No. 362—Sperry)

QUARANTINE AGAINST EUROPEAN CORN BORER

An Act Authorizing the Commissioner of Agriculture and Labor to Declare Quarantine Measures, Should it Be Necessary to Prevent the Introduction of the European Corn Borer into North Dakota, and Prescribing Penalty for Violations.

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

§ 1. The Commissioner of Agriculture and Labor is hereby empowered and authorized to prescribe, declare and enforce such reasonable quarantine measures and rulings as may be necessary to prevent the introduction into North Dakota of the European Corn Borer.

§ 2. Any violation of such quarantine measures and rulings shall be deemed to be a misdemeanor.

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

Approved March 7, 1927.

CORPORATIONS

CHAPTER 108 (S. B. No. 137—Rusch)

CONSOLIDATION, MERGER, ETC. OF CORPORATIONS INCL. BANK & TRUST COMPANIES

An Act Relating to, and Defining the Effect of, the Consolidation, Merger or Other Transfer of the Business of Corporations, Including Banks and Trust Companies, Organized Under the Laws of this State, Herebefore or Hereafter Effected.

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

§ 1. Whenever any two or more corporations, including banks and trust companies, organized under the laws of this State, have

heretofore consolidated, merged or otherwise transferred, or shall hereafter consolidate, merge or otherwise transfer, its business to another corporation, including bank or trust company, organized, or to be organized, under the laws of this State, the consolidated or new corporation, by whatever name it may assume, or be known, shall, unless otherwise provided in the agreement or order of merger or consolidation, be a continuation of the entities of each and all of the corporations, including banks and trust companies, so consolidated, merged or otherwise transferred to such consolidated or new corporation for all purposes whatsoever, and all of the rights, franchises and interests of said corporations, including banks and trust companies, so consolidated, merged or transferred in and to every species of property, real, personal and mixed and choses in action thereto belonging shall be deemed to be so transferred to and vested in the corporation which acquires the same on such consolidation, merger or other transfer without any assignment, deed or other transfer, and such corporation shall hold and enjoy the same and all rights of property, franchises and interests in the same manner and to the same extent as was held and enjoyed by the corporation, or corporations, including banks and trust companies, so consolidated, merged or otherwise transferred, including the holding and performing by any bank or trust company of any and all trusts and fiduciary relations whatsoever as to or for which either or any of the banks or trust companies so consolidating, merging or otherwise transferring may have been, or may be appointed, nominated or designated by any will, agreement, conveyance, or otherwise, whether or not such trust or fiduciary relation shall have come into being, or shall have taken effect at the time of such consolidation, merger or other transfer.

Approved March 3, 1927.

CHAPTER 109

(S. B. No. 179—Benson and Forbes)

EXTINCT DENOMINATIONAL AND RELIGIOUS SOCIETIES

An Act Amending and Re-enacting Sections 5012a2 and 5012a3 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to Extinct Denominational and Religious Societies.

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

§ I. AMENDMENT.] That Section 5012a2 of the Supplement to the 1913 Compiled Laws of North Dakota be amended and re-enacted to read as follows:

§ 5012a2. WHEN DECLARED EXTINCT; PROCEDURE.] Any church or religious society which has failed for two or more consecutive years to maintain religious services according to the custom and usage of the denomination with which such church or society is or has been connected, may be declared extinct in the following manner, to-wit: Upon the presentation to the district court of the county within which such church or society is located of a verified petition by the majority of the resident members of such church or society, or by the duly incorporated association, conference, presbytery, synod, diocesan convention or other state or district ecclesiastical body or central organization of the denomination with which such church or society is or has been connected, stating fully the facts in the case, the court, or a judge thereof, shall issue an order to show cause why such church or society should not be declared extinct. Such order to show cause shall be made returnable at a term of court to be held in and for the county within which such church or society is located and not less than thirty days' notice of the hearing of such petition shall be given by advertisement in a newspaper published in said county designated by the judge of such court. Such judge shall order such additional notice to be given either by personal service, or otherwise, as to him may seem expedient. Provided, that when any such church or society has less than ten resident attending members making an annual contribution toward its support, it may be declared extinct in the manner hereinbefore prescribed in this article.

§ 2. That Section 5012a3 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 5012a3. ORDER DECLARING EXTINCT; HOW PROPERTY USED.] If such court, or the judge thereof, shall be satisfied from the evidence furnished upon the hearing on such petition that the said church or society has failed for a term of two or more years previous to such application to maintain religious services according to the custom and usage of the denomination with which it is or has been connected, or that there are less than ten resident attending members of such church or society making annual contribution toward its support, and that it will be best for all parties concerned to have such church or society declared extinct and the property thereof transferred as herein provided, the court or judge may make an order declaring such church or society extinct and direct the officers thereof, if any, or other proper person or persons to transfer all its property to the general ecclesiastical body or central organization, of whatever name, entitled thereto, or if there are no such local officers or other proper person or persons the order of the court or judge shall in specific terms operate as and effect a conveyance of such property, or the court may direct that the same be sold in such manner and upon such notice as shall be ordered,

and that the proceeds thereof, after payment of all debts of such church or society, shall be paid over to such central organization. Judgment shall be entered upon such order as in other actions or proceedings. Such central organization shall have power to control, manage or convey all such property and to invest all proceeds from the sale thereof so transferred to and vested in it, subject to the provision that the same, in whatever form it may exist, shall be used for the work of such central organization within the territorial limits of the State of North Dakota, and shall not be diverted to any other purpose.

Approved March 5, 1927.

CHAPTER 110

(S. B. No. 256—Stevens and Hamilton)

POWER FRATERNAL CORPORATIONS TO ACQUIRE PROPERTY

An Act to Amend and Re-enact Section 5031 of the Compiled Laws of North Dakota of 1913, Relating to Limit of Property that May Be Acquired by Fraternal Corporations.

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

§ 1. AMENDMENT.] That Section 5031 of the Compiled Laws of North Dakota of 1913 be amended and re-enacted to read as follows:

§ 5031. PROPERTY, POWER TO ACQUIRE.] Any such association shall have power to acquire property, both real and personal, by purchase, devise or bequest, to an amount not exceeding two hundred fifty thousand dollars in value, and to hold the same, and may sell, exchange or mortgage any or all property held or owned by it, in the manner determined by its by-laws or by a majority vote of its members present at a meeting called for such purpose.

Approved March 3, 1927.

CHAPTER 111

(H. B. No. 267—Roberts)

PLACE OF MEETINGS OF STOCKHOLDERS AND DIRECTORS OF CORPORATIONS

An Act to Amend and Re-enact Section 4550 of the Compiled Laws of North Dakota for the Year 1913, Providing the Place of Holding of Stockholders and Directors Meetings, and Repealing Section 4551 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] Section 4550 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4550. MEETINGS. WHERE HELD.] The meetings of stockholders of any corporation created and existing, or which may be hereafter created under and by virtue of the laws of the State of North Dakota held for the purpose of election of directors, must be held at its office or principal place of business within this State, and the originals or attested copies of all minutes of all meetings of its stockholders and directors must be kept at such office or principal place of business. Meetings of the Board of Directors may be held at such place within or without the State as may be provided in the by-laws; provided, that such corporation have one or more directors resident in this State, or have duly appointed an agent resident in this State upon whom service may be made.

§ 2. REPEAL.] Section 4551 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved March 5, 1927.

CHAPTER 112

(H. B. No. 298—Cox, by request)

RENEWAL CORPORATE EXISTENCE PRIOR TO EXPIRATION

An Act to Provide for the Renewal of Corporate Existence and Repealing Section 4562 of the Compiled Laws of North Dakota, 1913.

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

§ 1. Any private corporation now existing in this State or which may hereafter be created under the laws of this State may at any time prior to the expiration of the period of its corporate existence as specified by its articles of incorporation or by the law of this State renew the terms of its corporate existence for another term of years, not exceeding the period limited by law, by its Board of Directors at any annual meeting of the Board or at any special meeting called for that purpose.

§ 2. A certificate must be signed by the chairman and secretary of the meeting at which the renewal is made and a majority of the directors showing the following:

(a) The name of the corporation, which shall be the existing name of said corporation at the time of such renewal;

(b) The name of the city, town or place and the county in which the principal place of business or office of the corporation is located;

(c) The date when such renewal is to commence, which date shall be prior to the date of the expiration of the charter desired to be renewed and the time for which such renewal is to continue;

(d) That the corporation desiring to renew and so renewing its period of existence is duly organized and carrying on the business authorized by its articles of incorporation.

§ 3. Section 4562 of the Compiled Laws of North Dakota, 1913, is hereby repealed.

Approved March 7, 1927.

CHAPTER 113
(S. B. No. 224—Sathre)

RENEWAL CORPORATE EXISTENCE OF CORPORATIONS AFTER EXPIRATION

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 Corporations.

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. TWO YEAR LIMITATION.] Such proceedings to obtain such extension shall be taken within two (2) years 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 proceedings 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.

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

Approved March 3, 1927.

COUNTIES

CHAPTER 114

(H. B. No. 285—Johnson of Foster)

SALARIES COUNTY AUDITOR, COUNTY TREASURER, SHERIFF AND COUNTY SUPERINTENDENT OF SCHOOLS

An Act to Amend and Re-enact Section 3551a1 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Salaries of County Auditor, County Treasurer, Sheriffs and County Superintendents of Schools.

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

§ 1. AMENDMENT.] That Section 3551a1 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 3551a1. SALARIES OF COUNTY AUDITOR, COUNTY TREASURER, SHERIFFS AND COUNTY SUPERINTENDENTS OF SCHOOLS.] 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 5,000; \$1,700.00 in counties having a population exceeding 5,000 and not exceeding 7,000; \$1,800.00 in counties having a population of 7,000 and not exceeding 8,000; 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.

Approved March 3, 1927.

CHAPTER 115
(S. B. No. 154—Rusch)

SALARIES OF COUNTY OFFICIALS

An Act Relating to and Fixing the Salaries of the County Auditor, the County Treasurer, the Register of Deeds, and County Sheriff, the Clerk of the District Court, the County Judge, the States Attorney and the County Superintendent of Schools, also Fixing the Number of and the Salaries to be Paid to the Deputies, and Providing for Clerks and Assistants to be Employed in the Offices of the County Auditor, County Treasurer, Register of Deeds, Clerk of the District Court, County Sheriff, States Attorney, County Judge and the County Superintendent of Schools, (in Counties Having a County Court of Increased Jurisdiction and Having a Population Exceeding Forty Thousand) and Repealing All Acts or Parts of Acts in Conflict Therewith.

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

§ 1. The salary of the County Auditor, County Treasurer, Sheriff, County Judge, Superintendent of Schools, and the States Attorney, in Counties where the County Court has increased jurisdiction and where the County has a population exceeding forty thousand, shall be Three Thousand Dollars (\$3,000.00) each per year.

§ 2. The salary of the Register of Deeds, and the Clerk of the District Court, in Counties where the County Court has increased jurisdiction and where the County has a population exceeding forty thousand, shall be Two Thousand Five Hundred Dollars (\$2,500.00) each per year.

§ 3. In Counties having a population exceeding forty thousand and where the County Court has increased jurisdiction, the County Auditor shall be allowed one Deputy at Eighteen Hundred Dollars (\$1,800.00) per year. The County Treasurer shall be allowed one Deputy at Eighteen Hundred Dollars (\$1,800.00) per year.

The County Sheriff shall be allowed one Deputy at One Thousand Eight Hundred Dollars (\$1,800.00) per year; three Deputies at One Thousand Five Hundred Dollars (\$1,500.00) each per year; and one Matron at Three Hundred Sixty Dollars (\$360.00) per year.

The Register of Deeds shall be allowed one Deputy at One Thousand Eight Hundred Dollars (\$1,800.00) per year.

The Clerk of the District Court shall be allowed one Deputy at One Thousand Eight Hundred Dollars (\$1,800.00) per year.

The County Judge shall be allowed one Clerk of the County Court at One Thousand Eight Hundred Dollars (\$1,800.00) per year.

The County Superintendent of Schools shall be allowed one Deputy at Two Thousand Four Hundred Dollars (\$2,400.00) per year; and one Deputy at One Thousand Eight Hundred Dollars (\$1,800.00) per year.

The States Attorney shall be allowed one Assistant at One Thousand Five Hundred Dollars (\$1,500.00) per year; one Assistant at One Thousand Dollars (\$1,000.00) per year.

§ 4. The salary of additional help, in the offices of the County Auditor, County Treasurer, Register of Deeds, Clerk of District Court, County Judge, County Sheriff, States Attorney, and Superintendent of Schools, and as to the number necessary, and the salary to be paid to such employees, shall be left entirely in the hands of the County Commissioners. Such employees shall be named with the recommendation of the County official in his or her office (in Counties having a County Court of increased jurisdiction and having a population exceeding forty thousand).

§ 5. All acts and parts of acts in so far as they are in conflict with this act, are hereby repealed.

Approved March 5, 1927.

CHAPTER 116

(S. B. No. 57—Martin and Peck)

SEED AND FEED

An Act to Authorize Counties to Issue Bonds, Certificates of Indebtedness or Warrants to Procure Seed Grain and Feed for Needy Inhabitants Therein and Providing for the Issuance of Bonds, Warrants and Certificates of Indebtedness for Seed Grain by Counties and Aid by the State in Respect Thereto.

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

§ 1. In any county of the state where the crops for any preceding year have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for, and it shall be the duty of, the board of county commissioners of such county, to issue the bonds of the county under and pursuant to the provisions

of this article, and with the proceeds derived from the sale thereof, to purchase seed grain and feed for the inhabitants thereof who are in need of seed grain and feed, and are unable to procure the same, whenever said board shall be petitioned in writing so to do by not less than 1% of the freeholders resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, may by a majority vote determine if the prayer of the petitioners should be granted; provided that all such petitions shall be filed with the county auditor on or before the twenty-fifth day of March; and thereupon it shall be the duty of said officer to forthwith call a meeting of the board of county commissioners of his county to consider said petition; and provided, further, that the total amounts of bonds issued by any county under the provisions of this article shall not, with the then existing indebtedness of the county, exceed the limit of indebtedness fixed by the constitution in such case; that said bonds shall be in denominations of from five hundred to one thousand dollars; shall bear a rate of interest not exceeding six per cent per annum, payable semi-annually at such place and time as shall be determined by the board, and that all bonds issued under the provisions of this article shall become due and payable in not less than one or more than five years from the date thereof, the date of maturity to be fixed by the county board at the time of the issuance thereof with the above limitation.

§ 2. Such bonds shall be signed by the chairman of the board of county commissioners and be attested by the county auditor, who shall affix the seal of the county thereto and shall have indorsed thereon a certificate signed by the county auditor stating that said bonds are issued pursuant to law and are within the debt limit.

§ 3. Counties issuing bonds, warrants or certificates of indebtedness under the provisions of this act may sell and dispose of the same in the manner and form now provided by law for the sale of county bonds, warrants and certificates of indebtedness. Provided, however, that the same shall not be sold below par.

§ 4. For the purpose of securing prompt payment of the principal and interest of said bonds, there shall be levied by the board of county commissioners at the time and in the manner other taxes are levied, such sums as shall be sufficient to pay such interest, and in addition thereto a sinking fund tax shall be annually levied sufficient to pay and retire said bonds at their maturity, and it shall be the duty of the county treasurer to pay promptly the interest upon the said bonds as the same shall fall due. No tax or fund provided for the payment of such bonds, either principal or interest, shall at any time be used for any other purpose; provided, however, that the board of county commissioners may deposit any part or portion of the sinking fund herein provided for, in the Bank

of North Dakota, and receive interest on the same which shall be credited to the sinking fund. It shall be the duty of the treasurer when said bond or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid" and the date of payment. Before the bonds are delivered to the purchaser, the treasurer of the county shall register them in a book to be provided for that purpose, known as the bond register, in which register he shall enter the number of each bond, its date, date of maturity, amount, rate of interest, to whom and where payable; provided that said treasurer shall receive a per centum at the discretion of the county commissioners, not to exceed one per cent, for the receiving and disbursing of the amount received from the sale of said bonds, said per centum to be covered into the treasury as a part of the salary fund. The board of county commissioners may issue warrants instead of bonds, as now provided by law for the issuance of warrants before this act became effective, if in their judgment the best interests of the county are thereby served; provided, that such warrants shall not be issued in any amount to exceed five per cent of the assessed valuation of such county; provided, further, that such warrants shall not be sold below par; and provided, further, that such warrants shall not be term warrants.

§ 5. The fund arising from the sale of said bonds shall be applied exclusively by the said board for the purchase of seed grain and feed, for residents of the state who farm land within the county who are unable to procure the same; provided that the county commissioners shall determine the amount of seed and feed or either, which each applicant shall receive and that in no case shall any one person receive feed in an amount exceeding \$300.00 (three hundred dollars) in value and seed to sow and plant more than two hundred (200) acres of land, and provided, further, that the county auditor shall issue to each applicant an order for the number of bushels of each kind of seed grain, together with the amount of feed, that has been allowed by the board, to be furnished to any one applicant.

§ 6. In providing for the purchase of seed grain and feed or either, the commissioners may, in lieu of issuing bonds, order warrants drawn upon the general fund of the county or issue certificates of indebtedness in the manner now provided by law to pay for the feed and seed grain purchased under the general provisions of this article; provided, that such warrants or certificates of indebtedness shall not be sold below par, and provided, further, that such warrants shall not be term warrants. Provided, further, that no bonds, warrants, or certificates of indebtedness, shall be issued, under this act, by or in any county which has not been re-

imbursed or repaid at least sixty per centum (60%) of the amount of any and all bonds, warrants, and certificates of indebtedness which have been heretofore issued by such county for the purpose of furnishing seed or feed of any kind to or for the inhabitants of such county, or to aid or assist such inhabitants in the obtaining or procuring of seed or feed.

§ 7. All persons entitled to, and wishing to avail themselves of the benefit of this article, shall file with the county auditor, on or before the tenth day of March an application duly sworn to before said county auditor, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed or prepared for seeding; how many acres the applicant intends to have plowed or prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year, and the amount, and kind of grain and feed that he has in his possession; that the applicant has not procured and is not able to procure the necessary seed grain for the current year; that he desires the same for seed and feed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land prepared or to be prepared for crop. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the encumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this article shall be consecutively numbered and shall be open to public inspection, and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section; provided, that the board of county commissioners may in their discretion consider any application although made after the time so specified. If the applicant is a renter, the owner of the land shall sign the application with him, unless an exception is made by the county commissioners in such instance. If the owner of the land is a resident and married, his wife shall also sign the application and notes.

§ 8. The board of county commissioners of each county issuing bonds or warrants under the provisions of this article are hereby appointed and constitute a board of examination and adjustment of the applications for seed grain and feed filed under the preceding section, and it shall be the duty of said board to meet at the county auditor's office within five days after the filing of said petition, or

as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this article, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said board shall on or before the fifteenth day of March deliver and file with the county auditor its adjustment of the said applications, which shall be signed by the chairman of the board.

§ 9. The county auditor of each county shall as soon as the county commissioners shall have performed the duty prescribed in the preceding sections issue to each applicant demanding it an order for the number of bushels of each kind of seed grain and amount of feed which has been allowed to said applicant, unless otherwise directed by the board or the chairman thereof; provided, that in no event shall seed be furnished for more than two hundred (200) acres or more than the actual number of acres possessed and cultivated by such applicant; provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note, attested by the county auditor to the effect that said applicant for and in consideration of the bushels of seed grain and of feed received from County, promise to pay to said county dollars, the amount of cost of said seed grain and feed; and if the applicant be a renter, the owner of the land must also sign same; that the amount of said indebtedness shall become due and payable on the first day of October in each year in which said seed grain and feed is furnished, together with interest, on such amount from the date of the bonds provided for herein, at the rate not to exceed six per cent per annum, and in no case at a greater rate of interest than the said bonds draw, and if such indebtedness be not paid on or before the fifteenth day of October in that year, it shall then be the duty of the county auditor of said county to cause the amount of said indebtedness to be entered upon the tax lists of said county then in the hands of the county treasurer as a lien against the land owned by the applicant for which said seed and feed were furnished, to be collected as taxes are, and the sum so entered and levied shall be a lien upon the real estate owned by said person, for which said seed and feed were furnished, until said indebtedness is fully paid, when it shall be the duty of the proper officer to cancel the same; provided, that such indebtedness shall not be subject to the penalty provided for taxes, nor shall it bear a greater rate of interest than six per cent per annum.

Provided, further, that if the applicant is a renter, the owner of the land shall also sign the contract with him, and if married and residing in the state, his wife shall also sign with him, except in case where an exception is made by an order of the board of

county commissioners, and where the owner signed such contract, the county shall in addition have a lien upon all real estate of such owner upon which said seed and grain were sown.

If such indebtedness be not paid on or before November first, of such year, or if the sheriff shall have reason to believe that any person who shall have received aid under this act is about to remove from the county, or is about to sell and dispose of his grain without first paying to the county the amount due, it shall be his duty to take and sell a sufficient amount of grain of such applicant to pay such indebtedness, including the cost of seizure, in the same manner as now provided for the collection of taxes in section 2166 of the Supplement to the Compiled Laws of North Dakota for 1913.

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

It shall further be the duty of the county treasurer to deliver to the state's attorney a statement of all contracts which remain unpaid on the first day of January, following the said year, and it shall be the duty of the state's attorney to immediately in behalf of and in the name of said county to commence an action for the placing of such indebtedness in judgment, or for the foreclosure of the lien securing any of said notes in accordance with the laws providing for the foreclosure of liens or of mortgages. The county commissioners may from year to year extend the time of payment and take new and additional security whenever crop failures justify and require such extension.

§ 10. The county auditor shall file and record such contract in the office of the register of deeds of such county and under the filing of the contracts provided for in Section 8, the county shall acquire a just and valid lien upon the crops of grain and feed raised each year by the person receiving seed grain and feed to the amount of the sum then due to the county upon said contract, which shall as to the crops covered thereby have priority over all other liens and encumbrances thereon, except threshers liens.

The county shall in addition have a lien, if the owner of the real estate has signed the application and note, upon all real estate described in the application upon which said grain is to be sown, which shall have priority over all encumbrances except those existing at the time this act goes into effect. And the filing and recording of said contract shall be held and considered to be full and

sufficient notice to all parties of the existence and extent of said lien upon said crops of grain and feed raised, and upon said land, which shall continue in force until the amount covered by said contract shall be fully paid.

§ 11. On the first day of September following the furnishing of any seed or feed under the provisions of this act, the county treasurer shall mail to each person having obtained aid under the provisions of this act a statement of the amount which will be due upon his note on the date it becomes due.

§ 12. Any person or persons who, contrary to the provisions of this article, sell, transfer, take or carry away, or in any manner dispose of the seed grain and feed or any part thereof, furnished by the county under this act, or shall use or dispose of seed grain and feed or any part thereof, for any other purpose than that of planting or sowing and feeding the same as stated in this application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty dollars, nor more than one thousand dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing shall be deemed to have committed perjury and shall upon conviction suffer the penalties of that crime, and upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, any seizure thereof or interference therewith, except by the applicant and those in his employ, for the purpose of harvesting, threshing and marketing the same to pay the debt as aforesaid, shall be deemed a conversion thereof.

§ 13. Whenever a bond or warrant issue has been determined upon by the board of county commissioners, it shall be the duty of the county auditor, forthwith, to give notice by publication in the official paper of the county that application blanks may be had from the county auditor, and that assistance will be given in filling out said blanks.

If more seed grain is applied for than can be supplied by the commissioners under the provisions of this article, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this article. The commissioners shall have the right to refuse any application which they may deem improper to grant, and they may revise their adjustment of applications at any time before final distribution.

§ 14. It shall be the duty of the commissioners providing seed grain and feed under the provisions of this article, to purchase the same at the lowest price at which suitable grain can be obtained, and to furnish the same to applicants at the actual cost thereof to the commissioners, with transportation and handling charges added, if any there be, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, as the court may determine. Any official, or agent of any official, who conspires with others to make any profit directly or indirectly out of the transaction for himself or for them, or accepts or extorts from any applicant a greater price than that authorized therein, shall be guilty of a felony and upon conviction shall be sentenced to the penitentiary for a term of not less than one nor more than five years. Provided, that the commissioners shall charge ten (10) per cent of the actual cost of the seed and feed or either of them to the applicant to defray the cost of collection which shall be refunded if the applicant pays the amount due the county without expense.

§ 15. All money received by the county treasurer in payment of debts incurred under the provisions of this article, shall be paid into, and become a part of the sinking fund herein provided for, and be used exclusively in the payment of bonds or warrants issued hereunder.

§ 16. Immediately after the board of county commissioners has made an estimate of the amount of seed grain or feed or both required, it shall notify the commissioner of agriculture and labor, and he shall assist and co-operate with the board in procuring said grain and feed. The board may advertise for offers of seed grain or feed or both, in one or two newspapers within the county, and give the same such other publicity as it may deem advisable. Where price and quality are equal, preference shall be given to grain and feed offered for sale within the county.

The board and the commissioner of agriculture and labor shall take samples from the grain offered which in their judgment is most suitable for seed, and shall transmit them to the state seed commissioner at the agricultural college for analysis and germination test. The state seed commissioner shall make a prompt report of such test, classifying the samples as to their fitness for seed, which report shall be filed in the county auditor's office and in the office of the commissioner of agriculture and labor, and shall be open to public inspection.

No contract shall be made for any lot of seed grain which in its viability (growth power), its varietal purity, and its freedom from noxious seeds, is unsatisfactory for use as bulk seed for sowing the general crop.

After the grain has been delivered to the board of county commissioners a second test may be made, if in the opinion of the commissioner of agriculture and labor time permits, before it is distributed to the farmers. In no event shall any grain be sold to the farmers by the county as seed which is unsuitable for the growing of the general crop.

§ 17. The commissioner of agriculture and labor shall prepare such uniform blanks as he shall deem necessary for the purpose of this act and supply the same to the county auditor of any county issuing bonds.

§ 18. No bonds issued or proceeding had heretofore under Chapter 24 of the Political Code of the Compiled Laws of North Dakota for 1913, or any subsequent acts pertaining to feed and seed bonds shall be invalidated or in any manner made void by this act.

§ 19. Whereas it is necessary and proper that the State of North Dakota in its sovereign capacity shall enact suitable legislation to aid and assist destitute and needy farmers, who by reason of drouth, rust, hail or other cause are unable to purchase seed grain or feed to farm lands within the State of North Dakota, and whereas, it is necessary in the best interests of the state to protect such needy and destitute farmers that aid be given as herein provided, therefore, it is the intention of this act to give aid and assistance to such farmers and that this act shall be liberally construed to effectuate that purpose and if for any reason any part or portion thereof shall be declared to be unconstitutional, it shall not affect the other part or portion thereof.

§ 20. It is the duty of the boards of commissioners of the various counties that may be affected by this act to exercise careful discretion in the purchase and distribution of seed and feed under the provisions hereof and such boards are authorized and empowered to incur all reasonable and necessary expense to effect the payment and collection of the notes and indebtedness resulting therefrom.

§ 21. Provided further that in case Congress shall appropriate money for relief to be advanced to the needy farmers for the purchase of seed and feed, then in that event the county commissioners shall co-operate with the Federal Government agencies to the end that the relief herein provided for shall coordinate therewith without conflict or duplication.

§ 22. All laws and parts of laws in conflict herewith are hereby repealed.

§ 23. Whereas an emergency exists in that there has been a crop failure in many parts of the state, and no adequate relief

is provided for by law, and whereas it is necessary for the immediate preservation of public peace, health and safety that immediate relief be given, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 11, 1927.

CHAPTER 117
(S. B. No. 171—Atkins)

AUTHORIZING COUNTY COMMISSIONERS TO ERECT
MEMORIALS

An Act Amending and Re-enacting Section 2071c1 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. AMENDMENT.] Section 2071c1 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 2071c1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR OTHER SUITABLE RECOGNITION; TO LEVY TAXES.] The Board of County Commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the Great World War and may for such purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial, and may after the taking effect of this Act and prior to September 1, A. D. 1928, levy a tax not in excess of one mill on the dollar upon the assessed valuation of all the property in the county, or may use funds for that purpose donated to the county for that purpose, or may for such purpose use funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of such general fund, shall be used solely for the purpose of erecting such memorial or other suitable recognition; provided, however, that in no case shall such Board expend tax moneys in excess of the maximum levy permitted under this act together with such amount as has been levied under the provisions of Chapter 181 of the Session Laws for the year 1919. Provided, however, that nothing herein contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial or recognition, when erected,

shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial, and the funds so raised are unexpended, the Board of County Commissioners may, at any time after September 1, 1928, by resolution transfer any such unexpended funds to the General Fund of the County.

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

Approved March 5, 1927.

CHAPTER 118
(H. B. 327—Oberg)

PROTECTION OF RIVER BOTTOM LANDS

An Act to Provide for the Protection of River Bottom Lands and Defining the Powers and Duties of the Boards of County Commissioners in Connection Therewith.

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

§ 1. REVETMENT WORK, HOW CONSTRUCTED.] Revetment work along any river in the state may be constructed and maintained in any county, whenever the same shall be conducive to the public health, convenience of welfare, under the provisions of this Act. The words "revetment work" when used in this act shall be deemed to mean, in addition to their ordinary and accepted meaning, embankments, revetments, retards, or any other improved system of construction which may be deemed necessary to protect the banks of any river or stream, within or adjacent to any county, and any drainage work that may be necessary to be done in order to more fully protect any lands by revetment work, shall be done under the provisions of this act when done in connection with revetment work.

§ 2. HOW ESTABLISHED.] A petition for the construction of revetment work may be made in writing to the Board of County Commissioners, which petition shall state the description of the land sought to be protected by the construction of revetment work, and shall be signed by the owners of two-thirds of the land which will be benefited by the construction of such revetment work and such petition must be accompanied by a sum of money or a bond sufficient to pay all expenses of a survey, plans and specifications

and an estimate of the cost and all other expenses connected therewith should it appear after the engineer's report is filed, that the costs will be more than the benefits to be derived from its construction. Upon the filing of such petition and sum of money or bond with the county auditor, the board of county commissioners shall at once proceed to examine the lands proposed to be protected by the construction of revetment work and if in the opinion of the majority of the members of the board the construction is necessary for the welfare of the owners of the land sought to be protected and is for the public good, it shall enter a resolution to that effect and shall appoint a competent engineer who is a resident of the state, to prepare plans, specifications and an estimate of the probable cost. The engineer shall forthwith make surveys and prepare plans and specifications of the proposed work, and shall show upon such plans the regular subdivisions of the land which in his judgment will be benefited by the construction of such revetment work together with an estimate of the probable cost of the work. Upon the filing of the engineer's plans, specifications and estimate with the county auditor the board of county commissioners shall at once fix a date and public place of hearing objections to the petition, which shall be as near as practicable to the vicinity of the lands sought to be benefited by the construction of such revetment work. Such notice must be published in the official or a legal newspaper of the county and such hearing shall not be held until ten days after such publication of notice. All persons whose land may be affected by such revetment work, may appear before the board at this hearing and fully express their opinion and offer evidence upon all matters pertaining to the proposed work and if the owners of two-thirds of the land subject to assessment for the cost of the construction, believe that the benefits to be derived are not equal to the cost of construction they may petition the board of county commissioners to discontinue further proceedings, whereby the said board shall by resolution order further proceedings discontinued. But if such petition for discontinuance be not filed the said board shall have authority to advertise for bids for the construction of the work and to levy and collect assessments therefor and to issue warrants for the payment of the cost therefor as hereinafter provided.

§ 3. ADVERTISEMENT FOR BIDS.] The board of county commissioners shall at once cause proposals for such work to be advertised for in the official or a legal newspaper of the county, once each week for two consecutive weeks and shall call for bids upon a basis of cash payment for the work to be done and shall state the time within which such bids shall be received and within which time the work must be completed. The board may require the bidders to state the rate of interest the warrant shall bear which must be accepted by him at par in payment for the work, but said

warrants shall not bear to exceed seven per cent per annum. Bids for such work shall be opened by the board at the expiration of the time limited in said advertisement, which time shall be not less than fifteen days after the first publication thereof, or at such other time as the board may appoint therefor, and if accompanied by a certified check as hereinafter provided, shall be considered and if not accompanied by such certified check the said bid shall not be considered but must be rejected. Provided that the board of county commissioners shall retain the right to reject any or all bids.

§ 4. BIDS.] Each bid must be accompanied by a certified check in the sum of five per cent of the total amount bid, endorsed or made payable to the chairman of the board of county commissioners as a guarantee that the bidder will, if successful, enter into a contract and furnish a surety bond for the faithful performance of the work, in case such contract is awarded to him and in case such bidder to whom the work is awarded, fails to execute such contract and bond as provided, the check accompanying his bid shall be and remain the property of the county and shall be turned over to the county treasurer who shall credit the proceeds of such check to the fund for which the work is to be done.

§ 5. BONDS.] The successful bidder shall within ten days after the award of the contract file with the county auditor a contract bond in a sum equal to the full amount bid. Such bond shall be executed by the contractor as principal and a surety company authorized to do business in this state, as surety.

§ 6. CONTRACTS.] All contracts entered into for any work provided for in this act shall be entered into in the name of the county and shall be executed on the part of the county by the chairman of the board of county commissioners thereof and countersigned by the county auditor. Each contract so entered into shall state the time within which such work must be completed, and must state from what fund the amount to be paid thereon by the county, is to be paid, and that the consideration of such contract is payable only in warrants drawn on such fund.

§ 7. CONTRACTOR, HOW PAID.] The contractor to whom any such contract shall be awarded shall be paid as the work progresses, by the board of county commissioners, upon estimates made by the engineer, but ten per cent of the amount of the estimate shall be retained by the said board until the final completion and acceptance of the work by the engineer and the board of county commissioners.

§ 8. WORK TO BE DONE BY OTHER METHODS.] If after the opening of the bids it should appear to the board of county commissioners that the interests of the owners of the land to be protected and to be assessed for the cost of construction can be best

subversed by the rejection of all bids and by doing the work by any other method such as day labor or otherwise it shall have authority to do so and shall proceed to arrange for the purchase of material or the employment of labor or proceed in any manner it may deem advisable, to construct the work, provided it believes such method will result in a more economical construction cost than by letting the contract to the lowest bidder, provided that in all cases bids must first be received as heretofore provided.

§ 9. ASSESSMENT FUNDS. WARRANTS.] All assessments levied under the provisions of this act shall constitute a fund for the payment of the cost of the revetment work for which they are levied, and shall be diverted to no other fund or purpose, and shall be designated by a number respectively "revetment district number" and such funds shall be numbered according to the number of the revetment district in which it is raised, and in anticipation of the levy and collection of such assessments, the county may at any time after the award of the contract, issue warrants, on such funds, payable at specified times and in such amounts as in the judgment of the board of county commissioners, the assessments will provide for, which warrants shall bear interest at the rate of not to exceed seven per cent per annum, and shall be paid semi-annually and shall have coupons attached representing each half year's interest. Such warrants shall state upon their face for what purpose they are issued, and the fund from which they are payable, and shall be signed by the chairman of the board of county commissioners and countersigned by the county auditor, under the seal of the county, and be in denominations of not more than one thousand dollars, and may be sold for cash at not less than the par value thereof or may be used in making payments on the contract. It shall be the duty of the county treasurer to pay such warrants and interest coupons as they mature out of the district funds on which they are drawn. The warrants herein provided shall be paid in equal annual installments extended over a period of not exceeding twenty years, and whenever all assessments for a specific district shall have been collected and applied in payment of the warrants issued for such revetment work and a deficiency remains, the board of county commissioners shall levy a tax upon all the taxable property in the county for the payment of such deficiency, and in case of a balance of such assessment remaining unexpended it shall be used for repairs of such revetment work, provided that any owner of property assessed for the cost of such work may pay his assessment in full at any time after the assessment is made, whereupon all interest on his assessment ceases.

§ 10. ASSESSMENT, HOW MADE.] It shall be the duty of the board of county commissioners, upon the completion of the work to personally inspect each and every tract of land subject to

assessment for the cost of constructing the revetment work, and determine from such inspection the particular tracts of land which will be especially benefited by the construction of the work, and thereupon assess against such tract such sum, not exceeding the benefits, as shall be necessary to pay its just proportion of the total cost of such work, and said board of county commissioners shall thereupon cause to be published a complete list of such benefits and assessments, setting forth each tract of land assessed and the amount each tract is benefited, certifying that the same is a true and correct assessment of the property therein described and signed by a majority of the board of county commissioners, and shall thereupon publish twice, once each week for two consecutive weeks, in the legal newspaper of the county, together with a notice of the time and place where and when such board will meet to hear objections which may be made to any such assessment, by any person interested therein, or by his agent or attorney, which time shall not be less than fifteen days after the first publication of such notice, and such board may thereupon alter the same as may in its judgment be just or as may be necessary to correct any errors therein, but any such changes therein made must be made in such manner as is necessary to make the total of the assessments equal the total cost of the work. Such board shall thereupon file the same in the office of the county auditor and the county auditor shall annually at the same time with other taxes certify to the county treasurer the amount of the annual installment due with accrued interest, which installment shall be collected in the same manner and at the time time as other taxes are now collected, and shall be subject to sale for non-payment in the same manner as all other delinquent taxes are sold.

§ II. POWERS OF JOINT BOARDS OF COUNTY COMMISSIONERS, IN TWO OR MORE COUNTIES.] Whenever it shall be deemed necessary by the board of county commissioners of two or more counties, to construct or extend revetment work, or the benefits of revetment work through or into two or more counties, the boards of county commissioners of the two or more counties shall act jointly and in the same manner as provided by this act for a single county.

Approved March 3, 1927.

CHAPTER 119
(H. B. No. 279—Signalness)

**PAROLE OF PRISONERS TO COUNTY COMMISSIONERS FOR
WORK ON HIGHWAYS**

An Act to Permit the District Court to Parole Persons Confined in the County Jail, Serving a Sentence, to the County Commissioners of the Various Counties of the State for the Purpose of Performing Work and Labor Upon the Construction, Maintenance and Upkeep of State, County and Township Roads, and Providing that Such Persons in Such Confinement in Any County May Be Transferred by Any Presiding District Judge, From One County to Any Other County in the State, Upon an Order Issued After a Proper Application and Hearing Before Said Judge, and be Committed to the Sheriff of Such County in Accordance With the Terms of His Sentence, and for the Paroles of Such Persons Serving Sentence in Any County Jail, and Providing for Maintenance and Support and Compensation, and Punishment of Such Persons that May Violate their Paroles.

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

§ 1. That whereas many persons are sentenced to and confined in the various county jails of the state, and that proper employment for such persons is not provided for by law, and whereas extensive and costly improvements are being made in the public highways in the state of North Dakota, and whereas it is desirable to give employment to such persons so confined in county jails, and for the purpose of assembling a crew of persons so confined for the purpose of building and improving, or maintenance and upkeep of state, county and township roads, be it provided that whenever the Board of County Commissioners of any county shall, by resolution, undertake to build, maintain or repair such highways in their county, they may make application to the District Court of said county for permission to take inmates of any county jail on parole for the purpose of performing labor upon said highways. Upon proper showing made by the Board of County Commissioners of two or more counties, such persons so confined may be transferred, by order of the District Court of any county in the state, from the custody of the sheriff of any such county in the state to the sheriff of any other county in the state, which shall have made proper application, in writing, for such persons to be transferred for the purpose of utilizing their labor upon such public highway work. Provided, further, that the County Commissioners of such County to which such persons are transferred shall authorize the sheriff of such county to employ a proper, special deputy, or deputies, as may be necessary to supervise and control such persons while on parole to such county. Provided further, that upon proper showing, and the request of the County Commissioners of said county, persons so transferred may be transferred back to the county from which they were taken.

§ 2. The County Commissioners of any county, which shall have persons confined in the county jail on parole, employed as hereinbefore specified, may give as compensation to such persons so employed, not less than fifty cents a day nor more than One Dollar a day, and shall provide for such persons suitable food, shelter, clothing, medical attendance and medicine, including a ration of tobacco for such as use tobacco, and to such who do not use tobacco, a ration of fruit may be issued that will correspond in value to the tobacco ration.

§ 3. That no person so confined and employed on parole shall be subjected to any indignity, humiliation or punishment, excepting such as are unavoidable and necessary for the maintenance of proper discipline. That under no condition shall it be lawful to provide for or allow any such person to have or use alcoholic liquors of any kind.

§ 4. Before any person can be so transferred and paroled he shall sign a waiver witnessed by two witnesses, agreeing to accept the conditions of the transfer and parole.

§ 5. Provided that any person so transferred and paroled who shall violate the terms and conditions of his parole by making his escape from the custody of the sheriff who has him in custody, such person shall forfeit and shall not have credit for any time whatsoever that he has served while on parole; and in addition thereto he shall forfeit to the county all compensation that he has earned while on parole. Provided, that no person so paroled shall be paid any compensation that he may have earned until he has served at least two-thirds of the term of his sentence. Provided, further, that persons who are serving time for a failure to pay a fine shall not receive any financial compensation for time served in order to compensate for the fine.

§ 6. Provided that all persons so confined and serving a jail sentence, and paroled for service, as provided in this act, shall be given credit for time so served in order to diminish his sentence in the following manner: For every four days served in good faith and in the performance of labor as herein provided, he shall receive credit for five days upon his sentence.

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

Approved March 3, 1927.

CHAPTER 120
(H. B. No. 86—Signalness)

COUNTY SEAT WHEN DEEMED CHANGED

An Act to Amend and Re-enact Section 3237 of the Compiled Laws of North Dakota for 1913, Pertaining to When County Seat Deemed Changed.

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

§ 1. That Section 3237 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3237. In the notice provided for in the last section the place selected to be the county seat of the county must be so declared from a day specified in the notice, not more than one year after the election. After the day thus named in the notice, the place chosen shall be the county seat of the county.

Approved Februray 9, 1927.

CHAPTER 121
(H. B. No. 136—Thompson of Ramsey by Request)

STATE'S ATTORNEY CONTINGENT FUND

An Act to Amend and Re-enact Section 3382 of the Compiled Laws of North Dakota for 1913 Providing for a Contingent Fund for the State's Attorney of Each County.

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

§ 1. AMENDMENT.] That Section 3382 of the Compiled Laws of North Dakota be amended and re-enacted as follows:

§ 3382. The County Commissioners of each county in this State are hereby authorized and directed to set apart at their first meeting in January of each year, from any funds in the County Treasury not specifically appropriated or set aside for any other purpose, a sum of money of not less than \$500.00, and not more than \$1,000.00 in each county having a population of 10,000 or less, according to the last official census; the sum of not less than \$1,000.00 nor more than \$1,500.00 in each county having a population of not less than 10,000 and not more than 20,000; and the sum of not less than \$1,500.00 and not more than \$2,000.0 in each county having a population of more than 20,000, to be used by the State's Attorney of such county as a contingent fund for the purpose of defraying such necessary expenses as are not otherwise provided for in securing evidence in the investigation of criminal cases.

Approved February 19, 1927.

COURTS

CHAPTER 122

(S. B. No. 99—Schlosser)

WHEN COUNTY JUDGE NOT TO ACT AS ATTORNEY

An Act to Amend and Re-enact Section 8519, Compiled Laws of 1913, Relating to the Practice of Law by County Judges.

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

§ I. AMENDMENT.] That Section 8519 of the Compiled Laws for 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 8519. JUDGE NOT TO ACT AS ATTORNEY. WHEN.] A county judge shall not be an attorney in any civil or criminal action or other judicial proceeding, which involves or relates to an estate, or any part thereof, or other matter over which he has or may hereafter obtain jurisdiction, either for or against a surviving husband or wife, heir, devisee, executor, administrator, guardian or ward, debtor, creditor or other person, and he shall not counsel or advise as to any such action or proceeding or contemplated action or proceeding; nor draft, nor aid in drafting any document or paper relating thereto, which he is, or may be, required by law to pass upon. The judges of county courts shall not recognize as entitled to practice in such county courts, any attorney who is a law partner or otherwise connected in business with such county judge, nor permit such law partner to make an appearance for clients, nor prosecute nor defend any action or judicial proceedings in the county court, nor file any papers as attorney for any client in relation to any estate over which such county judge has jurisdiction. A willful violation of any of the foregoing provisions of this section shall be deemed willful misconduct in office, and a misdemeanor, and conviction thereof shall operate to vacate said office. Provided, further, that if said office is so vacated the incumbent shall not be eligible either for appointment or election to said office.

Approved February 19, 1927.

CHAPTER 123

(H. B. No. 207—Shurr by Request)

FEEES CLERK OF DISTRICT COURT

An Act to Amend and Re-enact Section 3498 of the Compiled Laws of North Dakota, for the Year 1913, Relating to Fees to be Charged by the Clerk of the District Court.

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

§ I. AMENDMENT.] An Act to Amend and Re-enact Section 3498, of the Compiled Laws of North Dakota, for the year 1913, relating to fees to be charged by the Clerk of the District Court to read as follows:

§ 3498. Clerks of the District Court shall charge and collect the following fees:

1. For the filing of an action including actions transferred from other counties, and all things in connection therewith that are not hereinafter provided for, the sum of \$5.00.
2. For issuing execution in any action, \$1.00.
3. For filing execution on return, fifty cents.
4. For filing and indexing a mechanic's lien, \$1.00.
5. For filing and indexing any other paper authorized to be filed in his office, but not connected with any civil action or proceeding, fifty cents.
6. For making certified abstracts of any judgment, or certified copy of any judgment, order or other paper, filed or recorded in his office, for the first four folios, fifty cents; for each additional folio, ten cents.
7. For approving bond of a notary public, fifty cents.
8. For entering and indexing commission of notary public, fifty cents.
9. For taking an acknowledgment or administering an oath, twenty-five cents.
10. For recording and indexing any paper, not filed in an action or proceeding, for the first four folios, fifty cents; for each additional folio, ten cents.
11. For a certificate of the official capacity of a notary public, or other officer, fifty cents.
12. For certifying an abstract of real property as to judgments and liens, for each person named in the abstract as to whom search is made, ten cents.
13. For issuing commission to take depositions, one dollar.
14. For certifying the record on appeal to the supreme court, or to the district court of any other county and transmitting the same, five dollars.
15. For all services on remittitur from Supreme Court, two dollars.
16. For taking depositions, per folio, ten cents.
17. For making certified transcripts of any judgment, \$1.00.
18. For filing and docketing transcript of judgment from justice's court or from any other county, \$1.00.
19. For filing and entering affidavit and other papers, for renewal of any judgment, \$2.00.

20. For registering and filing certificates of partnership, \$2.00.
 21. For all services in adoption proceedings, \$3.00.
 22. For all services in proceedings for Deposit in Court, \$3.00.
- Approved March 7, 1927.

CHAPTER 124

(H. B. No. 216—State Affairs Committee)

JUDICIAL COUNCIL

An Act Creating a Judicial Council for the State of North Dakota, and Providing for the Continuous Study of the Administration of Justice.

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

§ 1. JUDICIAL COUNCIL ESTABLISHED.] There is hereby established a judicial council which shall consist of all judges of the supreme and district courts of the state, one judge of the county court to be chosen by the supreme court, the attorney general, the dean of the school of law of the state university, and five members of the bar who are engaged in the practice of law, who shall be chosen by the executive committee of the state bar association.

§ 2. TERM OF OFFICE.] The judges of the supreme and district courts, the attorney general and the dean of the school of law of the state university, shall hold office as members of the council during the time they occupy their respective official positions. The terms of office of the county judge chosen by the supreme court, and of the members of the bar, shall be two years, commencing on the first Monday of January of odd numbered years. A vacancy shall be filled by the authority originally selecting the member.

§ 3. ORGANIZATION OF COUNCIL.] The chief justice during his term as chief justice shall be chairman of the council. An executive secretary shall be chosen by the council either from within or without the council. The council shall make rules for its procedure and the conduct of its business.

§ 4. MEETINGS.] The council shall meet at least twice in each year at such times and places as shall be fixed by the council, provided that the first meeting shall be held at such time and place as the chief justice shall designate, and within six months after the taking effect of this act.

§ 5. DUTIES.] The judicial council is to make a continuous study of the operation of the judicial system of the state, to the end that procedure may be simplified, business expedited and justice better administered.

§ 6. HEARINGS.] The council may hold public meetings and hearings and shall have power to require the attendance of witnesses and the production of books and documents. The district court shall have power to enforce obedience to subpoenas issued by the council and to compel the giving of testimony. Each member of the council shall have power to administer oaths in any hearing or investigation instituted by the council.

§ 7. BUREAU OF STATISTICS.] The council shall have the power to organize a bureau of statistics for the purpose of gathering information relating to crime and criminal and civil litigation. Judges, state's attorneys, sheriffs, the attorney general, clerks of the district courts, the state board of administration, the superintending officers of penal and reformatory institutions and of asylums and other places of detention, and all other state, county and municipal officers, boards and commissions, shall render to the council such reports as it may request on matters within the scope of its powers. The clerks of the district courts of the state shall prepare a statement semi-annually under the seal of the court showing the number of cases filed, the number of cases ready for trial and the number of cases tried during the preceding period of six months, together with such additional information as may be required by the council; and such statement shall be forwarded to the judicial council not later than January first and July first of each year.

§ 8. REPORT.] The judicial council shall submit to the governor not later than the first day of December of each even numbered year a report upon the work of the various branches of the judicial system of the state. The council may recommend to the governor or to the legislative assembly such measures as it shall deem advisable and may from time to time submit for the consideration of the supreme court suggestions regarding rules of practice and procedure.

§ 9. MEETING OF JUDGES.] Immediately following each meeting of the judicial council the judges of the supreme and district courts shall assemble for the purpose of considering matters relating to the administration of justice, including recommendations and complaints submitted to them concerning the business of the courts and their officers.

§ 10. COMPENSATION.] No member of the council shall receive compensation for any services rendered by him in such capacity; but any necessary expense incurred by any judge of the district and supreme courts in the discharge of his duties as a member shall

be deemed expense incurred in the performance of the duties of his office and paid as such; the expenses of all other members of the council shall be audited, and paid from the State Bar Fund in the same manner as other claims against such fund.

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

Approved March 3, 1927.

CHAPTER 125
(S. B. No. 234—Baird)

**SUPREME COURT DIRECT SPECIAL TERMS OF DISTRICT COURT
AND DESIGNATE JUDGES**

An Act to Authorize the Supreme Court to Direct the Calling of Special Terms in Any of the Counties of the State and to Designate a District Judge to Preside at Such Term.

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

§ 1. That the Supreme Court shall be and it is hereby authorized whenever in its judgment the ends of justice so require, to order a special term of the district court to be called in any county in the state; and it is further authorized to designate any one of the district judges in the state to call and preside at such term.

Approved March 3, 1927.

CRIMES and PUNISHMENTS

CHAPTER 126
(H. B. No. 127—Cox)

**MAXIMUM PUNISHMENT ON CONVICTIONS OF TWO OR MORE
FELONIES**

An Act Providing Maximum Punishments for Persons Convicted of a Felony Who Have Been Convicted of Two or More Felonies in Any State of the United States, and Prescribing the Procedure in Such Cases.

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

§ 1. That if a person commits a felony, within this State, after having been convicted of two felonies, either in this State or any other State of the United States, the maximum punishment or penalty of imprisonment for such offense shall be twice the maximum sentence now or hereafter prescribed by law for a first conviction of said offense.

§ 2. That if a person commits a felony, within this State, after having been convicted three or more times of felonies, either in this State or any other State of the United States, the maximum punishment or penalty of imprisonment for such offense shall be life imprisonment.

§ 3. If at any time before judgment and sentence, or at any time after judgment and sentence but before such judgment and sentence is fully executed, it shall appear that one convicted of a felony, has been previously convicted of crimes as set forth in sections one, or two of this Act, it shall be the duty of the State's Attorney of the county in which such conviction was had to file an information with the court wherein such conviction was had accusing such person of such previous convictions, whereupon the Court shall cause the said person, whether confined in prison or otherwise, to be brought before it, either in term or in vacation, and shall inform him of the accusations contained in said information by reading the same to him, and of his right to be tried as to the truth thereof according to law, and shall require such person to say whether he has been convicted as charged in said information or not. If he shall say that he has not been convicted as therein charged or refuses to answer, or remains silent, his plea, or the fact of his silence shall be entered of record, and the court shall make an order directing that the truth of the accusations made in said information be submitted to a jury at the then present term of court, if in term time and a jury be in attendance, unless continued for cause, or at the next ensuing term of court when a jury is in attendance. If the jury shall find and determine by evidence beyond a reasonable doubt that the accused has been guilty of one or more convictions as charged in said information, or if the accused acknowledges or confesses in open court, after being duly cautioned as to his rights, that he has been so convicted, the court shall sentence him to the punishment or penalty of imprisonment as in sections one or two provided, and shall vacate any previous judgment and sentence if one has heretofore been entered or imposed.

Whenever it shall become known to any warden or person in charge of the place of imprisonment wherein such person is confined, or to any probation, parole, police officer, or other peace officer that any person charged with or convicted of a felony, has been previously convicted within the meaning of sections one or two of this act, it shall be the duty of such person forthwith to report the facts to the State's Attorney of the county wherein the charge is pending or the conviction was had.

§ 4. Provided, that the provisions of this Act shall not apply to offenses made felonies by statute not involving moral turpitude.

Approved March 7, 1927.

CHAPTER 127
(S. B. No. 92—Sathre)

RACING ANIMALS FOR WAGER

An Act to Amend and Re-enact Section 9688, of the Compiled Laws of North Dakota for 1913, Relating to the Racing of Animals for Wager.

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

§ 1. AMENDMENT.] That Section 9688 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 9688. All racing or trial for speed between horses or animals for any bet, stake or reward, except such as is allowed by special laws, is a common nuisance, and every person acting or aiding therein, or making or being interested in any such bet, stake or reward, is guilty of a misdemeanor; and in addition to the penalty prescribed therefor, he forfeits all title or interest in any animal used with his privity in such race or trial of speed, and in any sum of money or other property betted or staked upon the result thereof; provided, that this Section does not apply to racing or trials of speed between horses or other animals conducted under the management of State or county Fair Associations for prizes offered by such Associations, or at any picnic or public celebration.

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

Approved February 10, 1927.

DAIRY PRODUCTS

CHAPTER 128
(S. B. No. 153—Eastgate)

FALSE READING BABCOCK TEST OF BUTTERFAT, ETC.

An Act to Amend and Re-enact Section 2854 of the Supplement to the Compiled Laws, 1913.

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

§ 1. That Section 2854 of the Supplement to the Compiled Laws, 1913 be amended and re-enacted to read as follows:

§ 2854. FALSE READING UNLAWFUL.] It shall be unlawful for the owner, manager, agent or employee of any factory, station,

plant or place of any character whatsoever, where milk or cream or the products of either or both combined are tested, or for any other person, whatsoever, to manipulate, underread, overread, or in any other manner to alter the true reading of the Babcock test, or any other instrument, contrivance or method that is, or can be, legally used to determine the quality or value of butterfat in milk or cream or the products of either, or both combined.

§ 2. PENALTY.] Any person, co-partnership, or corporation, or any agent, servant or employee of either, violating any of the provisions of this act, shall be deemed guilty of a misdemeanor and be punished by a fine of not less than \$50.00 (fifty dollars), nor more than \$100.00 (one hundred dollars), or by imprisonment for not less than thirty days nor more than ninety days, or by both such fine and imprisonment.

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

Approved March 3, 1927.

CHAPTER 129

(S. B. No. 27—Committee on Appropriations)

MILK AND CREAM TESTING LICENSE

An Act to Amend and Re-enact Chapter 103, Session Laws 1917, the Same Being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925.

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

§ 1. AMENDMENT.] That Chapter 103, Session Laws 1917, the same being Section 2863b7 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby amended and re-enacted to read as follows:

§ 2863b7. It shall be unlawful for any person to sample or test milk, cream, or any other dairy products for the purpose of determining the commercial value of such product when bought or sold, without first having secured a license from the state dairy department and such license shall be conspicuously displayed in his place of business. Provided that in case of sickness or necessary absence, said person may appoint a substitute for six days and for a longer period subject to approval of the dairy commissioner, but said person shall be responsible for the acts of said substitute.

This license shall be granted to those who shall have completed a course in milk and cream testing in any recognized college or dairy school, or, to those who shall pass an examination under the direction of the state dairy department and satisfactorily demonstrate that they are properly qualified and competent to use such test.

The dairy commissioner shall have the authority to revoke any license issued under the provisions of this act if the holder is convicted of a failure to comply with the state dairy law. Said license shall be granted for a period of one year by the dairy department upon payment of a fee of two dollars (\$2.00) payable prior to examinations, one dollar (\$1.00) of which shall be returned in case of failure to pass said examination. In the case of a renewal of a license, a fee of one dollar (\$1.00) shall be paid.

The fees collected under the provisions of this act shall be paid into the general fund of the state treasury monthly by the dairy commissioner.

Approved February 3, 1927.

CHAPTER 130

(H. B. No. 238—Johnson of Ward)

REGULATION USE AND SALE GLASS CONTAINERS FOR TESTING MILK AND CREAM

An Act Regulating the Use and Sale of Bottles and Glassware for Testing Milk and Cream for Butter Fat.

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

§ 1. Any person shall be guilty of a misdemeanor who shall within this state test milk or cream for butter fat by the use of any bottles or glassware which do not conform to the Standard Babcock test bottles for milk and cream, which shall be the following:

1. Eight per cent, 18-gram, 6-inch milk-test bottle.
2. Fifty per cent, 9-gram, short neck (6-inch) cream-test bottle.
3. Fifty per cent, 9-gram, long neck (9-inch) cream-test bottle.
4. Fifty per cent, 18-gram, long neck (9-inch) cream-test bottle.
5. Fifty per cent, 18-gram, short neck (6-inch) cream-test bottle.

1. Eight Per Cent, 18-Gram, So-Called (6-inch) Milk-test Bottle. Graduation: The total per cent graduation shall be 8. The graduated portion of the neck shall have a length of not less than 63.5 mm. (2.5 inches). The graduation shall represent whole per cent, five-tenths per cent, and tenths per cent. The tenths per cent graduation shall be not less than 3 mm. in length; the five-tenths per cent graduations shall be 1 mm. longer than the tenths per cent

graduations, projecting 1 mm. to the left; the whole per cent graduations shall extend one-half way around the neck to the right, projecting 2 mm. to the left of the tenths per cent graduations. Each per cent graduation shall be numbered, the number being placed on the left of the scale. The maximum error of the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

Neck: The neck shall be cylindrical for at least 5 mm. below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 mm.

Bulb: The capacity of the bulb up to the junction of the neck shall not be less than 45 ml. The shape of the bulb may be either cylindrical or conical with the smallest diameter at the bottom. If cylindrical, the outside diameter shall be between 34 and 36 mm.; if conical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 18 grams.

The total height of the bottle shall be between 150 and 165 mm. ($5\frac{7}{8}$ and $6\frac{1}{2}$ inches).

Each bottle shall bear a permanent identification number.

2. Fifty Per Cent 9-Gram, So-Called Short Neck (6-inch) Cream-Test Bottle. Graduation: The total per cent graduation shall be 50. The graduated portion of the neck shall have a length of not less than 63.5 mm. (2.5 inches). The graduation shall represent 5 per cent, 1 per cent and 0.5 per cent. The 0.5 per cent graduations shall be at least 3 mm. in length; the 1 per cent graduations shall be 2 mm. longer than the 0.5 per cent graduations, projecting 2 mm. to the left; the 5 per cent graduation shall extend halfway around the neck to the right. Each 5 per cent graduation shall be numbered, the number being placed on the left of the scale. The maximum error of the total graduation or any part thereof shall not exceed the volume of the smallest unit of the graduation.

Neck: (Same as standard milk-test bottle.) The neck shall be cylindrical for at least 5 mm. below the lowest and above the highest graduation mark. The top of the neck shall be flared to a diameter of not less than 10 mm.

Bulb: (Same as standard milk-test bottle). The capacity of the bulb up to the junction of the neck shall not be less than 45 ml. The shape of the bulb may be either cylindrical or conical,

with the smallest diameter at the bottom. If cylindrical, the outside diameter of the base shall be between 31 and 33 mm. and the maximum diameter between 35 and 37 mm.

The charge of the bottle shall be 9 grams. All bottles shall bear on top of the neck above the graduations in plainly legible characters a mark denoting the weight of the charge to be used (9 grams.)

The total height of the bottle shall be between 150 and 165 mm. ($5\frac{7}{8}$ and 6.5 inches). (Same as standard milk-test bottles).

Each bottle shall bear a permanent identification number.

3. Fifty Per Cent 9-gram, So-called Long Neck (9 inch) Cream-Test Bottles.

The same specifications in every detail as specified for the 50 per cent 9-gram 6-inch cream-test bottle shall apply to the 9-inch bottle, with the exception, however, that the total height of this bottle shall be between 210 and 229 mm. ($8\frac{1}{4}$ and 9 inches), and the graduated portion of the neck shall have a length of not less than 120 mm.

4. Fifty Per Cent 18-Gram, So-Called Long Neck (9-inch) Cream-Test Bottles.

The same specifications in every detail as specified for the 50 per cent 9-gram, 9-inch cream-test bottle shall apply, except that the charge shall be 18 grams. All bottles shall bear on top of the neck above the graduations in plainly legible characters a mark denoting the weight of the charge to be used (18-grams).

THE STANDARD BABCOCK PIPETTE

Total length of pipette not more than	mm.	330
Outside diameter of suction tube	mm.	6-8
Length of suction tube	mm.	130
Outside diameter of delivery tube	mm.	4.5-5.5
Length of delivery tube	mm.	100-120
Distance of graduation mark above bulb	mm.	15-45
Tolerance	ml.	0.05

Nozzle straight.

To contain 17.6 ml. of water at 20° C.

Delivery in 5 to 8 seconds.

5. Fifty per cent 18-gram, So-called Short Neck (6-inch) Cream-test Bottle; which shall be the same specification in every detail as specified for the 50 per cent, 9-gram 6-inch cream-test bottle, except that the charge shall be 18 grams and the flare at the top of the neck of the bottle shall be at least 15 mm. in diameter.

§ 2. No person shall be guilty of a violation of this Act, nor be subject to prosecution thereunder who has, for the purpose of testing milk and cream for butter fat, used bottles or glassware purchased from a manufacturer who has filed a bond and been assigned a designating number as provided in the following section.

§ 3. Any manufacturer desiring to sell, in this state, bottles and glassware for use in testing milk and cream for butter fat may make application to the Dairy Commissioner for the registration of a trade mark adopted by such manufacturer and to receive from the Dairy Commissioner a designating number, and shall at the time of filing such application file with such Commissioner a bond in the sum of One Thousand Dollars payable to the State of North Dakota, with sureties, which said sureties, if personal, shall be residents of this state, and if a surety company, shall be authorized to do business in this state, conditioned that it will sell in this state only such bottles and glassware as shall conform to the Standard Babcock test, and which shall have clearly blown or otherwise permanently marked in the side thereof the capacity of the same and the word "Sealed", and in the side or bottom the trade mark and the designating number of the manufacturer, which said trade mark and designating number shall be different for each manufacturer. Such bond shall be valid for a period of three years from the date of its execution, unless prior to that time it shall appear to the Dairy Commissioner that the surety or sureties thereon have become insolvent or non-residents of the state or, if a surety company has ceased to do business in this state, whereupon he shall be authorized to cancel such bond and require a new bond to be filed. Upon the making of such application and the filing of such bond, the Dairy Commissioner shall assign to the applicant a designating number and cause a record to be made thereof in his office, together with a record of such trade mark.

§ 4. Any manufacturer who shall have made the application and filed the bond aforesaid and to whom shall have been assigned a designating number, who shall sell in this state any bottles or glassware which do not conform to the Standard Babcock test and be marked as provided in the foregoing section, shall forfeit to the State of North Dakota the sum of Five Hundred Dollars to be recovered in an action for that purpose brought in the name of the State of North Dakota by the Attorney General against the surety or sureties upon such bond. Any manufacturer, merchant, dealer or agent in this state who shall offer for sale or sell any milk or cream test bottle, which is not in compliance with the above specifications, shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law.

§ 5. REPEAL.] Section 2853 of the Supplement to the Compiled Laws of North Dakota for the year 1913, is hereby repealed.

Approved March 7, 1927.

DEPOSITORS' GUARANTY FUND COMMISSION

CHAPTER 131

(S. B. No. 23—Committee on Appropriations)

SPECIAL DEPOSITS

An Act to Amend and Re-enact Section 9 of Chapter 200, Session Laws 1923, the Same Being Section 5220b9 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, Relating to the Depositors' Guaranty Fund Commission.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 200, Session Laws 1923, the same being Section 5220b9 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, be, and the same hereby is, amended and re-enacted to read as follows:

§ 9. (Section 5220b9) Whenever the Commission shall acquire information leading it to believe that any bank admitted under such fund is being irregularly or inefficiently, or dishonestly conducted, or is insolvent, as that term is defined by the Banking Laws, it shall be its duty to investigate the same as promptly as possible as in Section 8 hereof provided; and at any time during the progress of such investigation if it appears that such bank is probably insolvent, such commissioner or inspector shall have authority to make an order requiring all deposits received during such examination to be set aside and held intact as "Special Deposits," which shall only be used to reimburse the depositor; and if at the close of such examination the commissioner or inspector shall find such bank to be insolvent within the meaning of the Banking Laws, he shall have authority to extend such order for such further period as shall be necessary to enable the Commission to meet and take action with reference to the affairs of such bank; but such meeting and action must be taken within thirty days from the time of extending such order. Upon completing such examination, such commissioner or inspector shall immediately prepare a report of the result thereof, and submit the same to the Commission and the State Examiner.

If from such report it shall appear to the Commission that the bank is insolvent within the meaning of the Banking Laws, it shall have authority to immediately institute a proceeding in the district court of the county in which such bank is located, (or in any other court that may be by any law then in force, given jurisdiction of such proceeding) to liquidate such bank as an insolvent corporation, and procure the appointment of a Receiver to wind up its affairs, as provided for by Article 3 of Chapter 27 of the Code of Civil Procedure, and the general equitable jurisdiction of courts of equity to appoint receivers and wind up the affairs of insolvent corporations; or if by any law then in existence the exclusive right to institute such proceedings shall be vested in any particular officer or Board, the Commission shall certify the facts to such officer or Board, as the case may be, who must thereupon institute such proceedings.

In lieu of instituting such proceedings, the Commission may, in its discretion, permit such bank, within a time to be prescribed by it, to comply with such conditions as the Commission shall deem necessary to make it a solvent institution, but as a condition of granting such time, such bank must, by a resolution of its directors, endorsed on its minutes, consent to the continuing of the order aforesaid limiting the right to receive deposits, and to such continued supervision of its affairs as the Commission shall prescribe. The granting of such time to said bank to remedy its condition shall not abridge or limit the right of the Commission to institute such court proceedings, at any time it shall appear to its satisfaction that such bank is hopelessly insolvent, or unable to comply with the conditions prescribed.

Provided, however, the pendency of any proceedings for the liquidation of any such bank shall not be a bar to its reorganization or continuance as a banking institution, but at any time before the final disposition of such proceedings, such bank may make application to the Guaranty Fund Commission for leave to reorganize or remedy its condition, and be re-admitted under the Guaranty Fund, and the Commission may thereupon prescribe the conditions as to assets, payment of liabilities, and the character and competency of the managing officers to be placed in charge of the affairs of such bank upon which it may be re-admitted to said Guaranty Fund, which condition shall be submitted to the Court having jurisdiction, and if it approves thereof, it may make an order to that effect, and thereupon and upon such bank complying with the said conditions to the satisfaction of the Guaranty Fund Commission, it shall make an order re-admitting the said bank, and the liquidation proceedings shall be thereupon discontinued on such terms as the Court shall direct; but no deposits shall be received by such reorganized bank until final approval of the Court is had, and the said proceedings

actually dismissed. All expenses incident to such proceedings incurred by the Commission shall be presented to and audited by the State Auditing Board, and be paid out of the funds provided for in this Act to meet the expenses of the Guaranty Fund Commission.

Approved February 11, 1927.

DIVORCE

CHAPTER 132

(H. B. No. 214—Thompson of Ramsey)

DECREES OF SEPARATION FROM BED AND BOARD

An Act to Provide for the Granting of Decrees of Separation from Bed and Board, Specifying the Grounds Upon Which Such Decree May be Entered, and Providing for the Maintenance of Spouse or Children, and for the Division by the Court, of Joint and Separate Property of Husband and Wife.

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

§ 1. A decree of separation from bed and board forever, or for a limited time, may be decreed by the district courts of this state upon such evidence as shall be deemed sufficient, on complaint of a married woman or a married man, for any of the following causes:

1. Any cause for which a divorce might be decreed; or
2. Cruelty on the part of either party toward the other party whether practiced by using personal violence, abusive language, threats of violence, or by any other means which may render the marital relations intolerable to either party, or render it unsafe or improper for them to live together; or,
3. Failure or refusal by either party to cohabit, as husband and wife, for a period of one or more years, next preceding the commencement of the action; or,
4. Failure of either party, when being of sufficient means and ability, to provide a suitable maintenance for the other party, when such other party is unable from infirmity or other cause to support herself or himself.

§ 2. The court in which any such action is brought, may upon motion, award such sums for counsel fees and temporary maintenance, during the pendency of the action, as the circumstances and the situation of the parties appear to warrant.

§ 3. Upon decreeing a separation in any such suit, the court may make such orders and decree for the suitable support and maintenance of the wife or husband, and children, if any, out of the separate or joint property of the husband and wife; or such division of the joint or separate property of the husband and wife as may appear just and proper.

§ 4. Such decree of separation from bed and board shall confer upon both the husband and wife all the rights of property, business and contracts as if unmarried; and shall release both husband and wife from all obligations of maintenance, except as may be required by the decree.

§ 5. When a decree for a separation forever, or for a limited period, shall have been pronounced, it may be revoked at any time thereafter by the same court by which it was pronounced, under such regulations and restrictions as the court may impose, upon the joint application of the parties, upon their producing satisfactory evidence of their reconciliation.

§ 6. No action shall be brought or maintained under the provisions of this act unless the plaintiff has complied with the statutory residence and citizenship provisions required of the plaintiff in a divorce proceeding.

Approved March 3, 1927.

DRAINS

CHAPTER 133

(H. B. No. 311—Committee on Drainage)

DRAINAGE WARRANTS FOR DRAINS ABANDONED OR POSTPONED

An Act to Provide for the Payment of Outstanding Warrants Issued by any Board of Drain Commissioners for Expenses Incurred and for Services of Surveyors, Engineers and other Persons or Corporations, Contracted for and Rendered Prior to the Establishment of Drains for the Purpose of Draining Agricultural Lands, in Cases where any such Board has Established such Drain or Drains, and same has thereafter been abandoned, or the Construction thereof Postponed for a Period of more than Two Years, and Providing for the Re-conveyance of Land no Longer Required for Drainage Purposes.

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

§ 1. That in all cases where a petition has been presented to the Board of Drain Commissioners in any County in this State, for the establishment of a drain, having among its purposes, the drainage of agricultural lands and where such drain has been established

by order of the Board of Drain Commissioners having jurisdiction thereof, and where the construction of such drain has thereafter been abandoned, or the construction thereof has been discontinued for a period of two years or more and no levy or collection of any assessment to provide a fund from which the expenses of procuring a survey, plans, specifications, or a plat of such proposed drain, and for other expenses connected with the establishment thereof, provided for by law, has been made, the Board of Drain Commissioners of any such County shall forthwith, if not already done, apportion the amount of all outstanding warrants, heretofore drawn for such purposes against such drain fund, to the lands and municipalities found by such Board to be benefited by such proposed drain; and such apportionment shall be made in proportion to the benefits found by such Board to accrue to each and any such tract of land or municipality, so that the aggregate thereof may equal all such outstanding warrants.

§ 2. Any such Board shall thereupon prepare a list of all such lands and municipalities and shall extend opposite each tract or municipality the amount so apportioned thereto, and shall, forthwith, return such list, certified by such Board, to the County Auditor of the proper County.

§ 3. All provisions of law relating to, or providing for, hearings and notices thereof, now in force and applicable to any or all of the proceedings relating to and providing for the establishment and construction of drains, shall apply to corresponding proceedings provided for by this act.

§ 4. Upon receiving such list, the County Auditor shall extend the amount so apportioned to each tract or municipality, upon the tax list of said County for collection and the same shall be included in the taxes assessed against each such tract the same as is now provided by law for the collection of assessments so levied for the payment of the cost of construction of Drains, and shall be collected in the same manner as now provided by law for the collection of such assessments; and the portion assigned to any municipality shall be by it paid in the same manner as now provided by law for payment of assessments for the construction of such drains.

§ 5. Upon the presentation of any outstanding warrant dated January 1st, 1919, issued for the purposes hereinbefore specified, the County Treasurer of the appropriate County shall pay the same out of the fund derived from the assessment herein provided for, when sufficient moneys have been collected and credited to such fund, in the order in which they are presented, together with interest thereon, according to the terms of such warrants.

§ 6. Whenever land has been heretofore or may hereafter be acquired by the County for use for drainage purposes, and such land

is no longer required for such use, the Board of Drainage Commissioners shall have authority and they are hereby empowered to reconvey such land to the proper party entitled thereto upon surrender of all warrants issued or repayment of all cash paid, in payment of such land.

Approved March 7, 1927.

ELECTIONS

CHAPTER 134 (S. B. No. 140—Carey)

DISPOSITION ELECTION BALLOTS—COMPENSATION ELECTION OFFICERS

An Act to Amend and Re-enact Section 1008 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Return and Disposition of Election Ballots and Compensation of Election Officers.

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

§ 1. AMENDMENT.] That Section 1008 of the Supplement to the 1913 Compiled Laws of North Dakota be, and the same is hereby amended and re-enacted to read as follows:

§ 1008. The inspector of election or one of the judges, appointed by him shall forthwith deliver to the clerk of the town, city or village, one of such statements and one of such poll lists, together with the stamps inscribed with the words "Official ballot" to be filed and preserved in his office, and shall with all convenient dispatch and within three days after the election, deliver the other two statements to the County Auditor and Secretary of State, respectively, by registered mail, said statement having been by the judges carefully sealed up, together with the other poll lists, and with the oaths of inspectors and clerks affixed, under cover, properly directed to the County Auditor and Secretary of State, respectively, and the person mailing such returns shall receive as compensation therefor the sum of two dollars (\$2.00) to be paid out of the county treasury on a warrant of the County Auditor.

The statement and poll lists aforesaid, having been duly prepared for delivery to the County Auditor as aforesaid, the inspector and judges of election shall cause the ballots of each kind cast at such election to be smoothly spread upon a wrapper of strong durable paper of the same width of such ballots and of sufficient strength to permit of its being folded with the said ballots and form

a complete wrapper therefor when folded. Such ballots and wrappers shall then be tightly folded together and the said wrapper securely pasted or glued at the outer end so as to completely envelope and firmly hold such roll together.

Provided, that ballots which are void shall be wrapped in a separate wrapper and so marked on said wrapper.

In the folding and sealing of the ballots as aforesaid the various classes of ballots shall be kept separate.

The judges shall fold in two folds and lay in tiers all ballots counted by them except those which are void, and fold same securely in manila wrappers not exceeding two hundred (200) to each wrapper, on which shall be endorsed in writing or print, the number of the precinct, date on which election was held, and securely seal such wrappers by sealing them with sealing wax and stamping on said wax the name of the county with a metal stamp provided for that purpose, so that said wrappers cannot be opened without breaking the seal, and return by mail said ballots opened together with those found void, to the county judge. Immediately upon receiving such ballots, the county judge shall give receipt therefor to said judges of election, and shall place them properly arranged in the order of the precinct numbers in boxes which shall be securely locked. Said boxes shall be placed in a fireproof vault and shall be securely kept for four months, not opening or inspecting them nor allowing any one else to do so, except upon order of court, in case of contested election, or when it shall be necessary to produce them at a trial for any offense committed at election. At the end of four months after said election, said ballots shall be destroyed; provided, that if any contest of the election of any officer voted for at such election or prosecution under this article shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined. In organized townships or in cities or villages, the inspector of election shall deliver, if he is not himself the officer in question, the ballot boxes together with said metal stamp to the chairman of the board of supervisors of the civil township, or mayor of the city or president of the village, in which the election precinct is situated, as the case may be; and this officer shall keep in safe custody such boxes and stamp until the next election, or hand them over to his successors in office to be safely kept by him until such time. At the following general or primary election it shall be the duty of these officers to hand the ballot boxes and said stamp over to the inspector of elections. In unorganized townships the inspector of elections shall cause the ballot boxes to be delivered by mail to the County Auditor, at the time when the ballots are returned. Any person violating any of the provisions of this section is guilty of a misdemeanor.

It is the purpose of this Act (section) to provide a safe place for the keeping of the ballots and to make them readily accessible for use in legal proceedings, and such ballots shall be received in evidence without further identification or foundation being laid, and any failure on the part of the election officers to comply with any of the formalities required hereby as to the return of said ballots shall not invalidate any election or cause any ballot otherwise regular to be disregarded and any omission or irregularities in the manner of identifying or returning the ballots of any precinct may be obviated by proof under the ordinary rules of evidence.

Approved March 7, 1927.

CHAPTER 135
(S. B. No. 180—Bond)

NO PARTY BALLOT

An Act to Amend and Re-enact Sections 909a2 and 909a5 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 909a2 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 909a2. At all primary elections there shall be separate ballots which ballots shall be entitled "No Party Primary Ballot", and the names of all candidates for any of the said offices shall be placed thereon without party designation and there shall be designated thereon the number of persons each elector is entitled to vote for on each office which shall be the number to be elected to such office at the next succeeding general election.

§ 2. AMENDMENT.] That Section 909a5 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 909a5. At the General Election there shall likewise be a separate ballot upon which shall be placed the names of all candidates who have been nominated as hereinbefore provided, which ballot shall be entitled "No Party Ballot." Such ballot shall otherwise be in the same form as hereinbefore specified for the No Party Primary Ballot. This ballot shall be delivered to each Elector. And the candidate, or candidates to the number to be elected for each office receiving the highest number of votes shall be duly elected to such office.

Approved March 5, 1927.

CHAPTER 136
(H. B. No. 85—Erickson of Kidder)

**QUALIFICATIONS AND DUTIES INSPECTORS AND JUDGES OF
ELECTION**

**An Act to Amend and Re-enact Section 951 Compiled Laws of North
Dakota of the Year 1913; Providing for Inspectors and Judges of
Election, their Qualifications and Duties.**

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

§ 1. AMENDMENT.] That Section 951 Compiled Laws of the State of North Dakota, year 1913 be amended and re-enacted to read as follows:

§ 951. The chairman of the board of supervisors in organized townships shall by virtue of his office be inspector of elections. In case the township contains more than three hundred voters, such chairman shall be inspector of elections in the precincts in which he resides, and shall appoint the inspector in all other precincts which are component parts of the township of which he is chairman. In case the township and any incorporated town or village within its limits contained less than three hundred voters and such township or incorporated town or village have but one voting place, the chairman of the township board of supervisors shall be inspector of elections. In all cities in which the aldermen are elected in different years, the senior alderman shall be inspector of elections for the precinct in which he resides; and in cities in which the aldermen are not so elected, the alderman who shall act as inspector of elections shall be determined by lot in such manner as the city council shall prescribe. In case a ward in any city contains more than three hundred votes, the senior alderman or the alderman chosen by lot shall be inspector of elections for the precinct in which he resides, and shall appoint the inspectors in all other precincts which are component parts of the ward of which he is alderman. In incorporated towns and villages the president of the town or village board of trustees shall act as inspector, and, if the town or village contains more than three hundred voters, he shall act as inspector of the precinct in which he resides, and appoint the inspectors in other precincts. In case the alderman designated or selected to act as inspector in any ward is disqualified from acting, the other alderman of the ward shall act as inspector, and appoint other inspectors when necessary; and in case the president of the board of trustees of any town or village is disqualified, the remaining members of the board shall select one of their number to act as such inspector, and appoint other inspectors when necessary. The inspector shall, prior to the opening of the polls in his precinct, appoint as judges of election two qualified electors of such precinct who shall have been residents therein for at least ninety days next preceeding such election, and

who are members of different political parties and of the parties which cast the highest number of votes at the preceding general election, provided that in case such inspector is disqualified from acting, the other two members of the Board of Township Supervisors and the Clerk shall, at least ten days before the date of holding the election, hold a meeting for the purpose of filling such vacancy. Such vacancy shall be filled by an appointed inspector who shall belong to the same political party as the disqualified inspector and the name of the inspector so appointed shall at once be reported to the County Auditor by such Clerk. Provided, that if at least one week prior to such election the chairman of the county central committee of either of the two parties that cast the largest number of votes in the state at the last general election, shall nominate a member of such party as judge, having the qualifications above prescribed, presenting a certificate of such nomination to the inspector prior to the opening of the polls signed by such chairman, he shall be appointed by the inspector, and such judges together with the inspector shall constitute the board of elections. No person shall be a member of the board of elections who has anything of value bet or wagered on the result of such election, or who is a candidate or is the father, mother, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law of any candidate at such election. If at any time before or during an election it shall be made to appear to any inspector, by the affidavit of two or more qualified electors of the precinct, that either of the judges is disqualified under the provisions of this section, he shall at once remove such judge and fill the place with a qualified person of the same political party as the judge removed, and in case such person so disqualified shall have taken the oath of office as prescribed by law, the inspector shall place such oath and affidavit before the state's attorney of the county.

Approved March 7, 1927.

CHAPTER 137

(H. B. No. 5—Trubshaw)

TIME AND CONDUCT OF ELECTIONS

An Act to Amend and Re-enact Section 915 of the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 915 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 915. ELECTIONS WHEN; CONDUCT OF ELECTIONS; CITY ELECTIONS TO CONFORM.] On the third Tuesday of March every fourth year, when a presidential election is to be held, the members of the respective political parties shall express their choice for the election of the persons and officers named in this article, and whose names appear upon the ballot according to the provisions herein. Each elector shall be handed the ballot of the party with which he declares himself affiliated, or with which he may have registered at the last preceding registration or election, and such elector shall mark and vote the same in the manner provided herein.

The polls shall be open during the same hours as at general elections. For the purposes of the election herein provided for, in all cities, villages and civil townships the regular election officers thereof shall also act as the election officers, and in unorganized townships and voting precincts outside of cities, villages and civil townships, the inspector and two judges of election, who acted as such at the last general election, or those who have been or may be appointed to fill such vacancies occurring in their offices, pursuant to law, shall act therein as the inspector and judges of election. In all matters not herein expressly otherwise provided for the provisions of any election law of this state, applicable to the case, shall govern. In every fourth year, when a presidential election is held, the time of all city elections shall take place on the third Tuesday in March so as to conform to the provisions of this article, and in such event the city officers elected to office shall have until the second Tuesday of April in which to qualify for such office. The per diem of election officers serving at the election herein provided for and all other expenses in connection therewith shall be paid by the several counties of the State as for other state-wide elections.

Approved March 7, 1927.

CHAPTER 138

(H. B. No. 1—Streich and Ehr)

APPOINTMENT AND ELECTION U. S. SENATOR WHEN VACANCY

An Act to Provide for the Election and Appointment of United States Senator in Congress from this State in Case of a Vacancy in Such Office. Whereas, there is no Law in this State Providing for the Appointment or Election of a United States Senator in Congress from this State in Case of Vacancy in Such Office, Now Therefore

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

§ 1. If a vacancy occurs in the office of United States Senator in Congress from this State, the Governor shall issue writs of election to fill such vacancy at the next State wide election whether

June primary or general election, Provided that the Governor may temporarily fill such vacancy by appointment, the person so appointed to serve only until the vacancy is filled by the people at the next June Primary or General Election aforesaid.

§ 2. Whereas, there is no law upon the statute books covering the subject matter of this act, therefore an emergency is hereby declared to exist and this bill shall take effect from and after its passage and approval.

Approved February 16, 1927.

ELECTRICIANS

CHAPTER 139
(S. B. No. 46—Schlosser)

STATE BOARD OF ELECTRICIANS

An Act to Amend and Re-enact Sections 2, 4 and 7 of Chapter 123 of the Session Laws of 1919, an Act to Create a State Board of Electricians and Prescribing the Duties Thereof, Providing for the Classification, Examination and Licensing of Electricians and Electrical Workers, Prescribing Fees for Such Examination and License, and Providing for Inspection of Electrical Work Through the State Fire Marshal Under the Direction of the State Board.

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

§ 1. AMENDMENT.] That Section 2, 4 and 7 of Chapter 123, of the Session Laws of 1919, as amended and re-enacted to read as follows:

§2. AMENDMENT.] There shall be a Master, Journeyman and Special Electrician, and in the last class shall be included persons employed to operate moving picture machines and switchboards in all buildings used for public assemblages, provided, however, that not more than one special electrician shall be employed except under the direction of a Journeyman electrician. Every person not already a licensed electrician who shall hereinafter engage in the occupation of installing or repairing electrical wires or apparatus which are being or have been installed inside of a building shall apply to the Board for a license. The Board shall examine the applicant and if he be found upon technical or practical examination to be possessed of the required skill and knowledge of the business and reasonably versed in the laws of electricity shall issue him a license to engage in such business for a period of one year, signed by the President and Secretary and attested by the seal. The Board shall,

upon the recommendation of one master electrician and two journeyman electricians, issue a permit for a journeyman electrician to engage in his trade until next meeting of the Board for the examination of applicants, such permit to be not renewable. The employees of telephone and telegraph companies shall not be required to hold licenses to engage in such work as pertains to the telephone and telegraph business. Every licensee shall report his licensing and the renewal thereof to the proper electrical inspector, if any there be in the city in which he operates. Holders of Journeyman and Special electrician's licenses shall be furnished with a duplicate of such license printed or engraved on a card two and one-half by four inches, which the holder shall produce on lawful demand. For cause and after hearing all interested parties the Board may revoke such license and shall notify the city inspector of such revocation. Licenses shall be renewed without examination on applications accompanied by proper fee.

§ 4. AMENDMENT.] Every applicant for a master electrician's license shall pay a fee of fifteen dollars (\$15.00) and annual dues of seven dollars (\$7.00) dues pro-rata from date of examination, and take oath that he has had three years' experience in the occupation, or if a corporation applies an officer or manager thereof, shall make application and take such oath, after being duly examined as a master electrician. An applicant for a journeyman's license shall pay a fee of seven dollars (\$7.00) and annual dues of three dollars (\$3.00), dues pro-rata from date of examination, and take oath that he has had three years' experience in installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of five dollars (\$5.00) and annual dues of three dollars (\$3.00), dues pro-rata from date of examination, and take oath that he has had two years' experience in the line of work for which he asks license, and which shall be set forth in the application.

No contract for the installation or repairing of electrical wires or apparatus shall be entered into by anyone not a licensed master electrician.

A master electrician will not be deemed to have a place of business unless a sign bearing his name and business be publicly exposed at the premises occupied by him for that purpose. No journeyman electrician shall at any time employ another workman without first taking the proper examination and securing a master's license. The Board shall make the examination consistent with the class of license requested.

Before receiving the license, the master electrician applying for same shall execute and deposit with the secretary of the Board a

surety bond in the sum of one thousand dollars (\$1,000), conditioned for the faithful performance of all work entered upon or contracted for by him and for the strict compliance by him with all the provisions and requirements of the Board relating to the installing and maintenance of electric wires and apparatus. Provided, however, in cities requiring such bond, this section shall be inoperative.

Any person doing electrical work, as provided for in this act, shall report same to the secretary of the State Board on blanks furnished by him for such purpose.

§ 7. AMENDMENT.] Any person who shall engage as a profession in the installing or repairing of electrical wires or apparatus or the operating of moving picture machines or switch boards without having complied with the provisions of this act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of twenty-five dollars (\$25.00) and a maximum of one hundred dollars (\$100.00) or a jail sentence of thirty days or both. Any violation of the provisions of this act shall be reported to the State's Attorney in the county in which said violation occurs and the State's Attorney shall notify the Secretary of the State Board of Electricians.

Approved March 5, 1927.

ESTRAYS

CHAPTER 140

(H. B. No. 188—Quam and Iverson of McKenzie)

SALE OF ESTRAYS

An Act to Amend Section 2664, Supplement to the Compiled Laws of 1913, Relating to Estrays and the Sale Thereof.

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

§ 1. AMENDMENT.] That Section 2664 of the Supplement to the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 2664. MAY BE SOLD. WHEN.] If the appraised value of any stray exceeds twenty-five dollars, and the same is not called for within sixty days after the advertisement in a legal newspaper published in the county where such animal is found, the person taking up such estrays shall notify some justice of the peace of the county or township, and such justice shall designate a place where such sale shall be held, and shall name the day, and the time of day

for such sale, and cause notice of such sale to be published three times in a legal newspaper, if there is one published in the county; in case no paper is published in the county, this notice shall be posted in three public places in the county at least twenty-two days before such sale, and on the appointed day the person taking up such estray shall have the same present at the place, and the justice shall proceed to sell such estray at public auction for cash, and after paying the proper fees and charges for taking up such estray and feeding and caring for same, to be fixed by such justice, and the fees advanced for the advertisement and appraisalment of such estray as herein provided, and after deducting the fees allowed such justice for such sale and advertisement thereof, the residue of the proceeds of such sale shall be paid to the county treasurer, who shall receipt to the justice therefor. All moneys so deposited with the county treasurer shall by him be retained in the treasury for six months thereafter, separate and apart from all other moneys, and if the owner of any such estray shall, within such period, appear before the board of county commissioners and establish his title to such estray, such board shall order the amount so paid into the treasury to be paid to such owner. If no such person appear within six months after the deposit of such money as herein provided, the same shall be passed to the school fund of the county and shall be accounted for and expended as other school money. Provided, that if the appraised value of any estray does not exceed twenty-five dollars, and the same is not called for within ten days after the advertisement in a legal newspaper in the county where such animal is found, the person taking up such estray shall notify some justice of the peace of the county or township and such justice shall designate a place where such sale shall be held, and shall name the day, and the time of day for such a sale, and cause notice of such sale to be published in one issue in a legal newspaper, if there is one published in the county; in case no paper is published in the county, this notice shall be posted in three public places in the county at least ten days before such sale.

Approved March 7, 1927.

COMMERCIAL FEEDING STUFFS

CHAPTER 141

(H. B. No. 335—Burns, by Request)

REGISTRATION AND LABELING OF CONCENTRATED COMMERCIAL FEEDING STUFFS

An Act to Prevent Fraud and Deception in the Manufacture and Sale of Concentrated Commercial Feeding Stuffs and Providing for Registration and Labeling Thereof and Repealing Chapter 37 of the Session Laws of 1921, Sections 1 to 13, Inclusive, and All Other Acts or Parts of Acts Inconsistent Herewith.

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

§ 1. STATEMENT OF CONCENTRATED FEEDING STUFF TO BE FILED WITH STATE FOOD COMMISSIONER AND CHEMIST.] That before any concentrated commercial feeding stuff is sold, offered or exposed for sale in North Dakota, the manufacturer, importer, dealer, agent, or person who causes it to be sold or offered for sale, by sample or otherwise, within this state, shall file with the State Food Commissioner and Chemist of the State of North Dakota, a statement that such manufacturer, importer, dealer, agent, or person desires to offer for sale such concentrated commercial feeding stuff, in this state, and also a certificate, the execution of which shall be sworn to before a notary public, or other proper official, for registration, stating the name of the manufacturer, the location of the principal office of the manufacturer, the name, brand, or trade mark under which the concentrated commercial feeding stuffs will be sold, the ingredients from which the concentrated commercial feeding stuffs are compounded, and the minimum percentage of crude fat and crude protein, allowing one per cent of nitrogen to equal 6.25 per cent of protein, and the maximum percentage of crude fiber determined according to the Official and Tentative Methods of Analysis of the Association of Official and Agricultural Chemists, which the manufacturer or person offering the concentrated commercial feeding stuff for sale guarantees it to contain.

§ 2. STATEMENT TO BE AFFIXED TO PACKAGES AND SAMPLES.] Any person, company, corporation or agent who shall sell, offer or expose for sale or distribution in this state, any concentrated commercial feeding stuffs shall affix, or cause to be affixed to every package or sample of such concentrated commercial feeding stuffs, in a conspicuous place on the outside thereof, a tag or label which shall be accepted as a guarantee of the manufacturer, importer, dealer or agent and which shall have plainly printed thereon in the English language, the number of net pounds of concentrated commercial feeding stuffs in the package, the name, brand or trade

mark under which the concentrated commercial feeding stuffs are sold, the name of the manufacturer, the location of the principal office of the manufacturer, and the guaranteed analysis, stating minimum percentage of crude fat and crude protein, and the maximum percentage of crude fiber, determined as provided in the provisions of this act, and the ingredients from which the concentrated commercial feeding stuff is compounded. For each one hundred pounds, or fraction thereof, the person, company, corporation or agent shall also affix the tag or label purchased from the State Food Commissioner and Chemist of the State of North Dakota, showing that the concentrated commercial feeding stuff has been registered as required by the provisions of this act, and that the inspection tag has been paid. When the concentrated commercial feeding stuff is sold in bulk, a tag as hereinbefore described, shall be delivered to the consumer with each one hundred pounds or fraction thereof, provided, that the State Food Commissioner and Chemist's tags and labels shall be issued to cover twenty-five, fifty and one hundred pounds, provided, further, that the State Food Commissioner and Chemist is authorized to issue tags or labels of other denominations.

§ 3. REGISTRATION BY STATE FOOD COMMISSIONER AND CHEMIST AND TAGS AND LABELS TO BE SUPPLIED. FEES.] The State Food Commissioner and Chemist shall register the facts set forth in the certificate required by Section 1 of this act in a permanent record, and shall furnish tags or labels showing the registration of such certificate to manufacturers or agents desiring to sell the concentrated commercial feeding stuff so registered at such times and in such numbers as the manufacturers or agents may desire; provided, that the State Food Commissioner and Chemist shall not be required to sell tags or labels in less amount than to the value of five dollars (\$5.00) or multiple of five dollars, for any one concentrated commercial feeding stuff; provided, further, that the State Food Commissioner and Chemist shall not be required to register any certificates unless accompanied by an order and fees for tags or labels to the value of five dollars (\$5.00) or some multiple of five dollars; provided, further, that such tags or labels shall be printed in such form as the State Food Commissioner and Chemist may prescribe; provided, however, that each package or container of a concentrated commercial feeding stuff offered for sale in the State of North Dakota, containing one or more of the materials of low feeding value enumerated in Section 6 of this act, in which the maximum crude fiber content of such concentrated commercial feeding stuff is twelve and one-half per cent or more, or the minimum crude protein of such concentrated commercial feeding stuff is nine per cent or less, shall have attached to it a yellow tag or label, identical with the official tag as prescribed by the State Food Commissioner and Chemist, except in color, and that there shall be printed

on this tag, in red ink, the per cent present of each material enumerated in Section 6, or the names and total per cent of all such materials or the names and maximum per cent thereof. Provided, further, that such tags or labels shall be good until used.

§ 4. SWORN STATEMENT TO BE FILED ANNUALLY.] On or before January 31st of each year, each and every manufacturer, importer, dealer, agent or person who causes any concentrated commercial feeding stuff to be sold or offered or exposed for sale in the state of North Dakota, shall file with the State Food Commissioner and Chemist of the state of North Dakota, a sworn statement, giving the number of net pounds of each brand of concentrated commercial feeding stuff that such manufacturer, importer, dealer, agent, persons, or person has sold or caused to be offered for sale in the state, for the previous year, ending with December 21st; provided, that when the manufacturer, jobber, or importer of any concentrated commercial feeding stuff shall have filed the statement aforesaid, any persons or person acting as agents for such manufacturer, importer or jobber, shall not be required to file such statement.

§ 5. FEES, DISPOSITION OF, EXPENSES, HOW PAID.] For the expenses incurred in registering, inspecting and analyzing concentrated commercial feeding stuffs, the State Food Commissioner and Chemist shall receive for tags or labels furnished, to cover one hundred pounds, one dollar for each one hundred tags or labels; to cover fifty pounds, sixty cents for each one hundred tags or labels; to cover twenty-five pounds, forty cents for each one hundred tags or labels; provided, that if the State Food Commissioner and Chemist should at his discretion, issue tags or labels to cover more than one hundred pounds or less than twenty-five pounds, as provided in the provisions of this act, he shall receive for all tags or labels in excess of one hundred pounds a proportional rate on the basis of a one hundred pound tag, and for all tags or labels issued in denominations of less than twenty-five pounds, he shall receive not less than thirty cents for each one hundred tags or labels. All fees received by the State Food Commissioner and Chemist as provided for in this act shall be properly recorded by him and forwarded monthly to the Treasurer of the State of North Dakota. The State Treasurer shall upon receipt thereof enter such funds and carry them in a special revolving fund to be designated the "State Regulatory Fund." All salaries and items of expense of whatever nature incurred in the enforcement of this act shall be paid out of said State Regulatory Fund. Vouchers for all expenses, pay rolls, and other items of expense of whatever nature incurred in the enforcement of this act shall be approved by the State Food Commissioner

and Chemist and be forwarded monthly to the State Board of Administration for audit and approval and when so audited and approved shall be certified to the State Auditor who shall draw warrants upon the State Treasurer for all pay rolls, expenses and bills so audited and approved. The State Treasurer shall thereupon pay such expenses and accounts out of the State Regulatory Fund.

§ 6. ADULTERATIONS OF COMMERCIAL FEEDING STUFFS.] No person, company, corporation, or agent shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuffs which is adulterated with any foreign mineral matter or damaged feeding materials which have been reduced in feeding value to an extent as to be rendered unwholesome, or any foreign substance of low feeding value, such as mill, elevator, boat or other sweepings or dust; buckwheat hulls; cottonseed hulls; peanut hulls; peanut shells; rice hulls; oat hulls; corn cobs ground; cocoa shells; clipped oat by-products; ground or unground hulls; chaff; dust or other inferior cleanings derived from the preparation, cleaning or milling of any seed or grain when separated from the standard product, humus, peat, sphagnum moss, ivory nut turnings, ground corn stalks, flax plant by-products; sorghum pulp; ground or shredded straw, or hay (excepting alfalfa meal or similar leguminous meals), sawdust, tree bark, cellulose or dirt, coffee hulls or chaff or any other materials of equally low feeding value, without plainly stating on the tags or labels hereinbefore described, the components of such mixture, using the names by which each ingredient is commonly known. Provided, that if any concentrated commercial feeding stuff is adulterated with humus, peat or sphagnum moss, the maximum percentage of such humus, peat or sphagnum moss present in the concentrated commercial feeding stuff must also be stated upon the tag or label.

Provided, further, that no concentrated commercial feeding stuff shall be adulterated with any substance injurious to the health of domestic animals.

§ 7. POWERS GRANTED STATE FOOD COMMISSIONER AND CHEMIST.] The State Food Commissioner and Chemist or any person deputized by him is hereby empowered to procure from any lot, parcel or package of any concentrated commercial feeding stuff offered for sale or found in the state of North Dakota; and upon tender and full payment of the selling price of said sample take therefrom a quantity of commercial feeding stuff of not less than two pounds; provided that such samples shall be obtained during

reasonable business hours, or in the presence of the owner of the concentrated commercial feeding stuff or in the presence of some person claiming to represent the owner.

§ 8. STANDARDS AND DEFINITIONS AUTHORIZED TO BE PROMULGATED.] The State Food Commissioner and Chemist is hereby empowered to promulgate standards and definitions for concentrated commercial feeding stuff, and to subscribe and enforce such rules and regulations, relating to concentrated commercial feeding stuff as he may deem necessary to carry into effect the full intent and meaning of this act, and to refuse the registration of any concentrated commercial feeding stuff under a name which would be misleading as to the materials of which it is made or when the percentage of crude fiber is above or the percentage of crude fat or crude protein below the standards adopted by the State Food Commissioner and Chemist for concentrated commercial feeding stuffs. The State Food commissioner and Chemist is further empowered to refuse to issue tags or labels to any manufacturer, importer, dealer, agent or person who shall sell or offer or expose for sale any concentrated commercial feeding stuff in the State of North Dakota and who refuses to submit a sworn statement as required by the provisions of this act.

§ 9. FACTS, HOW TRANSMITTED.] Whenever said State Food Commissioner and Chemist shall find by analyses or otherwise that adulterated, misbranded, insufficiently labeled or an unlicensed product is being sold in violation of this act, he shall forthwith transmit the facts so found to the State's Attorney of the county in which the product was found and it shall be the duty of said State's Attorney to institute appropriate proceedings in the proper court of jurisdiction.

§ 10. ARTICLES INCLUDED WITHIN TERMS.] The term "concentrated commercial feeding stuffs," as used in this act, shall include linseed meals, cocoanut meals, gluten feeds, gluten meals, germ feeds, corn feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, dried distiller's grains, dried beet refuse, hominy feeds, ceraline feeds, rice meals, rice bran, rice polish, peanut meals, oat feeds, corn and oat feeds, corn bran, and other mill by-products not excluded in this section, ground beef or fish scraps, dried blood, blood meals, bone meals, tankage, meat meals, slaughter house waste products, mixed feeds, clover meals, alfalfa meals and feeds, pea vine meal, cottonseed meal, sunflower oil cake, velvet bean meal, or any other leguminous meal, mixed feeds and mixed meals made from seeds or grains and all materials of similar nature used for food for domestic animals, condimental feeds, poultry feeds, stock feeds, patented proprietary or trade and market

stock and poultry feeds, and all feeds containing mineral ingredients generally regarded as dietary factors essential for the normal nutrition or growth of animals and which are sold or represented for the purpose of supplying those minerals as correctives to rations in which these same mineral factors may be deficient; but it shall not include straws, hay, whole seeds, mixed meals, made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn, nor wheat flours or other cereal flours, nor preparations which are sold or represented for the cure, mitigation or prevention of a definitely described disease.

§ 11. VIOLATIONS A MISDEMEANOR.] Any person, company, corporation, or agent that shall offer for sale, sell or expose for sale any package or sample or any quantity of any concentrated commercial feeding stuff which has not been registered with the State Food Commissioner and Chemist as required by the provisions of this act, or which does not have affixed to it a tag or label required by the provisions of this act, or which is found by an analysis made by or under the direction of the State Food Commissioner and Chemist to contain a smaller percentage of crude fat or crude protein than the maximum guarantee, or a greater percentage of crude fiber than the maximum guarantee, or which shall be labeled with a false or inaccurate guarantee, or who shall alter the tags or labels of the State Food Commissioner and Chemist, or who shall use the name and title of the State Food Commissioner and Chemist, or who shall use the tags and labels of the State Food Commissioner and Chemist a second time, or who shall refuse or fail to make the sworn statement required under the provisions of this act, or who shall prevent or strive to prevent the State Food Commissioner and Chemist, or any person or persons deputized by him, from inspecting and obtaining samples of concentrated commercial feeding stuffs, as provided for in this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in the sum of fifty dollars for the first offense, and in the sum of one hundred dollars for each subsequent offense. In all litigation arising from the purchase or sale of any concentrated commercial feeding stuff in which the composition of the same may be involved, a certified copy of the official analysis by the State Food Commissioner and Chemist shall be accepted as prima facie evidence of the composition of such concentrated commercial feeding stuff, provided that nothing in this act shall be construed to restrict or prohibit the sale of concentrated commercial feeding stuff in bulk to each other by importers, manufacturers, or manipulators who mix concentrated commercial feeding stuff for sale, or as preventing the free unrestricted shipment of these articles in bulk to manufacturers or manipulators who mix concentrated commercial feeding stuff for sale, or to prevent the State Food Commissioner and Chemist or any person or persons deputized by the State Food Commissioner and Chemist or the North

Dakota Agricultural Experiment Station or any person or persons in the employ of the North Dakota Agricultural Experiment Station, making experiments with concentrated commercial feeding stuffs for the advancement of the science of agriculture.

§ 12. Chapter 37 of the Session Laws of 1921, Sections 1 to 13 inclusive, Sections 2911 to 2921, inclusive, of the Compiled Laws of North Dakota 1913, are hereby repealed and all other acts and parts of acts inconsistent herewith are hereby repealed.

§ 13. This act shall take effect and be in force from and after its passage and approval.

Approved March 5, 1927.

FEMALES

CHAPTER 142
(S. B. No. 253—Whitman)

HOURS OF LABOR OF FEMALES

An Act to Amend and Re-enact Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913, Regulating and Fixing the Hours of Labor of Females and Providing Penalties for Violation Thereof.

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

§ 1. That Section 10246a1 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 10246a1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company, in the state of North Dakota more than eight and one-half (8 1-2) hours in any one day, or more than six (6) days or more than forty-eight (48) hours in any one week; provided, however, that this Act shall not apply to females working in rural telephone exchanges or in villages or towns of less than five hundred (500) population, nor to cases of employees in small telephone exchanges, and in telegraph offices where the Workmen's Compensation Bureau after a hearing has determined that the condition of work is so light that it does not justify the application of this Act. In such cases the Workmen's Compensation Bureau shall make reasonable rules and regulations under which females may be employed in such small exchanges. Provided,

further, that the above law shall not apply in case of emergency, that at such time female help may be employed ten hours in one day and seven days in one week, but not to exceed forty-eight hours in any one week. An emergency, as herein referred to, is defined to exist in the case of sickness of more than one female employee, in which case a doctor's certificate must be furnished, for the protection of human life, in the case of the holding of banquets, conventions, celebrations, session of the legislature in any city wherein such session is held and during the time such body is in session, or where a female is employed as reporter in any of the courts of the state of North Dakota.

§ 2. Any person violating any provision of this Act, shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved March 5, 1927.

FORECLOSURE

CHAPTER 143 (S. B. No. 85—Forbes)

NOTICE OF INTENTION ON FORECLOSURE AND VALIDATING SALES OF MORTGAGES EXECUTED PRIOR TO JULY 1, 1919

An Act to Amend and Re-enact Section 8099a of the Supplement to the Compiled Laws of 1913, Pertaining to the Giving of Notice of Intention to Foreclose Real Estate Mortgages and Legalizing and Validating Foreclosure Sales Heretofore Made Where No Such Notice of Intention to Foreclose Has Been Given On Mortgages Executed Prior to July 1, 1919.

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

§ 1. AMENDMENT.] That Section 8099a of the Supplement to the Compiled Laws of 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 8099a. NOTICE.] Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing the real estate, giving 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 mailing or service of such notice, proceedings will be commenced to foreclose the mortgage, shall be served on the title owner of the real estate described in such mortgage, as shown by the records in the office of the Register of Deeds of the county in which said real estate is situated, except in the one case hereinafter

provided, more than thirty days prior to the commencement of such action or proceeding. The said notice shall be served on such title owner by registered mail, addressed to such title owner at his post office address, provided such post office address is shown in the chain of title of such real estate, in the records of the aforesaid office, but if such post office address be not so shown said notice may be served by registered mail addressed to said title owner at the post office nearest to any part or tract of said real estate. If the title to such real estate is in the name of a deceased person, no service of such notice need be made, but if an administrator or executor of the estate of such deceased person has been appointed in the county in which said real estate is located, said notice shall be served on such administrator or executor; provided that personal service of such notice on such title owner or on the administrator or executor of the estate of such deceased person, wherever appointed, made in the manner provided by law for the service of a summons in a civil action, either within or without the State of North Dakota, shall be sufficient; provided further that the certificate of the County Judge of the County in which the real estate is situated, stating that no executor or administrator has been appointed in said County, recorded in the office of the Register of Deeds of said County, shall be sufficient evidence of such fact. Proof of the service herein required or that such title owner is a deceased person shall be made by affidavit or by the certificate of the Sheriff of the county in which the real estate is situated, and such proof of service shall be filed at the time of the filing of the complaint in any action of foreclosure and shall be recorded with the notice and certificate of sale in all other cases; provided, that if said owner, administrator, or executor 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 such mortgage be not commenced within ninety days after the date of the service of the notice herein provided for, all proceedings under such notice shall be deemed discontinued.

§ 2. All sales of real estate made or that may hereafter be made under a mortgage foreclosure of mortgages executed prior to July 1, 1919, are hereby declared legal and valid for all purposes even though no notice of intention to foreclose has been given or served as provided in Chapter 131 of the Session Laws of 1919, as amended by Chapter 66 of the Session Laws of 1921, as amended by Chapter 142 of the Session Laws of 1925.

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

Approved March 5, 1927.

CHAPTER 144
(S. B. No. 39—Forbes)

POWER OF ATTORNEY REQUIRED ON FORECLOSURE REAL
ESTATE MORTGAGE

An Act to Amend and Re-enact Sections 8075 of the Compiled Laws of North Dakota for 1913 and Section 8076 of the Supplement to the Compiled Laws of the State of North Dakota 1913.

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

§ 1. AMENDMENT.] That Section 8075 of the Compiled Laws of North Dakota, 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 8075. It shall be unlawful for any agent or attorney of any mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian, owning or controlling any real estate mortgage to foreclose the same until he shall receive a power of attorney from such mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian, authorizing such foreclosure, and in foreclosure proceedings by action the possession of such power of attorney shall be alleged in the complaint; provided, that in any action, brought for the foreclosure of any mortgage or any other lien on real estate, any defendant in said action who is the owner, at the time of the commencement of such action, of any mortgage on the real estate, described in the complaint in said action, may plead and set up the mortgage of said defendant as a counter-claim and have the mortgage of such defendant foreclosed in said action and decree of foreclosure and deficiency judgment entered without the power of attorney herein mentioned and without the service of the notice provided for in Section 8099a of the 1925 supplement to the Compiled Laws of the State of North Dakota 1913; provided further that no power of attorney shall be required to foreclose an equitable mortgage or a deed or other instrument except a mortgage which has been executed or delivered to secure the payment of money or the performance of any other act.

§ 2. AMENDMENT.] That Section 8076 of the Supplement to the Compiled Laws of the State of North Dakota 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 8076. No sale of real estate upon a foreclosure made by an agent or attorney by advertisement shall be valid for any purpose, except as provided in the preceding section, unless such power

of attorney shall be procured and filed for record in the office of the register of deeds of the county wherein said real estate is located on or before the day fixed or appointed to make the same.

Approved March 5, 1927.

GAME and FISH

CHAPTER 145

(H. B. No. 199—Committee on Game and Fish)

POWERS AND DUTIES OF GAME AND FISH BOARD

An Act to Amend and Re-enact Section 10322a4 of the Supplement to the Compiled Laws 1913 Relating to the Powers and Duties of the North Dakota Game and Fish Board.

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

§ 1. That Section 10322a4 of the Supplement to the Compiled Laws 1913 be amended and re-enacted to read as follows:

§ 10322a4. POWERS AND DUTIES OF THE BOARD.] Said Board shall enforce the laws of this state, involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

1. The propagation and preservation of such variety of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act, and the publication of such information and reports.

3. The power to purchase, sell and lease for the state, all sales of real estate to be approved by the Governor, to control, construct, mark, designate and manage all state fish hatcheries, state game farms, game refuges, game reserves and game reservations, that are now or may hereafter be owned, leased or controlled for such purposes.

4. The receiving from the United States Commissioner of Fisheries or other persons and the gathering, purchase and distribution to the waters of this state of all fish spawn or fry.

5. The taking of fish from public waters of the state for the propagation and stocking of other waters therein. The taking alive at any time, by any means, under the personal supervision of any

member of the board, or some one appointed by them, any birds or animals for propagating purposes or for the exchange with other states for game and birds and animals of other species.

6. The seizure and disposition of all wild birds, wild animals and fish, either taken, killed, transported, or possessed contrary to law, of all dogs, guns, seines, nets, boats, lights, automobiles, vehicles or other instrumentalities unlawfully used or held with intent to use in pursuing, taking, or attempting to take, concealing or disposing of the same, and for these purposes it is hereby authorized and empowered to make all such rules and regulations for carrying out the provisions of this section as said board may deem most expedient.

7. The power to appoint Chief Game Wardens, State Wide Deputy Game Wardens, District Game Wardens, and such other special wardens as may be necessary to enforce the provisions of the game laws of the State of North Dakota, and the Deputy Game and Fish Commissioner, as provided for in Section Six and Section Eight of this act.

It is further provided that the Game and Fish Board shall have the power and authority to remove at their pleasure any one or all of its appointees.

8. The Game and Fish Board shall have full power and authority to fix a maximum amount of traveling and other expenses which may or might be incurred by any or all of its appointees or by the Game and Fish Commissioner.

9. Said board shall, on or before December 1st of each even numbered year, submit to the Governor a detailed report of its actions, including the amount of moneys received from all sources, an inventory of all birds, game, fish, dogs, guns, seines, nets and other property seized and sold, the names of the purchasers, and the amount received and statement of its disbursements. The books and vouchers of said board shall be subject to examination by the public examiner at all times.

Approved February 28, 1927.

CHAPTER 146

(H. B. No. 155—Committee on Game and Fish)

FUR BEARING ANIMALS

An Act Relating to Fur Bearing Animals; Regulating the Taking Thereof and Fixing Penalties.

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

§ 1. ANIMALS MAY BE TAKEN, WHEN.] No person shall hunt, shoot, trap, or take in any manner any fur bearing animals except during the open or lawful season, as established by this act;

provided, that it shall be lawful to take at any time, or in any manner any wild fur bearing animal not specifically protected by this act, and, provided further, that animals may be taken pursuant to the provisions of Chapter 225, Session Laws of 1923.

§ 2. DESTRUCTION OF PREDATORY ANIMALS.] Land owners and tenants may destroy any wild fur bearing animal which is committing depredations upon their poultry, domestic animals or crops, but under no circumstances shall it be legal to sell, ship or commercialize in the pelts of such depredating animals, or any part thereof, if caught or killed out of season.

§ 3. SKUNK, BADGER.] It shall be lawful to trap or take for commercial purposes the skunk and badger between the first day of October and the twenty-eighth day of February, both inclusive.

§ 4. MINK, WEASEL, RACCOON, FOX.] It shall be lawful to trap or take for commercial purposes the mink, weasel, raccoon, red and gray fox and swift between the first day of November and the thirty-first day of March, both inclusive.

§ 5. MUSKRAT.] It shall be lawful to trap or take for commercial purposes the muskrat between the fifteenth day of December and the fifteenth day of February, both inclusive, provided that it shall be unlawful at any time, or for any purpose, to shoot, or spear the muskrat; to molest, dynamite or destroy in any manner a muskrat house, burrow or retreat.

§ 6. BEAVER, OTTER.] It shall be unlawful to hunt, trap, catch, take or kill in any manner any otter or beaver, or to cut into, molest, dynamite or destroy in any way any beaver house, burrow, retreat or dam; provided, that the Game and Fish Commission may, when proof of actual damage being committed by any beaver or colony of beaver is furnished, enter in or upon any premises where such damage is being committed and remove by its agents, under supervision of a bonded warden, such beaver; its agent may be the property owner on whose land beaver is doing damage. In such case the Game and Fish Board may make such regulation from taking beaver as it may deem necessary; and any moneys accruing from the sale of live beaver, or its fur, shall be paid over to the State Treasurer and by him credited to the Game and Fish Fund.

§ 7. DEALER'S LICENSE.] It shall be unlawful for any person to engage in the business of buying, shipping or selling of raw furs without first procuring a license, the fee for which shall be as follows: For a non-resident buyer or shipper, or his agent, license

fee shall be \$50.00; for a resident shipper or buyer, the fee shall be \$5.00 for each place of business in the state; for a resident traveling agent, buyer or shipper the fee shall be \$15.00; said license to be obtained from the secretary of the Game and Fish Commission, fees for which shall be credited to the Game and Fish Fund in the usual manner.

§ 8. INSPECTION OF PREMISES AND RECORDS.] The Game and Fish Commission through its bonded officers shall have the right without warrant to enter upon the premises of any dealer or trader in raw furs for the purpose of inspecting any warehouse or other store rooms, or places, and to call for and inspect records of buying, shipping or selling of raw furs, provided, however, that the right to enter and search without a warrant shall in no manner be taken or construed to apply to the entry or search of the dwelling house or living quarters of any person. They shall also have the power and authority to confiscate any raw furs obtained illegally, and shall have the right to search camps, tents, automobiles or other vehicles for the same purpose.

§ 9. TRANSPORTATION OF FURS.] It shall be unlawful to ship raw furs within or without the boundary of the State of North Dakota without a permit and tag, said tag to be obtained from the secretary of the Game and Fish Commission, or the bonded game wardens; said permit and tag shall show in duplicate the name and address of consignor and consignee, the number of the dealers and trappers license, the number and kind of furs in the package, provided that owners, tenants or minors under sixteen years who may trap on their own premises without license must give name, post-office and place of residence as designated by township, range, section and county, together with number and kind of furs being shipped. The duplicate must be returned to the secretary of the Game and Fish Commission. It shall be unlawful for any common carrier, agent, dealer or person to receive and transport within or without the state any raw furs that do not have the permit tag attached thereto. All unused permits and tags together with a report of number and kind of furs, bought, sold or shipped, must be returned to the secretary of the Game and Fish Commission before the first of September of each year. The Game and Fish Board may refuse to knowingly issue license to any dealer who has failed to make such return.

§ 10. EXPIRATION OF LICENSE.] The life of all licenses issued to dealers in raw furs and trappers shall terminate on September 1st of each year. It shall be unlawful to have in possession any raw furs for more than ten days after the close of the open season for the trapping of a particular species of fur animals, unless permit to do so be obtained from the secretary of the Game and Fish Commission.

§ 11. PENALTIES.] Penalties to be imposed for violation of this act shall upon conviction be as follows: For violation of Sections 3, 4, 5, or 6, a fine of not less than \$25.00 nor more than \$100.00 and cost or imprisonment in the county jail for not less than fifteen days, nor more than thirty days, or both such fine and imprisonment for the first conviction; for violation of Sections 7, 8, and 9, the penalty shall be not less than \$75.00 nor more than \$250.00, or imprisonment in the county jail for not less than thirty days nor more than ninety days, or by both such fine and imprisonment. The penalty for any subsequent violation and conviction shall be double that for the first conviction.

§ 12. TRESPASSING.] Any owner or lessee of any premises upon which there may be any muskrats shall have the right to post in conspicuous places a notice forbidding the trapping of muskrats thereon, and it shall be unlawful for anyone to trap, take or kill any muskrats thereon, provided, however, that said owner or lessee may trap muskrats in a lawful way in the open season for same. Violation of this section shall be deemed a misdemeanor.

§ 13. FISH.] The Game and Fish Commission shall have the power and authority to close any lake or lakes against the trapping or the killing of the muskrat therein when it is essential for the welfare of the game fish in said lake or lakes, notice of such closing to be posted at said lake or lakes.

§ 14. REPEALED.] Section 45 of Chapter 161, Session Laws of 1915, and Section 46 of Chapter 161, Session Laws of 1915 as amended by Chapter 63, Session Laws of 1917 as amended by Chapter 134, Session Laws of 1919 as amended by Chapter 68, Session Laws of 1921, as amended by Chapter 224, Session Laws of 1923, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1927.

CHAPTER 147

(H. B. No. 166—Committee on Game and Fish)

GOVERNOR'S ADDITIONAL POWERS TO OPEN AND CLOSE SEASONS

An Act Conferring Additional Powers Upon the Governor to Open and Close Seasons in Any and All Subdivisions of the State When Deemed Necessary for the Better Protection of Game Birds, Fish or Animals.

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

§ 1. ADDITIONAL PROTECTION—GOVERNOR'S ORDERS.] Whenever the Governor, after investigation and recommendation by the Game and Fish Commission, finds that any species of game birds, fish or animals for which an open season is provided are in danger of undue depletion or extinction or when necessary for the proper protection during the propagating period, he may by an order provide protection for such species, additional to that provided by law, and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken. Provided, further, that whenever the Governor, after investigation and recommendation by the Game and Fish Commission, finds that any species of game birds, fish or animals has become sufficient in numbers to warrant an open season, he may by order declare an open season thereon or extend the already open season as now provided by law and to that end may prescribe in what manner, in what number, in what places and at what times the same may be taken. Any order issued by the Governor pursuant to this act shall have the force of law and the appropriate penalties now prescribed by law for the unlawful killing of game shall follow and be applicable to violations of any such order. No such order shall be valid after the closing of the regular session of the Legislature next succeeding its issuance. Any resident of this state may appeal from an order issued under this section by filing within thirty days thereafter a notice of appeal, specifying the grounds on which it is based with the Clerk of the District Court of the county of his residence. The court shall after hearing, if it finds any reasonable foundation exists for said order, sustain the same, but if it finds the same to be arbitrarily issued, it shall set the same aside.

§ 2. PUBLICATION OF ORDERS.] All orders and rules and regulations affecting the entire state as provided for herein shall be published once in the official newspaper of each county affected by such orders. No order, rule or regulation shall take effect until after such publication.

Approved February 28, 1927.

CHAPTER 148

(H. B. No. 198—Committee on Game and Fish)

HUNTING LICENSES

An Act to Amend and Re-enact Section 35, Chapter 161, Session Laws of 1915, as Amended by Section 7, Chapter 224, Session Laws of 1923; and Section 36, Chapter 161, Session Laws of 1915, as Amended by Section 5, Chapter 134, Session Laws of 1919, as Amended by Section 8, Chapter 224, Session Laws of 1923; and Section 37, Chapter 161, Session Laws of 1915, Relating to Game and Fish.

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

§ 1. AMENDMENT.] That Section 35, Chapter 161, Session Laws of 1915, as amended by Section 7, Chapter 224, Session Laws of 1923, is hereby amended and re-enacted so as to read as follows:

§ 35. LICENSES FOR RESIDENT AND NON-RESIDENT HUNTERS, FISHING AND TAXIDERMISTS. HOW PROVIDED.] All persons are prohibited from hunting, catching, taking or killing any protected game bird, animal or fish in this state without having first procured a hunting, trapping or fishing license, as prescribed in this act. It is hereby provided, however, that no license is required for any resident of this state to hunt, fish or trap on lands owned by him or actually cultivated by him, or any member of his family residing permanently with him, during the open season as provided for in this act. All persons are prohibited from practicing taxidermy for pay without first having secured a license therefor. The expiration of all licenses shall be on the following dates—each subsequent to their issuance: Hunting licenses on the thirty-first day of December, trapping licenses on the first day of September, fishing licenses on the fifteenth day of October, and taxidermists licenses on the thirty-first day of December. The North Dakota game and fish board shall provide the necessary blank forms for applications and licenses of all kinds and distribute them among those authorized to sell said licenses.

§ 2. That Section 36, Chapter 161, Session Laws of 1915, as amended by Section 5, Chapter 134, Session Laws of 1919 and as amended by Section 8, Chapter 224, Session Laws of 1923, is hereby amended and re-enacted so as to read as follows:

§ 36. RESIDENT LICENSES. COST. HOW ISSUED. APPLICATIONS. FORMS. GAME AND FISH SHIPMENTS.] Application for resident hunting, trapping or fishing licenses shall show the applicant is a bona fide resident of the state and for six months has been a resident of the county in which license is sought, shall give his

residence, postoffice address, shall contain a description of his person as to his height, weight, color of his hair and eyes, and shall be verified by some free-holder of the county, other than the applicant, acquainted with the facts as set forth in the application; and it is provided, further, that if any person selling licenses is in doubt as to the question of the residence of the applicant, an affidavit on that point may be required additional to the usual application. Resident hunting, trapping, fishing, and taxidermists licenses may be sold by the County Auditors, members of the game and fish board and all bonded game wardens. When sold by members of the game and fish board or the bonded appointees of the board, the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer, who shall credit the amount to the game and fish fund. No such resident license shall be transferable. Resident hunting licenses shall be sold for one dollar and fifty cents each, resident trapping licenses for two dollars each, resident fishing licenses for fifty cents each, taxidermists licenses for one dollar each; provided, that any person under sixteen years of age may fish without a license. Resident licenses, when issued, shall describe the licensee, designate his place of residence and have printed upon it in large figures the year for which issued and the words "Not Transferable." Any resident of the state having procured a resident hunting, trapping or fishing license as required, and being lawfully in possession of any protected game birds, animals, or fish mentioned in this act, may ship by common carrier or when same is accompanied by the person legally in possession of said protected game birds, animals or fish, may carry on the same train or other conveyance, to his home address in the county in which he resides not to exceed a two days' bag limit of any protected game birds, animals or fish. Any resident of the state who shall hunt, trap, fish, practice taxidermy for pay without having first procured a license therefor as provided in this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days nor more than thirty days for each offense, or by both such fine and imprisonment, and each violation of this act shall be a distinct and separate offense.

§ 3. AMENDMENT.] That Section 37, Chapter 161, Session Laws of 1915 is hereby amended and re-enacted so as to read as follows:

§ 37. NON-RESIDENT LICENSE, COST. HOW ISSUED. APPLICATIONS. FORMS. GAME SHIPMENTS.] Every person, not a resident of this state for six months prior to the application for any license provided herein, is prohibited from hunting, taking, trapping, killing or capturing any protected game, or animal unless he shall have first procured a non-resident hunting and trapping license for

which he shall pay the sum of twenty-five dollars. Every person not a resident of this state for six months is prohibited from fishing, taking, catching, killing or capturing in any manner any fish unless he shall have first procured a non-resident fishing license for which he shall pay the sum of three dollars; provided, that any person under twelve years of age may fish without a license. Such non-resident licenses may be sold by any member of the Game and Fish Board or bonded Game Wardens or bonded Game and Fish Commissioners or County Auditors; when countersigned by the secretary of the North Dakota Game and Fish Board, or bonded appointees, the gross receipts must be sent to the secretary of the board at the end of each month and by him transmitted to the State Treasurer, who shall credit such amounts to the game and fish fund, to be used for the enforcement of the game laws as provided in this act. Said non-resident licenses shall describe the licensee, designate the place of residence, and have printed on them in large letters the year for which issued and the words "Non-resident License" and "Non-transferable." Any non-residents having procured such non-resident hunting and trapping license may carry with him on leaving the state not to exceed a two days' bag limit. Any common carrier is hereby permitted to carry any such protected game birds and animals when same is accompanied and carried on the same train or conveyance by the person who displays a non-resident license identifying him and who is legally in possession of the same, provided that the same is plainly marked with a suitable tag bearing the name and address of the licensee, and number of his non-resident hunting and trapping license and there is attached thereto a special tag provided on the non-resident license form, and carried openly for inspection of its contents. Any non-resident of this state who shall hunt, trap or fish without having procured a non-resident license therefor as provided in this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not more than one hundred dollars and costs of prosecution, or by imprisonment in the county jail for not less than twenty days nor more than forty days, or by both such fine and imprisonment, for each and every offense. Each violation of this section shall be a distinct and separate offense.

§ 4. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1927.

CHAPTER 149

(H. B. No. 153—Committee on Game and Fish)

SEARCH AND SEIZURE

An Act to Amend and Re-enact Section 14, Chapter 161, Session Laws of 1915, Relating to Game and Fish; Right of Search and Seizure, and to Repeal Section 15, Chapter 161, Session Laws of 1915.

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

§ 1. AMENDMENT.] Section 14, Chapter 161, Session Laws of 1915 is hereby amended and re-enacted so as to read as follows:

§ 14. SEARCH AND SEIZURE.] The State Game and Fish Board and bonded state game wardens are hereby authorized and empowered:

(1) To enter and inspect any hotel, restaurant, cold storage warehouse, plant, ice house or building actually used for the storage of dressed meats, game or fish for the purpose of determining whether game or fish or parts thereof are kept or stored therein in violation of this chapter, and without warrant to open, enter and examine all buildings, camps, vessels, boats, wagons, automobiles or other vehicles, cars, crates, boxes, and other receptacles and places where they have reason to believe that wild animals or parts thereof are to be found which have been taken or held in violation of the laws pertaining to the taking of wild game and fish. Provided, however, that the right to enter and search without a warrant shall be in no manner taken or construed to apply to the entry or search of the dwelling house or living quarters of any person. Willful hindering, obstructing, interfering or refusing such inspection shall constitute a misdemeanor.

(2) To seize and confiscate in the name of the state any wild animal, including birds or fish, carcasses or parts thereof, caught, killed, taken or had in possession or under control, or sold or transported in violation of this chapter and to seize, confiscate and dispose of all guns, firearms, nets, boats, lines, rods, poles, fishing tackle, lights, lanterns, snares, traps, used unlawfully in pursuing, hunting, taking, attempting to take, conceal or dispose of, or transport such wild animals. All confiscated wild animals, or carcasses, hides or parts thereof and all confiscated apparatus, appliances, or devices shall, if not destroyed as authorized by law, be retained by the Game and Fish Department for the use of the department, or sold to the highest bidder at the price obtainable by the said department, or its agents, under written authority and supervision of the said department, after one publication of sale. The net proceeds

after expenses are paid, shall be paid to the State Treasury, and credited to the Game and Fish Funds, and the remittances to be covered by an itemized account of such sale.

(3) To open and examine any packages in the possession of a common carrier which they suspect or have reason to believe contains contraband, or is falsely labeled in the violation of the provisions of the Game and Fish Laws of the State of North Dakota; and every such common carrier and every agent thereof, servant, or employee thereof shall permit any such officer to examine and open any such package. Any package so opened shall be restored to its original condition. Violation of this section shall be a misdemeanor and such officer shall, in the performance of his official duty, or duties, be exempt from any and all liabilities, to any person for act done, or permitted, or property destroyed by law.

(4) Confiscation of any part of shipment shall include the entire shipment, and whenever two or more wild animals, birds or fish, carcasses, hides or parts thereof, are packed, stored or contained in the same bag, crate, box or other receptacle, or are otherwise commingled and one or more thereof are contraband, then in such cases, the whole shipment or parcel shall be deemed contraband.

(5) PENALTY.] Any person who shall violate any provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$100.00 or by imprisonment in the county jail for a term not to exceed thirty days, or by both such fine and imprisonment.

§ 2. REPEAL.] Section 15, Chapter 161, Session Laws of 1915 and all other acts or parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1927.

CHAPTER 150

(S. B. No. 240—Olson of Burleigh)

HOURS FOR SHOOTING GAME BIRDS OR ANIMALS

An Act to Amend and Re-enact Section 10322a26 of the Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. AMENDMENT.] That Section 10322a26 of the Supplement to the 1913 Compiled Laws of North Dakota be, and the same is, hereby amended and re-enacted to read as follows:

§ 10322a26. 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; provided, however, that migratory game birds may be hunted one-half mile from any permanent waters in the state until thirty minutes after sunset.

Approved March 5, 1927.

CHAPTER 151
(S. B. No. 166—Stevens)

TRESPASSING BY HUNTING ON LAND BEARING SIGN

An Act to Amend and Re-enact Section 10322a28 of the Supplement to the Compiled Laws of 1913, and Repealing Section 10322a29 of the Supplement to the Compiled Laws 1913.

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

§ 1. That Section 10322a28 of the Supplement to the Compiled Laws 1913 is hereby amended and re-enacted to read as follows:

§ 10322a28. No person shall, with intent to kill or take any wild game birds, go upon any lands upon which signs have been posted, by the owner, lessee or agent, bearing the inscription, "No Hunting or Trespassing Allowed" without first obtaining the consent of such owner, lessee or agent so to do, provided such signs shall be conspicuously posted at a distance of not more than eighty rods apart and be readable from the outside of the land. Any violation of this act shall constitute an act of trespass, and shall be subject to the penalties thereof.

§ 2. That Section 10322a29 of the Supplement to the Compiled Laws 1913 is hereby repealed.

Approved March 3, 1927.

CHAPTER 152
(H. B. No. 174—Committee on Game and Fish)

TRAPS, SNARES, LIGHTS, ETC.

An Act to Prescribe the Manner of Taking and Killing Game Birds and Animals, Prohibiting the Use of Traps, Snares, Lights and Other Artificial Means, and Repealing Sections 10322A24 and 10322A25 of the Supplement to the Compiled Laws 1913, and Any and All Acts in Conflict.

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

§ 1. No person shall at any time set, lay, prepare or have in possession any trap, snare, artificial light, net, bird lime, swivel gun

or contrivance whatever, including the dragging of wire or rope between two vehicles or other carriers, for the purpose of catching, taking, killing or raising any protected game birds and animals mentioned in this act. Game birds and animals protected by law can be taken only in daytime with a gun not larger in bore than a ten gauge shotgun, fired from the shoulder. Natural blinds, which are stationary, decoys and boats anchored or tied in natural blinds can be used in the taking of wild ducks and geese. No person shall shoot from a sunken boat, nor from any moving boat, nor from any boat in open water of this state, nor shall any person use or cause to be used any floating battery, electric, steam or gasoline or other floating vessel, or rifle for the purpose of raising or driving any game birds from their resting or feeding places in any waters of this state. Rifles shall not be used in hunting or pursuing wild ducks and geese. No person while in a motor vehicle shall take any game or discharge any firearm at any protected birds or animals. No gun or other firearm, with the exception of pistol or revolver, shall be carried in a motor vehicle unless the same be unloaded in both barrels and magazine and taken apart or in a case, between July 1st and September 16th of each year. It shall be unlawful to use any kind or type of silencer on firearms.

Any violation of this section shall be a misdemeanor and punishable by a fine of not less than Twenty-five Dollars (\$25.00) or more than Fifty Dollars (\$50.00), or by imprisonment in the county jail, for not less than ten or more than thirty days, or both such fine and imprisonment at the discretion of the court.

§ 2. That Sections 10322A24 and 10322A25 of the Supplement to the Compiled Laws 1913 and any and all acts in conflict herewith are hereby repealed.

Approved February 26, 1927.

CHAPTER 153

(S. B. No. 135—Stevens)

DISQUALIFICATION OF GAME WARDENS

An Act Forbidding Any Person to Act or be Appointed as Game Warden, Deputy Game Warden or Special Deputy Game Warden Who is in the Employ of, or Acting Agent of, Any Person or Persons Who Own, Operate, Hold or Possess Any Land, or Lease Upon Any Lands, for Hunting Purposes Within the State of North Dakota, and Making the Violation Thereof a Misdemeanor.

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

§ 1. No person, or agent or employee of such person, shall act or be appointed as a game warden, deputy game warden or

special deputy game warden, who is the owner of or in possession of any land which is under lease or contract for hunting purposes within the State of North Dakota.

§ 2. Any person or persons violating this act shall be guilty of a misdemeanor.

Approved March 7, 1927.

GOPHERS

CHAPTER 154

(H. B. No. 66—Zimmermann)

GOPHER BOUNTY PETITION

An Act to Amend and Re-enact Section 2262 of the Supplement to the Compiled Laws of North Dakota of 1913.

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

§ 1. That Section 2262 of the Supplement to the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2262. It shall be the duty of the board of county commissioners of any county, on receiving a petition signed by not less than twenty per cent of the total number of votes cast at the last general election held in such county, requesting them to do so, to offer a bounty or reward for each gopher, rabbit, crow and prairie dog destroyed during the year. The board of county commissioners when petitioned, as herein provided, shall publish in the local papers of the county during the month of March of each year the amount of bounty or reward to be paid for each gopher, rabbit, crow and prairie dog destroyed, the manner of ascertaining the number of gophers, rabbits, crows and prairie dogs destroyed and the manner of procedure necessary to obtain such reward.

Approved February 16, 1927.

GRAIN

CHAPTER 155

(S. B. No. 87—McLachlin and Hjelmstad)

GRAIN INSPECTION

An Act to Regulate Grain and Seed Warehouses; Defining Public Warehouses and Providing for the Bonding, Licensing and Supervision Thereof and the Weighing, Storing, Buying, and Handling of Grain and Seeds; Prescribing the Duties and Powers of the Board of Railroad Commissioners in Relation Thereto; Providing for the Appointment of a Federal Licensed Inspector, and Such Other Employees as May be Deemed Necessary to Carry Out the Provisions of this Act; Providing Penalties and Repealing Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3123, 3135, 3136, and 3137.

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

§ 1. BOARD OF RAILROAD COMMISSIONS, POWERS AND DUTIES.] The duties imposed by the provisions of this act and the powers conferred herein devolve upon the Board of Railroad Commissioners.

§ 2. BOARD ENTITLED THE COMMISSION.] Hereinafter throughout this act, whenever the title "The Commission" is used, it is understood to mean "The Board of Railroad Commissioners."

§ 3. TO SUPERVISE HANDLING, WEIGHING AND STORING OF GRAIN.] The Commission shall exercise general supervision of the public warehouses of this state, including the handling, weighing and storing of grain and seeds, and the management of public warehouses; it shall investigate all complaints of fraud and injustice, unfair practices and unfair discrimination, and shall make all proper rules and regulations for carrying out and enforcing any law in this state regarding the same.

§ 4. AUTHORIZED TO EMPLOY.] The Commission is hereby authorized to employ a Federal Licensed Inspector whose duties are hereinafter prescribed, and such other employees as may be necessary to carry out the provisions of this act.

§ 5. DUTIES OF INSPECTOR.] If any dispute or disagreement arises between the person receiving and the person delivering the grain at any public warehouse in this state as to the proper grade or dockage, or both, of any grain, an average sample of at least three pints of said grain in dispute may be taken by both parties interested together. Such sample shall be certified to by both the owner and the warehouseman as being a true and representative

sample of the grain in dispute on the day upon which the grain was delivered. Such sample shall be forwarded in a suitable container by parcel post or express, prepaid, with the name and address of both parties, to the Commission for inspection by a Federal Licensed Inspector employed by the Commission, who will examine said grain and adjudge what grade or dockage, or both, said sample of grain is entitled to under the inspection rules and grades as promulgated by the Secretary of Agriculture of the United States. If the grain in question is damp or otherwise out of condition, such sample shall be placed in an airtight container.

§ 6. PRINTING AND PUBLISHING RULES.] The rules and regulations so established shall be printed and published by the Commission in such manner as to give the greatest publicity thereto, and the same shall be in force and effect until changed or abrogated by said Commission in a like public manner.

§ 7. PUBLIC WAREHOUSES DEFINED.] All buildings, elevators and warehouses, and all grist and flour mills, cereal and feed mills and seed houses, doing a shipping business in this state, erected and operated, or which may hereafter be erected or operated by any person, association, copartnership or corporation, for the purpose of buying, selling, storing, shipping or handling grain and seeds for profit, are declared public warehouses and the person, association, copartnership or corporation owning or operating such buildings, elevators, mills or warehouses, which are now, or may be hereafter located or doing business within this state, whether such owners or operators reside within this state or not, are public warehousemen within the meaning of this section. Provided, that nothing in this act contained shall be construed to require any person or persons operating a flour, cereal or feed mill or seed house doing a manufacturing business only, to receive, store or purchase at said mill or seed house any kind of grain.

§ 8. LICENSE, HOW OBTAINED. FEE.] A license must be obtained through the Commission to expire on the first day of August of each year for each public warehouse in operation in this state. No license so issued shall describe more than one public warehouse nor grant permission to operate any other public warehouse than the one described therein. The license fee, which must accompany the application, is hereby fixed at ten dollars for each warehouse. The fees collected under this act shall be paid into the State Treasury and credited to the General Fund of the state.

§ 9. TRACK BUYERS, LICENSE AND BOND.] Any person, firm or corporation excepting a warehouseman, desiring to purchase grain from producers for the purpose of loading the same in cars

on the track of any railroad company in this state for shipment shall be known as track buyers, and shall procure a license therefor from the Commission before transacting such business. The fee for such license shall be ten dollars per annum for each station. Any such track buyer must pay cash for grain so purchased and such track buyer shall be subject to the same laws, rules and regulations as may govern public warehouses, in so far as they may apply, for the protection of sellers of grain, provided that nothing herein shall be construed to classify as a track buyer any producer of grain who may purchase grain from other producers in order to complete a carload in which a portion of said carload is grain grown by said producer.

§ 10. BONDS TO BE FILED.] Before any license is issued to any public warehouseman, such warehouseman shall file with the Commission a bond in such sum as it shall prescribe, which sum shall not be less than five thousand dollars for any one warehouse. Such bonds shall cover the period of the license and shall run to the State of North Dakota for the benefit of all persons storing or selling grain and seeds in such warehouses. They shall be conditioned upon the faithful performance of his duties as a public warehouseman and all of the provisions of law relating to the storage and purchase of grain and seeds by such warehouseman and the rules and regulations of the Commission relating thereto. The Commission is authorized to require such increases in the amount of bond from time to time as it may deem necessary for the protection of the holders of storage receipts and cash tickets or checks. The surety on such bonds must be a corporate surety company, authorized to do such business within the State of North Dakota, provided, however, that the Commission may accept a bond executed by personal sureties, in lieu of a surety bond, when in its judgment such personal surety bond will properly protect the holders of storage receipts and cash tickets or checks. One bond only need be given for any line of elevators, mills, or warehouses owned, controlled or operated by one individual, firm or corporation, and such bond shall be construed to cover such elevators, mills or warehouses as a whole and not a specific amount to each of such elevators. Every such bond shall specify the location of each public warehouse intended to be covered thereby, and shall, at all times, be in sufficient sum to protect the holders of outstanding storage receipts and cash tickets or checks.

§ 11. LICENSE TO BE POSTED. PENALTY.] The license thus obtained shall be posted in a conspicuous place in the public warehouse so licensed. Any public warehouseman who shall transact business without first procuring a license as herein provided, shall

upon conviction be fined in the sum of not less than twenty-five dollars for each day such business is carried on. The Commission shall revoke the license of any warehouse for cause upon notice and hearing.

§ 12. SCALE TICKET.] Every public warehouseman, upon receiving grain into his warehouse, shall issue for each load of grain so received a uniform scale ticket. Such ticket shall be bound in books of convenient size, shall be consecutively numbered and provision made in said books for at least one carbon copy of each ticket. One carbon copy of each ticket shall be retained in said book and shall remain as a permanent record. The original ticket shall be delivered to the person from whom the grain is received upon receipt of each load of grain. All such tickets shall be signed by the warehouseman, his agent or manager. All scale tickets shall be converted into either cash or storage tickets at the close of each day's business. The office copy of each scale ticket shall show the number of the cash ticket or storage ticket issued in lieu thereof.

§ 13. CHEATING OR FALSE WEIGHING. PENALTY.] Any person who shall knowingly cheat, or falsely weigh any wheat or other agricultural product, or who shall violate any of the provisions of this act, where punishment is not elsewhere in this act provided for, shall be guilty of a misdemeanor, and shall, on conviction thereof, be subject to a fine of not less than two hundred dollars nor more than one thousand dollars or be imprisoned in the penitentiary for a period of not exceeding one year, in the discretion of the court.

§ 14. FEDERAL GRADES TO CONTROL. GRADES TO BE POSTED.] All public warehousemen shall purchase and store grain and seeds in accordance with the official grades established from time to time by the Secretary of Agriculture of the United States, except as otherwise provided in rules and regulations applicable thereto adopted by Federal officials pursuant to law. They shall post in a conspicuous place in their warehouse the official grades so established and also any change that may be made from time to time.

§ 15. GRADING OF GRAIN.] All public warehousemen shall, before testing for grade any grain handled by them, remove therefrom and make due allowance for any dockage of such grain made by reasons of the presence of straw, weed seeds, dirt or any other foreign matter.

§ 16. PENALTY.] Any public warehouseman within this state, who shall violate the provisions of the foregoing section, shall be guilty of a misdemeanor and upon conviction shall be

punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment.

§ 17. STANDARD WEIGHTS TO BE USED. EXCEPTION.] No person purchasing, selling or storing grain in any public warehouse in this state, shall use any other measure for such grain than the standard bushel, and no other number of pounds shall be used or called a bushel than the number of pounds provided by law as the standard weight of the kind of grain in question; provided, however, that during the months of October and November, not exceeding eighty-two pounds, and during the months of December and January, not exceeding seventy-six pounds may be used as the standard bushel of new ear corn.

§ 18. STORAGE AND DELIVERY CHARGES. TERMINAL DELIVERY.] Every public warehouseman shall receive for storage, so far as the capacity of his warehouse will permit, all grain tendered to him without discrimination of any kind, provided, that such grain is sound and in a warehouseable condition. Upon date of delivery of grain for storage a warehouse receipt shall be issued to the owner or his agent, which shall state the place and date when the grain was received, the name of the owner of the grain, the kind and grade of the grain according to the official standards established by the Secretary of Agriculture of the United States, the gross weight, dockage, and net weight of the grain as per North Dakota standard weight. All receipts shall be consecutively numbered, and no two receipts bearing the same number and series shall be issued during the same year. No receipt shall be issued except upon actual delivery of grain into such warehouse. No warehouseman shall insert in any such receipt any language in any wise limiting or modifying his liability as imposed by the laws of this state. Such receipts shall contain either on its face or reverse side the following specific warehouse and storage contract:

“This grain is received, insured and stored subject to the following charges: one thirtieth of one cent per net bushel per day from date of delivery, but not to exceed ten cents per net bushel for one year; provided, however, that if such grain be sold within twenty days no storage shall be charged. Upon surrender of this receipt and payment or tender of a delivery charge per gross bushel of three cents on flax, two cents on wheat or rye, and two cents on other grains, and all other stated lawful charges accrued up to the time of said surrender of this receipt, the above amount, kind and grade of grain will be delivered to the person named above or his order as rapidly as due diligence, care and prudence will permit. At the option of the holder of this receipt, the amount, kind and

grade of grain for which this receipt is issued shall, on his demand, be delivered back to him, at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage and insurance; and in case of terminal delivery, the payment in addition to the above, of the regular freight charges on the gross amount called for by this ticket, or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at such terminal point. Nothing in this receipt shall be construed to require the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade shall be delivered to him."

Public warehousemen may also insert in the said receipt the following provision:

"If any of the grain embraced in this receipt shall prove to be covered by a chattel mortgage or other lien, or the partial or absolute title prove to be in some other than the person to whom this receipt was issued, the same shall, if discovered before the delivery of the grain, be sufficient reason for the refusal to deliver to the holder of the receipt, or if discovered after the delivery of the grain such delivery shall be deemed an over delivery for which said holder of this receipt, to whom such delivery is made, shall be accountable."

Provided, further, that grain placed in a special bin shall be excepted from the provisions of this section.

§ 19. PURCHASE BY WAREHOUSEMAN. FORM OF RECEIPT.] There may be printed on such storage receipt, a receipt executed by the owner for use in case the grain represented thereby is purchased by such warehouseman. The warehouseman shall record such purchase, as to the amount paid per bushel, on the stub record of his storage receipt book. Such receipt shall be in substantially the following form:

Received from,

Dollars and Cents net, in full payment for the grain represented by this storage receipt. Gross price per bushel, storage per bushel, net price per bushel

I hereby certify that I am the owner of the grain for which this receipt was issued, and that there are no liens, chattel mortgages or other claims against the grain represented by this receipt.

Dated 19..... Signed Owner.

Provided, that nothing in this section contained shall be construed to affect in any manner the conditions of the storage contract specified in Section 18 of this act.

§ 20. ISSUANCE OF INFORMAL MEMORANDA FORBIDDEN.] The failure to issue such receipt, as directed, or the issuance of slips, memoranda or any other form of receipt embracing a different warehouse or storage contract shall be deemed a misdemeanor.

§ 21. RECORDS TO BE KEPT.] Every public warehouseman shall keep, in proper books, a record of all grain received, stored and shipped, stating the weight, grade and dockage for dirt or other causes, the name of the owner, price paid and storage charged collected.

§ 22. STUB RECORD. NUMBERING RECEIPTS. SPECIAL BIN.] Attached to the receipt shall be a stub record or carbon copy showing the serial number and date of receipt; kind and grade of grain and the gross weight, dockage and net weight: such record to remain in the possession of the warehouseman for inspection by the Commission and persons properly interested. All special bin receipts and stub records thereof shall have plainly marked thereon the words "Special Bin."

§ 23. REPORTS.] On the last day of each month public warehousemen licensed and bonded under this act, shall prepare and submit to the Commission a sworn report giving facts and information called for on the form of report prepared by said Commission. Such report may be called for more frequently, if, in the judgment of the Commission, it becomes necessary. Reports must be filed not later than the tenth of the following month. Failure to file this report promptly will be considered cause for revoking the warehouse license after due notice and hearing. All public warehousemen engaged in the handling or sale of any other commodity than grain shall keep an entirely separate account of their grain business and under no circumstances shall their grain account and other accounts be mixed. The Commission may also require special reports from warehousemen at such times as it may deem expedient. No license shall be reissued to any public warehouseman who fails to make reports as required herein.

§ 24. DISCRIMINATION PROHIBITED.] No public warehouseman shall discriminate in the buying, selling, receiving and handling of grain or in the charges made or the service rendered to owners of stored grain, nor shall such warehouseman discriminate in the receiving of grain offered for sale or storage, nor in regard to the persons offering such grain for sale or storage; provided, that no public warehouseman shall be required to receive for storage any grain which is heating or otherwise out of condition. Storing grain free of charge is hereby prohibited.

§ 25. LIABILITY OF WAREHOUSEMEN. DEFINITION OF GRAIN.] Public Warehousemen shall be liable to the owner for the delivery

of the kind, grade, and quantity of grain called for by said receipts. The term "Grain" is held to signify and include the following products: Wheat, Durum, Oats, Rye, Barley, Buckwheat, Flaxseed, Speltz and Corn. The term "Seeds" shall be construed to mean Clover, Millet, Alfalfa and all other Grass Seeds.

§ 26. DELIVERY.] On the return and surrender of any receipt and payment of all lawful charges, the grain represented therein shall be deliverable to the owner, and shall not be subject to any further charge for storage after demand for delivery shall have been made and proper facilities for receiving or shipping the same have been provided. The owner of the receipt shall order the receptacle or receptacles in which the grain covered by his receipt is to be transported, and the grain shall be delivered when the receptacle so ordered is in proper condition for loading and placed at the warehouse.

§ 27. REFUSAL TO DELIVER. LARCENY.] Every warehouseman who shall, after demand, and payment or tender of storage charges, wilfully neglect or refuse to deliver to the person making such demand, the full amount of grain of the grade and kind to which he is entitled, or to pay the market value thereof, shall be guilty of larceny.

§ 28. BAILMENT NOT A SALE. INSOLVENCY.] Whenever any grain shall be delivered to any public elevator or warehouse in this State, and the receipt issued therefor provides for the delivery of a like amount and grade to the holder thereof in return, such delivery shall be a bailment and not a sale of the grain so delivered, and in no case shall the grain so stored be liable to seizure upon process of any court in any action against such bailee, except actions by owners of such warehouse receipts to enforce the terms thereof, but such grain shall at all times, in the event of the failure or insolvency of such bailee, be first applied exclusively to the redemption of outstanding warehouse receipts for grain so stored with such bailee, and in such event all grain on hand in any particular elevator or warehouse, whether the same be stored or not, shall be applied to the satisfaction of receipts issued by such warehouse.

§ 29. GRAIN TO BE KEPT INSURED FOR BENEFIT OF OWNER.] All grain, whether on storage ticket or deposit with the warehouseman, shall be kept insured at the expense of such warehouseman for the benefit of the owner, provided, that no insurance policy covering grain in a public warehouse shall be transferred or assigned, except in so far as the same shall cover grain not stored, to any person for any purpose whatever, and the owners of storage tickets issued by any public warehouse shall have a first lien, to the

extent of the value of the grain at the time of destruction at the place where stored, on all such insurance for any loss or injury sustained by them on account of the destruction or injury of such grain by fire or tornado or any other cause covered by such insurance policy.

§ 30. WAREHOUSE NOT TO BE CLOSED WITHOUT PERMISSION.] Every licensed public warehouse shall be kept open for business in order to serve the public. Upon application and sufficient cause shown, the Commission may allow any warehouse to be closed for such length of time as may be stated in the order issued therein. Provided, that application to close shall provide for redemption of outstanding storage tickets satisfactory to said Commission. Any such public warehouseman who shall close his warehouse without first having received permission from the Commission to close, shall be guilty of a misdemeanor and the license issued may be revoked by the Commission.

§ 31. TRANSFER OF WAREHOUSE. REDEMPTION OF STORAGE TICKETS.] Whenever the owner, lessee or manager of a public elevator or warehouse licensed to do business in this State, desires to transfer said elevator or warehouse, either by sale or lease to any other individual, firm or corporation, he shall first notify the Commission of his intention to transfer said elevator or warehouse, giving the name and address of the proposed lessee or purchaser, and shall furnish a statement of all proper claims that may be filed or pending against said person, firm, corporation or association as pertaining to the storage, inspection and marketing of grain and seeds during the term of said license, together with a statement of the number of bushels of grain of each kind and grade in store in said elevator or warehouse, and of the number and amount of storage tickets, outstanding, and the names and addresses of such ticket holders, and shall surrender to the Commission his license for Cancellation and the proposed lessee or purchaser shall apply in due form for a new license and tender a new bond for approval by the Commission, whereupon, it, first being duly satisfied that all of the outstanding storage tickets have been redeemed, or that the redemption thereof has been provided for, may issue a new license for the unexpired portion of the license period to said lessee or purchaser. No sale, lease or transfer of any elevator or warehouse, will be recognized or permitted by the Commission except where made in accordance with the above provision.

§ 32. REFUND OF LICENSE FEE AUTHORIZED.] The Commission is hereby authorized to refund the license fee of a public warehouse, or so much thereof as in its judgment would be just and

reasonable when satisfactory proof is furnished said Commission that such warehouse has been transferred to some other person, and application is made by the new owner for a license for the same warehouse, for the unexpired period for which the original license was issued. Provided, that where a warehouse is destroyed by fire or other cause, the license fee may be prorated in such amount as the Commission may determine.

§ 33. DESTRUCTION OF WAREHOUSE, DUTY TO NOTIFY COMMISSION.] In case of the destruction by fire or other cause of any licensed public warehouse, it shall be the duty of the licensee thereof to notify the Commission by telegraph or registered mail within twenty-four hours after such loss.

§ 34. GOING OUT OF BUSINESS. REDEMPTION OF RECEIPTS.] Where a public warehouseman ceases business through destruction of warehouse by fire or other causes, or through insolvency, such warehouseman shall redeem all outstanding storage receipts at the price prevailing on the date the warehouse was destroyed, or closed because of insolvency, and the holder of such receipts upon due notice must accept this price and surrender the receipts.

§ 35. REPEAL.] Sections 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, as amended by Chapter 342, Laws of 1923, 3115, 3116, as amended by Chapter 216, Laws of 1925, 3117, 3123, 3135, 3136, 3137, and all other Acts and parts of Acts in conflict herewith are hereby repealed, it being specifically provided that nothing in this Act shall repeal any of the provisions contained in Chapter 250, Session Laws of 1917, known as the Uniform Warehouse Receipt Act.

Approved March 7, 1927.

CHAPTER 156

(S. B. No. 162—Committee on Warehouse and Grain Grading)

INSOLVENT GRAIN WAREHOUSEMEN

An Act Defining Insolvent Grain Warehousemen; Authorizing the Board of Railroad Commissioners to Apply to the District Court for its Appointment as Trustee for the Benefit of Storage Receipt Holders of Such Warehousemen, and to Marshal the Trust Assets of Such Insolvent and Distribute the Same Among Such Receipt Holders.

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

§ 1. DEFINITIONS.] As used in this Act the word "Commission" shall be held to mean the Board of Railroad Commissioners; the word "receipts" shall be held to mean and include grain warehouse storage receipts, and cash slips or checks given in redemption

thereof ; the word "warehouseman" shall be held to mean and include all public elevators licensed under the laws of this state to store grain ; the word "person" shall include any firm, partnership or corporation.

§ 2. INSOLVENCY OF WAREHOUSEMAN. TRUST FUND.] Whenever any warehouseman, by reason of the destruction of his warehouse or for any other cause, shall refuse or neglect, upon proper demand, to redeem any receipt issued by him, such warehouseman shall be deemed to be insolvent within the meaning of this Act, and all the grain in said warehouse, and the proceeds of insurance policies upon stored grain destroyed in said warehouse, and the cause of action for damages upon any bond given by said warehouseman to the state of North Dakota to insure the faithful performance of his duties as a warehouseman, and the cause of action for the conversion of grain stored in said warehouse shall constitute a trust fund for the redemption of outstanding storage receipts of such warehouseman.

§ 3. APPOINTMENT OF COMMISSION AS TRUSTEE.] Upon the insolvency of any warehouseman as defined in the foregoing Section it shall be the duty of the Commission to apply to the District Court of Burleigh County for appointment of itself as trustee of said fund, and, upon such notice to said warehouseman as the Court shall prescribe, but not exceeding ten days, or upon waiver of such notice in writing by said warehouseman, said Court shall proceed to hear and determine in a summary manner such application, and if it shall appear to the Court, or to the judge thereof, that said warehouseman is insolvent within the meaning of this Act and that it would be for the best interests of the receipt holders that said Commission shall execute such trust, he shall issue an order appointing said Commission Trustee, without bond, of said fund, whereupon said Commission shall proceed to perform its duties as such trustee without further direction from said court, but as hereinafter set out.

§ 4. NOTICE TO RECEIPT HOLDERS.] Upon its appointment as such trustee the Commission shall be entitled to the possession of all the books and records of such warehouseman required by law to be kept by him, and shall take possession of such books and records, and of all grain on hand in such warehouse, peaceably or by appropriate action, and thereupon shall procure the delivery to it of all receipts shown to be outstanding by the books of said warehouseman for the purpose of enforcing the provisions of the same as hereinafter set forth, but if said Commission cannot ascertain the names and addresses of all of such receipt holders, or if it shall

be unable to procure the possession of all said receipts, or if it shall have reason to believe that all said receipts have not been surrendered to it, it shall publish a notice in some legal newspaper in the county in which such warehouse is situated for three successive weeks requiring such receipt holders to surrender their receipts, and unless within ninety days after the last publication of such notice said receipts are surrendered to the Commission, the same shall be barred from participation in said fund, and the Commission shall in all things be empowered to proceed as though it were the owner of all the stored grain in said warehouse.

§ 5. COMMISSION TO MARSHAL TRUST ASSETS.] The Commission in its capacity as trustee as aforesaid, upon the delivery to it of the receipts issued by said warehouseman, is hereby empowered to maintain suits at law or in equity, or any special proceeding, in the name of the State of North Dakota, upon its own relation, but for the benefit of all such receipt holders, against the insurers of said stored grain, against the warehouseman's bond, against any person who shall convert any of such stored grain, or against any receipt holder who shall have received more than his just and pro rata share of said stored grain, for the purpose of marshalling all of the trust assets of said insolvent warehouseman and distributing the same among said receipt holders. Provided, however, that the remedy against the insurers of said stored grain shall be first exhausted before recourse is had against said bond, and against said bond before recourse is had against the person honestly converting such grain, unless, in the judgment of the Commission it shall be deemed necessary to the redemption of said storage receipts, that all the above remedies be pursued at the same time.

§ 6. REMEDY OF RECEIPT HOLDERS.] No receipt holder shall have a separate cause of action against said bond, or insurance, or said person converting said stored grain, or against any other receipt holder excepting through said trustee, unless, upon demand of five or more receipt holders, said Commission shall fail or refuse to apply for its own appointment as trustee, as herein directed. Provided, that nothing in this Act contained shall be construed to prohibit or prevent any receipt holder, either individually or in conjunction with other receipt holders, from pursuing concurrently such other remedy as he or they may have against the person or property of such warehouseman, for the whole, or any deficiency occurring in the redemption of said receipts.

§ 7. COMMISSION MAY COMPROMISE CLAIMS.] The Commission shall have power to prosecute any such action in any court

in this State, or in any other state, and may appeal from any adverse judgment to the Courts of last resort, and may settle and compromise any such action whenever, in its judgment this will be for the best interests of such receipt holders, and may upon payment of the amount of such compromise, or of the full amount of any insurance policy, bond or conversion claim, exonerate the person so compromising or paying in full, from further liability growing out of said action.

§ 8. DEPOSIT IN BANK OF NORTH DAKOTA.] All monies collected and received by said trustee, pending the marshalling of said fund, shall be deposited in the Bank of North Dakota.

§ 9. REPORT OF TRUSTEE. APPROVAL.] Upon recovery of such trust fund, or so much thereof as possible or as shall be necessary to redeem all outstanding receipts, the Commission shall file its report in Court, showing the amount payable upon each receipt, after recognizing any proper liens or pledges thereon, or assignments thereof, or deductions therefrom by reason of advances or off-sets by said warehouseman, according to the market prices as of the day of the insolvency, with legal interest thereon, or in case of cash slips or checks, the amount thereof with legal interest, but in the event that the fund shall prove insufficient to redeem all receipts in full the same shall be prorated among them in such manner as the trustees shall deem fair and equitable. Thereupon the Court shall cite such receipt holders, upon such notice by mail as he shall prescribe, to appear upon a day fixed in the notice and show cause why such report should not be approved, and distribution of said fund made as outlined therein; and upon such hearing, the court shall approve such report or modify the same as justice may require, and issue an order directing the distribution of said fund, and discharging said Commission from its said trust.

§ 10. FILING FEES AND COURT COSTS.] Upon such application, or in any action in a state court in this state, the Commission shall not be required to pay any filing fee or other court costs or disbursements where the fees accrue to the county or to the state, but the Attorney General may employ such outside legal services to assist the Commission in the prosecution of such actions, as in his judgment may be necessary and deduct the expense of the same from said trust fund.

§ 11. EMERGENCY.] There being an emergency wherein there is now no provision empowering the Board of Railroad Commissioners to enforce the redemption of storage receipts, this Act shall be in force from and after its passage and approval.

Approved March 7, 1927.

HAIR DRESSERS

CHAPTER 157 (S. B. No. 20—Whitman by Request)

HAIRDRESSERS AND COSMETOLOGISTS

An Act to Regulate the Occupation of Hairdressers and Cosmetologists to Create a State Board of Hairdressers and Cosmetologists for the Licensing of Persons to Carry on and to Teach Such Practices, to Insure the better Education of Such Practitioners, to Provide Rules Regulating the Proper Conduct and Sanitation of Hairdressing and Cosmetologist Establishments and Schools for the Protection of the Public Health, and to Provide Penalties for Violation Thereof.

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

§ 1. CERTIFICATE OF REGISTRATION REQUIRED.] It shall be unlawful for any person in this State to engage in or to follow or to attempt to engage in or to follow, the occupation of a hairdresser or cosmetologist, or to conduct a hairdressing or cosmetologist establishment or school, unless such person shall have first obtained a certificate of registration as provided by this Act.

§ 2. CLASSIFICATION FOR THE PURPOSE OF THIS ACT.] The following classifications of practices shall be adopted and understood to define practitioners within the meaning of this Act:

Class A.—Any person who engages for compensation in any one or any combination of the following practices, to-wit: Arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, shall be construed to be practicing the occupation of a hairdresser.

Class B.—Any person, who with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices to-wit: Massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails, or removing of superfluous hair, by the use of electricity or otherwise, about the body of any person shall be construed to be practicing the occupation of a cosmetologist.

§ 3. DEFINITIONS.] For the purpose of this Act the following definitions shall be adopted and understood to be included within the meaning of this Act:

(a) An apprentice or student is a person who is engaged in learning or acquiring within a hairdressing or cosmetologist establishment or school and while so learning assists in any of the practices of the classified occupations within this Act under the immediate direction and supervision of a registered operator or instructor.

(b) An operator is a person, not an apprentice, who engages in and follows any of the practices of the classified occupations named within this Act.

(c) A hairdressing or cosmetologist shop is that part of any building wherein or whereupon any of the classified occupations are practiced.

§ 4. REGISTERED SCHOOLS.]

(a) It shall be competent for any person, firm or corporation to apply to the Board of Hairdressers and Cosmetologists for a Certificate of Registration as a school for any one or both of the classified occupations within this Act, upon the payment of a reasonable annual registration fee as determined annually by the said Board for each of the classified occupations.

(b) No School for hairdressers or cosmetologists within this Act shall be granted a Certificate of Registration unless it shall attach to its staff a regularly licensed physician and employ and maintain a sufficient number of competent instructors, registered as such, and shall require a course of training not less than three hundred and twenty-five (325) hours for each of the two classified occupations and a proportional number of hours as approved by the said Board, for any of the practices of the classified occupations, as provided in this Act, to include practical demonstrations, written, or oral tests, and practical instructions in sanitation, sterilizations, and the use of antiseptics, and cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this Act.

(c) No school, as provided in this Act, shall operate within this State unless a proper Certificate of Registration under this Act has first been obtained.

Nothing contained in this section shall prohibit registered operators within a hairdressing or cosmetologist establishment from teaching any of the practices of the classified occupations in their regular course of business, provided the owner or manager thereof does not hold himself or herself out as a school, and does not hire or employ or teach, regularly at any one and the same time, more than one apprentice to three or less operators, regularly employed within their business.

§ 5. CREATION OF STATE BOARD.] There is hereby created a State Board of Hairdressers and Cosmetologists consisting of three (3) members who shall be women, each of whom shall be a

hairdresser or a cosmetologist. The Governor shall appoint the members of such Board. Such members must have at least three (3) years practical experience in their respective occupations and shall be citizens of this state. No two members of the said Board shall be members of, nor affiliated with any school teaching any of the classified occupations, while in office, nor shall any two members of said Board be graduates of the same school of hairdressers or cosmetologists.

Each member of said Board shall serve a term of three (3) years, and until her successor is appointed and qualified, except in the case of the first Board whose members shall serve one (1), two (2) and three (3) years respectively. The members of the said Board shall take the oath provided for public office. Vacancies shall be filled by the Governor for the unexpired portion of the term.

§ 6. ORGANIZATION OF BOARD.] The said Board shall have a President and a Secretary, who shall be elected annually by the members from their own number. The President and Secretary shall have the power to administer oath.

§ 7. COMPENSATION OF MEMBERS OF BOARD.] Each member of said Board shall receive six (\$6.00) dollars for each day employed in the actual discharge of her duties, and her necessary expenses so incurred. The secretary of said Board shall receive an annual salary, not to exceed \$1,200.00 to be fixed by the Board, and her necessary expenses actually incurred in the performance of the official duties. The compensation of the other members, and the expenses of the members including those of the Secretary, as hereinbefore provided, shall be paid from the fund in the State Treasury to the use of the Board, on requisition signed by the President and the Secretary of the Board and the warrant of the Auditor of State.

§ 8. BOND OF SECRETARY.] Before entering upon the discharge of the duties of her office, the Secretary of the Board shall give a bond, with corporate surety, to the State in the sum of five thousand dollars, such bond to be approved by the Board and to be conditioned for the faithful discharge of the duties of the Secretary's office, and the premium therefor to be paid from the funds in the State Treasury to the use of the Board. Such bond, with the approval of the Board and oath of office endorsed thereon shall be deposited with the Secretary of State and kept in his office.

§ 9. MEETINGS OF THE BOARD.] The said Board shall meet twice each year in the Capitol of the State, on the second Tuesday in January and July of each year, and at such other times and places as the Board may direct. The majority members of the Board shall

constitute a quorum for the transaction of business. The Board shall prescribe rules for its government and have a seal with which to authenticate its acts.

§ 10. RECORDS OF BOARD.] The said Board shall keep a record of its proceedings. It shall keep a register of applicants for certificates showing the name of the applicant, the name and location of his or her place of occupation or business, and whether the applicant was granted or refused a certificate. The books and records of the Board shall be prima facie evidence of matters therein contained and shall constitute public records.

§ 11. APPLICATION FOR EXAMINATION.] Each person, who desires to practice any of the practices designated to be within the meaning of this Act shall file with the Secretary of the said Board a written application, accompanied by a health certificate issued by a regularly licensed physician, under oath, on a form prescribed and supplied by said Board, and shall submit satisfactory proof of the required age, educational qualifications, and of good moral character, and shall deposit with the Secretary the required fees.

§ 12. REQUISITES FOR ADMISSION TO EXAMINATION AND REGISTRATION.] No person shall be admitted to examination or registration under this Act unless he or she possesses the following qualifications: (a) Apprentices or students need not be registered, but shall while learning or acquiring any of the practices of the classified occupations, be at least sixteen (16) years of age, of good moral character and have an education equivalent to the completion of the eighth grade of the grammar school.

(b) Operators may be registered in any of the practices of the classifications under this Act upon the payment of the examination fee as may be fixed by the Board, not exceeding \$5.00 for any one of the classifications, providing they are of good moral character and have an education equivalent to the completion of the eighth grade of grammar school and shall have served and completed the required time and studies, as uniformly determined by the Board to be necessary related to any one or combination of the practices, but not less than six (6) months for each of the classifications, under the supervision of a registered operator as an apprentice, or shall have had the required training in a registered school, but not less than 325 hours for any one of the two classifications as defined in this Act, and shall have passed an examination to the satisfaction of the Board as provided in this Act. Provided, however, that from the passage of this Act, applicants for examination for license to practice the removal of superfluous hair, by the use of electricity, commonly

known as the practice of electrolysis, shall have a training in that particular occupation under the supervision of a registered electrologist, of at least 250 hours, and such other reasonable studies and practices related thereto as the Board may prescribe.

(c) Instructors in a school may be registered upon the payment of a fee of \$10.00. Instructors to be registered as such shall hold an operator's license and shall have had at least one year experience as an operator. Instructors duly registered under any limited or unlimited medical practice act, or lecturers upon subjects not directly appertaining to the practice under this Act, need not be holders of operators certificates as provided under this Act, and shall otherwise be exempt from the provisions of this Act.

(d) The sufficiency of the qualifications of applicants for admission to the examination for registration shall be determined by the Board, but the Board may delegate the authority to determine the sufficiency of such requirements to the Secretary, subject to such provisions as the Board may make for appeal to the Board.

§ 13. ADMISSION TO EXAMINATION.] If the Board finds that the applicant has submitted the credentials required for admission to the examination, and has paid the required fee, the Board shall admit such applicant to examination or registration.

§ 14. EXAMINATION.] The examination of applicants for certificates to practice under this Act shall be conducted under rules prescribed by the said Board, and shall include both practical demonstrations and written or oral tests in reference to the practices for which a License is applied for and such related studies or subjects as the Board may determine necessary for the proper and efficient performances of such practices, and shall not be confined to any specific system or method, and such examinations shall be consistent with the practical and theoretical requirements of the classified occupation or occupations as provided by this Act.

§ 15. CERTIFICATES.] If an applicant to examination for operator passes such examination to the satisfaction of said Board, and has paid the fee required, or an instructor pays the required fee and complies with the requirement pertaining to instructors provided in this Act, the Board shall issue a certificate to the effect, signed by the President and Secretary and attested by its seal. Such certificate shall be evidence that the person to whom it is issued is entitled to follow the practices, occupations or occupation, stipulated therein as prescribed in this Act. Such certificate shall be conspicuously displayed in his or her principal office, place of business or employment.

§ 16. PERSONS CALLED TO AID OF BOARD.] The Board may call to its aid any person or persons of established reputation and known ability in the practices as provided in this Act, for the purpose of conducting examinations, inspections and investigations of any or all persons, firms, or corporations affected by this Act. Such aid or aids shall not be connected with any school teaching any of the occupations under this Act. Any person called by the Board to its aid as provided herein shall receive for his or her services not more than ten dollars (\$10.00) for each day employed in the actual discharge of his or her official duties, and his or her actual and necessary expenses incurred, to be paid in the same manner as herein provided for the payment of compensation and expenses of members of the Board.

§ 17. WHEN BOARD MAY DISPENSE WITH EXAMINATION.] The Board may dispense with examinations of applicants as provided in this Act, may grant certificates of registration under the respective sections upon the payment of the required fees as provided in this Act, provided that such applicant has complied with the requirements of another state, territory, District of Columbia, or foreign country, state or province wherein the requirements for registration are substantially equal to those in force in this State at the time application for such certificate is filed, or upon due proof that such applicant has continuously practiced the practices or occupations for which a license is applied for, at least five years immediately prior to such application and upon the payment of a fee of \$15.00.

§ 18. EXEMPTIONS.] All persons who are engaged in the actual and continuous practice of any of the practices of the classified occupations named in this Act prior to the passage of this Act, shall be entitled to a certificate to practice under this act, without an examination and any person who prior to the passage of this Act, was studying any of the practices or classified occupations shall be credited with the time or hours spent in their study, provided that application for such certificate or credit is filed within four months after the taking effect of this Act, and upon the payment of the fees as provided in this Act.

§ 19. POWERS AND DUTIES OF THE BOARD.] (1) The said Board created by this Act shall have the power to revoke and suspend certificates, provided in this Act, upon proof of violation of the rules and regulations established by the said Board governing the classified practices under this Act.

(2) The Board may refuse to grant a certificate to a person guilty of fraud in passing the examination or at any time guilty of

a felony or gross immorality, grossly unprofessional or dishonest conduct or to one addicted to the use of intoxicating liquor or drugs to such an extent to render him or her unfit to practice in any of the practices or occupations classified under this Act, or to any one advertising by means of knowingly false or deceptive statement, or for the failure to display the certificates as provided in this Act.

(3) The said Board shall have the power to require the attendance of witnesses and the production of such books, records and papers as it may desire at any hearing or any matter which the Board has authority to investigate, and for that purpose may require the Secretary of the Board to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees and mileage of the sheriff and witnesses shall be the same as that allowed in the Court in Criminal cases. Fees and mileage shall be paid from the fund in the state treasury for the use of the Board in the same manner as other expenses of the said Board are paid.

§ 20. SANITARY RULES.] The said Board shall, with the approval of the State Board of Health, prescribe such sanitary rules as it may deem necessary to be employed to prevent the creating and spreading of infectious and contagious diseases, and it shall be unlawful for the owner or manager of any hairdressing or cosmetician or cosmetological shop or school to permit any person to sleep in any room used wholly or in part as a hairdressing, or cosmetological establishment. An operator may practice outside of such establishment under the direction and control of an owner or manager thereof under such regulations as the Board may provide.

§ 21. HEARING MAY BE HELD BY ANY MEMBER.] Any investigation, inquiry or hearing, which the said Board is empowered by law to hold or undertake, may be held or undertaken by, or before any members or member of said Board and the finding or order of such member or members of said Board shall be deemed to be the finding or order of said Board when approved and confirmed to it.

§ 22. APPEAL FROM ACTIONS OF THE BOARD.] An appeal may be taken from an action of the said Board refusing to grant or suspending or revoking a certificate for the causes mentioned in the preceding section, to the District Court of the County in which the person who has been refused a certificate or whose certificate has been suspended or revoked resides.

§ 23. FEES.] The fees for examination and certificate as provided in this Act shall be paid in advance to the Secretary of the Board, and by him paid each month into the state treasury to the credit of a fund for the use of the said Board. On failure to pass an examination the fees shall not be returned to the applicant, but within one year after such failure he or she may present himself or herself and be again examined without the payment of an additional fee.

§ 24. All fees and moneys received by the Board shall be, by the Secretary thereof, forwarded monthly to the State Treasurer, who shall upon receipt thereof, enter such funds and carry the same in a special fund to be known as State Hairdressers' Fund, and all salaries and other expenses incurred under the provisions of this act, shall be paid out of such fund. Vouchers for all salaries and expenses incurred in carrying out the provisions of this act, shall be by the secretary of the Board certified monthly to the State Auditor, who shall draw warrants therefor upon the State Treasurer, who shall pay the same out of the said State Hairdressers' Fund and out of such fund only.

§ 25. TO WHOM PROVISIONS IN THIS ACT SHALL NOT APPLY.] Nothing in this Act shall prohibit service in case of emergency, or domestic administration, without compensation; nor services by persons authorized under the laws of this State to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic nor services by barbers lawfully engaged in the performance of the usual and ordinary duties of their vocation.

§ 26. RENEWAL OF CERTIFICATES.] The holder of a certificate issued by the Board as provided in this Act, who continues in active practice or occupations, shall annually on or before the 31st day of December, renew his or her certificate and pay the renewal fee. A certificate which has not been renewed prior to the 31st day of December in any year shall expire on the 31st day of December in that year. The holder of the expired certificate may have within three years of the date of expiration the certificate restored upon the payment of the required renewal fee of \$5.00 and satisfactory proof of his or her qualifications to resume practice or occupation.

§ 27. DURATION OF CERTIFICATE. RENEWAL FEES.] No certificate shall be issued for a longer period than one year, and all certificates shall expire on the 31st day of December next succeeding, unless renewed for the next year, as herein provided, and upon the payment of the fees for renewals, as determined by the Board.

§ 28. PENALTIES.] Any person who shall practice any of the occupations, maintain a school or act in any capacity wherein a certificate is required, without a certificate provided in this Act, shall be guilty of a misdemeanor and shall be fined not to exceed \$100.00 or shall be imprisoned for no more than 90 days, or both. Each and every day of violation shall be construed a separate offense. All fines and penalties shall be paid to the Secretary of the Board, and by the Secretary shall be paid into the State Treasury for the use of the Board.

§ 29. MEANING OF "SAID BOARD".] Wherever the words "Said Board" are used in this Act it is the meaning and intent in this Act that it refers to the Board of Hairdressers and Cosmetologists, as created by this Act.

§ 30. EFFECT OF PARTIAL INVALIDITY OF ACT.] Each section of this Act and every part of each section is hereby declared to be independent of every other, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

§ 31. REPEAL OF INCONSISTENT ACTS.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1927.

HIGHWAYS

CHAPTER 158 (H. B. No. 162—Lynch)

STATE HIGHWAY COMMISSION

An Act Creating a State Highway Commission, Defining its Powers and Duties and Fixing the Compensation of the Commission.

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

§ 1. COMPOSITION.] A State Highway Commission is hereby created and established which shall consist of the Governor, who, ex-officio, shall be the chairman thereof, and two other members each of whom shall be appointed by the Governor and each of whom shall serve for a term of four years from and after his appointment and until his successor has been duly appointed and has qualified, except as hereinafter provided.

§ 2. TERM AND APPOINTMENT.] Within ten (10) days after this act shall take effect, the Governor shall appoint one member whose term shall expire on the last day of January 1929, or until

his successor shall have been appointed and has qualified, and a second member whose term shall expire on the last day of January, 1931, or until his successor shall have been appointed and has qualified. All subsequent appointments shall be for a term of four years except where such appointments as may be made to fill a vacancy in which event it shall be for the unexpired term only. All vacancies shall be filled by appointment by the Governor. Each commissioner, upon appointment, shall take and file the usual oath of office prescribed by law.

§ 3. MEETINGS.] When ten (10) days after this act shall take effect, upon call of the Governor, the State Highway Commission shall hold its first meeting at the State Capitol in offices located therein and provided by the State Board of Administration at the expense of the State. Thereafter, the Commission shall meet regularly and not less than twelve (12) times each year. Special meetings may be called by the Governor, or by two members of the Commission.

§ 4. COMPENSATION.] In addition to their necessity expenses when traveling in connection with their official duties, the members of the Commission shall each receive a per diem of ten (10) dollars for not to exceed one hundred eighty (180) days in any one year.

§ 5. POWERS AND DUTIES.] The State Highway Commission shall have the full control, management, supervision, administration and direction of the State Highway Department or State Highway Commission now existing or hereafter created, the office of Registrar of Motor Vehicles and such other offices and duties as may now or hereafter be imposed upon it, or placed under its jurisdiction. All powers and duties now vested or which hereafter may be vested by law in such State Highway Commission now existing by law or any officer thereof, the State Highway Department, the office of Registrar of Motor Vehicles or any officer thereof now existing or hereafter created and any other officer, department, bureau or agency placed under the control and direction of the State Highway Commission hereby created, shall be exercised and performed under the direction, control, supervision, management of and with the approval of the State Highway Commission hereby created. It is hereby declared to be the intent and purpose of this Act to make and constitute the State Highway Commission hereby created the final and ultimate authority to carry out the duties and exercise the powers of the departments and offices hereinbefore mentioned.

§ 6. SECRETARY, COMPENSATION AND DUTIES.] The Secretary of the State Highway Commission shall be its chief administrative officer, but shall not be a member thereof. He shall serve at the pleasure of the Commission, at such compensation as it shall

fix not exceeding the sum of \$3,000.00 per annum, and shall exercise such powers and perform such duties as the Commission shall prescribe. He shall devote all his time to his office. Such secretary may be employed by the Commission, or the powers and duties of such Secretary be vested in or imposed on the Chief Engineer of the State Highway Department, or any other officer or employee of the State Highway Department. The Secretary shall be the custodian of and preserve the records of the State Highway Commission and of its official acts and determinations; keep the minutes of the Commission, keep accurate and complete books of account as may be prescribed, sign and execute all contracts, agreements, documents, papers, sign all vouchers, orders for supplies and materials and other expenditures and subscribe to all other matters which may arise under the authority of and in conformity with the directions of the State Highway Commission.

§ 7. REPEALS.] Sections 2 and 3 and so much of Sections 4, 5 and 6 as may be in conflict herewith of Chapter 131 of the Session Laws of North Dakota for the year 1917, and Section 1 of Chapter 141, Session Laws of North Dakota for the year 1919, and all other acts and parts of acts in conflict herewith are hereby modified or repealed.

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

Approved March 10, 1927.

CHAPTER 159
(H. B. No. 211—Lynch)

DEPARTMENT OF STATE HIGHWAYS

An Act Creating the Department of State Highways, Defining its Powers and Duties, Providing for its Government and Imposing Penalties for Violations Thereof.

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

§ 1. THE STATE HIGHWAY SYSTEM.] There is hereby created a system of main market, arterial and interstate public roads to be known and designated as "The State Highway System." Such State Highway System shall not exceed seven per centum of the entire road mileage of the state, whether such roads be township, county or state roads, and in no case shall the State Highway System exceed 7,500 miles in length. As far as practicable, such State Highway System shall connect all county seats, large trading centers and constitute part of national or interstate roads deemed necessary

and essential for the promotion of commerce between the different states, provide for a common defense and the general welfare of the people of this and the surrounding states.

§ 2. DESIGNATION OF STATE HIGHWAYS.] The designation, the location, creation and determination of all such roads, highways and thoroughfares which shall be and constitute part of the State Highway System is hereby exclusively and solely vested in the Department of State Highways, hereinafter created, and all roads and highways heretofore designated, improved and constructed by the State Highway Department shall be continued and construed as parts of the State Highway System, subject, however, to the provisions and limitations hereinafter set forth.

The Department of State Highways shall, at all times, have the full power and authority to designate, locate and create new and additional roads, highways and thoroughfares from time to time to be and constitute part of such State Highway System, provided, however, that the mileage of all such state highways shall not exceed that set out in the foregoing section. It being the intent and purpose hereof to provide a system of arterial roads and highways which from time to time shall serve the best interests of the state and not exceed the system of roads set forth in the preceding section.

The Department of State Highways shall also from time to time determine, designate and declare which roads and highways of the State Highway System shall be included in and constitute the Primary system and which the Secondary system, provided, however, that such classification shall not be altered oftener than once in each two years.

It shall be the duty of the Department of State Highways at all times to provide and maintain a map of the state, which shall show all the roads and highways which have been designated, located, created and constituted as part of such State Highway System and which are part of such Primary system and such Secondary system, and if practical the status of improvement thereof. Not later than the fifteenth day of January of each odd numbered year, it shall file a copy of such map in the office of the Secretary of State and deposit another copy thereof with the State Historical Society.

The Department of State Highways shall have exclusive power to designate and declare over what streets, alleys, boulevards, and public thoroughfares in any incorporated village or city any State Highway shall pass or follow to connect with another highway beyond the corporate limits thereof, and may mark and designate such route with appropriate directional signs and markers

provided, however, that such designation shall in no way compel or obligate the Department of State Highways to improve, reconstruct and maintain any such street, alley, boulevard or thoroughfare, nor shall the route so marked within any incorporated municipality be construed as part of the mileage permitted in the State Highway System by reason of such marking.

§ 3. CREATION OF A DEPARTMENT OF STATE HIGHWAYS.] There is hereby created a Department of State Highways which shall consist of a chief engineer, such other engineers, draftsmen, persons and employees necessary to carry out the intent and purpose of this act, and the said Department of State Highways shall be vested with the power and duties now or hereafter imposed upon the State Highway Commission heretofore created insofar as the same appertain to the State Highway System or the roads of the state. The Department of State Highways shall be under the sole and exclusive control, direction, administration of the State Highway Commission now existing by law or which hereafter may be created, or such other person, persons or body created, designated or empowered to act in its place as the successor to the existing State Highway Commission. All powers and duties herein conferred or which may hereafter be conferred on the Department of State Highways shall be exercised solely by and through the State Highway Commission aforesaid, or its successor or successors, for and on behalf of the Department of State Highways.

§ 4. POWERS AND DUTIES OF THE DEPARTMENT OF STATE HIGHWAYS.] Subject to the constitution and the laws enacted in pursuance thereof and to be exercised in the manner herein provided, the Department of State Highways is hereby granted and vested with full and complete power and authority, and it shall be its duty to do each and everything necessary to provide, designate, locate, relocate, alter, amend, revise, improve, construct, reconstruct, surface, resurface, repair, maintain, patrol, mark, re-mark and sign the State Highway System or any part thereof, to close temporarily and prohibit the use of any part of the State Highway System by the general public during construction or where any part may have been destroyed by the elements or may be unsafe and dangerous, and to provide, mark and maintain temporary roads or highways where any part of the State Highway System shall have been closed; to regulate the use of such highways, any part thereof, and such temporary roads, by persons and vehicles and to do such and other things as shall be necessary at all times to provide and furnish the people of this state the fullest and completest use of such State Highway System with due regard for public safety and the general public wellbeing.

As a more specific enumeration and not to be construed as limitation of general powers herein granted, the Department of State Highways shall have the power:—

1. To acquire by gift, purchase or condemnation, as provided by statute, all necessary right of way or land needed to provide and lay out a State Highway or any part thereof and of such width as it shall deem wise either for present or reasonable future use.

2. To acquire by gift, permission, purchase, lease or condemnation all necessary temporary easements or right of way to provide a temporary road for public use where a State Highway or any part thereof shall be closed for construction, reconstruction, repair or otherwise unsafe for public use.

3. To designate, redesignate, lay out, locate and relocate, alter, amend, revise any road and parcel of such State Highway System notwithstanding that the same may have been at any time used, improved and maintained as a state road.

4. To construct, reconstruct, improve, widen, rebuild, surface, and resurface any part of the State Highway System and to provide and erect guard rails and other devices to render safe the use thereof.

5. To maintain, patrol, repair, reconstruct, resurface and to light, maintain guard rails, and other devices to keep any part of such State Highway System duly improved by the said Department in good and safe condition for public use.

6. To contract on an equitable basis with any railway company for the construction of bridges, underpasses and approaches necessary for the separation of grades at points of intersection between railroads and State Highways and to let all the necessary contracts therefor.

7. To purchase, lease or acquire all necessary road material, machinery, tools, equipment and supplies necessary for the construction, reconstruction, repair and maintenance of the State Highways and to purchase or rent grounds and buildings necessary for the storage and housing of such materials, machinery, tools and equipment.

8. While the necessary bridges on any state highway shall be construed and considered a part of such highway, nevertheless, such bridges may be designed, erected and contracts awarded separately therefor, and such bridges may be designed, erected and contracted irrespective as to the time when the highway contiguous thereto

shall have been or may be improved. Provided, however, all necessary fills and approaches to any bridge shall be construed and considered as part of said bridge.

9. To number and renumber any State Highway and to erect and maintain a uniform system of road markers, warning, directional and historical signs, and such other signs and markers on the State Highways and upon such temporary roads, as may be deemed necessary and wise.

10. To remove or cause to be removed or destroyed any and all advertising signs, bill-boards and other signs erected on the right of way of the State Highway System, and also such other signs and bill boards on land abutting a state highway, erected and maintained contrary to law.

11. To erect and maintain guard rails, stretch wires and such other devices to render safe the travel of such highway.

12. To inspect and test all materials, equipment, machinery and supplies for the use of the Department of State Highways and any of its activities, and to create, maintain and enlarge from time to time a technical and testing laboratory for the purpose of making such tests and inspections. Upon request of any other department or division of the government, to make such tests and inspections in such laboratory as within its power.

13. To gather, investigate and compile information concerning road construction, use, maintenance, highway organization, practices, methods and other information, data, and statistics of this state and other states, the natural resources of road building materials in this state, and to disseminate such information, together with any recommendations thereon, within this state.

14. To take at least once a year a traffic census or count of vehicles using the state highways, or any other roads of the state, to ascertain whence such vehicles originally came and their destination, to retard the rate of speed or halt such vehicles entirely for a reasonable time to secure all the desirable and necessary data and information to supply a complete presentation of the road burden, road use and the class and types of vehicles thereon. To take a traffic census at such points and for such periods as it shall deem sufficient.

15. To prepare and issue to the public, road-maps of the State Highway System and of such other roads as it may deem best; to prepare, print and distribute such information concerning roads, road-markings and other material, as may prove helpful to the traveling public.

16. To prepare, print and distribute manuals of standard and uniform methods for any of the activities, divisions or work of the Department of State Highways, or for general road and bridge construction, design, maintenance, marking and kindred purposes in the State of North Dakota.

17. To prepare and adopt, insofar as practicable, uniform and standard plans and specifications for the construction, reconstruction and maintenance of State Highways and bridges; and also uniform and standard forms of contracts, bonds, estimates and other forms and documents deemed essential. Also, to prepare and issue standard and uniform prescriptions for road use by and for such other divisions of the government of the state as may wish to employ them.

§ 5. CHIEF ENGINEER—QUALIFICATIONS, ETC.] The State Highway Commission, or its successor, shall employ a Chief Engineer who shall be a competent civil engineer, a graduate of an approved engineering school, with at least five years' experience in highway and bridge construction, maintenance and repair, or in case he shall not be a graduate of some college or school of engineering, he shall have at least ten years' experience in highway and bridge construction and maintenance. He shall serve at the pleasure of the State Highway Commission or its successors and shall be paid such compensation as it shall prescribe, but not to exceed \$4,000.00 per annum. He shall devote all his time and services to the Department of State Highways and shall exercise such powers and perform such duties as may be prescribed by the State Highway Commission or its successor.

§ 6. OTHER EMPLOYEES.] The Department of State Highways is hereby authorized to employ such other engineers, surveyors, draftsmen, skilled and unskilled help and employees as may be necessary to conduct its affairs and who shall have such qualifications as it may prescribe, and on such terms and compensation as it may deem proper. Each employee in addition to his salary may, with the consent of the said Department be allowed his actual travel and other necessary expense incurred in the performance of his duties. Such employes of the said Department as may be determined and designated by the State Highway Commission or its successors, before entering upon his duties of office or employment, shall give bond to the state in such penal sum as may be determined by the State Highway Commission, or its successors, to be approved by the State Highway Commission, and be conditioned upon the faithful performance of his duties. The state, the civil government divisions thereof, and any person damaged by any wrongful act or omission of any

such employee so bonded in the performance of his official duties, may maintain an action on his bond for the recovery of damages so sustained.

§ 7. DEPARTMENTAL BUDGET ESTIMATES.] Not later than the fifteenth day of November of each year, each head of a department, division, section or activity of the Department of State Highways as may be directed and designated to do so by the State Highway Commission, shall submit to the chief executive officer thereof an outline of the work which should be undertaken by such department, division, section or activity during the following calendar year and the estimated expense thereof, in such detail as the Commission may prescribe, together with such other cost data and information as the Commission shall direct.

Not later than the first day of December of each year, the said chief executive officer shall transmit to each member of the State Highway Commission a copy of such outlines, estimated expense and other documents previously submitted to him, together with a statement of an estimate of the cash, income and resources of the said Commission on hand on the first day of January, following, an estimate of the unpaid liabilities or commitments of said Commission, and an estimate of the income to accrue to the said Department during the next calendar year and the sources from which such income may be derived or accrued, together with such other data and information as the Commission may direct.

§ 8. DEPARTMENTAL BUDGET.] Not later than the fifteenth day of December of each year, the State Highway Commission shall examine, consider and revise such estimates of income and proposed expenditures and thereafter by resolution adopt a Department Budget wherein shall be allocated, set aside and appropriated to each department, division, section or activity of the Department of State Highways for the ensuing calendar year a definite and fixed sum or allowance in such amount and with such detail as the Commission may elect for the use and purpose set out in said Departmental Budget.

§ 9. CONSTRUCTION PROGRAM.] Not later than the fifteenth day of January of each year, there shall be submitted to the State Highway Commission, by the chief engineer thereof, a statement showing what improvements, structure, and construction work has been requested, proposed, and may be undertaken by the Department of State Highways. Such statement shall set forth the estimated quantities and the estimated unit cost of each class, type and nature, together with the totals thereof for each and every project

or improvement which may be made, and the totals of all such projects or improvements, and the average quantities and unit costs for all such projects or improvements.

Thereafter the said Commission shall examine the same and proceed to adopt a Construction Program by resolution, wherein shall be determined what projects and improvements shall be undertaken by the said Department of State Highways during the ensuing construction season, and the order of priority thereof; provided, however, that insofar as practical, priority shall first be given to the improvement of the so-called Primary System of the State Highway System, and provided further, that the total estimated cost of such Construction Program shall not exceed the total estimated income or allowance granted or set aside for construction purposes in the Departmental Budget hereinbefore provided. Nothing hereinbefore provided, however, shall prevent the State Highway Commission from adding to, amending, revising or reducing from time to time and as circumstances may warrant, such construction program.

Thereafter, the Commission shall proceed to advertise for bids for contracts at such time as it may elect, and in the manner and for the purposes hereinafter provided.

§ 10. BASIS OF CONTRACTS FOR CONSTRUCTION WORK.] The State Highway Commission may request bids for and award contracts for construction work, upon the basis that the contractor shall furnish all equipment, labor, materials and supplies for each particular contract or project; or upon the basis that the said State Highway Commission may furnish and provide the said contractor with such materials and supplies as it may elect. In the event that the State Highway Commission shall elect to provide materials and supplies for any project or construction work, such election shall be made at the time of the adoption of the Construction Program hereinbefore provided.

Thereafter the State Highway Commission shall request proposals or bids for the total and aggregate of such materials and supplies for any and all such projects or construction work according to the class, type and nature of such materials and supplies, and may proceed to award a contract or contracts therefor upon such basis as it shall deem efficient and economical; whether upon the basis of delivery to the construction project directly or to a central storehouse or storehouses maintained by said Department of State Highways. Provided, however, that such materials and supplies so purchased by the Department of State Highways may be delivered to the project or construction work without expense

to the contractor doing such construction work, or may be sold to him at cost and constitute a part of such construction cost, as the Commission may elect.

§ II. CONTRACTS AND FORCE ACCOUNT.] Whenever the cost of any improvement or the purchase price of equipment or materials and supplies shall exceed the sum of Three Thousand (\$3,000.00) Dollars, the Department of State Highways shall proceed to advertise the same, request bids and award such contracts in the manner hereinafter provided. Whenever any proposed contract, purchase or work of the Department of State Highways shall be for a sum less than Three Thousand (\$3,000.00) Dollars, it shall be discretionary with the Department of State Highways whether the same shall be awarded after advertising, or request of bids; and it shall award such contracts in a manner hereinafter provided; provided, however, that where contracts be in excess of One Thousand (\$1,000.00) Dollars, the Department of State Highways shall request informal bids from as many contractors, manufacturers and dealers as it can conveniently.

Request for bids for all construction work or the improvement of any State Highway, or any structure in excess of Three Thousand (\$3,000.00) Dollars, shall be advertised by publication once a week for a period of three successive weeks, prior to the opening of such bids, in the county official newspaper of the county in which the project is located. Such advertisement shall state where the bidder may inspect the plans and specifications, with whom bids shall be filed, and the time and place where bids shall be opened.

All requests for bids for the purchase of equipment, materials and supplies in excess of the sum of Three Thousand (\$3,000.00) Dollars, shall be advertised in the official newspaper of Burleigh County, once a week for a period of three successive weeks prior to the opening of such bids. All bids shall be opened at the time and place specified, and in the offices of the Department of State Highways, by and in the presence of the State Highway Commission, or its successors. Each bid shall be accompanied by a bidder's bond for the full amount of the bid and a certified check of the bidder in an amount equal to five per cent of his bid, which check shall be forfeited to the State Highway Fund, should the bidder fail to effect a contract within ten days after a notice of such award. In the event that any county or municipality shall participate in and defray the cost, or part of the cost of any improvement to be made by the Department of State Highways, it shall be the duty of the chief executive officer of such Highway Commission to notify

the board of county commissioners of the county so interested, or the proper city officials of any municipality, of the time set for opening such bids.

Informal bids shall be requested and the contract therefor may be awarded upon such basis and procedure as the State Highway Commission shall direct.

Provided, however, that in case of great emergency requiring immediate action and, where delay would cause a public injury, the work may be done by the Department of State Highways by force account.

§ 12. AWARD OF CONTRACTS AND FORCE ACCOUNT.] Each and every contract in excess of the sum of Three Thousand (\$3,000.00) Dollars, shall be awarded by the Department of State Highways to the lowest responsible bidder, but said Department of State Highways may reject any and all bids. If no satisfactory bid or bids shall be received, new bids may be called for. The successful bidder shall be required to furnish a suitable bond in at least the amount of the contract and with such sureties as may be determined by the Department of State Highways and as shall be approved by it.

Payment shall be made monthly to such contractor for all work done or material furnished, in the amount of 90% thereof; and payment shall be made in full upon the completion of the contract and acceptance of the work.

§ 13. CONSTRUCTION OF BRIDGES.] No bridge shall be constructed in the State of North Dakota on the State Highway System unless the plans and specifications therefor shall have been previously submitted and approved by the Department of State Highways.

§ 14. INSPECTION OF BRIDGES.] The Department of State Highways shall at least every two years, and so far as time and conditions may permit, cause an inspection to be made of all bridges on the State Highway System in the state. In case any bridge on the State Highway System shall be deemed unsafe for public use by the said Department of State Highways, they shall forthwith take steps to close the same and prevent the use thereof by the public. In case any bridge shall be deemed unsafe for loads in excess of a given weight, it shall be the duty of the Department of State Highways, in case of bridges on the State Highway System, to forthwith post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond a given weight.

§ 15. CLOSING OF ROADS.] Whenever, during the construction work on any State Highway or for any other reason, it may be necessary to prevent traffic from passing over any portion of

such highway, the Department of State Highways is empowered to close such portion of the highway to any and all traffic by causing to be posted in a conspicuous manner, at the ends of the portion of the highway so closed, suitable signs warning the public that such road is closed under authority of law, and by the erection of suitable barricades, fences or other obstructions. The driver or owner, or both, of any vehicle, self-propelling or otherwise, passing through, over or around any such barricade, fence or other obstruction so placed, or any person or persons opening, removing or defacing any such barricade, fence or other obstruction or any such warning sign without written permission from the engineer in charge of the work, or in charge of such highway, or any person or persons wilfully, knowingly or maliciously causing any damage to the work under construction, shall be guilty of a misdemeanor.

§ 16. CUSTODIAN OF RECORDS.] All of the files and records of the Department of State Highways shall, under reasonable regulations, be open to public inspection, and a copy thereof certified by the chief executive of the Department of State Highways as being a true copy, and shall be received in evidence in any court in the state with the same force and effect as the originals. The State Highway Commission as now created by law, or which may hereinafter be created, or any successor or successors thereof, shall be the custodian thereof and preserve the records of the Department of State Highways. The Attorney General shall be ex-officio attorney for the Department of State Highways and shall render such legal counsel, advice and assistance as may be necessary from time to time.

§ 17. FILES, RECORDS AND REPORTS.] The Department of State Highways shall keep accurate and complete books of account of such character as may be prescribed or approved by the State Examiner. The books of account shall show among other things the following facts:

(a) The cost of maintaining the Department of State Highways, including the salaries and expenses of the individual members thereof.

(b) The amounts of money expended in each county of the state for the construction or maintenance of the state highway therein, when, where and upon what job or portion of the road expended so that the cost per mile of such construction or maintenance can easily be ascertained.

(c) The amount of road equipment and materials purchased and when and where and from whom purchased. Such book shall also show the price paid for each item; the original invoice shall form a part of the permanent files and records in said Department and shall be open to public inspection.

(d) It shall be the duty of the State Examiner to examine the books, accounts, records and files of the Department of State Highways at least once a year, and oftener if he deems proper, and without previous notice of such examination.

§ 18. REPORTS.]

A—Annual Reports:

Not later than the first day of February of each year it shall be the duty of the Department of State Highways to transmit to the Governor a full and complete report of its activities during the preceding calendar year.

B—Biennial Reports:

It shall be the duty of the Department of State Highways to submit to the Governor a biennial report as now required by law of other departments of the State Government.

§ 19. The State Highway Fund created by law and not otherwise appropriated and allocated by Section 2976t15, Supplement to the 1913 Compiled Laws of North Dakota, or acts amendatory thereof, shall be applied and used for the purposes herein named and in the following order of priority: A. The estimated annual cost of maintaining and keeping in repair of all improved parts of the State Highway System, constructed and improved in part with Federal aid and to be maintained in accordance with the requirements upon which Federal aid was granted. B. The cost of construction and reconstruction of highways in an amount equal to the state's share of the amount necessary to equal the sum of Federal aid granted to this state annually by the United States Government for road purposes in North Dakota.

Any portion of the Highway Fund not allocated as above provided may be expended for the construction of State Highways without Federal aid but with county aid to the extent of not less than 25% of the cost of project, or may be expended in the purchase of machinery, tools, supplies, materials, the hire of teams or labor, or the rental of machinery, in the construction, improvement or maintenance of such state highways.

Any claims for moneys expended by the State Highway Commission under the provisions of this act shall be paid out of the State Highway Fund by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the State Highway Commission, or its duly authorized agent.

§ 20. PURCHASE OF RIGHT OF WAY, GRAVEL PITS, ETC., BY THE STATE HIGHWAY COMMISSION.] The State Highway Commission or its successor, by resolution or order may, on behalf of

the state, and as part of the cost of construction, reconstruction, widening, altering, changing, locating, relocating, aligning, re-aligning, or maintaining, or for providing a temporary road for public use, may purchase, acquire, take over, or condemn under the right and power of eminent domain, for the state, any and all lands which it shall deem necessary for present public use, either temporary or permanent, or which it may deem necessary for reasonable future public use, and to provide adequate drainage in the improvement, construction, reconstruction, widening, altering, changing, locating, relocating, aligning, re-aligning, or maintaining of a state highway. It may, by the same means, secure any and all materials, including clay, gravel, sand or rock, or the land or lands necessary to secure such material, and the necessary land, lands or easements thereover, to provide ways and access thereto. It may so acquire such land, lands or materials notwithstanding that the title thereto now or hereafter be vested in the state or any division thereof.

Whenever the State Highway Commission or its successors shall determine by resolution or order that public exigency requires the taking of land or materials as aforesaid, it shall cause the same to be surveyed and described, and a plat thereof and the said description shall be recorded in the office of the register of deeds for the county wherein the same is located. The State Highway Commission, or its duly authorized agents, is hereby authorized and empowered to enter upon any land or lands for the purpose of making such surveys, examinations or tests for the purposes herein named; provided, however, that no permanent injury or damage shall be done thereto.

If the State Highway Commission is unable to purchase such land, lands, or materials with the necessary ways and access thereto, at what it deems a reasonable valuation, then the board of county commissioners of the county wherein such land, lands or materials may be situated, on the petition of the State Highway Commission, shall proceed to ascertain and determine the damages and make awards in the same manner as provided by statute for lands taken for highway purposes as hereby modified or amended. Within 15 days after the filing of such petition with the county auditor, the board of county commissioners shall fix a time and place, not later than 60 days from and after the filing of such petition, for a hearing of all persons or parties interested or aggrieved by such taking and shall cause to be published in the official newspaper of the county at least once a week, for a period of three successive weeks, prior to such hearing, a notice of such hearing, stating the time and place where the same shall be held, together with a description of the property so to be taken. Such published notice shall be in lieu of all other notices now required by statute, and when so published shall give the said board of county commissioners full and complete

jurisdiction to proceed with the determination of awards of damages, provided, however, that a copy of such notice shall be served by the sheriff of the county upon all known owners residing or found within the county where such land or materials is situated, and upon the occupant of such land not less than ten days prior to such hearing, by leaving a copy of such notice at the last known residence of such owner or occupant with a person of suitable age.

When the award of damages for the taking of land or materials, or both, shall have been completed by the board of county commissioners, the State Highway Commission shall pay or cause to be paid from the State Highway Fund into court for the benefit of the owners of land to whom such awards have been made by depositing with the clerk of court of such county, cash in the amount of such award or awards. Every owner entitled to such award before the same shall be paid to him by the clerk of court, aforesaid, shall sign and execute a receipt therefor, which receipt shall contain a description of the premises covered by the said award, and such receipt shall be recorded in the office of register of deeds for the county in which such land or lands is situated. As soon as such money shall be deposited in the office of the clerk of court, aforesaid, the title to the land or materials aforesaid shall be and become vested in the state, provided, however, that all parties aggrieved by the estimate of damages and the awards aforesaid shall have like remedies provided by statute for appraisal of damage for land taken by counties for highway purposes.

No fees shall be charged or collected by the county auditor, the register of deeds, or the clerk of court for any services rendered for the recording or filing of any document hereinbefore required.

The State Highway Commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions of this act by executing and recording a deed thereof, and said vacation shall revert the title to the lands or rights so vested in the persons, their heirs, successors or assigns in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any suit therefor on account of such taking. The Governor, on recommendation of the State Highway Commission, is authorized to sell and convey on behalf of the state the interests of the state in property acquired by purchase under this section and deemed no longer necessary for the purposes of the act, and the proceeds of such sale so far as practicable be credited to the funds from which such purchase was originally made.

§ 21. The legislative assent required by Section 1 of the Act of Congress approved July 11, 1916 (Public No. 156) entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads and for Other Purposes," is hereby given. The State Highway Commission is authorized and empowered to make all contracts and do all things necessary to cooperate with the United States Government in the construction of roads under the provisions of the said act or any other Act of Congress that may hereafter be enacted.

§ 22. Whenever any board of county commissioners of any county shall decide that any road or roads in such county shall be improved or constructed under the provisions of this act, said board shall make written application to the State Highway Commission or its successors for the improvement and construction thereof. If the State Highway Commission shall approve such application, it shall notify in writing the said board of county commissioners of such approval and at the same time submit to the said board of county commissioners an estimate of the cost of such improvement, including the cost of engineering, the purchase or acquirement of right of way and all other expenses, and the share or portion thereof which such county shall bear. Whenever the board of county commissioners aforesaid shall elect to proceed with such improvement, the said board shall adopt a resolution signifying such election and shall in such resolution set aside out of such funds as are or may become available to pay the county's share of the cost of such improvement, and shall instruct and direct the county auditor in such resolution, upon written demand of the State Highway Commission, to draw a warrant or warrants on the County Treasurer in favor of the contractor for such amount or amounts as may be due him, not to exceed the county's share of such estimate, necessary to meet or pay the county's portion of such improvement during the process of such improvement and after a contract therefor has been awarded or the work done by force account, and also such additional warrants in such amount or amounts in favor of the Department of State Highways to reimburse it for the county's share of the cost of engineering and the acquisition of right of way. Such warrants shall be drawn by the County Treasurer upon the certificate of the Secretary of the State Highway Commission.

Such election to proceed with an improvement aforesaid by the board of county commissioners shall be and constitute an agreement and contract with the State Highway Commissioner, and it shall be the mandatory duty of the board of county commissioners to provide sufficient funds in accordance with law to defray its

share of the cost of such improvement, or levy sufficient taxes therefor; provided, however, that construction on such improvement shall be commenced within one year.

§ 23. The county board of any county, the council or other governing body of any city, village or borough, or the town board of any town, as the case may be, may enter into an agreement with the State Highway Commission for the construction of a roadway or structure of greater width or capacity than would be necessary to accommodate the normal state highway traffic, upon any state highway within its boundaries, and may appropriate from any funds available, and pay into the state highway fund such sum or sums of money as may be agreed upon. Provided that nothing herein contained shall prevent any such city or village from constructing the portions of the street not included in the State Highway System independent of any contract with the Department of State Highways, provided, such construction conform to such reasonable regulations as the Department of State Highways may prescribe as to grade and drainage.

Where a state highway is located over or along a street in any city, village or borough, which street is or may be improved to a width greater than the normal width of such state highway, the council or other governing body of such city, village or borough, as the case may be, may enter into an agreement with the Department of State Highways for the maintenance of such additional width by the Department of State Highways, and shall from time to time in accordance with such agreement appropriate and pay into the state highway fund such sums of money as may be agreed upon. Provided nothing herein contained shall be construed to prevent any such city or village maintaining such additional width at their own expense independent of any contract with the Department of State Highways.

§ 24. Electric transmission, telephone or telegraph lines, pole lines, railways, ditches, sewers, water, heat, or gas mains, flumes or other structures outside of the limits of any city or village which under the laws of this State may be constructed, placed or maintained across or along any highway which is a part of the State Highway System, by any person, persons, corporation or any subdivision of the state, may be so maintained or hereafter constructed only in accordance with such regulations as may be prescribed by the Department of State Highways, who shall have power to prescribe and enforce reasonable rules and regulations with reference to the placing and maintaining along, across or on any such state highway any of the utilities hereinbefore set forth; provided, however, that nothing herein shall restrict the action of public authorities

in extraordinary emergencies. And provided further, that nothing in this act contained shall be construed as modifying or abridging the powers conferred upon the Board of Railroad Commissioners by Chapter 122, Laws of 1919, the intent of this act being that the powers hereby granted to the Department of State Highways shall be exercised only in such manner as not to conflict with the valid exercise by the Board of Railroad Commissioners of the powers granted it by said Chapter 122 of 1919.

§ 25. The State Highway Commission may grant to any person, who is a resident of this State, or any company or corporation organized under the laws of this state or to any company or corporation duly licensed to do business within this State, the right of way for the erection of a telephone line or electric lines over or upon any state highway or structure constituting part of such highway, or to lay pipes, conduits, tunnels in, through or over any such state highway or structure, or to erect, construct and maintain any bridge, conduit or other crossing in, under or over such state highway or such structure and in accordance with the rules and regulations therefor.

§ 26. Sections 3, 5, 6, 7, 8 and 9 of Chapter 141, Laws 1919, and all of Chapter 131, Laws of 1917, except Sections 3, 4 and 13 thereof, and all other acts or parts of acts inconsistent herewith are hereby repealed.

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

Approved March 10, 1927.

CHAPTER 160
(H. B. No. 261—Jardine)

ARBITRATION OF CONTROVERSIES BY HIGHWAY COMMISSION

An Act Authorizing and Providing for the Submission of Controversies Between the State Highway Commission of the State of North Dakota and Parties Contracting Therewith to Arbitration, and Providing for the Entry of Judgment as in Cases of Arbitration Between Other Parties and Providing for the Enforcement of Such Judgments.

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

§ 1. All controversies arising out of any contract for the construction or repair of highways entered into by the State Highway Commission of the State of North Dakota shall be submitted to arbitration as hereinafter provided, if the parties cannot otherwise

agree. Three persons shall compose the Arbitration Board, one of whom shall be appointed by each of the parties and the two thus appointed shall name a third.

§ 2. The party desiring arbitration shall make a written demand therefor and shall in such demand name the arbitrator by him selected. He shall also in such demand set forth all the controversies and claims which he desires to submit to arbitration and a concise statement of his claims with reference to such controversies. Such demand shall be served upon the opposite party, who shall, within ten days, name in writing the arbitrator on his part, and in connection therewith shall set forth in writing his contentions with reference to the claims set forth in the demand served upon him and any additional claims or controversies which he desires to submit to arbitration on his part, with a concise statement of his claims in connection therewith. PROVIDED, HOWEVER, if the party proceeded against shall fail or refuse to name an arbitrator the moving party may apply ex parte to the Judge of the District Court of the county in which the improvement in the contract in question, or any part thereof, may be located for the appointment of the two additional arbitrators, and if upon the appointment of an arbitrator by each of the parties, the two so appointed have been unable to agree upon a third arbitrator within five days, then either party to the controversy may, upon five days notice, apply to such District Court for the appointment of such third arbitrator.

§ 3. When such Board of Arbitration shall have been appointed, a submission in writing shall be executed as provided by Section 8328 Compiled Laws of 1913, except that such submission must provide for the entry of judgment upon the award by the District Court of the County within which the improvement, or some part thereof, involved in the contract is located, which county must be specified in such submission, and which submission must be executed on the part of the State Highway Commission by some member thereof to be selected by such Commission. Thereupon the arbitration shall proceed in accordance with the provisions of Chapter 40 of the Code of Civil Procedure of the Compiled Laws of 1913.

§ 4. If either party refuses to submit to arbitration as herebefore provided he shall be deemed to have waived all claims and demands, and the arbitrators shall proceed to determine the controversies set forth by the moving party according to the justice of the case, and judgment shall be entered upon the award of such arbitrators in all things the same as though the submission to arbitration had been signed by both parties.

§ 5. No right shall exist to demand arbitration against the State Highway Commission until the following conditions shall have

been complied with; that is, the contractor must give the Commission notice in writing that he claims the contract has been or will be fully performed on a day stated, which shall not be less than ten days after the giving of such notice. At the time stated in the notice the Commission shall cause the work to be inspected, and if it claims the work has not been completed it shall with all reasonable dispatch, having regard to the early completion of the work, specify the particulars in which it is incomplete and direct that it be completed accordingly, or if it considers further work necessary to bring the project up to the desired standard for acceptance either by it or the United States Bureau of Public Roads, even though it considers such contract complete, it may likewise specify any such additional work, and the contractor must proceed with all reasonable dispatch, having due regard to weather conditions, with the performance of all such additional work with a view to a speedy completion of the project. When the contractor claims in good faith, supported by affidavit furnished to the Commission, that he has completed such additional work according to the specifications furnished him and the Commission fails for ten days to accept such work as completed, he shall have the right to institute proceedings hereunder. The arbitrators shall then determine all controversies between the parties growing out of the contract, including the question whether it had been performed at the time claimed by the contractor and whether the additional work required by the Commission as specified has been done, and if not it shall specify the particulars in which it has not been done and give appropriate directions with reference thereto, and shall make a proper award for any extra work it finds the contractor entitled to, making such award so far as is practicable upon the basis of the contract price, having due regard to what is just and equitable between the parties under the facts and circumstances of the case.

PROVIDED, HOWEVER; in any case where controversy already exists at the time of this act taking effect and it is claimed by the contractor that the contract has been performed and he has removed his equipment from the job, arbitration may be had and all the controversy settled without obligation on his part to do extra work as aforesaid.

If after the making of an award which requires the contractor to do further work, any controversies arise between the parties as to the doing of such work, such controversies may be submitted to the same arbitrators on five days notice for further determination.

§ 6. No arbitration shall be had hereunder unless commenced within six months after the right thereto has arisen, except in the case of controversies already existing in which case it may be commenced at any time within six months after the taking effect hereof.

§ 7. When judgment shall have been entered against the Highway Commission the same shall not be collectible or enforceable by execution, but if the same provides for the payment of money by the Highway Commission it shall be paid in the same manner, to the same extent and out of the same funds as though the claims thus established had been recognized and allowed without arbitration, and the performance of the duty of the Highway Commission with reference to payment or other compliance with such judgment may be enforced by mandamus proceedings in the District Courts of the State.

§ 8. Inasmuch as there is doubt and difference of opinion as to whether the State Highway Commission may sue or be sued in the courts of the state, and as to whether compulsory arbitration may be resorted to for or against it, and there are substantial and important disputes pending between such Commission and persons who have contracted with it, this Act is declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 3, 1927.

CHAPTER 161

(H. B. No. 62—Iverson and Johnson of McKenzie)

CONSTRUCTION OF BRIDGES ACROSS STATE LINES OF INTER-STATE HIGHWAYS—ROADS ACROSS LITTLE MISSOURI OR ACROSS OTHER NAVIGABLE STREAMS WITHIN STATE

An Act to Amend and Re-enact Sections 1 and 2, of Chapter 73, of the Session Laws of North Dakota for 1919, Providing for State Aid in the Construction of Bridges Across State Lines of Inter-State Highways, or Roads Across the Little Missouri River on Federal Highway Number 85, or Roads Across Navigable Streams Within the State of North Dakota.

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

§ 1. That Section 1, of Chapter 73, of the Session Laws of North Dakota for 1919, be amended and re-enacted as follows:

§ 1. That hereafter the State of North Dakota shall aid to the amount of one-third of the cost and the construction of any bridge hereafter built across the State line upon the interstate roads or highways, or across the Little Missouri River on Federal Highway Number 85, or across navigable streams within the State of North Dakota on State highways or roads.

§ 2. That Section 2, Chapter 73, Session Laws of North Dakota for 1919 be amended and re-enacted to read as follows:

§ 2. That before such interstate bridge or bridges across the Little Missouri River on Federal Highway Number 85, or across navigable streams within the State are begun, the plans thereof shall be submitted to the Chief Engineer of the State Highway Commission who shall if he approves the same, endorse his approval thereon before the same shall be submitted to the Federal authorities if such submission is necessary; thereafter as all estimates in the construction of said bridges are allowed, duplicates thereof shall be submitted to and filed with the Chief Engineer of the State Highway Commission, who shall thereupon certify the amount thereof to the State Auditor who shall issue the State warrant for one-third thereof in favor of the City, county or municipality which has entered into the contract for, is constructing and paying for said bridge, which warrant upon presentation shall be paid by the State Treasurer from any moneys in the general fund.

§ 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 1, 1927.

CHAPTER 162

(S. B. No. 160—Committee on Public Safety)

HIGHWAY TRAFFIC REGULATIONS

An Act Regulating the Operation of Vehicles on Highways and Providing for Traffic Signs and Signals and Defining the Power of Local Authorities to Enact or Enforce Ordinances, Rules or Regulations in Regard to Matters Embraced Within the Provisions of this Act and to Provide for the Enforcement of this Act and the Disposition of Fines and Forfeitures Collected Hereunder and to Make Uniform the Law Relating to the Subject Matter of this Act.

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

TITLE I.

Definition of Terms.

§ 1. DEFINITIONS.] The following words and phrases used in this act shall for the purpose of this act have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public

highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks; provided, that for the purposes of this act, a bicycle or a ridden animal shall be deemed a vehicle.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines and other implements of husbandry.

(f) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon either independently or any part of the weight or a vehicle or load so drawn.

(g) "Trailer." Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

(h) "Semi-trailer." Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(i) "Pneumatic Tires." All tires inflated with compressed air.

(j) "Solid Rubber Tire." Every tire made of rubber other than a pneumatic tire.

(k) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(l) "Person." Every natural person, firm, copartnership, association or corporation.

(m) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(n) "Highway." Every way or place of whatever nature open to the use of the public, as a matter of right, for the purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(o) "Private Road or Driveway." Every road or driveway, not open to the use of the public for purposes of vehicular travel.

(p) "Intersection." The area embraced within the prolongation of the lateral curb lines or, if none, then the lateral boundary lines of two or more highways which join one another at an angle, whether or not one such highway crosses the other.

(q) "Safety Zone." The area or space officially set aside within a highway for the exclusive use of pedestrians and which is so plainly marked or indicated by proper signs as to be plainly visible at all times while set apart as a safety zone.

(r) "Right of Way." The privilege of the immediate use of the highway.

(s) "Business District." The territory contiguous to a highway when fifty per cent or more of the frontage thereon for a distance of three hundred feet or more is occupied by buildings in use for business.

(t) "Residence District." The territory contiguous to a highway not comprising a business district when the frontage on such highway for a distance of three hundred feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business.

(u) "Department." The motor vehicle department of this state acting directly or through its duly authorized officers and agents.

(v) "Commissioner." The Registrar of Motor Vehicles of this state.

(w) "Local Authorities." Every county, municipal and other local board or body having authority to adopt local police regulations under the constitution and laws of this state.

TITLE II.

Operation of Vehicles—Rules of the Road

§ 2. PERSONS UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS.] It shall be unlawful and punishable as provided in section 62 of this act for any person whether licensed or not who is an habitual user of narcotic drugs or any person who is under the influence of intoxicating liquor or narcotic drugs to drive any vehicle upon any highway within this state.

§ 3. RECKLESS DRIVING.] Any person who drives any vehicle upon a highway carelessly and heedlessly in wilful or wanton disregard of the rights or safety of others, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property, shall be guilty of reckless driving and upon conviction shall be punished as provided in section 63 of this act.

§ 4. RESTRICTIONS AS TO SPEED.] (a) Any person driving a vehicle on a highway shall drive the same at a careful and prudent speed not greater than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions then existing, and no person shall drive any vehicle upon a highway at such a speed as to endanger the life, limb or property of any person.

(b) Subject to the provisions of subdivision (a) of this section and except in those instances where a lower speed is specified in this act, it shall be prima facie lawful for the driver of a vehicle to drive the same at a speed not exceeding the following, but in any case when such speed would be unsafe it shall not be lawful.

1. Fifteen miles an hour when approaching within fifty feet of a grade crossing of any steam, electric or street railway when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last two hundred feet of his approach to such crossing he does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet in each direction from such crossing;

2. Fifteen miles an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours;

3. Fifteen miles an hour when approaching within fifty feet and intraversing an intersection of highways when the driver's view is obstructed. A driver's view shall be deemed to be obstructed when at any time during the last fifty feet of his approach to such intersection, he does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet from such intersection;

4. Fifteen miles an hour in traversing or going around curves or traversing a grade upon a highway when the driver's view is obstructed within a distance of one hundred feet along such highway in the direction in which he is proceeding;

5. Twenty miles an hour on any highway in a business district, as defined herein, when traffic on such highway is controlled at intersections by traffic officers or stop-and-go signals;

6. Fifteen miles an hour on all other highways in a business district, as defined herein;

7. Twenty miles an hour in a residence district, as defined herein, and in public parks unless a different speed is fixed by local authorities and duly posted;

8. Thirty-five miles an hour under all other conditions.

It shall be prima facie unlawful for any person to exceed any of the foregoing speed limitations, except as provided in subdivision (c) of this section. In every charge of violation of this section the complaint shall specify the speed at which the defendant is alleged to have driven, also the speed which this section declares shall be prima facie lawful at the time and place of such alleged violation.

(c) Local authorities in their respective jurisdictions are hereby authorized in their discretion to increase the speed which shall be prima facie lawful upon through highways at the entrances to which vehicles are by ordinance of such local authorities required to stop before entering or crossing such through highways. Local authorities shall place and maintain upon all through highways upon which the permissible speed is increased adequate signs giving notice of such special regulations and shall also place and maintain upon each and every highway intersecting any said through highway, appropriate stop signs which shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

§ 5. RAILROAD WARNING SIGNALS MUST BE OBEYED.] Whenever any person driving a vehicle approaches a highway and interurban or steam railway grade crossing and a clearly visible and positive signal gives warning of the immediate approach of a railway train or car, it shall be unlawful for the driver of the vehicle to fail to bring the vehicle to a complete stop before traversing such grade crossing.

§ 6. VEHICLES MUST STOP AT CERTAIN RAILWAY GRADE CROSSINGS.] The Board of Railroad Commissioners is hereby authorized to designate particularly dangerous grade crossings of steam or interurban railways by highways and to erect signs thereat notifying drivers of vehicles upon any such highway to come to a complete stop before crossing such railway tracks, and whenever any such crossing is so designated and signposted it shall be unlawful for the driver of any vehicle to fail to stop within fifty feet but not less than ten feet from such railway tracks before traversing such crossing.

§ 7. SPECIAL SPEED LIMITATION ON BRIDGES.] It shall be unlawful to drive any vehicle upon any public bridge, causeway or

viaduct at a speed which is greater than the maximum speed which can with safety to such structure be maintained thereon, when such structure is signposted as provided in this section.

The State Highway Commission, or other authority having jurisdiction, may conduct an investigation of any public bridge, causeway or viaduct, and if it shall thereupon find that such structure cannot with safety to itself withstand vehicles traveling at the speed otherwise permissible under this act, the commission, or other authority, shall determine and declare the maximum speed of vehicles such structure can withstand, and shall cause, or permit suitable signs stating such maximum speed to be erected and maintained at a distance of one hundred feet before each end of such structure. The findings and determination of the commission or other authority shall be conclusive evidence of the maximum speed which can with safety to any such structure be maintained thereon.

§ 8. WHEN SPEED LIMIT NOT APPLICABLE.] The speed limitations set forth in this act shall not apply to vehicles when operated with due regard for safety under the direction of the police in the chase or apprehension of violators of the law or of persons charged with or suspected of any such violation, nor to fire department or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private ambulances when traveling in emergencies. This exemption shall not however protect the driver of any such vehicle from the consequences of a reckless disregard of the safety of others.

§ 9. DRIVE ON RIGHT SIDE OF HIGHWAY.] Upon all highways of sufficient width, except upon one way streets, the driver of a vehicle shall drive the same upon the right half of the highway and shall drive a slow moving vehicle as closely as possible to the righthand edge or curb of such highway, unless it is impracticable to travel on such side of the highway and except when overtaking and passing another vehicle subject to the limitations applicable in overtaking and passing set forth in Sections 12 and 13 of this act.

§ 10. KEEP TO THE RIGHT IN CROSSING INTERSECTIONS OR RAILROADS.] In crossing an intersection of highways or the intersection of a highway by a railroad right of way, the driver of a vehicle shall at all times cause such vehicle to travel on the right half of the highway unless such right half is obstructed or impassible.

§ 11. MEETING OF VEHICLES.] Drivers of vehicles proceeding in opposite directions shall pass each other to the right, each giving to the other at least one-half of the main traveled portion of the roadway, as nearly as possible.

§ 12. OVERTAKING A VEHICLE.] (a) The driver of any vehicle overtaking another vehicle proceeding in the same direction shall pass at a safe distance to the left thereof, and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle.

(b) The driver of an overtaking motor vehicle not within a business or residence district as herein defined shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

§ 13. LIMITATIONS ON PRIVILEGES OF OVERTAKING AND PASSING.] (a) The driver of a vehicle shall not drive to the left side of the center line of a highway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be made in safety.

(b) The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction upon the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of 500 feet.

(c) The driver of a vehicle shall not overtake and pass any other vehicle proceeding in the same direction at any steam or electric railway grade crossing nor at any intersection of highways unless permitted so to do by a traffic or police officer.

§ 14. DRIVER TO GIVE WAY TO OVERTAKING VEHICLE.] The driver of a vehicle upon a highway about to be overtaken and passed by another vehicle approaching from the rear shall give way to the right in favor of the overtaking vehicle on suitable and audible signal being given by the driver of the overtaking vehicle, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

§ 15. FOLLOWING TOO CLOSELY.] (a) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicles and the traffic upon and condition of the highway.

(b) The driver of any motor truck when traveling upon a highway outside of a business or residence district shall not follow another motor truck within one hundred feet, but this shall not be construed to prevent one motor truck overtaking and passing another.

§ 16. TURNING AT INTERSECTIONS.] (a) Except as otherwise provided in this section, the driver of a vehicle intending to turn to the right at an intersection shall approach such intersection in the lane for traffic nearest to the righthand side of the highway, and in turning shall keep as closely as practicable to the right-hand curb or edge of the highway, and when intending to turn to the left shall approach such intersection in the lane for traffic to the right of and nearest to the center line of the highway and in turning shall pass beyond the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left.

For the purpose of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another.

(b) Local authorities in their respective jurisdictions may modify the foregoing method of turning at intersections by clearly indicating by buttons, markers or other direction signs within an intersection the course to be followed by vehicles turning thereat, and it shall be unlawful for any driver to fail to turn in a manner as so directed when such direction signs are installed by local authorities.

§ 17. SIGNALS ON STARTING, STOPPING OR TURNING.] (a) The driver of any vehicle upon a highway before starting, stopping or turning from a direct line shall first see that such movement can be made in safety and if any pedestrian may be affected by such movement shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement shall give a signal as required in this section plainly visible to the driver of such other vehicle of the intention to make such movement.

(b) The signal herein required shall be given either by means of the hand and arm in the manner herein specified, or by an approved mechanical or electrical signal device, except that when a vehicle is so constructed or loaded as to prevent the hand and arm signal from being visible both to the front and rear the signal shall be given by a device of a type which has been approved by the department.

Whenever the signal is given by means of the hand and arm, the driver shall indicate his intention to start, stop or turn by extending the hand and arm horizontally from and beyond the left side of the vehicle.

§ 18. RIGHT OF WAY.] (a) When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on

the right except as otherwise provided in section 19. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have hereunder.

(b) The driver of a vehicle approaching but not having entered an intersection shall yield the right of way to a vehicle within such intersection and turning therein to the left across the line of travel of such first mentioned vehicle, provided the driver of the vehicle turning left has given a plainly visible signal of intention to turn as required in section 17.

(c) The driver of any vehicle upon a highway within a business or residence district shall yield the right of way to a pedestrian crossing such highway within any clearly marked crosswalk or any regular pedestrian crossing included in the prolongation of the lateral boundary lines of the adjacent sidewalk at the end of a block, except at intersections where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a highway within a business or residence district at any point other than a pedestrian crossing, crosswalk or intersection shall yield the right of way to vehicles upon the highway.

§ 19. EXCEPTIONS TO THE RIGHT OF WAY RULE.] (a) The driver of a vehicle entering a public highway from a private road or drive shall yield the right of way to all vehicles approaching on such public highway.

(b) The driver of a vehicle upon a highway shall yield the right of way to police and fire department vehicles when the latter are operated upon official business and the drivers thereof sound audible signal by bell, siren or exhaust whistle. This provision shall not operate to relieve the driver of a police or fire department vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequence of an arbitrary exercise of such right of way.

§ 20. WHAT TO DO ON APPROACH OF POLICE OR FIRE DEPARTMENT VEHICLE.] (a) Upon the approach of any police or fire department vehicle giving audible signal by bell, siren or exhaust whistle, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right hand edge or curb of the highway, clear of any intersection of highways, and shall stop and remain in such position unless otherwise directed by a police or traffic officer until the police or fire department vehicle shall have passed. (b) It shall be unlawful for the driver of any vehicle other than one on official business to follow any fire apparatus traveling in response to a fire alarm closer

than five hundred feet or to drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

§ 21. VEHICLES MUST STOP AT CERTAIN THROUGH HIGHWAYS.] The State Highway Commission with reference to state highways and local authorities with reference to highways under their jurisdiction are hereby authorized to designate main traveled or through highways by erecting at the entrances thereto from intersecting highways signs notifying drivers of vehicles to come to a full stop before entering or crossing such designated highway, and whenever any such signs have been so erected it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto. All such signs shall be illuminated at night or so placed as to be illuminated by the headlights of an approaching vehicle or by street lights.

§ 22. PASSING STREET CARS.] (a) The driver of a vehicle shall not overtake and pass upon the left any interurban or street car proceeding in the same direction, whether actually in motion or temporarily at rest when a travelable portion of the highway exists to the right of such street car.

(b) The driver of a vehicle overtaking any railway, interurban or street car stopped or about to stop for the purpose of receiving or discharging any passenger, shall bring such vehicle to a full stop at least ten feet in the rear of such street car and remain stationary until any such passenger has boarded such car or reached the adjacent sidewalk, except that where a safety zone has been established, or at an intersection where traffic is controlled by an officer or a traffic stop-and-go signal, a vehicle need not be brought to a full stop before passing any such railway, interurban or street car, but may proceed past such car at a speed not greater than is reasonable or proper and in no event greater than ten miles an hour and with due caution for the safety of pedestrians.

§ 23. DRIVING THROUGH SAFETY ZONE PROHIBITED.] The driver of a vehicle shall not at any time drive through or over a safety zone as defined in section I of this act.

§ 24. STOPPING ON HIGHWAY.] (a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or improved or main traveled portion of any highway, outside of a business or residence district, when it is practicable to park or leave such vehicle standing off of the paved or improved or main traveled portion of such highway; provided, in no event shall any person park or leave standing any vehicle, whether attended or unattended, upon any highway unless a clear and unobstructed width of not less than fifteen feet upon the main traveled

portion of said highway opposite such standing vehicle shall be left for free passage of other vehicles thereon, nor unless a clear view of such vehicle may be obtained from a distance of 200 feet in each direction upon such highway.

(b) Whenever any peace officer shall find a vehicle standing upon a highway in violation of the provisions of this section, he is hereby authorized to move such vehicle or require the driver or person in charge of such vehicle to move such vehicle to a position permitted under this section.

(c) The provisions of this section shall not apply to the driver of any vehicle which is disabled while on the paved or improved or main traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such vehicle in such position.

§ 25. PARKING IN FRONT OF FIRE HYDRANT, FIRE STATION OR PRIVATE DRIVEWAY.] No person shall park a vehicle or permit it to stand, whether attended or unattended, upon a highway in front of a private driveway or within fifteen feet in either direction of a fire hydrant or the entrance to a fire station nor within twenty-five feet from the intersection of curb lines or if none then within fifteen feet of the intersection of property lines at an intersection of highways.

§ 26. MOTOR VEHICLE LEFT UNATTENDED. BRAKES TO BE SET AND ENGINE STOPPED.] No person having control or charge of a motor vehicle shall allow such vehicle to stand on any highway unattended without first effectively setting the brakes thereon and stopping the motor of said vehicle and when standing upon any grade without turning the front wheels of such vehicle to the curb or side of the highway.

§ 27. DRIVING ON MOUNTAIN HIGHWAYS.] The driver of a motor vehicle, traversing defiles, canyons or mountain highways shall hold such motor vehicle under control and as near the right-hand side of the highway as reasonably possible and upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway shall give audible warning with a horn or other warning device.

§ 28. COASTING PROHIBITED.] The driver of a motor vehicle when traveling upon a down grade upon any highway shall not coast with the gears of such vehicle in neutral.

§ 29. DUTY TO STOP IN EVENT OF ACCIDENT.] (a) The driver of any vehicle involved in an accident resulting in injury or

death to any person shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in section 64 of this act.

(b) The driver of any vehicle involved in an accident resulting in damage to property shall immediately stop such vehicle at the scene of such accident and any person violating this provision shall upon conviction be punished as provided in section 61 of this act.

(c) The driver of any vehicle involved in any accident resulting in injury or death to any person or damage to property shall also give his name, address and the registration number of his vehicle to the person struck or the driver or occupants of any vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying of such person to a physician or surgeon for medical or surgical treatment if it is apparent that such treatment is necessary or is requested by the injured person.

§ 30. DUTY TO REPORT ACCIDENTS.] The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of fifty dollars or more shall within twenty-four hours forward a report of such accident, when such accident occurs within an incorporated city or town to the police headquarters in such city or town.

§ 31. GARAGE KEEPER TO REPORT DAMAGED VEHICLES.] The person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been involved in a serious accident or struck by any bullet shall report to the nearest police station or sheriff's office within twenty-four hours after such motor vehicle is received, giving the engine number, registration number and the name and address of the owner, or operator of such vehicle.

§ 32. DRIVERS OF STATE, COUNTY AND CITY VEHICLES SUBJECT TO PROVISIONS OF THE ACT.] The provisions of this act applicable to the drivers of vehicles upon the highways, shall apply to the drivers of all vehicles owned or operated by this state or any county, district or other political subdivision of the state subject to such specific exceptions as are set forth in this act. The provisions of this act shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in work upon the surface of a highway but shall apply to such persons and vehicles when traveling to or from such work.

§ 33. POWERS OF LOCAL AUTHORITIES.] Local authorities except as expressly authorized by sections 4 (c) and 21 shall have

no power or authority to alter any speed limitations declared in this act or to enact or enforce any rule or regulation contrary to the provisions of this act, except that local authorities shall have power to provide by ordinance for the regulation of traffic by means of traffic officers or semaphores or other signaling devices on any portion of the highway where traffic is heavy or continuous and may prohibit other than one-way traffic upon certain highways and may regulate the use of the highways by processions or assemblages. Local authorities may also regulate the speed of vehicles in public parks and shall erect in all entrances to such parks adequate signs giving notice of any such special speed regulations.

§ 34. THIS ACT NOT TO INTERFERE WITH RIGHTS OF OWNERS OF REAL PROPERTY WITH REFERENCE THERETO.] Nothing in this act shall be construed to prevent the owner of real property used by the public for purposes of vehicular travel by permission of the owner and not as matter of right from prohibiting such use nor from requiring other or different or additional conditions than those specified in this act or otherwise regulating such use as may seem best to such owner.

TITLE III.

Effect of and Short Title of Act

The Size, Weight, Construction and Equipment of Vehicles

§ 35. SCOPE AND EFFECT OF REGULATIONS IN THIS TITLE.] It shall be unlawful and constitute a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this title or any vehicle or vehicles which are not so constructed or equipped as required in this title or the rules and regulations of the Registrar adopted pursuant thereto and the maximum size and weight of vehicles herein specified shall be lawful throughout this state, and local authorities shall have no power or authority to alter said limitations except as express authority may be granted in this act.

§ 36. SIZE OF VEHICLES AND LOAD.] (a) No vehicle shall exceed a total outside width, including any load thereon, of eight feet, except that the width of a farm tractor shall not exceed nine feet, and excepting further, that the limitations as to size of vehicles stated in this section shall not apply to implements of husbandry temporarily propelled or moved upon the public highway.

(b) No vehicle unladen or with load shall exceed a height of fourteen feet and six inches.

(c) No vehicle shall exceed a length of thirty-three feet and no combination of vehicles coupled together shall exceed a total length of eighty-five feet.

(d) No train of vehicles or vehicle operated alone shall carry any load extending more than three feet beyond the front thereof.

(e) No passenger vehicle shall carry any load extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fender on the right side thereof.

§ 37. FLAG OR LIGHT AT END OF LOAD.] Whenever the load on any motor vehicle shall extend more than four feet beyond the rear of the bed or body thereof, there shall be displayed at the end of such load in such position as to be clearly visible at all times from the rear of such load a red flag not less than twelve inches both in length and width, except that between one-half hour after sunset and one-half hour before sunrise there shall be displayed at the end of any such load a red light plainly visible under normal atmospheric conditions at least two hundred feet from the rear of such vehicle.

§ 38. WEIGHT OF VEHICLES AND LOADS.] The State Highway Commission for the State Highway System, the board of County Commissioners for County Roads, and other appropriate bodies having control over roads, in their respective jurisdictions are hereby authorized and empowered to classify public highways and roads under their respective jurisdictions and to enforce limitations as to the weight and load of vehicles thereon for such respective classifications.

§ 39. PEACE OFFICER MAY WEIGH VEHICLE AND REQUIRE REMOVAL OF EXCESS LOAD.] Any peace officer having reason to believe that the weight of a vehicle and load is unlawful is authorized to weigh the same either by means of portable or stationary scales, and may require that such vehicle be driven to the nearest scales in the event such scales are within two miles. The officer may then require the driver to unload immediately such portion of the load as may be necessary to decrease the gross weight of such vehicle to the maximum therefor specified by such authority.

§ 40. PERMITS FOR EXCESSIVE SIZE AND WEIGHT.] The State Highway Commission and local authorities in their respective jurisdictions may, in their discretion, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle of a size or

weight exceeding the maximum specified in this act, upon any highway under the jurisdiction of and for the maintenance of which the body granting the permit is responsible. Every such permit shall be issued for a single trip and may designate the route to be traversed and contain any other restrictions or conditions deemed necessary by the body granting such permit. Every such permit shall be carried in the vehicle to which it refers and shall be open to inspection by any peace officer, and it shall be a violation of this act for any person to violate any of the terms or conditions of such special permit.

§ 41. WHEN LOCAL AUTHORITIES MAY RESTRICT RIGHT TO USE HIGHWAYS.].. Local authorities may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed ninety days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which such local authorities are responsible whenever any said highway by reason of deterioration, rain, snow or other climatic conditions will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weights thereof reduced. Such local authorities enacting any such ordinance or resolution shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby and the ordinance or resolution shall not be effective until or unless such signs are erected and maintained. Local authorities may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

§ 42. RESTRICTIONS AS TO TIRE EQUIPMENT.] (a) Every solid rubber tire on a vehicle moved on any highway shall have rubber on its entire traction surface at least one inch thick above the edge of the flange of the entire periphery.

(b) No tire on a vehicle moved on a highway shall have on its periphery any block, stud, flange, cleat or spike or any other protuberances of any material other than rubber which projects beyond the tread of the traction surface of the tire except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway and except also, that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

(c) The State Highway Commission and local authorities in their respective jurisdictions may, in their discretion, issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery.

§ 43. TRAILERS AND TOWED VEHICLES.] (a) The draw bar or other connection between any two vehicles, one of which is towing or drawing the other on a highway, shall not exceed fifteen feet in length from one vehicle to the other. Whenever such connection consists of a chain, rope or cable, there shall be displayed upon such connection a red flag or other signal or cloth not less than twelve inches both in length and width.

§ 44. BRAKES.] Every motor vehicle when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels and so constructed that no part which is liable to failure shall be common to the two, except that a motorcycle need be equipped with only one brake. All such brakes shall be maintained in good working order and shall conform to regulations not inconsistent with this section to be promulgated by the registrar.

§ 45. HORNS AND WARNING DEVICES.] (a) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with or for any person to use upon a vehicle any siren, exhaust, compression or spark plug whistle or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device.

(b) Every police or fire department and fire patrol vehicle and every ambulance used for emergency calls shall be equipped with a bell, siren or exhaust whistle of a type approved by the registrar.

§ 46. MIRRORS.] No person shall drive a motor vehicle on a highway which motor vehicle is so constructed or loaded as to prevent the driver from obtaining a view of the highway to the rear by looking forward from the driver's position, unless such vehicle is equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle.

§ 47. WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS.] (a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other non-transparent material upon the front windshield, side wings, side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law.

(b) Every windshield on a motor vehicle shall be equipped with a device for cleaning rain or snow or other moisture from the windshield which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

§ 48. PREVENTION OF NOISE, SMOKE, ETC.; MUFFLER CUT-OUTS REGULATED.] (a) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(b) It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon a highway.

(c) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom.

§ 49. REQUIRED LIGHTING EQUIPMENT OF VEHICLES.] (a) When Vehicles Must be Equipped.) Every motor vehicle upon a highway within this state during a period from a half hour after sunset to a half hour before sunrise and at any other time where there is not sufficient light to render clearly discernible any person on the highway at a distance of two hundred feet ahead, shall be equipped with lighted front and rear lamps as in this section respectively required for different classes of vehicles and subject to exemption with reference to lights on parked vehicles as declared in Section 55.

(b) Head Lamps on Motor Vehicles.) Every motor vehicle other than a motorcycle, roadroller, road machinery or farm tractor shall be equipped with two head lamps, nor more and no less, at the front of and on opposite sides of the motor vehicle, which headlamps shall comply with the requirements and limitations set forth in section 51 or section 52 and except as to acetylene head lamps shall be of a type which has been approved by the registrar.

(c) Head Lamps on Motorcycles.) Every motorcycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations set forth in section 51 or section 52 and except as to acetylene head lamps shall be of a type which has been approved by the registrar.

(d) Rear Lamps.) Every motor vehicle and every trailer or semi-trailer which is being drawn at the end of a train of vehicles shall carry at the rear a lamp of a type which has been approved by the registrar and which exhibits a red light plainly visible under normal atmospheric conditions from a distance of five hundred feet to the rear of such vehicle.

(e) Clearance Lamps.) Every motor vehicle, other than any roadroller, road machinery or farm tractor, having a width at any part in excess of eighty inches shall carry two clearance lamps on the left side of such vehicle, one located at the front and displaying a white light visible under normal atmospheric conditions from a distance of 500 feet to the front of the vehicle, and the other located at the rear of the vehicle and displaying a red light visible under like conditions from a distance of 500 feet to the rear of the vehicle.

(f) Lamps on Bicycles.) Every bicycle shall be equipped with a lighted lamp on the front thereof visible under normal atmospheric conditions from a distance of at least three hundred feet in front of such bicycle and shall also be equipped with a reflex mirror or lamp on the rear exhibiting a red light visible under like conditions from a distance of at least two hundred feet to the rear of such bicycle.

§ 50. ADDITIONAL PERMISSIBLE LIGHTS ON VEHICLES.]

(a) Spot Lamps. Any motor vehicle may be equipped with not to exceed two spot lamps, except that a motorcycle shall not be equipped with more than one spot lamp, and every lighted spot lamp shall be so aimed and used upon approaching another vehicle that no part of the beam will be directed to the left of the center of the highway nor more than 100 feet ahead of the vehicle.

(b) Auxiliary Driving Lamps.) Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than 24 inches above the level surface on which the vehicle stands and every such auxiliary driving lamp or lamps shall meet the requirements and limitations set forth in section 51 (c).

(c) Signal Lamps.) Whenever a motor vehicle is equipped with a signal lamp to comply with the provisions of section 17 the signal lamp shall be so constructed and located on the vehicle as to give a signal red in color, which shall be plainly visible in normal sunlight, from a distance of 100 feet to the rear of the vehicle but shall not project a glaring or dazzling light and shall be of a type approved by the registrar.

(d) Restrictions on Lamps.) Any device, other than head lamps, spot lamps or auxiliary driving lamps, which projects a beam

of light of an intensity greater than twenty-five candlepower shall be so directed that no part of the beam will strike the level of the surface on which the vehicle stands at a distance of more than 50 feet from the vehicle.

§ 51. REQUIREMENTS AS TO HEAD LAMPS AND AUXILIARY DRIVING LAMPS.] (a) The head lamps of motor vehicles shall be so constructed, arranged, and adjusted that, except as provided in subsection (c) of this section, they will at all times mentioned in section 49 and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet ahead, but shall not project a glaring or dazzling light to persons in front of such head lamp.

(b) Head lamps shall be deemed to comply with the foregoing provisions prohibiting glaring and dazzling lights if none of the main bright portion of the head lamp beams rises above a horizontal plane passing through the lamp centers parallel to the level road upon which the loaded vehicle stands and in no case higher than forty-two inches, seventy-five feet ahead of the vehicle.

(c) Whenever a motor vehicle is being operated upon a highway, or a portion thereof, which is sufficiently lighted to reveal a person on the highway at a distance of 200 feet ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the restrictions as to tilted beams and auxiliary driving lamps set forth in this subsection.

Whenever a motor vehicle meets another vehicle on any highway it shall be permissible to tilt the beams of the head lamps downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps subject to the requirement that the tilted head lamps or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person 75 feet ahead, but shall not project glaring or dazzling light to persons in front of the vehicle, provided that at all times as required in section 49 at least two lights shall be displayed on the front of and on opposite sides of every motor vehicle other than a motorcycle, road-roller, road machinery, or farm tractor.

§ 52. ACETYLENE LIGHTS.] Motor vehicles may be equipped with two acetylene head lamps of approximately equal candlepower when equipped with clear plane glass fronts, bright six-inch spherical

mirrors and standard acetylene five-eighths foot burners nor more and not less and which do not project a glaring or dazzling light into the eyes of approaching drivers.

§ 53. TEST AND APPROVAL OF LAMPS.] (a) It shall be unlawful for any person to sell or offer for sale, either separately or as a part of the equipment of a motor vehicle, or to use upon a motor vehicle upon a highway, any electric head lamp, or any auxiliary driving lamp, rear lamp or signal lamp, unless of a type which has been submitted to the registrar for test and for which a certificate of approval has been obtained from the registrar as hereinafter provided.

(b) The registrar is hereby authorized and required to adopt and enforce standard specifications as to the amount, color and direction of light to be emitted by head lamps, auxiliary driving lamps, rear lamps and signal lamps for compliance with the requirements and limitations set forth in sections 49, 50, 51; and the registrar is authorized and required to determine whether any head lamps, auxiliary driving lamps, signal lamps and rear lamps submitted will comply with the requirements of this act and the specifications adopted by the registrar and to approve such head lamps, auxiliary driving lamps, signal lamps and rear lamps, and to publish lists of such devices by name and type together with the permissible candlepower rating of the bulbs as he shall determine are lawful hereunder, and to forward such lists to the county auditor of every county within the state, who shall file the same, and to every state, county and city police department or others whose duty it is to enforce the provisions of this act.

(c) Any person, firm or corporation desiring approval of a device shall submit to the registrar two sets of each type of device upon which approval is desired, together with a fee of \$25.00 for each type of head lamp and auxiliary driving lamp and a fee of \$10.00 for each type of rear lamp or signal lamp submitted. Within 30 days the registrar shall, upon notice to the applicant submit such device to the United States Bureau of Standards or to such other recognized testing laboratory as he may elect for a report as to the compliance of such type of device with the standard specifications and the provisions of this act as to lighting performance. The registrar is authorized and required to accept the certificate of the United States Bureau of Standards or of some other recognized testing laboratory as to compliance with the specifications and requirements; provided, however, that in cases of dispute as to the findings of such other laboratory appeal may be made to the United States Bureau of Standards; and provided, also, that the registrar is authorized to refuse approval of any device, certified as complying with

the specifications and requirements, which the registrar determines will be in actual use unsafe or impracticable or would fail to comply with the provisions of this act.

(d) The registrar shall request the testing agency to submit a report of each type of device to the registrar. For those which are found to comply with the specifications and requirements the report shall include any special adjustments required and the candle-power rating of the bulbs for such conformance. Reports of all tests shall be accessible to the public and a copy thereof shall be furnished by the registrar to the applicant for the test.

(e) The registrar, when having reason to believe that an approved device as being sold commercially does not comply with the requirements of this act, may after 30 days' notice to the manufacturer thereof, suspend or revoke the approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this act. The registrar may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices and if such device upon such retest fails to meet the requirements of this act, the registrar may refuse to renew the certificate of approval of such device.

(f) It shall be unlawful for any person to sell or to offer for sale either separately or as a part of the equipment of a motor vehicle any head lamp, auxiliary driving lamp, rear lamp or signal lamp approved by the registrar unless such device bears thereon the trademark or name under which it is approved so as to be legible when installed, and is accompanied by printed instructions as to the candle power of bulbs to be used therewith as approved by the registrar and any particular methods of mounting or adjustment as to focus or aim necessary for compliance with the requirements of this act.

§ 54. ENFORCEMENT OF PROVISIONS.] (a) The driver of any motor vehicle equipped with approved head lamps, auxiliary driving lamps, rear lamps or signal lamps who is arrested upon the charge that such lamps are improperly adjusted or are equipped with bulbs of a candle power not approved for use therewith, shall be allowed 48 hours within which to bring such lamps into conformance with the requirements of this act. It shall be a defense to any such charge that the person arrested produce in court or submit to the state's attorney a certificate showing that within 48 hours after such arrest such lamps have been made to conform with the requirements of this act.

§ 55. LIGHTS ON PARKED VEHICLES.] Whenever a motor vehicle is parked or stopped upon a highway whether attended or

unattended during the time mentioned in section 49 there shall be displayed upon such motor vehicle one or more lamps projecting a white light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such motor vehicle and projecting a red light visible under like conditions from a distance of five hundred feet to the rear, except that local authorities may provide by ordinance that no lights need be displayed upon any such motor vehicle when parked in accordance with local ordinances upon a highway where there is sufficient light to reveal any person within a distance of two hundred feet upon such highway.

§ 56. RED OR GREEN LIGHT VISIBLE FROM IN FRONT OF VEHICLE PROHIBITED.] It shall be unlawful for any person to drive or move any vehicle upon a highway with any red or green light thereon visible from directly in front thereof. This section shall not apply to police or fire department or fire patrol vehicles.

TITLE IV.

Highway Traffic Signs

§ 57. UNIFORM MARKING OF AND ERECTION OF SIGNS ON HIGHWAYS.] The State Highway Commission is hereby authorized to classify, designate and mark both intrastate and interstate highways lying within the boundaries of this state and under the jurisdiction of the State Highway Department to provide a uniform system of marking and signing such highways under the jurisdiction of this state, and such systems of marking and signing shall correlate with and so far as possible conform to the system adopted in other states.

§ 58. LOCAL TRAFFIC SIGNS.] Local authorities in their respective jurisdictions may cause appropriate signs to be erected and maintained, designating resident and business districts, highway and steam or interurban railway grade crossings and such other signs as may be deemed necessary to carry out the provisions of this act, and such additional signs as may be appropriate to give notice of local parking and other special regulations. Local parking and other special regulations shall not be enforceable against an alleged violator if, at the time and place of the alleged violation, an appropriate sign giving notice thereof, is not in proper position and sufficiently legible to be seen by an ordinary observant person.

§ 59. OTHER THAN OFFICIAL SIGNS PROHIBITED.] No unauthorized person shall erect or maintain upon any highway any warning or direction sign, marker, signal or light in imitation of

any official sign, marker, signal or light erected under the provisions of this act, and no person shall erect or maintain upon any highway any traffic or highway sign or signal bearing thereon any commercial advertising, provided nothing in this section shall be construed to prohibit the erection or maintenance of signs, markers, or signals bearing thereon the name of an organization authorized to erect the same by the State Highway Commission or any local authority as defined in this act.

§ 60. INJURING SIGNS.] Any person who shall deface, injure, knock down or remove any sign posted as provided in this act shall be guilty of a violation of this act.

TITLE V.

Penalties.

§ 61. PENALTIES FOR VIOLATION.] Every person convicted for a violation of any of the provisions of this act for which another penalty is not provided shall for a conviction thereof be punished by a fine of not more than one hundred dollars or by imprisonment in the county or municipal jail for not more than ten days; for a second such conviction within one year thereafter such person shall be punished by a fine of not more than two hundred dollars or by imprisonment in the county or municipal jail for not more than twenty days or by both such fine and imprisonment; upon a third or subsequent conviction within one year after the first conviction such person shall be punished by a fine of not more than five hundred dollars or by imprisonment in the county or municipal jail for not more than six months or by both such fine and imprisonment.

§ 62. PENALTY FOR DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS.] Every person who is convicted of a violation of Section 2 of this act relating to habitual users of narcotic drugs and driving while under the influence of intoxicating liquor or narcotic drugs shall be punished by a fine of not less than \$25.00 nor more than \$500.00, or by imprisonment in a county jail for a period not exceeding one year, or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than ninety days nor more than one year, and, in the discretion of the court, a fine of not more than \$1,000.00. Provided, that the court in sentencing any person either for a first or a subsequent violation of this act, may suspend any sentence of imprisonment or any part thereof, and make its order that the person so sentenced shall be precluded from driving any automobile within this state for a period of not to exceed two years. Upon proof to the satisfaction of the court that such order has been disobeyed such suspension shall be by the court revoked.

§ 63. PENALTY FOR RECKLESS DRIVING.] Every person convicted of reckless driving under section 3 of this act shall be punished by imprisonment in the county or municipal jail for a period of not more than ninety days or by fine of not more than five hundred dollars or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten days nor more than six months or by a fine of not less than fifty dollars nor more than one thousand dollars, or by both such fine and imprisonment.

§ 64. PENALTY FOR FAILURE TO STOP IN EVENT OF ACCIDENT INVOLVING INJURY OR DEATH TO A PERSON.] Every person convicted of violating section 29 (a) of this act relative to the duty to stop in the event of certain accidents shall be punished by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or in the state prison for not less than one nor more than five years or by fine of not less than one hundred dollars nor more than five thousand dollars or by both such fine and imprisonment.

TITLE VI.

Procedure Upon Arrest, Reports, Disposition of Fines and Forfeitures.

§ 65. APPEARANCE UPON ARREST FOR VIOLATION.] (a) Whenever any person is arrested for a violation of any provision of this act punishable as a violation, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice, such time to be at least five days after such arrest unless the person arrested shall demand an earlier hearing, and such person shall, if he so desire, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour and such hearing to be before a magistrate within the township or county wherein such offense was committed. Such officer shall thereupon and upon the giving by such person of his written promise to appear at such time and place forthwith, release him from custody.

Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate.

Any person who wilfully violates his written promise to appear, given in accordance with this section, shall be guilty of a violation of this act regardless of the disposition of the charge upon which he was originally arrested.

(b) The provisions of subsection (a) of this section shall not apply to any person arrested and charged with an offense causing

or contributing to an accident resulting in injury or death to any person nor to any person charged with reckless driving or driving in excess of thirty miles per hour within a business or residence district or in excess of forty-five miles per hour outside of a business or residence district nor to any person charged with driving while under the influence of intoxicating liquor or narcotic drugs nor to any person whom the arresting officer shall have good cause to believe has committed any felony, and the arresting officer shall take such person forthwith before the nearest or most accessible magistrate.

(c) Any officer violating any of the provisions of this section shall be guilty of misconduct in office and shall be subject to removal from office.

§ 66. REPORT OF CONVICTIONS TO BE SENT TO DEPARTMENT.]

(a) Every justice of the peace or police magistrate or court in this state shall keep a full report of every case in which a person is charged with violation of any provision of this act.

§ 67. FINES AND FORFEITURES.] All fines or forfeitures collected upon conviction or upon forfeiture of bail of any person charged with a violation of any of the provisions of this act shall be disposed of as by law provided.

Failure, refusal or neglect to comply with any of the provisions of this section shall constitute misconduct in office and shall be ground for removal therefrom.

TITLE VII.

Effect of and Short Title of Act.

§ 68. UNIFORMITY OF INTERPRETATION.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 69. SHORT TITLE.] This act may be cited as the Uniform Motor Vehicle Act Regulating the Operation of Vehicles.

§ 70. CONSTITUTIONALITY.] If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

§ 71. REPEAL.] Sections 2972, 2973, 2974, and 2976 L, Compiled Laws of North Dakota, 1913, and Sections 2976t10 and 2976t12, Supplement to the 1913 Compiled Laws of North Dakota, are hereby repealed and all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 7, 1927.

HILLSBORO ARMORY

CHAPTER 163

(H. B. No. 317—Bohnsack)

CONVEYANCE HILLSBORO ARMORY TO CITY OF HILLSBORO

An Act Authorizing the State Board of Armory Supervisors to Convey the Armory Located in the City of Hillsboro, State of North Dakota, to the City of Hillsboro.

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

§ 1. The State Board of Armory Supervisors is hereby authorized and directed immediately upon the taking effect of this Act, to convey by deed to the City of Hillsboro, the Armory located in the City of Hillsboro, County of Traill and State of North Dakota, together with all the premises, buildings, improvements and rights appertaining thereto; said property to be used by the said City of Hillsboro for public purposes; provided the City of Hillsboro shall not be required to repay to the State of North Dakota any part of the appropriation made for said Armory as provided by Section 2415 of the Compiled Laws of North Dakota for 1913; provided, however, that either the present Company, or any future Company of the National Guard of the City of Hillsboro, shall have the right to use such building as an Armory, at a rental of not to exceed \$40.00 per month.

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

Approved March 5, 1927.

STATE HISTORICAL SOCIETY

CHAPTER 164

(H. B. No. 296—Freeman)

DUTIES STATE HISTORICAL SOCIETY

An Act to Amend and Re-enact Subdivision 6, of Section 381 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Duties of the State Historical Society.

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

§ 1. That Subdivision 6, of Section 381 of the Supplement to the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 381, Subdivision 6. To prepare annually for publication four (4) quarterly reports of its collections and such other matters relating to the transactions of the Society that may be useful to the public. Such report shall be in such form and in such binding as the Board of Directors shall determine, and shall be printed by the State. The Board of Directors shall have charge of the distribution and sale of such reports and shall account for the proceeds received therefrom to the State Auditing Board.

Approved March 3, 1927.

HOLIDAYS

CHAPTER 165 (S. B. No. 103—Tofsrud)

NORTH DAKOTA HOLIDAYS

An Act to Amend and Re-enact Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to Holidays.

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

§ 1. That Section 7297 of the Supplement to the 1913 Compiled Laws of North Dakota be and the same hereby is amended and re-enacted to read as follows:

§ 7297. 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 of September, which is Labor Day; the twelfth day of October, which is Discovery Day, to commemorate the discovery of America by Leif Erikson about the year A. D. 1000; and by Christopher Columbus in the year A. D. 1492; 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. Provided, however, that nothing in this Act contained shall be construed to prevent the holding of legislative sessions or the taking of final action on any legislative matter upon any of the aforesaid holidays, other than Sundays, and provided further, that any action heretofore taken upon any legislative matter upon any such holiday be and the same is hereby declared to be valid and legal for all purposes.

Approved March 3, 1927.

HOSPITAL for INSANE

CHAPTER 166 (H. B. No. 157—Rulon)

OFFICERS STATE HOSPITAL FOR THE INSANE

An Act to Amend and Re-enact Chapter 145 of the Session Laws of 1919, as Embodied in Section 1755 Supplement to the 1913 Compiled Laws of North Dakota.

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

§ 1. Section 1755 of the Compiled Laws of North Dakota for the year 1913, embodied in Section 1755 Supplement to the 1913 Compiled Laws of North Dakota, is hereby amended and re-enacted to read as follows:

§ 1755. The Board of Administration shall have general control and management of the hospital, and shall make all by-laws, rules and regulations necessary for the government of the same not inconsistent with the laws of the State, and shall appoint a Superintendent, who must be a physician of acknowledged skill and ability and a graduate of a reputable medical college; and the Superintendent shall appoint an assistant superintendent, and one or more other assistant physicians, each of whom shall possess like qualifications and who shall be styled the resident officers of the hospital and shall reside therein and be governed by the laws and by-laws of the institution. The maximum salary of the Superintendent shall be Four Thousand Dollars (\$4,000.00), and of the Matron Nine Hundred Dollars (\$900.00); and such salaries and the salaries of the assistant superintendent and of the assistant physicians, shall be fixed by the Board of Administration, subject to the approval of the Governor; Provided, however, that the salary of the assistant superintendent shall not exceed the sum of \$3600.00 per annum.

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

Approved March 7, 1927.

INSURANCE

CHAPTER 167 (S. B. No. 84—Atkins)

INSURANCE OF SCHOOL PROPERTY IN MUTUAL AND OLD LINE FIRE INSURANCE COMPANIES

An Act Authorizing the School Board of Any School District Whose Property is Not Required by Law to be Insured Against Loss by Fire or Tornado by the State Fire and Tornado Fund to Insure the Property of Such District Against Such Loss in Mutual Fire Insurance Companies or in Old Line Fire Insurance Companies.

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

§ 1. That the property of any school district which is not required by law to be insured against loss by fire or tornado by the State Fire and Tornado Fund may, in the discretion of the school board of such district, be insured against such loss in mutual fire insurance companies or in old line fire insurance companies; provided, that no such insurance may be so placed by any school board except in companies duly authorized under the laws of the state to do business in the State of North Dakota.

Approved February 10, 1927.

CHAPTER 168 (S. B. No. 202—Atkins)

INVESTMENT OF FUNDS OF COUNTY MUTUAL INSURANCE COMPANIES

An Act Providing for the Investment of the Funds of County Mutual Insurance Companies, and Prescribing the Character of Such Investment.

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

From and after the taking effect of this act every county mutual insurance company, organized or existing under Article 20 of Chapter 18 of the Civil Code of North Dakota, and acts amendatory thereto, must have and keep sixty per cent of all its reserve or moneys accumulated in the course of its business invested in United States bonds or bonds of the State of North Dakota. Provided, however, as to such companies now in existence whose funds are otherwise invested or on deposit, the investment herein provided for shall be accomplished as follows: On the first day of November, 1927, fifteen per cent of all such funds must be so invested; by the first day of February, 1928, thirty per cent must be so invested; by

the first day of November, 1928, forty-five per cent must be so invested, and by the first day of February, 1929, the full sixty per cent must be so invested, which bonds may be insured against theft and burglary. Provided further, however, if such funds of any company are invested at the time of the taking effect of this act in a character of securities that cannot be realized upon for the purpose of complying herewith, such company must make full detailed report of its condition and the reason why it cannot so comply to the Commissioner of Insurance, who shall thereupon investigate the conditions of its investments and prescribe rules, regulations and conditions under which it must comply with the provisions hereof, and the Insurance Commissioner may make such order in the premises as shall be necessary and in his opinion best calculated to bring about full compliance with this act at the earliest possible time.

Approved March 7, 1927.

CHAPTER 169

(H. B. No. 119—Johnston)

HEALTH OR ACCIDENT INSURANCE POLICY

An Act to Amend and Re-enact Sub-division 3 of Section 6637, Compiled Laws of 1913, Relating to Form and Provisions Required in Insurance Policies.

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

§ 1. AMENDMENT.] Sub-division 3 of Section 6637 is hereby amended and re-enacted so as to read as follows:

(3) A provision that if a past-due premium is accepted after lapse, such acceptance shall reinstate the policy in full, but the insurance so reinstated shall not cover any injury that may have occurred while the policy was in suspension.

Approved February 16, 1927.

CHAPTER 170

(S. B. No. 119—Rusch)

LIFE INSURANCE DIRECTORS, OFFICERS AND AGENTS OF CORPORATIONS

An Act Relating to Insurance Upon Lives of Directors, Officers, Agents and Employees of Corporations and Prescribing What Shall Constitute Evidence of Due Authority for All Corporate Actions With Reference Thereto.

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

§ 1. (a) Whenever a corporation, organized under the laws of this State, has heretofore caused or shall hereafter cause to be

insured the life of any director, officer, agent or employee, or whenever such corporation is named as a beneficiary in or assignee of any policy of life insurance, due authority to effect, assign, release, relinquish, convert, surrender, change the beneficiary, or to take any other or different action with reference to such insurance, shall be sufficiently evidenced to the insurance company by a written statement to that effect, signed by the President and the Secretary or other corresponding officers of such corporation, under its corporate seal. Such statement shall be binding upon such corporation and shall protect the insurance company concerned in any act done or suffered by it upon the faith thereof without further inquiry into the validity of the corporate authority or the regularity of the corporate proceedings.

(b) No person shall be disqualified, by reason of interest in the subject matter, from acting as a director or as a member of the Executive Committee of such corporation on any corporate act touching such insurance.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved February 19, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—31—16—2.

House—60—50—2.

CHAPTER 171

(S. B. No. 67—Olson of Burleigh)

INCONTESTABLE CLAUSE LIFE INSURANCE POLICIES

An Act to Amend and Re-enact Sub-Section 3 of Section 6635c of the Compiled Laws of North Dakota for the Year 1913, Relating to the Incontestable Clause to be Included in the Required Provisions of Life Policies.

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

§ 1. AMENDMENT.] Sub-section 3 of Section 6635c of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 6635c. (3) A provision that the policy shall constitute the entire contract between the parties and shall be incontestable after it shall have been in force during the lifetime of the insured for two years from its date, except for nonpayment of premiums and except for violations of the policy relating to the naval or military

service in time of war and at the option of the company provisions relative to benefits in the event of total and permanent disability and provisions which grant additional insurance specifically against death by accident may also be excepted.

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

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

Approved February 19, 1927.

CHAPTER 172
(S. B. No. 185—Tofsrud)

REFUND HAIL TAX CERTIFICATES AND HAIL TAXES

An Act Providing for a Refund to Hail Tax Purchasers and Persons Paying Hail Taxes for Which Their Lands Were Not Liable, Designating the Funds From Which Payment Shall Be Made, and Declaring the Duty of the Insurance Commissioner in Relation Thereto.

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

§ 1. Whenever any lands have heretofore been sold for hail taxes to purchasers other than the county, and it develops that they were subject to a paramount lien and such lien is foreclosed and the purchaser's right under his tax certificate cut out, such purchaser, or his assigns, shall be refunded the amount of the sale, with interest at the rate of five per cent per annum, by the Hail Insurance Department as hereinafter provided.

§ 2. The holder of the certificate must make application for the refund to the Commissioner of Insurance, tendering his certificate and an assignment thereof to the department and making proof satisfactory to the Commissioner of Insurance that the title to the land has been lost under a paramount lien and that he has not been compensated in any way for the money paid for the certificate. Upon being so satisfied, the Commissioner of Insurance shall refund to the holder such amount with interest. Upon making any such refund the Commissioner shall take an assignment of the certificate in trust for the benefit of the Hail Insurance Department, and in case the tax debtor ever becomes the owner of the land affected, the tax represented by such certificate shall again attach as a lien upon his interest.

§ 3. Such refunds shall be made from the following funds, to-wit: a reserve fund that has been set aside or otherwise created or treated as existing in the Hail Insurance Department as a fund to meet anticipated refunds or abatements of indemnity hail taxes; a

reserve fund that has been set aside or otherwise created or treated in the Hail Insurance Department as a fund to meet expected losses from uncollectable taxes from year to year; interest and penalties collected on delinquent hail indemnity taxes on all lands for the year 1927 and successive years, and interest collected on all interest bearing funds of the Hail Insurance Department for the year 1927 and succeeding years. These funds shall be resorted to in the order stated to whatever extent may be necessary to make all such refunds.

§ 4. The refunds hereinbefore provided for shall be made in the order in which applications therefor are made.

§ 5. No claim for a refund by a tax certificate holder shall be allowed unless presented within one year after the loss of title. PROVIDED, HOWEVER, that in cases where such loss has occurred prior to January 1st, 1927, the claim may be presented at any time up to January 1st, 1928. No claim for a refund of taxes paid shall be allowed unless made before January 1st, 1928.

§ 6. At each succeeding session of the legislature the Commissioner of Insurance shall make detailed report to the legislature of all refunds made under the provisions of this act, together with the fullest practical statement of probable outstanding claims, together with a detailed estimate of the amounts that will be required in succeeding years to meet the requirements of this act.

§ 7. Whereas some question of constitutionality may become involved as to the right to resort to some of the funds herein mentioned for the purpose to which it is sought to apply them, it is especially declared that the resort to any particular fund is not the inducement for the resort to any other fund mentioned, and that if any such part of this act shall be held to be unconstitutional it is the purpose and intent that all other parts shall nevertheless be valid and enforceable.

Approved March 7, 1927.

CHAPTER 173

(S. B. No. 184—Olson of Burleigh)

INSURANCE ON PUBLIC BUILDINGS, CLASSIFICATION AND LIMITATION OF AMOUNT

An Act to Amend and Re-enact Sections 3, 8 and 10, Chapter 159, Session Laws 1919, and Section 13 of Chapter 154, Session Laws of 1925, Relating to Insurance on Public Buildings, Providing for the Classification of All Public Property, and Limiting the Amount of Insurance to Be Carried by the State Fire and Tornado Fund.

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

§ 1. That Section 3 of Chapter 159, Session Laws of 1919, be amended and re-enacted to read as follows:

§ 3. INSURANCE PROVIDED.] On or between July 1st and August 1st, 1919, and annually thereafter, the Commissioner shall provide for the insurance in the State Fire and Tornado Fund, and in reliable fire and tornado insurance companies doing business in the State of North Dakota, as hereinafter provided, of all state property subject to destruction by fire and tornado, for an amount not to exceed ninety per cent (90%) of the actual value of the property, as such value is determined by the Commissioner and the officer or board having control of such property, and for such purpose the Commissioner of Insurance is hereby designated and constituted the custodian of said property. The Commissioner shall first determine the insurance value of each article of property and shall fix the rate of premium in accordance with the rates promulgated by the general inspection bureau. Provided that in placing such insurance in the private companies hereinbefore mentioned, the Commissioner of Insurance shall, so far as possible, place such insurance business through North Dakota agents of such companies residing in the county in which the property insured is located.

§ 2. That Section 8, Chapter 159, Session Laws of 1919, be amended and re-enacted to read as follows:

§ 8. LOSSES. HOW PAID.] All losses by fire and tornado shall be paid out of the State Fire and Tornado Fund, and by other reliable insurance companies in which such property shall be insured, as provided by law, in amount not exceeding the amount of insurance upon the particular risk. The losses upon any building or property insured in the State Fire and Tornado Fund, and in reliable fire and tornado insurance companies, whether totally destroyed or partially damaged by fire or tornado, shall be adjusted by the State Commissioner of Insurance, or his duly authorized representative, and by the duly authorized representative of the private insurance companies interested. Immediately upon the happening or occasion, agents or agency having charge or control of the property destroyed or damaged, shall by telegram or in writing, notify the Commissioner of Insurance, giving the description of the property, the amount of insurance carried, the probable amount of loss or damage and the probable cause of loss or damage, and such information shall be immediately transmitted to the private insurance companies interested by said Commissioner. The persons or agency having control of such damaged property shall not disturb the same, except as provided in the policy, until the Commissioner of Insurance or his agents, and the duly authorized agent or representative of the interested private insurance companies, shall have appeared and adjusted the loss or shall have notified them that the information on which adjustment is to be made

has been secured. Adjustments and allowances for loss and damage to insured property shall be paid out of the State Fire and Tornado Fund upon warrants drawn by the Commissioner of Insurance upon the State Treasurer against the State Fire and Tornado Fund in proportion to the amount covered by said State Fire and Tornado Fund.

However, if at any time sufficient funds are not available in the State Fire and Tornado Fund to cover its proportion of any loss or damage sustained by fire or tornado, the person or board under whose supervision or charge such building or property might be, shall submit to the Commissioner of Insurance a claim for the amount of its proportion of the adjustment of loss or damage, made by him, which claim, when approved by the Commissioner of Insurance shall be by him submitted to the State Auditing Board, and if the State Auditing Board shall approve the same it shall make it payable ninety (90) days after the end of the next session of the legislature, it shall bear interest at five per cent (5%) per annum, and the State Auditor shall on the ninetieth day succeeding the last day of the next session of the legislature draw a warrant upon the State Treasurer against any fund appropriated by such legislature for that purpose, payable to such person or board, as Trustee for the state or political subdivision which they represent, in the amount of such claim with interest. Thereafter, whenever the State Fire and Tornado Fund shall have acquired a surplus sufficient to pay any and all the claims paid out of such special funds of the state, the Commissioner of Insurance shall draw his warrants upon the State Treasurer against the State Fire and Tornado Fund, payable to the State Treasurer, and deliver the same to the State Treasurer, and the amount of said warrants shall be credited to the general fund of the state.

§ 3. That Section 10, Chapter 159, Session Laws of 1919, be amended and re-enacted to read as follows:

§ 10. ARBITRATION OF LOSS.] In case an agreement as to the amount of the loss cannot be arrived at between the Commissioner of Insurance, or his representative, the interested private insurance companies and their representative, and the person or board representing the state or political subdivision, such loss shall be arbitrated, as provided by law.

§ 4. That Section 13, Chapter 154, Session Laws of 1925, be amended and re-enacted to read as follows:

§ 13. CLASSIFICATION AND LIMITATION OF RISK.] It shall be the duty of the Insurance Commissioner to classify all property reported to him under the provisions of Sections 1 and 2 of this act, into three distinct classifications as hereinafter set forth, and

to provide insurance thereon in the State Fire and Tornado Fund and with some reliable fire and tornado insurance company or companies in accordance with the limitations shown under each classification.

CLASS I. All of the following described property is hereby designated as Class I, and the entire risk of all insurance carried upon the same shall be by the State Fire and Tornado Fund.

“A” Fire-proof building, with fire-proof roof.

“AX” Fire-proof building, with combustible roof.

CLASS II. All of the following described property shall be designated as Class II, and fifty per cent (50%) of the insurance to be carried on each risk shall be by the State Fire and Tornado Fund. Provided, that no single risk thereon in an amount greater than One Hundred Thousand Dollars (\$100,000.00) shall be carried by such fund.

“B” Brick, stone or concrete building, with gravel, slag, metal, slate, tile or composition, or other approved roof.

“BX” Brick, stone or concrete building, with shingle, board or unapproved composition roof.

CLASS III. All of the following described property is hereby designated as Class III, and no single risk in an amount greater than Twenty-five Thousand Dollars (\$25,000.00) shall be carried by the State Fire and Tornado Fund. Provided, that all risk of Ten Thousand Dollars (\$10,000.00) or less shall be carried net by such fund. Provided further, that the State Fire and Tornado Fund shall carry not to exceed twenty-five per cent (25%) on all risks exceeding Ten Thousand Dollars (\$10,000.00) and up to and including Twenty-five Thousand Dollars (\$25,000.00).

“E” Hollow-concrete-block, concrete block or hollow tile building (with or without 4-inch brick facing), with gravel, slag, metal, slate, tile or approved composition, or other approved roof.

“EX” Hollow-concrete-block, concrete block or hollow tile building (with or without 4-inch facing), with shingle, board or other unapproved composition roof.

“D” Frame building, with gravel, slag, metal, slate, tile or approved composition or other approved roof.

“DX” Frame building, with shingle, board or unapproved composition roof.

“IC” Frame, wood-sheathed, iron-covered building with gravel, slag, metal, slate, tile or approved composition, or other approved roof.

“ICX” Frame, wood-sheathed, iron-covered building, with shingle board or unapproved composition roof.

“SIC” Skeleton wood frame, without wood sheathing, iron-covered building, with gravel, slag, metal, slate, tile or approved composition, or other approved roof.

“BV” Brick, stone, or hollow-block veneered building, with shingle, board or metal slate, tile or approved composition or other approved roof.

“BVX” Brick, stone, or hollow block veneered building, with shingle, board or unapproved composition roof.

“P” Frame, plaster or stucco, covered building, with gravel, slag, metal, slate, tile or approved composition or other approved roof.

“PX” Frame, plaster or stucco covered building, with shingle, board or unapproved composition roof.

“S” Skeleton steel (incombustible) construction with incombustible roof.

“SS” Skeleton steel construction with combustible roof covered with gravel, slag, metal, slate, tile, approved composition or other approved roof covering.

“SSX” Skeleton steel construction with combustible roof covered with shingle, board or unapproved roof covering.

Approved March 7, 1927.

CHAPTER 174

(S. B. No. 108—Magnuson)

READJUSTMENT OF INSURANCE RATES

An Act to Amend and Re-enact Section 9 of Chapter 159 of the Session Laws for the Year 1919, Relating to Readjustment of Rates.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 159 of the Session Laws for the year 1919 be and the same is hereby amended and re-enacted to read as follows:

§ 9. READJUSTMENT OF RATES.] If and when the State Fire and Tornado Fund shall equal five per cent of the risks carried, it shall be the duty of the Commissioner of Insurance to so adjust the premium to be paid as to reduce the amount to the lowest possible amount consistent with maintaining said Fire and Tornado Fund at said per cent.

Approved February 28, 1927.

MORTGAGES

CHAPTER 175

(H. B. No. 219—Brown of Adams)

RENEWAL OF CHATTEL MORTGAGES

An Act to Amend and Re-enact Sections 6762 and 6764 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Renewal and Filing of Chattel Mortgages and Providing for the Cancellation and Satisfaction Thereof and Removing Them from the Public Files.

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

§ 1. AMENDMENT.] Section 6762, Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 6762. A mortgage of personal property ceases to be valid as against creditors of the mortgagor and subsequent purchasers or incumbrancers in good faith after the expiration of three years from the filing thereof, except as hereinafter provided, unless within ninety days next preceding the expiration of such term a copy of the mortgage, and a statement of the amount of the existing debt for which the mortgagee, or his assignee claims a lien sworn to and subscribed by him, his agent or attorney, are filed anew in the office of the Register of Deeds of the county in which the mortgage was originally filed, and in like manner the mortgage and statement of debt must be again filed every three years or it ceases to be valid as against the parties above mentioned. Provided, however, that any mortgage not renewed as herein provided for within three years shall become void as against all persons at the end of six years from the time of filing, and all mortgages not again renewed at the end of six years as herein provided shall become void as against all persons at the end of nine years, and that all mortgages, even though so renewed at the end of nine years, shall become void as to all persons at the end of twelve years from the date of filing, and only three renewals of such mortgages may be filed under the provisions hereof.

PROVIDED, FURTHER, that mortgages of personal property belonging to street car companies, telephone companies, and telegraph companies need not be renewed; and provided further, that trust deeds or other trust conveyances or instruments executed to secure bonds of corporations need not be renewed.

§ 2. AMENDMENT.] Section 6764, Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 6764. The Register of Deeds for each of the several counties must receive and file all such instruments as are offered to him and must keep the same in his office in regular and orderly file for the public information and must not permit them or any of them to be removed from his office until canceled, except as hereinafter provided. All instruments shall be kept in the regular files of his office for three years from the date of filing, or the date of filing of the last renewal of the same and thereafter shall be placed in a separate file provided for that purpose. Provided further, that all chattel mortgages that have not been renewed as provided for by Section 6762 shall cease to be valid as against all persons at the end of six years from the date of filing the same, and shall likewise become void as against all persons, though properly renewed, at the end of six years if not again renewed at the end of nine years from the date of filing; and in no event shall any chattel mortgage remain valid as against any person for more than twelve years from the date of original filing, and at the time any such mortgage ceases to be valid under the terms hereof, the same shall be by the Register of Deeds removed from his files and destroyed. Every such mortgage shall be cancelled by the Register of Deeds upon presentation to him of an acknowledgment of satisfaction thereof signed by the mortgagee.

Approved March 1, 1927.

MOTHER'S PENSION

CHAPTER 176

(H. B. No. 263—Anderson of Sargent)

APPLICATION AND HEARING MOTHERS PENSION

An Act to Amend and Re-enact Section 2546a6 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, for Application for Mothers Pension, and Hearing.

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

§ 1. AMENDMENT.] That Section 2546a6 of the Supplement to the Compiled Laws of the State of North Dakota for the year 1913, for application for mothers pension, and hearing, be and the same is hereby amended to read as follows:

§ 2546a6. Application shall be made in writing to the county commissioners by a person desiring aid or by some citizen in her behalf, stating her residence, whether the applicant is a citizen or has declared her intention to become a citizen, the number of dependent children, their ages, and a detailed statement of her real and personal property, if any, and her income, if any, together with an

estimate of her probable needs in order to maintain her home. The commissioners shall set a day for a hearing, giving notice in writing to the county child welfare board, if there be one; and to the township supervisors, or to the village trustees or to the city council, where said applicant resides. The hearing shall not be less than fifteen days from the date of such notice. Such township supervisors, village trustees or city council shall send a statement or appear by representative in support of, or protest against, the granting of such application. Also any interested taxpayer may file a statement with the commissioners, or may appear in person on the day set for the hearing, in support of, or protest against, the granting of such application, and may appeal to the district court for reversal or modification of the action of the board of county commissioners on such application.

Approved March 5, 1927.

MOTOR FUEL

CHAPTER 177
(S. B. No. 222—Patterson)

SALE OF GASOLINE OR MOTOR FUEL

An Act to Encourage the Sale of Gasoline or Motor Fuel for Use in High Compression Motors With Resulting Fuel Economy, Permitting the Coloring of Such Motor Fuel and Prohibiting the Sale of So-called "Gasoline Improvers" Which are Worthless or Harmful; Making Violations Hereof a Misdemeanor and Providing the Penalty Therefor.

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

§ 1. The State Food Commission and Chemist shall have authority to prohibit the sale of any so-called "gasoline improver" or motor fuel dope and the sale of gasoline mixed or compounded with any other chemical, substance or solution which may be detrimental to the public health, injurious to internal combustion engines or concerning which unsubstantiated claims are made. However, the State Food Commissioner and Chemist shall not have authority to prohibit the sale of any material, substance or solution which has been favorably reported on by the U. S. Bureau of Standards, or the Surgeon General or Bureau of Public Health of the United States.

§ 2. Any gasoline that shows anti-knock characteristics equal to a blend of 25% benzol and 75% straight run gasoline from typical Mid-Continent crude oil or its equivalent may be colored by

the use of harmless red dye. Any gasoline not showing the anti-knock characteristics specified above must be sold without the addition of any foreign coloring matter or shall be of such a color as may be required by the current specification for North Dakota Motor Gasoline.

§ 3. The method used to determine whether a gasoline meets this requirement shall be the one adopted by the U. S. Bureau of Standards or recognized by said Bureau as being the most satisfactory.

§ 4. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00).

§ 5. Chapter 166, Laws of North Dakota for 1925, is hereby repealed.

Approved March 3, 1927.

CHAPTER 178

(S. B. No. 24—Committee on Appropriations)

GASOLINE TAX

An Act to Amend and Re-enact Section 5 of the Initiated Measure Entitled, "An Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels and for the Disposition of the Revenue Derived Therefrom; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of this Act," and Approved at a State-wide Election Held June 30, 1926.

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

§ 1. AMENDMENT.] That Section 5 of the initiated measure entitled, "An Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels and for the Disposition of the Revenue Derived Therefrom; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing all Acts or Parts or Acts in Conflict With the Provisions of This Act," and approved at a state-wide election held June 30, 1926, is hereby amended and re-enacted to read as follows:

§ 5. That said license tax in respect to motor vehicle fuel sold or used in any calendar month shall be paid at the same time the statement provided for in Section 2 hereof is rendered, to the State Auditor, who shall receipt to the dealer therefor, and shall forthwith pay over all the money to the State Treasurer thus received, except such money as shall have been expended by said State Auditor for the purpose of making refunds as herein provided, and

State Treasurer shall promptly credit the amount of such payment to the State Highway Commission. All money so credited is hereby appropriated to be used by such commission for the construction, re-construction, maintenance or repairs of highways or roads under the jurisdiction of said commission.

Provided, that in order to reimburse the state on account of the expenses of carrying the provisions of this act into effect, the State Auditor is hereby authorized and directed to credit to the general fund of the state, on the first day of July of each year, the sum of Twenty-five Thousand Dollars out of the moneys collected as a license tax under the provisions of this act.

Approved January 28, 1927.

MOTOR VEHICLES

CHAPTER 179 (H. B. No. 268—Lynch)

MOTOR VEHICLE REGISTRATION

An Act to Provide for the Taxing and Licensing of Motor Vehicles and Trailers, the Creation of a Department of Motor Vehicle Registration, the Appointment of a Registrar of Motor Vehicles, His Powers and Duties, Establishing the Method of Distribution of the Fees Received Therefrom, Fixing Penalties for Violation of this Act and Providing for an Appropriation for Administering the Same and for the Use of the State Highway Commission, and to Make Uniform the Law Relating to the Subject Matter of this Act.

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

TITLE I.

Definition of Terms.

§ 1. DEFINITIONS.] The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Motorcycle." Every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the terms "tractor" as herein defined.

(d) "Truck Tractor." Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(e) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, moving machines and other implements of husbandry.

(f) "Road Tractor." Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

(g) "Trailer." Every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(h) "Specially Constructed Vehicle." Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles.

(i) "Essential Parts." All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity or substantially alter the appearance of the vehicle.

(j) "Reconstructed Vehicle." Any vehicle which shall have been assembled or constructed largely by means of essential parts, new or used, derived from other vehicles or makes of vehicles of various names, models and types, or which, if originally otherwise constructed, shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(k) "Foreign Vehicle." Every motor vehicle, which shall be brought into this state otherwise than in the ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(l) "Pneumatic Tires." All tires inflated with compressed air.

(m) "Solid Rubber Tire." Every tire made of rubber other than a pneumatic tire.

(n) "Metal Tires." All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, non-resilient material.

(o) "Person." Every natural person, firm, co-partnership, association or corporation.

(p) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(q) "Non-resident." Every person who is not a resident of this state.

(r) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles or trailers.

(s) "Dealer." Every person engaged in the business of buying, selling or exchanging motor vehicles in this state and having an established place of business in this state.

(t) "Highway." Every way or place of whatever nature open to the use of the public as a matter of right for purposes of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions.

(u) "Department." The Department of Motor Vehicle Registration of this state acting directly or through its duly authorized officers and agents.

TITLE II.

Registrar.

§ 2. REGISTRAR.] There is hereby created the office of Registrar of motor vehicles, the holder of the office to organize and be in charge of the vehicle department of this state and to be appointed by the State Highway Commission.

§ 3. DUTIES OF DEPARTMENT AND REGISTRAR.]

(a) It shall be the duty of the department and all officers thereof to enforce the provisions of this act.

(b) With the approval of the State Highway Commission the Registrar is hereby authorized to adopt and enforce such administrative rules and regulations and to designate such agencies as may be necessary to carry out the provisions of this act. He shall also provide suitable forms for applications, registration cards, license number plates and all other forms requisite for the purposes of this act, and shall prepay all transportation charges thereon.

§ 4. RECORDS OF DEPARTMENT.] The Registrar shall maintain an office in the state capitol, or other suitable quarters provided by the state at Bismarck.

§ 5. RECORDS OF DEPARTMENT.] All registration and license records in the office of the department shall be public records and open to inspection by the public during business hours.

§ 6. PUBLICATION OR POSTING OF RECORDS.] The department shall furnish copies of records of stolen or recovered motor vehicles to the police departments of cities and sheriff's offices throughout the state, and shall forward copies of stolen and recovered motor vehicle records to the Registrar of each state.

TITLE III

Registration of Motor Vehicles.

§ 7. OWNER TO SECURE REGISTRATION.] Every owner of a motor vehicle intended to be operated upon any highway in this state shall, before the same is so operated, apply to the department for and obtain the registration thereof, except the owner of any vehicle which is exempted by Section 9 and excepting, also, when an owner is permitted to operate a vehicle under the special provisions relating to lien holders, manufacturers, dealers and non-residents contained in Sections 16 (d), 17 and 19 of this act.

§ 8. EXEMPT FROM REGISTRATION.] Farm tractors, road rollers and road machinery temporarily operated or moved upon the highways need not be registered under this act.

§ 9. APPLICATION FOR REGISTRATION.] (a) Application for the registration of a vehicle required to be registered hereunder shall be made by the owner thereof upon the appropriate form approved or furnished by the department and every application shall be signed by the owner and contain his residence address and a brief description of the vehicle to be registered, including the name of the maker, the engine and serial number, whether new or used and the last license number if known and the state in which issued and, upon the registration of a new vehicle, the date of sale by the manufacturer or dealer to the person first operating such vehicle. The application shall contain such other information as may be required by the department.

(b) In the event that the vehicle, for which registration is applied, is a specially constructed, reconstructed or foreign vehicle, such fact shall be stated in the application, and with reference to every foreign vehicle which has been registered theretofore outside of this state, the owner shall exhibit to the department the certificate of title and registration card or other evidence of such former registration as may be in the applicant's possession or control or such other evidence as will satisfy the department that the applicant is the lawful owner or possessor of the vehicle.

§ 10. REGISTER OF APPLICANTS TO BE KEPT BY DEPARTMENT.] The department shall file each application received, and when satisfied as to the genuineness and regularity thereof, and that the applicant is entitled thereto, shall register the vehicle therein described and the owner thereof in suitable books or on index cards as follows:

1. Under a distinctive registration number assigned to the vehicle and to the owner thereof hereinafter referred to as the registration number;
2. Alphabetically under the name of the owner;
3. Numerically and alphabetically under the engine and serial number and name of the vehicle.

§ 11. REGISTRATION CARDS.] (a) The department, upon registering a vehicle, shall issue to the owner a registration card which shall contain upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine number thereof, and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statement of facts as may be determined by the department.

(b) The registration card shall contain upon the reverse side a form for endorsement of notice to the department upon transfer of the vehicle.

(c) The owner, upon receiving the registration card, shall sign the usual signature or name of such owner with pen and ink in the space provided upon the face of such card.

§ 12. REGISTRATION CARD TO BE CARRIED.] The registration card issued for a vehicle required to be registered hereunder shall at all times while the vehicle is being operated upon a highway within this state be carried in driver's compartment of the vehicle and subject to inspection by any peace officer.

§ 13. NUMBER PLATES TO BE FURNISHED BY DEPARTMENT.] (a) The department shall also furnish to every owner whose vehicle shall be registered one number plate for a motorcycle and two number plates for every other motor vehicle.

§ 14. DISPLAY OF PLATES.] (a) Number plates assigned to a motor vehicle other than a motorcycle shall be attached thereto, one in front and the other in the rear. The number plate assigned to a motorcycle shall be attached to the rear thereof. Number plates shall be so displayed during the current registration year.

(b) Every number plate shall have displayed upon it the registration number assigned to the vehicle and to the owner thereof, also the name of this state which may be abbreviated and the year number for which it is issued. Such plate and the required letters and numerals thereon, except the year number for which issued, shall be of sufficient size to be plainly readable from a distance of one hundred feet during daylight.

(c) Every number plate shall at all times be securely fastened to the vehicle to which it is assigned so as to prevent the plate from swinging and at a height not less than twelve inches from the ground, measuring from the bottom of such plate, in a place and position to be clearly visible, and shall be maintained free from foreign materials and in a condition to be clearly legible.

§ 15. RENEWAL OF REGISTRATION.] (a) Every vehicle registration under this act shall expire December thirty-first each year and shall be renewed annually upon application by the owner and by payment of the fees required by law, such renewal to take effect on the first day of January each year.

(b) An owner who has made proper application for renewal of registration of a vehicle previous to January first but who has not received the number plates, plate or registration card for the ensuing year shall be entitled to operate or permit the operation of such vehicle upon the highways upon displaying thereon the number plates or plate issued for the preceding year for such time to be prescribed by the department as it may find necessary for issuance of such new plates.

§ 16. (a) Whenever the owner of a vehicle registered under the foregoing provisions of this act transfers or assigns his title or interest thereto, the registration of such vehicle, together with the number plates originally assigned thereto, shall be transferred to the transferee as hereinafter provided. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year.

(b) An owner upon transferring a registered vehicle shall endorse the name and address to the transferee and the date of transfer upon the reverse side of the registration card issued for such vehicle and shall immediately forward such card to the department.

(c) The department on receipt of such registration card bearing the endorsement of the name and address of the transferee, shall at once enter record transferring to the name of the transferee the registration number appearing on the said registration card and

the number plates corresponding thereto, and shall forward to the transferee a new registration card after the usual manner and bearing the registration number thereby transferred to his name. In the event the department does not receive the former registration card properly endorsed, as provided in subsection (b), the department may re-register the vehicle provided it is satisfied as to the genuineness and regularity of the transfer.

(d) In the event of the transfer by operation of law of the title or interest of an owner in and to a vehicle as upon inheritance, devise or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in performing the terms of a lease or executory sales contract, or otherwise, the registration thereof shall expire and the vehicle shall not be operated upon the highways until and unless the person entitled thereto shall apply for and obtain proper transfer to himself of the registration thereof, except that an administrator, executor, trustee or other representative of the owner, or a sheriff or other officer, or any person repossessing the vehicle under the terms of a conditional sale contract, lease, chattel mortgage or other security agreement, or the assignee or legal representative of any such person may operate or cause to be operated any vehicle upon the highways for a distance not exceeding seventy-five miles from the place of repossession or place where formerly kept by the owner to a garage, warehouse or other place of keeping or storage, either upon displaying upon such vehicle the number plates issued to the former owner or without number plates attached thereto but under a written permit first obtained from the department or the local police authorities having jurisdiction over such highways.

§ 17. REGISTRATION BY MANUFACTURERS AND DEALERS.] (a) A manufacturer of or dealer in motor vehicles owning or operating any such vehicle upon any highway in lieu of registering each such vehicle may obtain from the department upon application therefor upon the proper official form and payment of the fees required by law and attach to each such vehicle one or duplicate number plates, as required for different classes of vehicles by section 13 (a), which plate or set of plates shall each bear thereon a distinctive number, also the name of this state which may be abbreviated, and the year for which issued, together with the word "dealer" or a distinguishing symbol indicating that such plate or plates are issued to a manufacturer or dealer, and any such plates so issued may, during the calendar year for which issued, be transferred from one such new vehicle to another new vehicle owned or operated by such manufacturer or dealer as a vehicle for demonstration purposes only who shall keep a written record of the vehicles upon which such dealers'

number plates are used and the time during which each set of plates is used on a particular vehicle, which record shall be open to inspection by any police officer or any officer or employee of the department.

(b) No manufacturer of or dealer in motor vehicles shall cause or permit any such vehicle owned by such person to be operated or moved upon a public highway without there being displayed upon such vehicle a number plate or plates issued to such person, either under section 13 or under this section, except as otherwise authorized in subdivision (c) or (d) of this section.

(c) Any manufacturer of motor vehicles may operate or move or cause to be operated or moved upon the highways for such distance as may be authorized by the Registrar any such vehicle, from the factory where manufactured, to a railway depot, vessel or place of shipment or delivery without registering the same and without number plates attached thereto under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the manufacturer authorizing or directing such movement.

(d) Any dealer in motor vehicles may operate or move, or cause to be operated or moved, any such vehicle upon the highways for a distance of twenty-five miles, or for such further distance from a vessel, railway depot, warehouse or any place of shipment to a sales room, warehouse or place of shipment, or trans-shipment without registering such vehicle and without number plates attached thereto, under a written permit first obtained from the local police authorities having jurisdiction over such highways and upon displaying in plain sight upon each such vehicle a placard bearing the name and address of the dealer authorizing and directing such movement.

§ 18. MANUFACTURER TO GIVE NOTICE OF SALE OR TRANSFER.] Every manufacturer or dealer, upon transferring a motor vehicle, whether by sale, lease or otherwise, to any person other than a manufacturer or dealer, shall immediately give written notice of such transfer to the department upon the official form provided by the department. Every such notice shall contain the date of such transfer, the names and addresses of the transferor and transferee and such description of the vehicle as may be called for in such official form.

§ 19. REGISTRATION BY NON-RESIDENTS.]

(a) A non-resident owner, except as otherwise provided in this section, owning any foreign vehicle which has been duly registered for the current calendar year in the state, country or other

place of which the owner is a resident and which at all times when operated in this state has displayed upon it the number plate or plates issued for such vehicle in the place of residence of such owner, may operate or permit the operation of such vehicle within this state without registering such vehicle or paying any fees to this state.

(b) A non-resident owner of a foreign vehicle operated within this state for the transportation of persons or property for compensation or for the transportation of merchandise, either regularly according to a schedule or for consecutive period exceeding thirty days, shall register such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

(c) Every non-resident, including any foreign corporation carrying on business within this state and owning and regularly operating in such business any motor vehicle, within this state, shall be required to register each such vehicle and pay the same fees therefor as is required with reference to like vehicles owned by residents of this state.

§ 20. LOST CERTIFICATES OR NUMBER PLATES—DUPLICATES TO BE OBTAINED.] In the event that any number plate or registration card issued hereunder shall be lost, mutilated or shall have become illegible, the person who is entitled thereto shall make immediate application for and obtain a duplicate or substitute therefor upon furnishing information of such fact satisfactory to the department and upon payment of the required fees.

§ 21. DEPARTMENT TO SUSPEND REGISTRATION UPON NOTICE OF THEFT OR EMBEZZLEMENT.] Whenever the owner of any motor vehicle which is stolen or embezzled files an affidavit alleging either said fact with the department it shall immediately suspend the registration of such vehicle and shall not transfer the registration of or re-register such vehicle until such time as it shall be notified that the owner has recovered such vehicle, but notices given as heretofore provided shall be effective only during the current registration year in which given, but if during such year such vehicle is not recovered a new affidavit may be filed with like effect during the ensuing year. Every owner who has filed an affidavit of theft or embezzlement must immediately notify the department of the recovery of such vehicle.

TITLE IV.

Refusal or Cancellations of Registrations and Violations of Provisions Relating Thereto.

§ 22. WHEN REGISTRATION SHALL BE REFUSED.] The department shall not grant an application for the registration of a vehicle in any of the following events:

(a) When the applicant therefor is not entitled thereto under the provisions of this act.

(b) When the applicant has neglected or refused to furnish the department with the information required in the appropriate official form or reasonable additional information required by the department.

(c) When the fees required therefor by law have not been paid.

§ 23. WHEN REGISTRATION SHALL BE RESCINDED.]

(a) The department shall rescind and cancel the registration of any vehicle which the department shall determine is unsafe or unfit to be operated or is not equipped as required by law.

(b) The department shall rescind and cancel the registration of a vehicle whenever the person to whom the registration card or registration number plates therefor have been issued shall make or permit to be made any unlawful use of the same or permit the use thereof by a person not entitled thereto.

§ 24. VIOLATIONS OF REGISTRATION PROVISIONS.] It shall be unlawful for any person to commit any of the following acts:

FIRST: To operate or for the owner thereof knowingly to permit the operation upon a highway of any motor vehicle which is not registered or which does not have attached thereto and display thereon the number plate or plates assigned thereto by the department for the current registration year, subject to the exemptions allowed in sections 16 (d), 17 and 19 of this act.

SECOND: To display or cause or permit to be displayed or to have in possession any registration card, or registration number plate knowing the same to be fictitious or to have been cancelled, revoked, suspended or altered.

THIRD: To lend to or knowingly permit the use by one not entitled thereto any registration card or registration number plate issued to the person so lending or permitting the use thereof.

FOURTH: To fail or refuse to surrender to the department, upon demand, any registration card or registration number plate which has been suspended, cancelled or revoked as in this act provided.

FIFTH: To use a false or fictitious name or address in any application for the registration of any vehicle or for any renewal or duplicate thereof or knowingly to make a false statement or knowingly to conceal a material fact or otherwise commit a fraud in any such application.

TITLE V.

Registration Fees.

§ 25. REGISTRATION FEES.] There shall be paid to the department for the registration of motor vehicles, fees according to the following schedule:

(a) Every motor vehicle shall be registered annually, each registration certificate and set of tags being valid until the 31st day of December next following the date of registration from and after January 1st, 1928. The fee to be paid on all motor vehicles except motorcycles and those used for commercial purposes for registration, re-registration and operation shall be based on the factory selling price in force November 1, each year preceding to which the registration applies. The net weight and horse-power, which horse-power shall be obtained by multiplying the square of the diameter of the cylinder in inches by the number of cylinders and dividing the product by two and one-half. The basic fee shall be calculated at the rate of ten mills per dollar of said selling price, 20 cents per hundred pounds or major fraction thereof of the net weight of vehicle and 10 cents per horse-power as above determined, except electrics, which shall be charged two (\$2.00) dollars in lieu of such horse-power fee. The registration fee for motor vehicle, except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be the above basic fee. Provided, further, that upon the installation of any new motor or the addition or change of type of any body or equipment in or upon any registered motor vehicle, the owner shall file with the Registrar a new application blank, setting forth such change. All motor vehicles used for the first time during the year after September 1, shall be entitled to a fifty per cent reduction of that year's fee for such vehicle, provided that the Registrar is satisfied with the proof given of such fact. The annual license fee for motorcycles shall be \$5.00.

(b) The registration fee for the years subsequent from the year for which the vehicle was purchased from dealer shall be the above basic fee as above determined less a 10 per cent reduction for second year, a twenty-five per cent reduction for the third year and thereafter a forty per cent reduction from the above basic fee, provided that the fee shall at no time be less than five dollars. On motor vehicles of foreign make or of obsolete models or make, regarding which it is difficult to secure information and on models

not on the market January 1, 1919, the Registrar shall set the valuation in a manner as nearly as possible consistent with the prices prevailing January 1, of the year in which the registration applies. For motor trucks, not used for commercial freighting, in addition to the foregoing factors, the fee shall be based on its load capacity, at the rate of \$5.00 per ton for one ton truck, \$7.50 for one and one-half ton, \$10.00 for two ton truck, \$15.00 for two and one-half ton truck, \$20.00 for three ton truck, \$30.00 for three and one-half ton truck, \$40.00 for four ton truck, \$60.00 for five ton truck.

(c) For motor trucks used for commercial freighting, in addition to the factors mentioned in paragraph (a) of this act, an additional fee, based on its load capacity, shall be charged on all motor trucks at the following rate: for one ton trucks \$10.00; one and one-half ton trucks \$15.00; for two ton trucks \$20.00; for two and one-half ton trucks \$27.50; for three ton trucks \$35.00; for three and one-half ton trucks \$55.00; for four ton trucks \$70.00; for five ton trucks \$130; for trucks over five tons, \$250.00.

Provided, however, that there shall be no deduction made in the basic rates as provided in said sub-division "A" hereof, on motor trucks used for commercial purposes by reason of time elapsed since the original purchase thereof from the dealer.

Trailers used for commercial freighting shall pay a license fee based on its load capacity in accordance with the foregoing schedule of tonnage alone exclusive of the factors mentioned in paragraph (a).

(d) Commercial Passenger Transportation. In addition to the factors mentioned in paragraph (a) of this act an additional fee shall be charged on all passenger carrying motor vehicles engaged in Commercial Passenger Transportation, at the rate of \$5.00 per passenger, carrying capacity of vehicle seating capacity to be calculated on the seating room of 16 inches per passenger.

(e) "Commercial freighting" defined: Commercial freighting shall mean the carriage of things other than passengers, for hire, between fixed termini not wholly within the limits of the same city, village or borough; provided, that local dray lines carrying baggage or goods to or from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial freighting.

(f) "Commercial Passenger Transportation" defined: Commercial Passenger Transportation shall mean the carriage of passengers for hire between fixed termini not wholly within the limits of the same city, village or borough; provided that local bus lines

carrying passengers from a railroad station from or to places in the vicinity thereof shall not be construed to be engaged in commercial passenger transportation.

(g) Dealers in passenger automobiles and automobile trucks shall pay a license fee of twelve dollars (\$12.00) for each set of dealer's auto tags issued to them. Motorcycle dealers shall pay a license fee of five dollars (\$5.00) for each set of motorcycle tags issued to them.

(h) The taxes provided for in this act shall be in lieu of all other taxes upon such vehicles, either state or local.

§ 26. Such license tag shall be of distinctly different color or shade each year, and at all times there shall be a marked contrast between the color of the number plate and that of the numerals or letters thereon. Such registration tag shall be substantially of the following size and form, viz: A plate or placard of metal or enamel with metal letters, $8\frac{1}{2}$ inches in length and 5 inches in width for one or two numerals; 10 inches in length and 5 inches in width for three numerals; 12 inches in length and $\bar{5}$ inches in width for four or more numerals; and on the left end of this plate with letter running vertically from the top, there shall be two letters "N. D.", each of which shall be approximately one inch in length; and on the right end, arranged in the same manner and the same size there shall be the four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall be at least $\frac{1}{2}$ inch in width; provided, that motorcycles shall be assigned tags three inches in width and of a height to permit numerals to be placed vertically, across the top of this tag, with letters running horizontally, shall be the two letters "N. D." and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate.

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

§ 28. EXEMPT FROM REGISTRATION FEES.] All motor vehicles owned and operated by the State, any of its sub-divisions and any municipal corporation, except traction engines, road rollers, fire wagons and engines, police patrol wagons and municipal owned ambulances, shall be required to display auto license tags and make application for registration thereof, and are hereby exempted from the payment of any and all license fees required in this Act provided,

however, that they shall pay the sum of One (\$1.00) Dollar for each set of license tags issued to them to cover the cost of such tags and registration.

§ 29. WHEN FEES DELINQUENT: PENALTIES.] The tax or license fee under this act to be paid upon a motor vehicle shall become due as soon as such vehicle shall first use the public streets or highways in this state and upon January 1st in each year thereafter. Taxes due upon January 1st shall be paid upon transfer of ownership in the vehicle and in any event on or before March 15th and shall be delinquent after March 15th unless paid. Taxes falling due between March 15th and December 31st shall become delinquent upon the expiration of five days after the same become due.

A penalty of 10 cents per day shall be added to the license fee or tax required under this act for each and every day such license fee or tax shall be delinquent for not to exceed fifteen days and two (\$2.00) dollars per month thereafter for each month or fraction thereof for not to exceed five months.

§ 30. DISPOSITION OF REGISTRATION FEES.] All moneys collected by the Registrar of Motor Vehicles under the provisions hereof shall be paid into the State Treasury and covered into the State Highway Fund and shall be expended in manner as by law provided.

TITLE VI.

Miscellaneous

§ 31. Within ten days after this Act goes into effect the Commission shall appoint a suitable person to act as Registrar of the Motor Vehicle Registration Department, such appointment shall be for a term of two years, but such Registrar shall be removed for cause. Said Registrar shall qualify by taking and subscribing to the oath of office prescribed by law for state officers, and shall file a bond with sufficient security to be approved by the Commission, in the sum of Twenty Thousand Dollars (\$20,000.00), conditioned upon the faithful performance of his (or her) duties and the full accounting for all moneys received as taxes or fees under the provisions of this Act, the cost of such bond to be paid by the Motor Vehicle Registration Department. The Registrar shall have an office at the State Capitol which shall be open and accessible to all applicants for motor vehicle licenses during all reasonable office hours. The salary of said Registrar shall be fixed by the Commission, but such salary shall not exceed \$2,500.00 per annum, and the same shall be paid out of the fund set apart for the operation of the Motor Vehicle Registration Department.

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

§ 33. All claims for moneys expended by the Motor Vehicle Registration Department shall be paid out of the fund set aside for that Department by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Registrar.

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

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

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

TITLE VII.

Penalties

§ 37. PENALTY FOR MISDEMEANOR.]

(a) It shall be unlawful and constitute a violation for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided every person convicted of a violation of any provision of this act shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 38. PENALTY FOR FELONY.] Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

TITLE VIII.

Effect of and Short Title of Act

§ 39. UNIFORMITY OF INTERPRETATION.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 40. SHORT TITLE.] This act may be cited as the Uniform Motor Vehicle Registration Act.

§ 41. CONSTITUTIONALITY.] If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

§ 42. REPEAL.] All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 43. TIME OF TAKING EFFECT.] This act shall take effect from and after the 1st day of January, 1928.

Approved March 7, 1927.

CHAPTER 180

(H. B. No. 132—Cox by Request)

MOTOR VEHICLE ANTI-THEFT ACT

Act to Require Certificates of Title for Registered Motor Vehicles; to Facilitate the Recovery of Stolen or Unlawfully Taken Motor Vehicles; to Provide for the Licensing of Dealers in Used Motor Vehicles, Trailers, or Semi-trailers; to Prescribe the Powers and Duties of the Motor Vehicle Registration Department; to Impose Certain Fees to Carry out the Purpose of this Act; to Impose Penalties for Violations of this Act and to Make Uniform the Law Relating to the Subject Matter of this Act.

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

§ 1. DEFINITIONS.] The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this section except in those instances where the context clearly indicates a different meaning:

(a) "Vehicles." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Used Vehicle." Every motor vehicle, which has been sold, bargained, exchanged, given away or title transferred from the person who first acquired it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second hand" within the ordinary meaning thereof.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title to a vehicle or in the event a vehicle is the subject of an Agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

(f) "Manufacturer." Every person engaged in the business of manufacturing motor vehicles.

(g) "Dealer." Every person engaged in the business of buying, selling or exchanging motor vehicles.

(h) "State." A state, territory, organized or unorganized, or district of the United States of America.

(i) "Department." The Department or branch of the Government of this state charged by law with the duty of registering motor vehicles.

(j) "Registrar." The officer of this state in charge of the Department.

§ 2. APPLICATION OF ACT TO CERTAIN VEHICLES—EXEMPTIONS.] The provisions of this act shall apply to every motor vehicle required to be registered with the Department under the Laws of this state except any said vehicles owned by the Federal Government or by this State or any political subdivision thereof or any state institution or municipality in this state and excepting also any traction engine, road roller or any motorcycle operated by a police officer in the performance of his duty as such officer.

§ 3. CERTIFICATES OF TITLE MUST BE OBTAINED FOR REGISTERED VEHICLES.]

(a) The Department shall not after July 1, 1927, register or renew the registration of any motor vehicle, unless and until the owner thereof shall make application for and be granted an official certificate of title for such vehicle or present satisfactory evidence that a certificate of title for such vehicle has been previously issued to such owner by the Department.

(b) The owner of a motor vehicle registered in this state shall not after July 1, 1927, operate or permit the operation of any such vehicle upon any highway without first obtaining a certificate of title therefor from the Department, nor shall any person operate such vehicle upon the highways knowing or having reason to believe that the owner has failed to obtain a certificate of title therefor and any person violating this subsection shall be punished as provided in section 19 of this act.

§ 4. APPLICATION FOR A CERTIFICATE OF TITLE.]

(a) The application for a Certificate of Title shall be made upon the appropriate form furnished or approved by the Department and shall contain a full description of the motor vehicle including the name of the maker, the engine and serial numbers and any distinguishing marks thereon and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon said vehicle and the name and address of the person to whom the Certificate of Title shall be delivered and such other information as the Department may require and every application shall be accompanied by a fee of one dollar, which shall be in addition to any fee charged for the registration of such vehicle.

Whenever a new motor vehicle is purchased from a dealer the application for a Certificate of Title shall include a statement of transfer by the dealer and of any lien retained by such dealer.

(b) The owner shall verify every application for a Certificate of Title before a person authorized to administer oaths, and officers and employees of the Department designated by the Registrar are hereby authorized to administer oaths and it is their duty to do so without fee for the purpose of this act.

§ 5. DEPARTMENT TO ISSUE CERTIFICATES OF TITLE.]

(a) The Department shall maintain an engine and serial number index of registered motor vehicles and upon receiving an application for a Certificate of Title shall first check the engine and serial

number shown in the application against said index and against the Stolen and Recovered Motor Vehicle Index, required to be maintained by section 12 of this Act. The Department when satisfied that the applicant is the owner of the vehicle, shall thereupon issue in the name of the owner a certificate of title bearing a serial number and the signature of the Registrar and the seal of his office and setting forth the date issued and a description of the vehicle as determined by the Department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle therein described and whether possession is held by the owner under a lease, contract of conditional sale, or other like agreement. The Certificate of Title shall also contain, upon the reverse side, forms for assignment of title or interest and warranty thereof by the owner with space for notation of liens and encumbrances upon such vehicle at the time of a transfer. The Department shall deliver the Certificate of Title to the person designated for that purpose in the application.

(b) Said certificate shall be good for the life of the vehicle so long as the same is owned or held by the original holder of such certificate.

§ 5½. REGISTRATION CARDS.]

(a) The Department upon registering a motor vehicle shall issue to the owner a registration card which shall set forth upon the face thereof the date issued, the registration number assigned to the owner and to the vehicle, the name and address of the owner, also a description of the registered vehicle, including the engine and serial numbers and with reference to every new vehicle hereafter sold in this state, the date of sale by the manufacturer or dealer to the person first operating such vehicle and such other statements of facts as may be determined by the Department, and shall provide a space for the signature of the owner and upon the reverse side a form for endorsement of notice to the Department upon a transfer of the vehicle.

(b) An owner upon receiving a registration card shall sign the usual signature or name of such owner with pen and ink in the space provided upon such card.

(c) The registration card issued for a vehicle shall at all times while the vehicle is being operated upon a highway within this state be carried in a container costing with the registration card, not to exceed ten cents, furnished by the state in the driver's compartment of the vehicle and subject to inspection by any peace officer.

§ 6. ENDORSEMENT AND DELIVERY OF CERTIFICATE OF TITLE UPON A TRANSFER OF TITLE OR INTEREST.]

(a) The owner of a motor vehicle for which a certificate of title is required hereunder shall not, after July 1, 1927, sell or transfer his title or interest in or to such vehicle unless he shall have obtained a certificate of title thereto nor unless having procured a certificate of title he shall in every respect comply with the requirements of this section and any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 19 of this act.

(b) The owner who sells or transfers his title or interest in or to such motor vehicle after July 1, 1927, shall endorse an assignment and warranty of title upon the certificate of title for such vehicle with a statement of all liens or encumbrances thereon (which statement shall be verified under oath by the owner) and the owner shall deliver the certificate of title to the purchaser or transferee at the time of delivering the vehicle.

(c) The transferee except as provided in the next succeeding paragraph shall thereupon present such certificate endorsed and assigned as aforesaid to the Department accompanied by a transfer fee of one dollar and make application for and obtain a new certificate of title for such vehicle.

(d) When the transferee of a vehicle is a dealer who holds the same for resale and operates the same only for purposes of demonstration under the dealer's number plates, or when the transferee does not drive such vehicle nor permit such vehicle to be driven upon highways, such transferee shall not be required to forward the certificate of title to the Department, as provided in the preceding paragraph, but such transferee upon transferring his title or interest to another person shall execute and acknowledge an assignment and warranty of title upon the certificate of title and deliver the same to the person to whom such transfer is made.

(e) Whenever the ownership of any motor vehicle shall pass otherwise than by voluntary transfer, the new owner may obtain a certificate of title therefor from the Department upon application therefor and payment of a fee of one dollar accompanied with such instruments or documents of authority, or certified copies thereof, as may be required by law to evidence or effect a transfer of title or interest in or to chattels in such case. The Department, when satisfied of the genuineness and regularity of such transfer shall issue a new certificate of title to the person entitled thereto.

§ 7. DEPARTMENT TO MAINTAIN TRANSFER FILE.]

(a) The Department shall retain and appropriately file every surrendered certificate of title, such file to be so maintained as to permit the tracing of title of the vehicle designated therein.

(b) The Department within thirty days after the taking effect of this act shall have printed copies of this act and shall mail a copy thereof with a blank form of application for a certificate of title to every owner of a registered motor vehicle in this state.

§ 8. REFUSAL TO ISSUE CERTIFICATE OF TITLE OR REGISTER CAR OR RECISSION OF REGISTRATION OR CERTIFICATE OF TITLE.] If the Department shall determine that an applicant for a Certificate of Title to a motor vehicle is not entitled thereto, it may refuse to issue such certificate or to register such vehicle, and in that event unless the Department reverses its decision or its decision be reversed by a Court of competent jurisdiction the applicant shall have no further right to apply for a Certificate of Title or registration on the statements in said application. The Department may for a like reason after notice and hearing revoke registration already acquired or any outstanding Certificate of Title. Said notice shall be served in person or by registered mail. An appeal may be taken from any decision of the Department as from the decision of a Justice of the Peace.

§ 9. DUPLICATE CERTIFICATES WHERE ORIGINAL IS LOST.] In the event of the loss of a certificate of title or registration card, the loss of which is accounted for to the satisfaction of the Department, a duplicate or substitute may be issued, the charge therefor to be fifty cents.

§ 10. MAKING FALSE STATEMENTS.] It shall be unlawful for any person knowingly to make any false statement in any application or other document by the terms of this act and any person violating this provision shall upon conviction be punished as provided in section 18.

§ 11. ALTERING OR FORGING CERTIFICATE OF TITLE A FELONY.] Any person who shall alter with fraudulent intent any certificate of title or registration card issued by the Department, or forge or counterfeit any certificate of title or registration card purporting to have been issued by the Department under the provisions of this act or who shall alter or falsify with fraudulent intent or forge any assignment thereof, or who shall hold or use any such certificate, registration card or assignment knowing the same to have been altered, forged or falsified, shall be guilty of a felony and upon conviction thereof shall be punished as provided in Section 20 of this act.

§ 12. REPORT OF STOLEN AND RECOVERED MOTOR VEHICLES.]

(a) Every county sheriff and every police commissioner and chief of police or peace officer of every jurisdiction, upon receiving information that a motor vehicle has been stolen or that a motor vehicle having been stolen, has been recovered shall immediately report such information upon the appropriate official form to the Department.

(b) The Department shall file all such reports of stolen or recovered motor vehicles and appropriately index the same and shall also file similar reports received from other states. The Department at least once each month shall either publish or post upon a public bulletin board in each of its offices a report of stolen and recovered motor vehicles and shall furnish copies of such records to every county sheriff and the police department in every municipality of over 200 population within this state and shall forward copies of such records to the motor vehicle department of each other state.

§ 13. ALTERED OR CHANGED ENGINE OR SERIAL NUMBERS.]

(a) The owner of a motor vehicle, the engine or serial number of which has been altered, removed or defaced, may, within thirty days from the date this act takes effect, make application in form prescribed by the Department accompanied by a fee of one dollar for a special number. He shall furnish such information as will satisfy the Department that he is the owner, whereupon the Department shall assign a special number for the motor vehicle preceded (preceded?) by a symbol indicating this State. A record of special numbers so assigned shall be maintained by the Department.

The owner shall stamp said number upon the engine or otherwise as directed by the Department and upon receipt by the Department of a certificate by a peace officer that he has inspected and found said number stamped upon the motor vehicle as directed in a workmanlike manner, together with application for a certificate of title such special number shall be regarded as the engine or serial number of said motor vehicle.

(b) Any person who with fraudulent intent shall deface, destroy or alter the engine or serial number of a motor vehicle or shall place a stamp other than the original engine or serial number upon a motor vehicle, or shall sell or offer for sale any motor vehicle bearing an altered or defaced engine or serial number or a number other than the original or a number assigned as above provided shall be guilty of a felony and upon conviction shall be punished as provided in section 20 of this act.

This section is not intended to prohibit the restoration by the owner of an engine or serial number of a motor vehicle for which

a certificate of title has been issued by this State, nor to prevent any manufacturer or importer, or agents thereof, other than a dealer, from placing or stamping in the ordinary course of business, numbers on motor vehicles, or parts thereof removed or changed and replacing the numbered parts.

§ 13½. RECEIVING OR TRANSFERRING STOLEN VEHICLES.] Any person who with intent to Procure or pass title to a motor vehicle which he knows or has reason to believe has been stolen shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer shall be guilty of a felony and upon conviction shall be punished as provided in Section 20 of this act.

§ 14. DEALERS IN USED VEHICLES MUST BE LICENSED.]

(a) It shall be unlawful for any person from and after the 1st day of July, 1927, to carry on or conduct the business of buying, selling or dealing in used motor vehicles, trailers or semi-trailers, unless licensed so to do by the Department under the provisions of this act except that any manufacturer, or importer of motor vehicles or his subsidiary or selling agent may buy or take in trade and sell any used motor vehicle of his own make without such license.

(b) Application for a dealer's license required hereunder shall be made upon the form prescribed by the Department and shall contain the name and address of the applicant and when the applicant is a partnership the name and address of each partner or when the applicant is a corporation the names of the principal officers of the corporation and the state in which incorporated and the place or places where the business is to be conducted and such other information as may be required by the Department. Every such application shall be verified by the oath or affirmation of the applicant if an individual or in the event the applicant is a partnership or corporation then by a partner or officer thereof.

(c) The Department before issuing a license shall collect from the applicant a fee of five dollars except that when application is made after July first of any year the fee for a license shall be three dollars.

§ 15. DEPARTMENT TO ISSUE LICENSE CERTIFICATE.]

(a) The Department upon receiving an application for a license accompanied by the proper fee and when satisfied that the applicant is of good character and so far as can be ascertained has complied with and will comply with the laws of this state with reference to the

registration of vehicles and certificates of title therefor, shall issue to the applicant a license certificate which shall entitle the licensee to carry on and conduct the business of a dealer in used vehicles during the calendar year in which the license is issued. Every such license shall expire on December 31st of each year and may be renewed upon application and payment of the fee required herein.

(b) The Department may refuse to issue a license or after notice by registered mail to the licensee and a hearing, may cancel a license when satisfied that the applicant for a license or the licensee has failed to comply with the provisions of this act.

(c) Supplemental Licenses. Any licensee before removing any one or more of his places of business or opening any additional place of business shall apply to the department for and obtain a supplemental license, for which no fee shall be charged.

§ 16. RECORDS OF PURCHASES AND SALES AND POSSESSIONS OR CERTIFICATES OF TITLE.]

(a) Every licensee shall maintain a record in form as prescribed by the Department of every used motor vehicle, trailer or semi-trailer bought, sold or exchanged by the licensee or received or accepted by the licensee for sale or exchange, which record shall contain a description of every said vehicle, including the name of the maker, type, engine and serial number and other distinguishing marks and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each such vehicle the name and address of the person from whom purchased or received and when sold or otherwise disposed of by the licensee the name and address of the person to whom sold or delivered.

(b) Every licensee shall have in possession a separate certificate of title assigned to such licensee or other documentary evidence of his right to the possession of and for every motor vehicle in his possession.

§ 17. AUTO THEFT FUND AND ENFORCEMENT.] The Department shall deposit all fees and revenues received under this act in the state treasury and such monies shall be placed in the "Auto Theft Fund," which is hereby created, and said fund shall be used and expended by and under the direction of the Department in paying the expenses which it may incur in carrying out the provisions of this act. Initial expenses incurred hereunder may be paid in the first instance out of the registration fee receipts, the latter is to be reimbursed as sufficient funds accrue under this act.

The Department is hereby authorized to employ all office help and purchase all supplies necessary to carry out the provisions of this act, and it is hereby made the duty of the sheriff, the police officers and the other law enforcement officers of the various political subdivisions of the State of North Dakota to properly enforce the provisions of this act.

Any money remaining in the "Auto Theft Fund" and not expended or obligated at the end of each fiscal year shall thereupon be transferred to and deposited in the General Fund of the State.

§ 18. PUNISHMENT FOR FALSE STATEMENT.] Any person convicted of making a false statement in any application or document under Section 10 of this act shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or by both such fine and imprisonment.

§ 19. PENALTY FOR MISDEMEANOR.]

(a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 20. PENALTY FOR FELONY.] Any person who shall be convicted of a violation of any of the provisions of this act herein or by the laws of this state declared to constitute a felony shall, unless a different penalty is prescribed herein or by the laws of this state, be punished by imprisonment for a term not less than one year nor more than five years, or by a fine of not less than five hundred dollars nor more than five thousand dollars, or by both such fine and imprisonment.

§ 21. UNIFORMITY OF INTERPRETATION.] This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 22. SHORT TITLE.] This Act may be cited as the Uniform Motor Vehicle Anti-Theft Act.

§ 23. CONSTITUTIONALITY.] If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts hereof would be declared unconstitutional.

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

§ 25. PROVIDED, HOWEVER, that the provisions of this act shall not be applicable to any trailer or semi-trailer, the value of which is less than Fifty (\$50.00) Dollars.

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

Approved March 7, 1927.

MUNICIPAL CORPORATIONS

CHAPTER 181 (S. B. No. 192—Schlosser)

DUTIES AND REPORTS CITY AUDITORS

An Act to Amend and Re-enact Sections 3625 and 3626, Compiled Laws of the State of North Dakota for 1913, Relating to the Duties of City Auditors.

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

§ 1. AMENDMENT.] Section 3625 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3625. REPORTS.] The city auditor shall report to the city council the receipts and expenses of the municipality for the six months period ending December 31st and for the twelve months period ending June 30th, on or before the tenth day of the following month. Such statement shall also include a statement of the financial condition of all municipal funds as of said dates. Such report shall be kept on file in the office of the city auditor as a permanent public record and a certified copy of such report shall be forwarded to the county auditor and the county treasurer and such certified copies shall be kept on file in said offices and shall be open to public inspection and examination. The city auditor shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and interest of such bonds.

§ 2. AMENDMENT.] Section 3626 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3626. GENERAL DUTIES.] He shall countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the city council, or of any city officer; and each contract made in behalf of the city or to which the city is a party shall be void unless countersigned by the auditor. The city auditor shall keep regular books of account in which he shall enter all indebtedness of the city and which shall at all times show the financial condition of the city; the amount of bonds, orders, certificates or other evidences of indebtedness issued by the city council, the amount of all bonds, orders, certificates or other evidences of indebtedness, which have been redeemed, and the amount of each outstanding. He shall countersign all bonds, orders or other evidence of indebtedness of the city, and keep accurate account thereof stating to whom and for what purpose issued and the amount thereof. He shall keep accounts with all receiving and disbursing officers of the city showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the city council. He shall keep a list of all certificates issued for work or any other purpose.

The auditor shall examine all reports, books, papers, vouchers and accounts of the city treasurer and from time to time perform such other duties as the city council may direct. All claims and demands against the city, before they are allowed by the city council, shall be filed with the auditor and shall be audited and adjusted by the proper committee of the city council. The auditor shall keep a record of his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto, which book shall be open to the inspection of all persons interested.

Approved March 3, 1927.

CHAPTER 182

(H. B. No. 318—Rulon by Request)

RESOLUTION DECLARING IMPROVEMENTS BY SPECIAL ASSESSMENTS IN CITIES

An Act to Amend and Re-enact Section 3704 of the Compiled Laws of North Dakota for 1913, as Amended by Chapter 212 of the Session Laws of 1925, Providing for a Resolution Declaring Improvement Work to Be Done by Special Assessments Necessary, and Permitting Protests Against Said Improvements to Be Filed by Property Owners.

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

§ 1. AMENDMENT.] That Section 3704 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 212 of the Session Laws of 1925, be amended and re-enacted to read as follows:

§ 3704. RESOLUTION DECLARING WORK NECESSARY.] After the plans, specifications and estimates mentioned in the preceding section shall have been filed in the office of the city auditor and approved as provided in the preceding section, the city council or city commission shall by resolution declare such work or improvement (except the construction or alterations of sewer and water mains) necessary to be done, such resolution shall refer intelligently to the plans, specifications and estimates therefor, and shall be published twice, once each week for two consecutive weeks in the official newspaper of the city. If the owners of a majority of the property liable to be specially assessed for such proposed improvement shall within thirty days after the first publication of such resolution file with the city auditor a written protest, protesting against such improvement then the city council or city commission shall, at its next meeting after the expiration of the time for filing protests against such improvements, hear and determine the sufficiency of such protests and if after such hearing has been had the city council or city commission shall find such protests to contain the names of the owners of a majority of the property liable to be specially assessed therefor it shall be a bar against proceeding further with such improvement. In case the protests shall be found insufficient or invalid the city council or city commission shall have the power to cause such improvement to be made and to contract therefor and to levy and collect assessments therefor. In case the work to be done consists of paving or repaving, the city council or city commission in its resolution declaring such improvement necessary, shall not determine which kind of paving or paving material shall be adopted; but in the call for bids, bidders shall be invited to submit bids for one or more of the several kinds of paving material for which the city engineer shall have been directed to file plans and specifications. When the bids shall have been opened and made public, they shall be entered on the minutes of the meeting and be carefully preserved by the city auditor, and action on the same shall be deferred for a period of at least five days, and another meeting of the council or commission shall be held at least five days after the opening of the bids for the purpose of considering and acting on the same. Notice of the time and place of such future meeting shall be published by the city auditor at least once in the official newspaper of the city at least five days before the date fixed for such meeting. If, after the opening of the bids and before the meeting of the council or commission to consider the same, the owners of a majority of the property liable to be specially assessed for such paving or repaving, shall file with the city auditor a written petition (which may consist of a single petition or several separate petitions signed by the owners of a majority of the property liable to be specially assessed for such

improvement, or their authorized agents) indicating that such petitioners are agreed in preference for any one kind of paving or paving material for which bids have been invited, then it shall be obligatory upon the city council or city commission to cause the paving or repaving to be constructed of the kind of paving material indicated in such petition.

Approved March 5, 1927.

CHAPTER 183
(H. B. No. 328—Sperry)

SPECIAL ASSESSMENT AND WARRANTS FOR PUBLIC
IMPROVEMENTS

An Act to Amend and Re-enact Section 3711 of the Supplement to the Compiled Laws of 1913, Relating to Special Assessments and the Issuance of Warrants for Public Improvements.

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

§ I. AMENDMENT.] Section 3711 of the Supplement to the Compiled Laws of North Dakota of 1913, is hereby amended and re-enacted to read as follows:

§ 3711. SPECIAL ASSESSMENT FUNDS. WARRANTS.] All special assessments levied under the provisions of this article shall constitute a fund for the payment of the cost of the improvement for the payment of which they are levied, and shall be diverted to no other purpose, and those for the payment of sewer improvements shall be designated respectively "sewer district No..... fund" and such funds shall be numbered according to the number of sewer district in which it is raised; those collected for the paving improvements shall be designated as "paving district No..... fund" and such fund shall be numbered according to the paving district in which it is raised; and those levied for the payment of water mains shall be known as "water main district No..... fund" and such fund shall be numbered according to the numbers of the water main district in which it is raised; those levied for water works improvements shall be designated as "water works district No..... fund" and such fund shall be numbered according to the number of the water works district; and those levied for the payment of grading, curbing, graveling, macadamizing or guttering of any street, highway, alley, lane or public place in such city, or of planting trees, constructing grass plots or sowing grass seed thereon, or of maintaining and preserving any one or more of such improvements shall be known as "improvement district No..... fund."

and such fund shall be numbered according to the number of the improvement district in which it is raised; and in anticipation of the levy and collection of such special assessments, the city may, at any time after making of a contract for any such improvements, issue warrants, on such fund, payable at specified times; (provided, that the first maturity of said warrants, or any of them shall not be less than two years from the date of issue) and said warrants shall be issued in such amounts as, in the judgment of the city council, the taxes and assessments will provide for, which warrants shall bear interest at the rate of not to exceed seven per cent per annum, payable annually or semi-annually, and may have coupons attached representing each year's or half year's interest, provided that special assessments levied for maintaining grass plots or trees, parking or other improvements for the beautifying of the city streets, shall be payable in a single amount. Such warrants shall state upon their face for what purpose they were issued, and the fund from which they are payable, and shall be signed by the mayor and countersigned by the city auditor, under the seal of the city, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making such improvements or may be sold for cash, at not less than the par value thereof, and the proceeds thereof credited to such fund, and used for paying such improvements. It shall be the duty of the city treasurer to pay such warrants and interest coupons as they mature and are presented for payment out of the district funds on which they are drawn, and to cancel the same when paid.

Approved March 3, 1927.

CHAPTER 184
(S. B. No. 206—Erickson)

SPECIAL ASSESSMENTS WATER WORKS DISTRICTS

An Act to Validate and Legalize Certain Acts of Certain City Officials in Respect to Special Assessment Water Works Districts and to Prescribe the Procedure to Be Taken in Respect to Assessments Therein and the Issuance of Warrants.

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

§ 1. In all cases where the city councils of cities of this state have heretofore created, or attempted to create a special assessment water works and water main district, which district, by the terms of the ordinance purporting to create it, includes two separate portions of such city which are not contiguous, and a single contract for the construction of water mains and appurtenances in said areas has been let and the work under said contract substantially or entirely performed by the contractor, the action of such city councils in respect

thereto is hereby validated and legalized as fully as though such areas were contiguous and constituted a single district in fact, and such districts and contracts are hereby declared legal and valid.

§ 2. The engineer employed by such city in charge of said improvement, or any other competent engineer designated by the city council, shall, with the assistance of the city auditor, calculate, or estimate as nearly as may be, the relative portion of the entire cost of said improvement applicable to said respective separate areas. When such calculation or estimate has been filed in the office of the city auditor he shall certify a copy thereof to the Special Assessment Commission of such city in the manner prescribed by Section 3725 of the Political Code of the State of North Dakota, 1913, and thereupon the assessments for the cost of said improvement shall be made and collected in the same manner as for other special assessment districts, except that the total assessments in each of said areas shall not exceed the portion of cost applicable thereto as shown by such engineer's and auditor's calculation or estimate. Upon the completion thereof the city council may issue the warrants of such city drawn on the fund of such district in the manner authorized by Article 20 of Chapter 44 of said Political Code, as amended.

§ 3. This act shall not apply to, nor shall anything contained therein affect, any special assessment district, contract or warrant, the validity of which is questioned in any litigation now pending in any court in this state.

Approved March 3, 1927.

CHAPTER 185

(H. B. No. 319—Rulon by Request)

SPECIAL ASSESSMENTS FOR CONSTRUCTION OF SEWER AND WATER CONNECTIONS

An Act Providing for Special Assessments for the Construction of Sewer and Water Connections, and Providing for a Special Assessment Fund for that Purpose.

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

§ 1. All money collected from special assessments for laying and constructing sewer, water and other connections provided for in Section 3740 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 71 of the Laws of 1925, shall be kept in a fund called Sewer and Water Connections Special Assessment Fund and warrants shall be drawn on such funds for the payment of the cost of all such connections and for nothing else. All such special

assessments for sewer, water, and other connections, shall be paid in equal payments extending over a period of from one to five years, at the option of the City Commission or the City Council for the cost thereof, and the City Auditor shall so certify up to the County Treasurer for collection such assessments as required by the City Engineer and filed in his office with the taxes against the lot or parcel of land so assessed, in the same manner as is provided in the case of other special assessments for improvements made by the City.

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

Approved March 3, 1927.

CHAPTER 186

(H. B. No. 321—Rulon by Request)

ADVERTISING FOR BIDS FOR SPECIAL IMPROVEMENTS IN CITIES

An Act to Amend and Re-enact Section 3705 of the Compiled Laws of North Dakota for 1913, Relating to the Advertising for Bids for Special Improvements.

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

§ 1. AMENDMENT.] That Section 3705 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 3705. DUTY OF COUNCIL.] The City Council shall then cause proposals for said work to be advertised for in the official paper of such city twice, once in each week for two consecutive weeks, which advertisement may be published at the same time as the Resolution of necessity and which advertisement shall specify the work to be done according to the plans and specifications therefor on file in the auditor's office and shall call for bids therefor upon a basis of cash payment for said work, and state the time within which such bids will be received, and within which such work is to be completed. The City Council may also require bidders to state the rate of interest the warrants shall bear (not exceeding seven per cent per annum) which are to be received and accepted by them at par in payment for such work. In case of pavement such proposals may call for bids for one or more kinds of pavement. Bids for such work shall be forwarded to the city auditor of such city securely sealed so as to prevent their being opened without detection, and shall have indorsed upon the outside thereof a statement of what work such proposals are for. Such bids shall be opened by

the city council at the expiration of the time limited in said advertisement for receiving the same, which shall be not less than fifteen days after the first publication of said advertisement, or at such other time as the city council may appoint therefor, and if accompanied by a check and bond hereinafter provided for shall be considered, and if not accompanied by such check and bond shall be rejected.

Approved March 3, 1927.

CHAPTER 187
(H. B. No. 4—Trubshaw)

DEFINITIONS CITY BUDGET

An Act to Amend and Re-enact Section 3684a2 of the Supplement to the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 3684a2 of the Supplement to the Compiled Laws for the year 1913 be amended and re-enacted to read as follows:

§ 3684a2. The word "council" as used in this act shall be construed to mean the city council, board of trustees, park commission, commission, manager, or other governing body of any city, town, village or park district in the state; and the word "municipality" shall be construed to mean any city, town, village or park district in the state.

Approved February 1, 1927.

CHAPTER 188
(S. B. No. 191—Schlosser)

FISCAL YEAR APPROPRIATION AND TAX LEVY FOR GENERAL EXPENSES OF CITIES

An Act to Amend and Re-enact Sections 3676, 3677 and 3680 of the Compiled Laws of the State of North Dakota for 1913, Relating to Finances of Cities Organized Under the General Laws of the State.

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

§ I. AMENDMENT.] Section 3676 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3676. FISCAL YEAR.] The fiscal year of each city organized under the general laws of this state shall commence on the first day of July of each year and terminate on the thirtieth day of June of the next year.

§ 2. AMENDMENT.] Section 3677 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3677. APPROPRIATION FOR GENERAL EXPENSES, HOW MADE.] The city Council shall, at its regular budget meeting on the fourth Wednesday of July, or within ten days thereafter, pass an ordinance to be termed the annual appropriation bill, in which it may appropriate such sums of money as may have been determined to be necessary at such budget meeting to meet the expenses and liabilities of such corporation, during the ensuing fiscal year. Such ordinance shall specify the purpose for which such appropriations are made and the amount appropriated for each purpose.

§ 3. AMENDMENT.] Section 3680 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3680. TAX LEVY, HOW AND WHEN MADE.] The city council shall at its budget meeting on the fourth Wednesday of July or within ten days thereafter, levy a tax sufficient to meet the expenses of the current fiscal year as determined upon at such budget meeting, and not exceeding in the aggregate such amount as may be raised under the limitations prescribed by Sections 2163a1 to 2163a10 of the Supplement to the Compiled Laws of 1913 or acts amendatory thereof.

The city auditor shall forthwith certify such levy to the county auditor of the county in which such city is situated. Such levy shall be made in specific amounts, and the county auditor of such county shall extend the same upon the tax lists of the county for the current year, in the same manner and with the same effect as other taxes are extended. The levy herein provided for may be made at the same meeting at which the annual appropriation bill is finally passed, and the provisions of law fixing the time at or within which any act or proceeding in the assessment or levy of any taxes shall be done or taken, shall be deemed and held to be directory and not mandatory.

Approved March 5, 1927.

CHAPTER 189
(S. B. No. 183—Schlosser)

NOTICE, MEETING AND TAX LEVY CITY BUDGET

An Act to Amend and Re-enact Sections 3684a6, 3684a7 and 3684a8, of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to the Finances of Cities, Towns and Villages, (said sections constituting a part of what is known as the city budget law); Repealing Sections 4038, 4039, 4040, 4041 and 4045, Compiled Laws of 1913.

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

§ 1. AMENDMENT.] Section 3684a6 of the Supplement to the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3684a6. NOTICE AS TO PRELIMINARY BUDGET STATEMENT.] As soon as the council has prepared such preliminary budget statement, the clerk or auditor of the municipality shall give notice either by publication or by posting as is hereinafter provided; that the preliminary budget is on file with him and that such budget statement may be examined by anyone applying therefor; that the council will meet on the fourth Wednesday in July (naming the time and place of holding such meeting) for the purpose of adopting the final budget and making the annual tax levy; and that the council will hold a public session at such time and place, at which any taxpayer may appear and discuss with the council any item of proposed expenditures or object to any such item or the amount thereof. Such published or posted notices shall also contain a statement of the total proposed expenditures under each group provided for in the preceding section and of the total proposed expenditures under all groups, but need not contain any detailed statement of proposed expenditures. Such notice shall be published at least once not less than six days prior to the budget hearing in a newspaper published in the municipality if there be one. If there be no newspaper published in the municipality, then such notice shall be posted not less than six days prior to such meeting in five public places in such municipality.

The clerk or auditor of the municipality shall also, not later than July 20th, mail a copy of the preliminary budget statement to the auditor of the county in which his municipality lies, which copy shall remain on file in the office of the county auditor available to public inspection.

§ 2. AMENDMENT.] Section 3684a7 of the Supplement to the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3684a7. MEETING OF COUNCIL; CHANGES IN STATEMENT; FINAL BUDGET; CONTENTS.] The council shall meet at the time and place specified in such notice and shall hear any and all protests or objections to the items or amounts set forth in the preliminary budget statement. At such hearing the council shall make any changes it may deem advisable in the items or amounts shown on the preliminary budget statement, except as herein limited; and shall prepare the final budget which shall consist of the preliminary budget to which shall be added further columns showing:

(1) The final appropriations made on account of the various items of expenditures hereinbefore specified, which shall not as to any group total, exceed the amount specified in the preliminary budget estimate; (2) The amount of unencumbered cash on hand; (3) The amount of uncollected taxes standing to the credit of the municipality, which in the opinion of the board may be collected during the ensuing fiscal year; (4) The estimated income that may be received during the ensuing year from sources other than direct property taxes; (5) The net amount which it will be necessary to raise by taxation to meet said appropriations; (6) The amount of levy estimated to be necessary to provide such net amount of revenue during the fiscal year.

§ 3. AMENDMENT.] Section 3684a8 of the Supplement to the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3684a8. TAX LEVY; AMOUNT; DETERMINATION OF.] Having completed the final budget, the council shall proceed to make the annual tax levy. In making determination of the amount required to be levied, the board shall first determine its net current resources by adding together—(1) the amount of unencumbered cash on hand; (2) the amount of uncollected taxes standing to the credit of the district, which in the opinion of the board will be collected during the ensuing fiscal year; (3) the estimated income that may be received during the ensuing year from sources other than direct property taxes. Such total amount shall be considered Net Current Resources of the district. The Net Current Resources shall be deducted from the total amount appropriated and the balance shall be considered the amount which is required to be raised by taxation during the ensuing year. The net amount which is to be levied shall then be determined upon by taking into consideration the fact that the statutes provide for the semi-annual payment of real estate taxes and that consequently, only a part of the amount levied can be collected within the current fiscal year. The determination of how much of the levy can be collected within the current fiscal year shall be made by the council based upon the past experience of the district. The levy as finally fixed must be adopted by a majority vote of the members of the council. The amount

levied shall be subject to such limitations as are now or may be hereafter prescribed by statute and shall be subject to the further limitation that it shall not exceed such amount as will produce the required funds within the fiscal year period for which the levy is being made. As soon as the annual tax levy has been adopted by the council, the city auditor or the village clerk shall immediately thereafter send a certified copy of the levy as adopted and a certified copy of the final budget to the county auditor. As soon as the county auditor has available the data showing the total assessed valuation of said municipality, he shall proceed to calculate the necessary tax rates to produce the sums called for in said final budget; provided, however, that if the county auditor shall find that any amount or amounts called for in the levy cannot be produced by a tax rate which is within the limit prescribed by Chapter 318, Laws of North Dakota for the year 1923, or acts amendatory thereof, said auditor shall reduce the amount so that it can be produced by a tax rate which is within legal limits; and said auditor shall at once notify the council of the reductions so made by him.

§ 4. REPEAL.] Sections 4038, 4039, 4040, 4041 and 4045 of the Compiled Laws of North Dakota for 1913 and all other acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 3, 1927.

CHAPTER 190

(H. B. No. 194—Fowler)

VACATION OF STREETS, ALLEYS AND PUBLIC GROUNDS

An Act to Amend and Re-enact Section 3688, Compiled Laws of North Dakota, 1913, Relating to Vacation of Streets, Alleys and Public Grounds in Cities.

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

§ 1. AMENDMENT.] That Section 3688 Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted so as to read as follows:

No public grounds, streets or alleys, or parts thereof, over, under or through which shall have been constructed, lengthwise, sewers or water mains of the city or water-mains, gas or other pipes or telephone or telegraph lines by the city's grantees of the right of way therefor shall be vacated unless such sewers or water-mains have been abandoned and are not in use, or unless such grantee shall consent thereto, and no other public grounds, streets or alleys, or parts thereof, within the city shall be vacated or discontinued by

the City Council except on a petition signed by all of the owners of property adjoining the plat to be vacated. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets or alleys proposed to be vacated, and shall be verified by the oath of at least one petitioner. The city council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed with the city auditor, who shall give notice of publication in the official newspaper of the city for four weeks, at least once in each week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the council, or a committee thereof, on a certain day therein specified, not less than thirty days after the first publication of such notice. The City council, or such committee as may be appointed by it for the purpose, at the time and place appointed, shall investigate and consider the matter, and shall hear the testimony and evidence of persons interested. The city council thereupon after hearing the same, or upon the report of such committee favoring the granting of such petition, may, by resolution passed by a two-thirds vote of all of the members elect, declare such public grounds, streets or alleys or highways, vacated upon such terms and conditions as it shall deem just and reasonable; which resolution, before the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city auditor, shall be filed for record and duly recorded in the office of the register of deeds of the county, and shall have the effect to convey to the abutting property owners, all of the right, title and interest of the city to the property so vacated. Any person aggrieved thereby may, within twenty days after publication of such resolution, appeal to the district court of the county, under the same regulations as in the case of opening streets and alleys, and the judgment of the court therein shall be final. All expenses incurred in vacating any such public grounds, streets or alleys must be paid by the petitioners, who shall deposit with the city treasurer, such sum as may be necessary therefor, before any such expense is incurred, and the amount so to be deposited shall be determined by the city council, and any part thereof not used for such expenses shall be returned.

Approved, March 3, 1927.

CHAPTER 191
(S. B. No. 182—Schlosser)

ADDITIONAL DUTIES OF AUDITOR OF CITY UNDER
COMMISSION SYSTEM

An Act to Amend and Re-enact Section 3812 of the Compiled Laws of the State of North Dakota for 1913, Relating to Additional Duties of City Auditors Under the Commission System of Government.

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

§ 1. AMENDMENT.] Section 3812 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3812. ADDITIONAL DUTIES OF AUDITOR.] The auditor shall, on or before the tenth day of July of each year, file with the president of the board a detailed statement of the expenses of the city and the wards thereof during the last fiscal year, and such statement shall also contain an estimate of the expenses of the ensuing fiscal year and the income for that year from sources other than taxes.

He shall countersign all contracts made with the city if the necessary funds shall have been provided to pay the liability that may be incurred thereunder and no such contract shall be valid until so countersigned. He shall make a list of all certificates for the payment of which special taxes are to be levied in each year in time for the same to be inserted in the tax roll in the form of a schedule of special taxes, and certify the correctness of the same, and such certified schedule shall be prima facie evidence of the legality and regularity of the taxes levied in pursuance thereof; but no irregularity in the making of such lists shall invalidate any such special tax. He shall report monthly, in writing, to the board of city commissioners, the condition of the several funds of the city and of the condition of all outstanding contracts and claims which may be payable out of such fund. He shall examine and countersign all city orders before the same shall be valid, but shall not countersign any order before the money is in the treasury to pay the same. He shall examine all claims presented against the city, whether founded on contract or otherwise and determine as to each whether it is properly itemized and sworn to; if on contract, whether the items charged are correct, whether such claim was incurred by proper authority and generally determine its correctness. For the above purposes he may swear witnesses to take testimony. If he does not find any objection to any claim, he shall mark his approval thereon, if he disapproves or approves in part or disapproves in part, he shall report to the board of city commissioners his reasons therefor and in all cases shall report the evidence taken by him. No claim shall be considered by the board of city commissioners until it shall have been

thus examined and reported on by the auditor. He shall examine each month the treasurer's accounts as reported and kept by him and report as to the correctness of the same, and also any violation by the treasurer of his duties in the manner of keeping his accounts or disbursing moneys. The auditor shall perform the duties of a member of the board of public works and such other duties as are required of him under the provisions of this chapter or by the board of city commissioners. In case the office of auditor is dispensed with, the duties pertaining thereunto shall be discharged by such officer or officers or board as the board of city commissioners shall designate by resolution or ordinance.

Approved March 3, 1927.

CHAPTER 192

(S. B. No. 190—Schlosser)

EXECUTIVE OFFICERS AND FINANCIAL STATEMENTS—CITIES UNDER COMMISSION FORM

An Act to Amend and Re-enact Section 3795 of the Compiled Laws of the State of North Dakota for 1913, Relating to Executive Officers and Financial Statements of Cities Organized Under the Commission System of Government.

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

§ I. AMENDMENT.] Section 3795 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 3795. EXECUTIVE OFFICERS, FINANCIAL STATEMENT, FILED.] The president of said board of commissioners shall be the executive officer of said city and shall see that all the laws thereof are enforced. The commissioner named at the head of each department shall audit all accounts against it, but before payment, they shall be acted upon and approved by at least three members of said Board of Commissioners. Said board shall require a statement to be filed in the office of the city auditor, quarterly, in July, October, January and April of each year, showing a full, clear and complete statement of all the taxes and other revenues collected and expended for the preceding three months, indicating the respective sources from which the moneys are derived, and also the disposition made thereof. All legislative sessions of said board, whether regular or called, shall be open to the public.

Approved, March 3, 1927.

CHAPTER 193
(H. B. No. 264—Jardine)

PURCHASE OF LAND FOR PARK PURPOSES

An Act Authorizing and Empowering the Board of Park Commissioners of the Park District of Any City, to Contract for the Purchase of Lands for Park Purposes, Upon Deferred and Installment Payments; Limiting the Amount of Such Purchases; and Requiring All Payments So Made Therefor, to Be Made From Revenues Derived From the Tax Levy of Such District Authorized by Law; Repeal.

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

§ 1. PURCHASES OF LAND ON INSTALLMENTS; PAYMENTS MADE FROM AUTHORIZED LEVY, ONLY; LIMIT OF OBLIGATIONS TO BE SO INCURRED.] The Board of Park Commissioners of any city, may, and is hereby authorized and empowered to, upon declaring by resolution duly passed, that an emergency exists in that it is desirable and necessary that additional lands, in such resolution described, be acquired for park purposes, enter into a contract, or contracts, for the purchase of such additional land for park purposes, the purchase price of the lands so purchased to be payable in annual installments; provided, however, that all moneys to be so paid annually under such contract, or contracts, shall be available and paid only from revenues to be derived from the authorized tax levy of such park districts; provided further, that contracts may not be so entered into under the provisions hereof, which shall at any time create aggregate future obligations of such park district, thereunder, in an amount in excess of one-fifth of one per cent of the value of all taxable property within such park district; provided further, that the total amount to be so contracted to become payable within any year, by any park board, shall not exceed twenty per cent of the authorized tax revenue of such park district for the year in which any such contract is so made and entered into.

§ 2. REPEAL.] All acts and parts of acts, in so far as the same may be in conflict herewith, are hereby repealed.

Approved March 3, 1927.

CHAPTER 194
(S. B. No. 231—Whitman)

POWERS OF PARK COMMISSION

An Act to Amend and Re-enact Subdivision (1) of Section 4059, of the 1925 Supplement to the Compiled Laws of the State of North Dakota 1913, Relating to the Powers of Park Boards.

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

§ 1. AMENDMENT.] That Subdivision (1) of Section 4059, of the 1925 Supplement to the Compiled Laws of the State of North Dakota 1913, 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, and in all cases where such board has acquired the legal title in fee to such lands, power to sell and convey the same; such conveyance to be executed by the President and Clerk of such Board, upon a resolution approved by not less than two thirds ($2/3$) of the members of such Park Board.

Approved March 5, 1927.

CHAPTER 195
(H. B. No. 277—Ferris)

REFUND AND REISSUE SPECIAL IMPROVEMENT WARRANTS IN
CITIES AND VILLAGES

An Act Empowering and Authorizing Cities and Villages to Refund and Reissue Special Improvement Warrants Upon the Surrender of the Outstanding Warrants by the Holders Thereof.

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

§ 1. All Cities and Villages are hereby empowered and authorized upon the surrender by the holders thereof of any outstanding special improvement warrants upon which the city or village has, or may, become liable, to refund and reissue the same under such terms and conditions as the governing body of the City or Village may by resolution provide; provided, however, that the rate of interest shall not be in excess of the rate on the refunded warrants.

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

Approved March 3, 1927.

CHAPTER 196

(H. B. No. 123—Fowler and Lee)

BOND ISSUES OF MUNICIPAL CORPORATIONS

An Act Governing Borrowing by Means of Bond Issues by Counties, Cities, Villages, Townships, School Districts, Park Districts and Other Municipalities as Defined Herein; and Repealing Sections 1272, 1274, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1333, 1336, 1337, 1338, 1339, 1422, 3449, 3450, 3452, 3453, 3454, 3456, 3457, 3458, 3459, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3868, 4014, 4015, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261, of the Compiled Laws of North Dakota for the Year 1913, and Repealing Sections 1273, 1274a1, 1274a2, 1275, 1276, 1277, 1303, 1307, 1321a14, 1332, 1334, 1335, 1341, 1421, 1422, 3451, 3743c1, 3743c2, 3743c3, 3882a1, 3882a2, 4016, 4037b, 4037c, 4037d1 and 4037d2 of the Supplement to the Compiled Laws of 1913, and All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. DEFINITIONS AND INTERPRETATIONS.] In this act, unless the context or subject matter otherwise requires:

(1) "Municipality" Means a county, city, village, township, common school district, independent school district, special school district or park district empowered to borrow money and issue written obligations to repay the same out of public funds or revenues.

(2) "Governing body" means a board of county commissioners, city council, board of city commissioners, village board of trustees, school board or board of education of any school district and the similarly constituted and acting board of any other municipality enumerated in subsection (1) of this section.

(3) Any reference to the population of a municipality means its population according to the last officially published United States or State Census, whichever was latest taken; and every reference to the value of taxable property or the assessed valuation of a municipality means that portion of the value of all taxable property in such municipality as last finally equalized, against which the mill rate of taxes for state and county purposes is computed and extended.

(4) "Recorded" means copied at length in the record book required by Section 14 of this act.

(5) "Initial resolution" means any resolution or ordinance adopted pursuant to Section 7 of this act, by which a proceeding is instituted for the purpose of authorizing a municipality to borrow money and issue bonds.

(6) Proceedings for municipal borrowing or for the issuing of municipal bonds which may be pending at the time this act becomes effective may be continued to completion pursuant to the laws under which they were instituted.

(7) This act is not applicable:

(a) To issue of bonds, warrants or other forms of public securities issued on account of public improvements and for the payment of which special assessments are or shall be levied upon and against property benefited thereby which do not constitute, at the time of their issuance, a general obligation or fixed liability of the municipality issuing the same; nor the portion of any such issue, payable by general taxation, on account of assumption of a portion of the cost of such improvement under Section 3723 of the Compiled Laws of 1913 or any similar law; provided, however, that nothing in this subsection shall be construed to prevent the issuance of bonds by any city or village for the purposes specified in paragraph (g) of subsection (2) of section 4 of this act.

(b) To drainage bonds or irrigation bonds.

(c) To refunding of seed and feed bonds under the provisions of sections 3490b1 to 3490b6 of the Supplement to the Compiled Laws of 1913 or acts amendatory thereof.

(d) To county bonds for agricultural training schools issued under the provisions of Sections 1471a1 to 1471a11 of the Supplement to the Compiled Laws of 1913.

(e) To borrowing of money in anticipation of tax collections by means of certificates of indebtedness, as provided by Sections 2079b1 to 2079b13 of the Supplement to the Compiled Laws of 1913.

§ 2. PROCEDURE VALIDATED.]

(1) Validations heretofore effected by legislative enactment of defective or irregular procedure in the creation, execution or issuance of bonds or any other forms of public securities of any municipality, as herein defined, and validations of debts, bonds or other public securities of such municipalities theretofore contracted or issued without authority previously existing therefor shall continue unaffected by the repeal or by the consolidation and revision of such validating acts in this chapter, and any debts, bonds or other public securities may be funded or refunded under the provisions of this chapter.

(2) Defects and irregularities in any proceeding hereafter had in substantial compliance with this chapter, where the issue is for a lawful purpose, is unaffected by fraud, and does not exceed any constitutional or statutory limitation of amount, shall not invalidate the bonds issued or the indebtedness incurred after the bonds have been sold and the proceeds thereof received by the municipality, nor

after the performance of a contract has been entered upon by a party who is to receive as consideration for said contract the said bonds or the proceeds thereof.

§ 3. GRANT OF POWER TO BORROW. GENERAL LIMITATIONS OF INDEBTEDNESS.]

(1) Every municipality may borrow money and issue municipal obligations therefor for the purposes specified and by the procedure provided in this chapter and for no other purpose and in no other manner, except as provided otherwise in subsection (6) and (7) of Section 1. No municipality shall incur indebtedness in any manner or for any purpose in any amount which, with all other outstanding indebtedness of the municipality, shall exceed five per centum (5%) of the assessed value of the taxable property therein; provided that any incorporated city may, by a two-thirds (2/3) vote of the qualified voters thereof voting upon said question at a general or special election, increase such limit of indebtedness three per centum (3%) on such assessed value beyond said five per centum (5%) limit, and a school district, by a majority vote of the qualified voters thereof voting upon said question at a general or special election, may increase such limitation of indebtedness five per centum (5%) on such assessed value beyond the five per centum (5%) limit; provided also that any county or city, upon authorization by a majority vote of the qualified voters thereof voting upon said question at a general or special election, may issue bonds upon any revenue producing utility owned by such county or city or for the purchasing or acquiring of the same or building or establishment thereof, in amounts not exceeding the physical value of such utility, industry or enterprise; provided, further, that any incorporated city, upon authorization by a majority vote of the qualified voters thereof voting upon said question at a general or special election, may become indebted in any amount not exceeding four per centum (4%) of such assessed value, without regard to the existing indebtedness of said 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, but the aggregate of such additional indebtedness for water works and sewers shall never exceed such four per centum (4%) over and above the limitations of indebtedness in this paragraph heretofore prescribed. In estimating the indebtedness which the municipality, as herein defined, may incur, the entire amount, whether contracted prior or subsequent to the adoption of this chapter, shall be included. All bonds or obligations in excess of the amount of indebtedness permitted by this chapter, given by any municipality as herein defined, shall be void.

(2) The amount so limited includes such indebtedness only as has been or may be incurred independently by a municipality for its own separate purposes, and does not include any indebtedness, in

whole or in part, that has been or may be incurred independently by any other municipality for its own separate purposes, even though the territory and taxable property of either municipality constitutes the whole or a part of the territory and taxable property of the other.

§ 4. PURPOSES AND SPECIFIC LIMITATIONS OF BOND ISSUES]. Municipalities are empowered to borrow money, subject to the general limitations of amounts prescribed by section 3 of this chapter and subject, in certain cases, to the further limitations prescribed by this section, and to issue bonds therefor for the purposes enumerated in this section. Such bonds may be issued:

(1) By any County:

(a) To provide county buildings, but all outstanding unpaid bonds for these purposes shall not exceed in amount at any one time one and one-half per centum ($1\frac{1}{2}\%$) of the value of the taxable property in such county.

(b) To construct or aid in the construction of bridges within or without such county, but all outstanding unpaid bonds for such purposes shall not exceed in amount at any one time one per centum (1%) of the value of the taxable property in such county.

(c) To provide a sum for the original construction and for the improvement and maintenance of highways, but all outstanding unpaid bonds for these purposes shall not exceed in amount at any one time one per centum (1%) of the value of the taxable property in such county.

(2) By any city:

(a) For the erection, purchase, construction, enlargement or repair of municipal or public buildings for the following purposes: city halls, fire protection buildings, water works buildings, police stations, city markets, public baths, hospitals, libraries, museums, auditoriums, armories, gymnasiums and music halls; and to purchase and acquire sites for such buildings, and for the equipment and furnishing thereof.

(b) For the purchase of fire engines and other equipment and materials for fire protection and for the purchase, construction and installation of pumps, watermains, reservoirs, and other necessary facilities, for fire protection.

(c) For the construction and extension of water works plants or purchase of existing plants, construction and improvement of watermains, sewers and drains; to provide the erection, planning, construction and establishment of a sewage disposal plant or system; or for the erection and construction and enlargement of garbage disposal plants; and to purchase sites for the same.

(d) To construct, acquire, enlarge, extend or maintain any plant or equipment or any part of a plant or equipment for the production, transmission, delivery or furnishing of heat, light or power, either directly or indirectly, to or for the public, or to enlarge and extend such plants or equipment or any part thereof. (This paragraph shall not be construed as an amendment to Chapter 255 or 256 Session Laws of 1923, as amended.)

(e) To purchase or acquire any public utility or street railway. (This paragraph shall not be construed as impairing, altering or affecting the powers of the Railroad Commission in any such proceeding.)

(f) To provide for acquiring, laying out and improving parks, parkways, park buildings, public drives, boulevards and cemeteries and to acquire land for these purposes.

(g) To provide money for the payment of any deficiency in the fund of any special improvement district whenever all special assessments heretofore or hereafter levied and collected for the specific improvement are insufficient to pay the special improvement warrants issued against such improvement with interest, and the last of said special improvement warrants shall have matured, but only to the extent of such deficiency.

(3) By any village:

(a) For any of the purposes specified for cities by paragraphs (b), (d), (f) and (g) of sub-section 2 of this section, under the circumstances and subject to the limitations therein expressed.

(b) For the erection, purchase, construction and enlargement or repair of municipal or public buildings for the following purposes: village halls, fire protection buildings, water works buildings, and police stations; and to purchase or acquire sites for such buildings, and for the equipment thereof.

(4) By any common school district, independent school district, special school district, or any other class of school districts by whatever name designated: To purchase, erect, enlarge and improve school buildings and teacherages, and to acquire sites therefor and for play grounds and to furnish and equip such buildings with heat, light and ventilation or other necessary apparatus.

(5) By townships:

(a) For the erection of a township hall and the purchase of a site therefor.

(b) For the construction of roads and bridges but all outstanding unpaid bonds for road and bridge purposes shall not exceed in amount at any one time one and one-half per centum ($1\frac{1}{2}\%$) of the value of the taxable property in such township.

(6) By any park district which constitutes a distinct municipality: To provide for acquiring, laying out and improving parks, parkways, boulevards and pleasure drives, and to acquire land for these purposes, but such indebtedness shall not at any time exceed one per centum of the value of the taxable property in such park district.

(7) By any municipality as herein defined: For the purpose of paying any final judgment obtained against the municipality within the State of North Dakota in case the governing body does not deem it advisable to pay such judgment out of current revenues. In case the bonds authorized by this sub-section cannot be sold in accordance with this act, such bonds may be issued to the judgment creditor in payment of such judgment.

(8) By any of the above mentioned municipalities: To provide necessary funds for the payment of principal and interest of bonds of such municipality, due or about to become due, for the payment of which the municipality has not sufficient funds, but only to the extent of such deficit.

§ 5. ELECTION REQUIRED.. EXCEPTIONS.] It shall be unlawful for any municipality, as herein defined, or for the governing body thereof, to issue bonds without first being authorized to do so by a vote of sixty per cent of all the qualified voters of such municipality voting upon the question of such issue, except as otherwise provided in Section 3 of this Act and, except that the governing body may issue bonds of the municipality for the purpose and within the limitations specified by paragraph (g) of subsection 2 of Section 4, including village bonds for such purpose, and subsection 7 and 8 of Section 4 of this act without an election.

§ 6. MAXIMUM INTEREST RATE, MATURITY AND DENOMINATIONS.] No bonds issued under the provisions of this act shall bear interest at a rate higher than six per cent per annum, payable semi-annually, nor shall the rate thereof exceed the maximum rate specified in the initial resolution for the issuance of such bonds. No bonds issued under the provisions of this act shall run for a longer period than twenty years from their date. Bonds issued under the provisions of this act shall be in denominations of \$100 each or some multiple thereof, not exceeding \$1000. No bonds issued under the provisions of this act shall bear date earlier than the date of the election authorizing their issuance, if such election be required, nor

earlier than the date of the adoption of the resolution of the governing body determining to issue bonds for which no election is required.

§ 7. INITIAL RESOLUTION. HOW ADOPTED.] Proceedings for the issuance of bonds under the authority of this act shall be instituted by the adoption of an initial resolution therefor by the governing body of the municipality in the manner specified by paragraph (b) of this section or by the proposing of such resolution by petition of the voters of the municipality in the manner specified by paragraph (c) of this section. Such initial resolution shall state: (1) the maximum amount of bonds proposed to be issued; (2) the maximum interest rate they shall bear; (3) whether they will be of serial or a single maturity; (4) and if a single maturity the year thereof, or if serial maturities the years of such maturities, but not the amounts for each of such years; (5) the purpose for which they are proposed to be issued; (6) the assessed valuation of all taxable property in the municipality; (7) the total amount of bonded indebtedness of the municipality; (8) the amount of outstanding bonds of the municipality issued for a similar purpose; and (9) any other statement of fact deemed advisable by the governing body or voters proposing the same.

(b) Such initial resolution may be adopted by a majority vote of the governing body at any regular meeting thereof or at any special meeting of which notice has been given as required by law, without any previous action thereon or request therefor by the voters or property owners.

(c) Such initial resolution may be proposed by filing a copy thereof in the office of the clerk, auditor or secretary of the municipality, together with a petition signed by legal voters of the municipality aggregating in number one-fourth ($\frac{1}{4}$) of the number of legal voters of the municipality, as shown by the poll book for the last preceding annual or general election held therein, or if such poll book was not kept, then as shown by a census of the voters of such municipality verified by the affidavit of one of such petitioners, which petition shall ask that an election on the question of issuing such bonds be called. Upon the filing of such proposed initial resolution and petition, it shall be the duty of the governing body to call such election in the manner specified by Section 8 of this act.

§ 8. ELECTION. WHEN AND HOW CALLED AND HELD.] Upon or after the adoption of an initial resolution by the governing body or at the first meeting of the governing body held after the filing of a petition and proposed initial resolution by the voters as specified in

Section 7 (c) hereof, the governing body shall by resolution provide for submitting to the qualified voters of the municipality the question whether such initial resolution shall be approved. The date of such election shall be not less than twenty days after the passage of such initial resolution by the governing body or the filing of a sufficient petition therefor by the voters. In case any municipal election is to be held in the municipality after such twenty days, but within forty days after such passage or filing, the question shall be submitted at such municipal election. If no such municipal election is to be held within such time the question shall be submitted at a special election. The governing body shall designate the date of such election, the polling hours and polling place or places thereof (which shall be the same as for municipal elections therein) and shall appoint an inspector, two judges and two clerks of election for each polling place. In case of the absence of any such official of election or their inability to act at the opening of the polls the remaining election officials for the precinct shall appoint a qualified voter to fill such vacancy. Such election shall be conducted and the returns thereof made and canvassed in the same manner as for elections of members of the governing body of such municipality.

§ 9. NOTICE OF ELECTION TO BE GIVEN.] The auditor, clerk, secretary, or similarly acting officer, by whatever name designated, of such municipality, shall give notice of such election by causing a notice thereof to be published once each week for at least two weeks prior to the date thereof in the official newspaper or newspapers of such municipality, if any, or if it have none in any newspaper published therein, or if there be no newspaper published therein, then by posting copies of such notice in five public places in the municipality. The date of such posting or first publication shall be at least fifteen days before the date of such election, exclusive of the day of such posting or first publication. Such notice shall specify the date, polling hours and polling places of such election, and shall contain a complete copy of such initial resolution, and that the question to be submitted thereat shall be whether said initial resolution shall be approved. Provided, however, that if said question is to be submitted at a municipal election the notice herein prescribed may be separate from the notice of such municipal election and may refer to the notice of such municipal election for the designation of polling places.

§ 10. BALLOT. WHAT TO CONTAIN.] The ballot for such election shall be separate from other ballots used on the same day for other elections, and shall be written or printed, and shall state the question in substantially the following form.

Shall the * * * * (here inserting the name of the municipality) issue its bonds in the amount of not to exceed \$..... (here inserting the amount) for the purpose of * * * (here inserting the purpose)?

- YES
 NO

Spoiled or blank ballots cast at such election shall not be counted either for or against the proposed issue.

§ 11. BONDS ISSUED WITHOUT AN ELECTION.] Preceedings for the issuance of bonds under this act, where no election is required, shall be instituted by a resolution of the governing body containing the facts required for an initial resolution, as prescribed by paragraph (a) of Section 7 of this act, except that the amount, date and maturities of the issue shall be specifically stated. At or after the adoption of such resolution, the governing body may proceed to sell, issue and deliver such bonds, as hereinafter provided in this act for the sale, issuance and delivery of bonds.

§ 12. DIRECT, ANNUAL, IRREPEALABLE TAX.] The governing body of every municipality issuing bonds under the authority of this act shall, after the sale of such bonds and before the delivery thereof, levy by recorded resolution or ordinance a direct, annual tax sufficient in amount to pay and for the express purpose of paying the interest on such bonds as it falls due, and also to pay and discharge the principal thereof at maturity. The municipality shall be and continue without power to repeal such levy or obstruct the collection of said tax until such payments have been made or provided for. A copy of such resolution or ordinance shall be certified to and filed with the county auditor and after the issuance of such bonds such tax shall be from year to year carried into the tax roll of the municipality and collected as other taxes are collected. No further or annual levy for that purpose shall be necessary.

§ 13. AUTHORITY TO BORROW AND ISSUE BONDS, WHEN COMPLETE.] Every municipality that has first complied with all requirements prescribed for and made applicable to it by the preceding section may, but not otherwise, borrow money and issue and sell its municipal bonds to the amount and for the purpose or purposes specified in the initial resolution.

§ 14. RECORD OF PROCEEDINGS.] Every municipality shall provide and keep a record book or record books in which its auditor, clerk or secretary shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing municipal bonds, including a statement of the affirmative and negative votes cast by the electors.

§ 15. FORM AND CONTENTS OF BONDS.]

(1) Every municipal bond shall be a negotiable instrument payable to bearer, or to bearer or the registered owner, with interest coupons attached payable annually or semi-annually at the rate specified in the accepted bid for the purchase of said bonds, which rate shall not exceed the maximum rate specified in the initial resolution. Each bond shall specify the time and place of payment of the principal and interest, and shall be numbered consecutively with the other bonds of the same issue, which shall begin with number one (1) and continue upward, or if so directed by the governing body, shall begin with any other number and continue upward, and each shall bear upon its face a name indicative of the purpose of the issue specified in said initial resolution, and shall contain a certificate or recital that a direct, annual, irrevocable tax has been levied by the municipality upon all the taxable property therein sufficient to pay the interest when it falls due, and also to pay and discharge the principal of such bond at maturity, and may contain any other statement of fact not in conflict with said initial resolution. The entire issue may be composed of bonds of a single denomination or two or more denominations.

(2) Bonds issued under the authority of this act shall be of serial maturities if so specified in the initial resolution. If the maturities are serial the first installment of principal shall fall due not more than three years and the last installment not more than twenty years from the date of the bonds. No installment of principal shall be less than one-third of the amount of the largest installment, except that the amount of such installments of principal may be such that the increase thereof from year to year shall approximately equal the decrease from year to year in the interest on the bonds remaining unpaid.

§ 16. EXECUTION, REGISTRATION AND DELIVERY.] Municipal bonds shall be executed in the name of and for the municipality issuing them by their qualified officers, who shall for that purpose sign the same in their official capacities, as follows: For a county: the chairman of the county board and the county auditor; for a city: the mayor or president of the board of city commissioners and the city clerk or city auditor; for a village: the president of the village board of trustees and the village clerk; for any other municipality: the chairman or president of the board and the clerk or secretary of the governing body, or such other officer or officers as the governing body thereof may determine. The interest coupons attached to such bonds may be executed by the lithographed or engraved fac-simile signature of such officers. The validity of every bond so executed shall remain unimpaired by the fact that one or

more of the subscribing or attesting officers shall have ceased to be such officer or officers before delivery to the purchaser. Every bond issued by a municipality having an official or corporate seal shall be sealed with such seal. After the bonds have been executed as above provided they shall be delivered to the county auditor, except in cities or school districts or park districts having a population of more than 4000, in which cities or school districts or park districts they shall be delivered to the auditor, clerk or secretary thereof. When such bonds are delivered to the county auditor there shall be delivered to him a certified copy of the resolution of the governing body showing their sale. The county auditor or auditor, clerk or secretary of cities, school districts or park districts having a population of more than 4000, upon receipt of such bonds, shall register, in a separate book provided for the purpose, an accurate description of every bond so issued, specifying its number, date, purpose, amount, rate of interest, when and where payable, and the coupons attached. In all cases where the registering officer is not the recording officer of the governing body of the municipality issuing the bonds, there shall also be filed with him a certified copy of all proceedings of the municipality relating to such issue, and a detailed financial statement of the municipality given by the treasurer of the municipality under oath. When such bonds have been fully registered as required by this paragraph, the registering officer shall sign an endorsement on the back of each bond certifying that such bond is fully registered in his office, and, if such be the truth, that such bond is issued in accordance with law and is within the debt limit of the municipality issuing the same. No bond shall be valid without such certificate endorsed thereon. When the bonds have been so registered and certified such registering and certifying officer shall deliver the same to the purchaser thereof in accordance with the terms of the resolution awarding their sale, and shall forthwith transmit the proceeds thereof to the treasurer of the municipality. All bonds authorized pursuant to this act which are not delivered to the purchaser and paid for within three years of their date shall be cancelled. It shall be the duty of such registering and certifying officer, in the presence of at least two other electors of the municipality which authorized their issuance, to destroy such bonds by the burning thereof, and with such witnesses to make and file in the records of his office an affidavit as to the bonds so destroyed and the time and place of such destruction, and to make a record thereof in a proper book of record in his office. A copy of such affidavit shall be filed with the auditor, clerk, or secretary of the municipality which authorized their issuance.

§ 17. MANNER OF SALE OF BONDS.]

(1) No municipality shall sell or enter into any contract for the sale of any issue of its bonds authorized by this act, for whatever purpose issued, without first advertising for bids in the manner prescribed by this section.

(2) A notice calling for bids for each proposed issue of bonds shall be published at least once in the official newspaper of the county in which the municipality is situated not less than fifteen (15) days nor more than thirty (30) days before the date specified therein for the receiving of such bids. Such notice may be in any form but shall specify the amount of bonds offered for sale, and the date or dates of the maturity thereof. A copy of such notice shall be mailed to the tax commissioner at Bismarck not less than fifteen (15) days before the date specified for the opening of bids, and the tax commissioner shall keep such notice on file for public inspection. The county auditor, clerk, or secretary of the taxing district, advertising such sale shall at the same time file with the tax commissioner a statement giving the assessed valuation, the area, the population, and the indebtedness thereof. Failure to publish such notice or to send a copy thereof to the tax commissioner shall not impair the validity of such bonds, but shall render unenforceable any executory contract entered into for the sale thereof, and the auditor, clerk or secretary failing to publish or to send such notice shall be liable to a fine of not more than five hundred dollars (\$500.00) at the discretion of the district court, to be recovered in an action brought by the state's attorney in the name of the state; and the fine, when collected, shall be paid into the general fund of the county. If such failure to publish or send such notice is willful, the auditor, clerk or secretary shall be guilty of a misdemeanor and shall be punished accordingly.

(3) The notice shall specify the time and place at which bids will be received. Except in cases of cities of over 4,000 population or school districts of over 4,000 population or park districts of over 4,000 population, the notice shall specify that bids will be received at the county auditor's office on the day and at the hour specified in the notice. At the time and place specified, the governing board of the taxing district shall be represented by one of its officials or by the county auditor or some other person acting at the request of the board, who shall receive competitive bids, whether submitted orally or in writing. When the bids are received, the county auditor shall enter in a permanent record the amount and rate of interest of each bid and the name and address of the bidder. All bids shall be accompanied by a certified check, cashier's check, or bank draft, to the amount of not less than 2% of the bid. After all bids have been received, they shall be forthwith delivered to the governing body of

the municipality, which shall award the sale of such bonds to the bidder who agrees to purchase them upon the terms most favorable to the municipality, unless the governing body determines to reject all bids. The governing body shall have the right to reject any and all bids, and no sale shall be for less than the par value and accrued interest on such bonds.

(4) When bids are advertised for bonds to be issued by cities of over 4,000 population or by school districts of over 4,000 population or park districts of over 4,000 population the notice may specify that the bids will be received at a place other than the county auditor's office. The auditor, clerk or secretary of the municipality shall send to the tax commissioner a copy of such notice at the same time and in like manner as is required of other municipalities.

(5) It shall be unlawful for an auditor, clerk, secretary, or other official of a municipality, to accept from a bidder or prospective bidder at a sale of bonds, a commission or any other compensation for his services rendered or to be rendered in connection with the issuance, sale or delivery of such bonds.

(6) The procedure prescribed in this section shall not be required in case bonds are sold to the state board of University and School Lands or in case other trust funds administered by public officials are invested in them.

§ 18. REGISTRATION OF OWNERSHIP OF BONDS.]

(1) The ownership of all bonds payable to 'bearer or the registered owner', as authorized by Section 15 of this act, issued by any municipality may be registered as to the principal thereof by the county auditor, or in the case of a municipality of over four thousand (4,000) population, by the auditor, clerk or secretary of the municipality issuing them, or such other officer as the governing body of the municipality may determine. Registration by such officers shall be recorded in the bond register.

(2) The holder of any bond registerable as herein provided may have the ownership thereof registered by the officials named in sub-division 1 of this section, and such registration noted on the bond by or on behalf of the municipality. After such registration no transfer thereof shall be valid unless made on the records of the county auditor or the records of the municipality by the registered owner in person or by his duly authorized attorney and similarly noted on the bond, but the same may be discharged from registration by being in like manner transferred to bearer, and thereafter transferability by delivery shall be restored, but such bond may again from time to time be registered or transferred to bearer as before. Such registration, however, shall not affect the negotiability

of the appurtenant coupons, but every such coupon shall continue to be transferable by delivery only and shall remain payable to bearer.

§ 19. FISCAL AND ADMINISTRATIVE REGULATIONS.]

(1) All money borrowed by municipalities and all money received in payment of any tax levied in accordance with this chapter shall be lawful money of the United States, and all municipal bonds shall be payable in such money.

(2) The governing body of any municipality indebted on account of outstanding municipal bonds is authorized in its discretion to appoint a fiscal agent located in some city within or without the state, or if deemed convenient two such agents, each in a different city. Every such fiscal agent shall be an incorporated bank or trust company authorized by the laws of the United States or of the state in which it is located to do a bank or trust company business. The custodian of the sinking funds of the municipality shall, when necessary, deposit with such fiscal agent or agents such sums of money as are required for the payment of the principal or interest of municipal bonds.

(3) All borrowed money shall be paid into the treasury of the municipality borrowing it, shall be there kept until used in a fund separate and distinct from all other funds, to be used for the purpose for which it was borrowed and for no other purpose except as provided otherwise by Section 20, and be withdrawn only upon orders or warrants made payable out of said funds and expressing the purpose for which they were drawn. The purchaser of any bonds issued pursuant to this act shall not be obliged to see to the application of the purchase price thereof, but shall be fully protected in paying for such bonds by the receipt of the county treasurer or of the officer delivering such bonds, as provided by Section 16 of this act.

(4) After any municipality has provided, as required by Section 13 of this act, for an issue of bonds for a lawful purpose which can be accomplished only through performance of an executory contract by some other contracting party, such contract may be entered into before the actual execution or sale of the bonds with like effect as if the necessary cash for payments on the contract were already in the treasury.

§ 20. SINKING FUND, SOURCES AND USES.] The sinking funds for the payment of all bonds issued pursuant to this act shall be held by the county treasurer of the county within which the municipality issuing the same is located except in case of municipalities having a population of over 4,000, in which instance the treasurer of the municipality shall be the custodian of sinking and interest funds. Such sinking fund shall be disbursed by the county treasurer or treasurer of the municipality as the case may be, upon the

directions therefor by resolution of the governing body of the municipality issuing such bonds. Provided that the county treasurer or treasurer of the municipality shall not disburse any of such funds contrary to the provisions of this act, even though so directed by such governing body; and provided further that the county treasurer or treasurer of the municipality may disburse such funds for the purpose of paying the principal and interest, or either, of the bonds for which such fund was created without any authorization therefor by the governing body. The sinking fund of each bond issue shall be kept separate and shall be designated by a name indicative of the issue of bonds on account of which it was created. The sources of such funds shall be:

First. All moneys accruing to the borrowed money fund prescribed by sub-section 3 of Section 19 of this act which at any stage are not needed and which will not be needed for the purpose for which the money was so borrowed, and any moneys so becoming applicable to the sinking funds shall be transmitted by the treasurer of the municipality to the county treasurer in case of municipalities having a population of 4,000 or less upon direction therefor by the governing body of the municipality.

Second. All moneys raised by taxation pursuant to Section 12 of this act for the purpose of paying said bonds.

Third. Such moneys derived from licenses or other sources, the expenditure of which is not otherwise provided for by law, as the governing body may elect to place in the sinking fund, which moneys shall be paid over to the county treasurer for deposit in such sinking fund by the treasurer of the municipality upon a resolution directing such payment by the governing body.

Fourth. The premium, if any, for which the bonds have been sold over and above the par value and accrued interest.

(2) Proper orders or warrants shall be drawn upon the sinking fund each year to pay interest and principal maturing in such year upon said bonds. Taking care that enough cash is always retained in such fund to provide for such annual payments, the surplus, if any there be, may be loaned or invested under the direction of the proper governing body as follows:

First. The outstanding bonds for the payment of which the sinking fund is required, at any price not exceeding the principal, accrued interest, and a premium of not to exceed two years' interest on such bonds.

Second. In interest bearing bonds of the United States or of the State of North Dakota or of any municipality as defined in Section 1 of this act.

Third. Otherwise all such sinking funds shall be loaned or deposited in conformity with the provisions of Sections 714a1 to 714a19 of the Supplement to the Compiled Laws of 1913 or acts amendatory thereof.

(3) Investment of the second class specified in sub-section 2 shall continue a part of the sinking fund and shall be held in the custody of the treasurer of the municipality. Bonds representing such investments may be sold by the governing body at any time, but the money received shall likewise remain, until used, a part of the sinking fund.

(4) Money shall not be withdrawn from a sinking fund and appropriated to any purpose whatever other than the purposes for which the fund was instituted until that purpose has been accomplished, except as authorized by this section.

(5) Any surplus in a sinking fund after all of the bonds for the payment of which the fund was created have been paid and canceled and after all investments of the second and third class have been finally disposed of or realized upon, shall be placed in the general fund of the municipal treasury.

(6) Every municipal sinking fund maintained at the time of the enactment of this act under laws in force up to that time, shall be continued and administered in accordance with this law.

§ 21. MUNICIPALITIES IN MORE THAN ONE COUNTY.]

Wherever in this act a county officer is required to take any action in reference to the bond issues or sinking funds of the municipalities of such county, if such municipality is situated partly within one county and partly within another or others, the governing body of such municipality shall by ordinance or recorded resolution designate the county whose official shall act in such capacity. In such cases collection of taxes levied in accordance with this act in any county wherein a portion of such municipality is situated shall be transmitted and delivered to the custodian of the sinking fund of the municipality so specified by the governing body.

§ 22. LIMITATION OF ACTION.]

No action shall be brought or maintained in any court in this state questioning the validity of any bonds issued pursuant to this act or of any tax levied pursuant hereto, unless such action shall have been commenced within sixty (60) days after the adoption of the resolution of the governing body awarding the sale of such bonds.

§ 23. PENALTY FOR DIVERSION OF SINKING AND INTEREST FUNDS.]

Any treasurer who shall pay over moneys raised for the retirement of bonded debt obligations or for the payment of interest on bonded debt obligations for any purpose except for the payment of principal and interest on the bonded debt for which the fund was created shall be deemed guilty of embezzlement. Any member of a

governing board or clerk of a municipality who shall be a party to the issuance of a warrant drawn on any sinking fund or interest fund for any purpose except for the purpose for which the fund was created shall be deemed guilty of a misdemeanor.

§ 24. PENALTY FOR DIVERSION OF BORROWED MONEY FUND.] Any treasurer who shall make payment of any amount out of the borrowed money fund for any purpose except for the purposes for which the fund was raised, or except by transfer to the sinking fund established for retirement of the debt obligation, shall be deemed guilty of a misdemeanor, and any clerk of a municipality or member of the governing body of the municipality who shall be a party to such diversion or attempted diversion shall be deemed guilty of a misdemeanor.

§ 25. REPEAL.] Sections 1272, 1274, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1333, 1336, 1337, 1338, 1339, 1422, 3449, 3450, 3452, 3453, 3454, 3456, 3457, 3458, 3459, 3462, 3463, 3464, 3465, 3466, 3467, 3468, 3469, 3470, 3868, 4014, 4015, 4017, 4018, 4019, 4020, 4021, 4022, 4023, 4024, 4025, 4026, 4027, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039, 4254, 4255, 4256, 4257, 4258, 4259, 4260, 4261 of the Compiled Laws of North Dakota for the year 1913 and repealing Sections 1273, 1274a1, 1274a2, 1275, 1276, 1277, 1303, 1307, 1321a14, 1332, 1334, 1335, 1341, 1421, 1422, 3451, 3743c1, 3743c2, 3743c3, 3882a1, 3882a2, 4016, 4037b 4037c, 4037d1 and 4037d2 of the Supplement of the Compiled Laws of 1913, and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 28, 1927.

CHAPTER 197
(H. B. No. 124—Wilson)

ELECTRIC PLANTS OF MUNICIPAL CORPORATIONS

An Act to Authorize and Empower Cities, Towns or Villages to Purchase, Erect, Operate and Maintain, Enlarge, Improve, and Extend, or Lease From Any Person, Firm or Corporation, or Sell or Lease to Any Person, Firm or Corporation, Any Electric Light and Power Plant, Site, Buildings and Equipment Thereof, or Any Electric Distribution System and Equipment Thereof, or Any Electric Transmission Line and Equipment Thereof, or All or Any Part or Parts of Any of Such Plants, Systems and Lines, and Any Interest in Any Such Plant, System or Line Within and Without the Corporate Limits of Such City, Town or Village, and Providing for the Issuance of Bonds and the Levying of Special Assessments and the Creating of Special Assessment Districts in Connection With the Exercise of Any of the Powers Above Granted, and Providing for the Legalization and Validation of Purchases and Sales and the Issuance of Bonds Heretofore Made and Repealing Chapter 255 of the Session Laws of North Dakota for the Year 1923, Being Sections 3992b1 and 3992b2 of the Supplement to the 1913 Compiled Laws of the State of North Dakota.

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

§ 1. That Chapter 255 of the Session Laws of North Dakota for the year 1923 is hereby amended and re-enacted to read as follows:

§ 1. Any city, village or town is authorized and empowered to purchase, erect, operate and maintain, enlarge, improve and extend, or lease from any person, firm or corporation, or sell or lease to any person, firm or corporation, any electric light and power plant, site, buildings and equipment thereof, or any electric distribution system and equipment thereof or any electric transmission line and equipment thereof, or all or any part or parts of any of such plants, systems and lines, and any interest in any such plant, systems or lines, within and without the corporate limits of such city, village or town for the purpose of furnishing or procuring to be furnished electric energy for heat, light and power purposes for such city, village or town and its inhabitants and industries in the manner herein provided.

§ 2. No such city, village or town officers shall purchase, erect or substantially enlarge, improve, extend or lease from others any such plant, system or line unless and until the proposition of doing so shall have been submitted under authority of a resolution of the governing body to the qualified voters of said city, village or town at an annual or special election called, held and conducted upon the notice and in the manner specified by law for the election of the governing body of such city, village or town, and shall have been approved by a majority of such voters voting thereon.

§ 3. No such city, village or town shall sell any such plant, system or line or lease the same or any substantial part thereof or interest therein to any person, firm or corporation unless and until such person, firm or corporation shall have filed in the office of the clerk or auditor of such municipality a complete offer or proposition therefor in writing and a majority of the qualified voters of said municipality at an election called, held and conducted as specified in Section 2 hereof shall have voted in favor of accepting the offer or proposition so filed, and a copy of said offer or proposition shall be published with the notice of such election. The proceeds of any sale or lease made as in this section provided shall be applied to the payment of existing indebtedness, if any, of such municipality incurred for the purpose of purchasing, erecting, operating and enlarging, improving or extending such plant, system or line. Provided, however, that the purchaser or lessee shall not be required to see to the application of the consideration of such purchase or lease, but shall be fully protected in making such payment or payments by the receipt of the treasurer of such municipality therefor.

§ 4. Any such city, village or town may pay the cost of purchasing, erecting, enlarging, improving, extending or leasing any such plant, system or line, or any part thereof, either by issuing special assessment warrants as hereinafter provided, or by issuing bonds of such municipality as hereinafter provided, or partly by such special assessment warrants and partly by such bonds.

§ 5. In case the governing body of such municipality shall deem it advisable to pay the whole or any part of the cost mentioned in Section 4 hereof by special assessment warrants it shall first by ordinance create a special assessment district which shall include, as nearly as may be determined, all of the property in such municipality, that will be benefited by such improvement, whether the entire municipality or a portion thereof, and shall thereafter adopt a resolution of necessity and hold a hearing thereon and estimate the amount of the cost of said improvement and let a contract or contracts therefor and create a fund for said district and issue and sell the warrants of the municipality drawn on said fund and complete the work of said improvement and assess the property benefited thereby, all in the form and upon the notices and in the manner specified by Sections 3698, 3703 to 3716, both inclusive, and 3724 and 3739, both inclusive, and 3743 of the Political Code of the State of North Dakota for the year 1913, all as amended, in so far as such sections are applicable to the improvement so being made hereunder, and the special assessments so levied shall be payable in equal annual installments extending over a period not exceeding 20 years, and

shall bear interest at a rate not to exceed 7% per annum on the total amount of such assessments remaining from time to time unpaid. Such municipality shall have power, within the debt limit provisions of the Constitution, to pay at the option of the governing body any portion of the cost of such improvement by general taxation upon all taxable property in the municipality, which tax shall be levied at the time of making such improvement, shall be spread over the years and in such amounts as will meet the municipality's share of the cost represented by the principal of warrants issued against said fund and interest thereon, and which tax when and as collected shall be paid into the fund of said district and used solely for the payment of the principal and interest of warrants issued against said district. The ordinance levying such tax shall be irrepealable so long as any warrants are outstanding against said fund.

§ 6. No such city, village or town shall issue its bonds as authorized by Section 4 hereof unless and until the question of issuing such bonds shall have been approved by a majority of the voters of such municipality voting upon the question of their issuance at an election called, held and conducted as specified in Section 2 hereof. The notice of such election shall specify the maximum amount, maximum interest rate, purpose and maturity of such bonds. Such bonds shall be sold in the manner provided by Chapter 327 of the Session Laws of North Dakota for the year 1923 as amended. At or before the issuance of such bonds, such municipality shall by ordinance levy a direct annual irrepealable tax upon all the taxable property in such municipality in the years and amounts sufficient to pay the principal and interest of such bonds when due.

§ 7. Any or all of the propositions and questions to be voted upon as specified in Section 2, 3 and 6 may be submitted at one and the same election, and upon one ballot, but the ballot shall state each of said propositions separately.

§ 8. Any proceedings heretofore instituted by any city, village or town under the provisions of Chapter 255 of the Session Laws of 1923, may be completed under and in accordance with said law as the same existed before this amendment thereof.

§ 9. Where the officers of any incorporated city, village or town of this state shall have heretofore purchased, erected, operated, maintained, enlarged, improved, extended or leased from any person, firm or corporation, or sold or leased to any person, firm or corporation, any such plant, system or line, or part thereof, such actions of such municipal officers are hereby legalized and validated provided, however, that nothing contained herein shall effect any act or proceeding now pending in any court in this state, affecting the same.

§ 10. Any and all bonds heretofore issued by any city, village or town for the purpose of purchasing, erecting, operating, maintaining, enlarging, improving or extending any such plant, system or line, or part thereof, which bonds were on the date of their issuance within the constitutional debt limit, are hereby declared to be legal and valid and an enforceable obligation of such city, village or town, provided, however, nothing contained herein shall affect any act or proceeding now pending in any court in this state, affecting the same.

§ 2. REPEAL.] Chapter 255 of the 1923 Session Laws of the State of North Dakota is hereby repealed.

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

Approved February 19, 1927.

CHAPTER 198

(H. B. No. 56—Steedsman)

MUNICIPALITIES AND TOWNSHIPS—SUPPORT DISTRICT FAIR ASSOCIATION

An Act to Amend and Re-enact Sections 4089a1, 4089a2, 4089a3 and 4089a4 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Providing that Townships and Municipalities May Contribute to the Support of District Fair Association.

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

§ 1. AMENDMENT.] Section 4089a1 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be and the same is amended and re-enacted to read as follows:

§ 4089a1. VOTE AS TO.] At each annual meeting of any township or municipality in the state the electors thereof may vote upon the question of contributing to the support of a district fair association. If the majority of the votes cast on the question are in favor of contributing to the aid of such fair association, the township or municipality shall pay to the treasurer of the fair association a sum not to exceed one hundred dollars, the amount to be determined at said annual meeting; provided, that no township or municipality shall contribute to the support of more than one district fair association.

§ 2. AMENDMENT.] Section 4089a2 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be and the same is amended and re-enacted to read as follows:

§ 4089a2. DISPOSITION OF MONEY CONTRIBUTED.] The money contributed by any township or municipality to the support of a district fair association shall go into the general fund of the association and shall be expended by the fair association in cash prizes which shall be offered and given to competitive exhibitors who are residents of the district.

§ 3. AMENDMENT.] Section 4089a3 of the Supplement to the Compiled Laws of North Dakota for the year 1913 be and the same is amended and re-enacted to read as follows:

§ 4089a3. REPORT.] It shall be the duty of the secretary of the fair association to give a report to the clerk of the township or municipality which made the contribution to said fair association which report shall contain a list of the prizes given.

§ 4. AMENDMENT.] Section 4089a4 of the Supplement to the Compiled Laws of North Dakota for the year 1913, be and the same is amended and re-enacted to read as follows:

§ 4089a4. EMERGENCY.] An emergency existing in that there is no provision in law whereby the township or municipality may contribute to the support of district fair associations, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 16, 1927.

NOTE: The foregoing measure carried the following vote on final passage:

House	60—48—5
Senate	38— 8—3

CHAPTER 199

(S. B. No. 236—Ettestad)

TAX LEVY—ELECTORS VOTE TOWNSHIP PURPOSES

An Act to Amend and Re-enact Section 2151 of the Supplement to the Compiled Laws of 1913, Relating to Township Tax Levies and Elector's Right to Vote Amounts for Township Purposes.

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

§ 1. AMENDMENT.] Section 2151 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 2151. ELECTOR'S RIGHT TO VOTE AMOUNTS FOR TOWNSHIP PURPOSES.] The electors of each township have power at the annual meeting to vote to raise such sums of money for the repair and construction of roads and bridges, for the support of the poor and

for all township charges and necessary expenses, as they deem expedient. They may, at such annual meeting, direct such portion of the poll or road tax of the township to be expended on the highways in an adjoining township, as they deem conducive to the interests of the township. Labor and taxes in such instances shall be expended under the joint direction of the supervisors of the townships interested and furnishing the same. Where more than one congressional township is included within an organized township, the poll and road taxes raised within the limits of each of such congressional townships, shall be expended within such congressional townships, unless raised to be expended outside of such organized townships in an adjoining township.

Provided, the total rate of the annual tax levy in civil townships shall not exceed five mills on the dollar of the net taxable assessed valuation thereof. The Board of Township Supervisors may levy for township purposes such sum as may be voted at the annual town meeting. The Board of County Commissioners shall have the same jurisdiction in relation to roads and bridges, and the same power to levy road and bridge taxes in unorganized parts of counties, as the Township Supervisors now have in organized townships, but the total tax for road and bridge purposes, levied by the Board of County Commissioners in such unorganized townships for road and bridge purposes, shall not exceed three mills on the dollar of the net taxable assessed valuation of such unorganized townships. Such limitation, however, shall not be construed as limiting the power of the Board of County Commissioners to levy general county taxes for road and bridge purposes in such unorganized territory as may be provided by law.

Approved March 5, 1927.

CHAPTER 200
(S. B. No. 4—Forbes)

SERVICE ON TOWNSHIP

An Act to Amend and Re-enact Section 4230 of the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 4230 of the Compiled Laws of North Dakota for 1913 be, and the same is, amended and re-enacted to read as follows:

§ 4230. Whenever any action or proceeding is commenced against a township, the supervisor, upon whom service of papers shall have been made, shall have the power and it shall be his duty,

to call a special meeting of the board of supervisors of such township, within six days after such service, and at such special meeting the said supervisors shall provide for the defense of such action, if they be so advised, and employ counsel for that purpose, the expenses of which defense shall be audited by said supervisors and by them ordered paid out of any unappropriated funds in the township treasury.

Approved January 28, 1927.

CHAPTER 201

(S. B. No. 199—Carey and Ettestad)

COMPENSATION TOWNSHIP TREASURERS

An Act to Amend and Re-enact Section 4206 of the Compiled Laws of North Dakota 1913, Relating to the Compensation of Township Treasurers.

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

§ 1. AMENDMENT.] That Section 4206 of the Compiled Laws of North Dakota 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 4206. TREASURER TO DRAW MONEYS FROM THE COUNTY.] The Township Treasurer shall, from time to time, draw from the County Treasurer such moneys as have been received by the County Treasurer for the use of his township, and upon the receipt of such moneys shall deliver proper vouchers therefor. Each township treasurer shall be allowed and entitled to receive one and one-half per cent ($1\frac{1}{2}\%$) of all moneys paid out of the township treasury, for receiving, safely keeping, and paying over the same according to law; provided, that in no case shall such township treasurer receive for such services more than FIFTY DOLLARS (\$50.00) in any one year; provided further, that such treasurer shall not be allowed any percentage or amount on the balance turned over by him to his successor in office.

Approved March 5, 1927.

CHAPTER 202
(S. B. No. 161—Tofsrud)

FEEES OF POUNDMASTER—NOTICE AND SALE OF ESTRAYS

An Act to Amend and Re-enact Section 4251 of the Compiled Laws of 1913, Relating to Fees of Pound Master and Notice of Taking Up Estrays and Sale of Estrays.

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

§ 1. AMENDMENT.] Section 4251 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 4251. FEES OF POUND MASTER AND NOTICE OF TAKING UP ESTRAYS. SALES.] The pound master is allowed to charge and collect the following fees:

For taking into pound or discharging therefrom any horse, ass or mule, and all neat cattle, twenty cents each; for every sheep or lamb, ten cents each; and for every hog, large or small, ten cents each; and twenty-five cents for keeping each of said animals twenty-four hours in pound, except in case of horses, the charge may be fifty cents for each twenty-four hours in pound; and the pound master has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid and said animals removed within ten days after they are impounded, the pound master shall give notice as provided in Section 2658 of the Supplement to the Compiled Laws of 1913, and also by posting in three of the most public places in the township, notices that said animals, describing them, are impounded, and that unless the same are taken away and fees paid within thirty days after the date of such notice, he will sell the same at public vendue at the place where the township meetings of such township are usually held; and on the day designated in such notice the pound master shall expose such animals for sale and sell the same to the highest bidder for cash, for which service he shall receive two per cent of the purchase money for each animal.

In case any animal taken up by the pound master or impounded is worthless and cannot be sold, the pound master shall destroy the animal, and the township board of supervisors shall pay the pound master the statutory fees for the care of such animals out of the general fund of the township.

Approved March 3, 1927.

NORTH DAKOTA

CHAPTER 203

(H. B. No. 275—Burkhart, Burns, Muus, Ehr and Johnson)

COMPACT WITH SASKATCHEWAN AND MANITOBA AND DOMINION OF CANADA AND U. S. AS TO MOUSE RIVER

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the State of North Dakota, the Provinces of Saskatchewan and Manitoba and the Dominion of Canada and the United States of America, Respecting the Use, Control, Utilization and Disposition of the Waters of the Mouse River (named the Souris River in Canada) and the Rights of said State of North Dakota and said Provinces and the Dominion of Canada and the United States Thereto.

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

§ 1. APPOINTMENT.] The Governor of the State of North Dakota shall appoint the State Engineer, or an Assistant to the State Engineer, who is in charge of matters relating to flood protection and drainage, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North Dakota, the Provinces of Saskatchewan and Manitoba, the Dominion of Canada, and the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the State of North Dakota, said Provinces and the Dominion of Canada and the United States of America, with the consent of the proper authorities of said high contracting parties respecting the control, utilization and disposition of the waters of the said Mouse River (named the Souris River in Canada) and the benefits to be derived therefrom; provided, however, that any compact or agreements so entered into by said parties above mentioned shall not be binding or obligatory upon any of the high contracting parties thereto, unless and until the same shall have been ratified by the proper authorities representing said State of North Dakota and the Provinces referred to, as well as the Dominion of Canada and the United States of America.

§ 2. NOTICE OF APPOINTMENT; WHEN DUTIES TO BE PERFORMED.] The Governor of North Dakota shall notify the proper authorities representing the Province of Saskatchewan and the

Province of Manitoba and the Dominion of Canada of the appointment of representatives of North Dakota as soon as said representatives shall have been appointed and qualified, but said representatives shall not enter upon the performance of their duties until a representative or representatives to serve upon said joint commission shall have been named and qualified for each of the parties named in Section 1 hereof, provided, however, that said representatives shall proceed immediately after the passage of this act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Mouse River (named Souris River in Canada) and its tributaries within the boundaries of the State of North Dakota, and the securing of the necessary data and information called for by this act shall not be contingent upon appointment and qualification of the representatives of the other Provinces concerned or of the representatives of the Dominion of Canada or of the United States of America.

§ 3. AUTHORITY.] Said representatives of the State of North Dakota shall have full authority to make or cause to be made any and all investigations of the Mouse River (named the Souris River in Canada) and the drainage area thereof, which may become necessary in order to sufficiently advise said representatives of the physical conditions obtaining upon said streams and the drainage area thereof, and of the present and future needs of the State of North Dakota and its citizens in the use and control of the waters of said streams and the streams tributary thereto. To that end, said representatives shall have authority to administer oaths, examine and require the attendance of witnesses and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representatives of the facts and furnish him or them with adequate information in order that they may properly perform their duties as representatives of the State of North Dakota upon said joint commission.

§ 4. NO APPROPRIATION ; OUTSIDE AID.] No appropriation is made for the purposes of carrying out this act other than the appropriation for the State Engineer's Office, but the State Engineer shall be permitted to utilize his office force and staff, where this can be done without detriment to the other work required to be performed under existing laws ; and the representatives appointed under the provisions of this act may receive financial or other assistance from such associations or individuals as are interested in and willing to give such aid in performance of the services required to be performed under the provisions of this act.

Approved March 3, 1927.

CHAPTER 204
(H. B. No. 217—Rulon)

COMPACT WITH SOUTH DAKOTA AS TO USE, CONTROL, ETC.,
OF JAMES RIVER

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the States of North Dakota and South Dakota, Respecting the Use, Control, Utilization and Regulation of the Waters of the James River and the Rights of Said States Thereto.

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

§ 1. APPOINTMENT.] The Governor of the State of North Dakota shall appoint the state engineer, or an assistant to the state engineer, who is in charge of matters relating to flood protection and drainage, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North and South Dakota, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said states, respecting the control, utilization and regulation of the waters of the James River and streams tributary thereto, and fixing and determining the rights of the said states concerning the control, utilization and regulation of the waters of said stream and the benefits to be derived therefrom; provided, however, that any compact or agreement so entered into by said states shall not be binding or obligatory upon any of the high contracting parties thereto, unless and until the same shall have been ratified and approved by the legislatures of the said states.

§ 2. NOTICE OF APPOINTMENT; WHEN DUTIES TO BE PERFORMED.] The Governor of North Dakota shall notify the Governor of South Dakota of the appointment of the representatives of North Dakota as soon as said representatives shall have been appointed and qualified, but said representatives shall not enter upon the performance of their duties until a representative or representatives to serve upon said joint commission shall have been named and qualified for each state named in section 1 hereof, provided, however, that said representatives shall proceed immediately after the passage of this act and its approval by the governor, in carrying out the provisions of section 3 hereof as pertains to the James River and its tributaries within the boundaries of the State of North Dakota, and the securing of the necessary data and information called for by this act shall not be contingent upon appointment and qualification of the representatives of the State of South Dakota.

§ 3. **AUTHORITY.]** Said representatives of the State of North Dakota shall have full authority to make or cause to be made any and all investigations of the James River and the drainage area thereof, which may become necessary in order to sufficiently advise said representatives of the physical conditions obtaining upon said streams and the drainage area thereof, and of the present and future needs of the State of North Dakota and its citizens in the use and control of the waters of the said stream and the streams tributary thereto. To that end, said representatives shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representatives of the facts and furnish him or them with adequate information in order that they may properly perform their duties as representatives of the State of North Dakota upon said joint commission.

§ 4. **NO APPROPRIATION; OUTSIDE AID.]** No appropriation is made for the purpose of carrying out this act other than the appropriation for the state engineer's office, but the state engineer shall be permitted to utilize his office force and staff, where this can be done without detriment to the other work required to be performed under existing laws; and the representatives appointed under the provisions of this act may receive financial or other assistance from such associations or individuals as are interested in and willing to give such aid in performance of the services required to be performed under the provisions of this act.

Approved March 3, 1927.

CHAPTER 205
(S. B. No. 225—Sathre)

DISTRIBUTION OF LAWS FOR OFFICIAL PURPOSES

An Act to Amend and Re-enact Section 89 of the Compiled Laws of the State of North Dakota of 1913 Relating to the Exchange of Laws With Other States.

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

§ 89. The chief justice of the supreme court, the governor and the attorney general, shall constitute a board to control distribution, other than already provided by statute, of all laws passed by each legislative assembly and all compilations or codifications of the same, and whenever it shall seem to such board desirable, it may authorize and direct the secretary of state to distribute copies thereof:

(1) in exchange for like publications of other states, or

- (2) to replace copies lost or damaged in official use in this state, or
- (3) to provide copies to state officers, boards, commissions or institutions as may be created from time to time in this state, or
- (4) to provide additional copies to such state officers, boards, commissions or institutions as may be found to be inadequately supplied.

Approved March 5, 1927.

CHAPTER 206

(H. B. No. 353—Jardine)

RETENTION MONEY ON PUBLIC CONTRACTS

An Act Providing for the Percentage of the Contract Price Which Shall Be Retained and Held Back Upon All Contracts Made by Public Corporations of this State Including the State and All State Institutions, Until the Completion and Acceptance of Such Contracts.

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

§ 1. RETENTION MONEY ON PUBLIC CONTRACTS.] There shall be held back and retained upon all contracts made by public corporations of this state, including the state and all state institutions, until the final completion and acceptance of such contracts, an amount equal to 15% of the contract price of such contracts, unless a smaller percentage is now provided by law to be so withheld and retained.

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

Approved March 3, 1927.

CHAPTER 207

(S. B. No. 2—Special Committee)

SUPPLEMENT TO THE COMPILED LAWS OF 1913

An Act Declaring that the Courts of this State Shall Take Judicial Notice of a Publication of Certain Laws of This State Prepared and Published Pursuant to the Provisions of Chapter 158, Session Laws of 1925, and Commonly Known and Entitled "Supplement to the Compiled Laws of 1913," and that Amendments and Repeals Thereof and Enactments of Other Laws Referring Thereto Shall Be Deemed to Refer to Laws of the State as Appearing in Such Publication.

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

§ 1. All courts of this state shall take judicial notice of a publication prepared and published pursuant to the provisions of

Chapter 158, Session Laws 1925, and purporting to be a compilation of the statutes enacted at the Legislative Sessions of 1915, 1917, at the special session of 1918, the regular session of 1919, and the special session of 1919, and at the regular sessions of 1921, 1923 and 1925, such publication being commonly referred to and known as "Supplement to the Compiled Laws of 1913;" and whenever, in any enactment of the Twentieth Legislative Session, or any subsequent legislative session, any reference shall be made to said "Supplement to the Compiled Laws of 1913," such reference shall be deemed and taken to refer to the original laws purporting to be contained in said publication. And any amendment or repeal of any law by reference to said publication shall be deemed and taken to be an amendment or repeal of the original laws purporting to be embodied in said publication and declared repealed or amended, and no inaccuracy in the reference to or in said publication shall defeat such amendment or repeal if it be sufficient to enable the court to ascertain what is intended.

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

Approved January 14, 1927.

NURSES

CHAPTER 208

(S. B. No. 226—Committee on Public Health)

DUTIES OF INSPECTOR, COURSE OF STUDY AND QUALIFICATION OF NURSES TRAINING SCHOOLS

An Act to Amend and Re-enact Sections 506a6 and 506a9 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 506a6 is hereby amended and re-enacted to read as follows:

506a6. DUTIES OF INSPECTOR OF TRAINING SCHOOLS. COURSE OF STUDY IN TRAINING SCHOOLS.] The member acting as inspector of training schools shall inspect all schools for nurses in North Dakota and shall report to the board such schools as shall provide courses of instruction, both practical and theoretical, in the subjects mentioned in section 5 of this act, except that in the subject of contagion the instruction may be theoretical only, and in addition such schools must have such daily average number of patients as may be determined by the board of nurse examiners. Before any

training school shall admit any student for the professional course, such student must present certified evidence from the State Superintendent of Public Instruction to the effect that such student has completed eight units of high school work or an equivalent education, provided that prior to September 1, 1930, completion of only four units of high school work, or its equivalent, shall be required.

§ 2. AMENDMENT.] That Section 506a9 is hereby amended and re-enacted to read as follows:

§ 506a9. QUALIFICATION OF APPLICANTS.] Any person desiring to practice professional nursing in this state shall make application to said board as provided in Section 8 of this act, and shall pay to the secretary at the time of making application for registration the sum of \$10.00 as an examination fee, and shall present himself or herself at the next regular meeting of said board for the examining of applicants, and said board shall proceed to examine said applicant and upon said board being satisfied that: (1) Said applicant is of the age of nineteen years or over; (2) of good moral character; (3) has received the preliminary education required by Section 6 hereof, provided that any student in training at the time this act takes effect shall be required only to show the preliminary education required for admission into the high schools of the state; (4) has graduated from a training school connected with a general hospital, where three years of training in a systematic course of instruction is given in the hospital, or has graduated from a training school in a hospital of good standing, supplying the systematic three years' training corresponding to the above standards, which training may be received in two or more hospitals; and providing that the results of the examination show a general average of seventy-five per cent or more and not below sixty per cent in any subject, said board shall enter the applicant's name in the register, hereinafter provided for, and shall issue to said person a certificate of registration authorizing said person to practice as a registered nurse. Registration must be renewed on September 1st of each year and a fee of \$1.00 is required for the renewal certificate. On May 1st, the secretary of the board shall mail to all registered nurses an application for re-registration, and re-registration must be applied for before August 1st, and the application and fee (\$1.00) must be in the hands of the secretary of the board by that time. The nurse must be prepared to show the certificate upon request.

Approved March 5, 1927.

PEDDLERS

CHAPTER 209 (S. B. No. 80—Seamands)

PEDDLERS LICENSE

An Act to Amend and Re-enact Section 3029 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Method of Obtaining a Peddler's License.

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

§ 1. AMENDMENT.] That Section 3029 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 3029. LICENSE, HOW OBTAINED.] Each person desiring to obtain a license as peddler shall make application to the County Auditor of the county in which he desires to peddle, which application shall be signed by the applicant, and shall state in what manner the applicant desires to travel as a peddler, whether on foot, with one or more horses, or other beasts of burden, or by motor driven vehicle or otherwise.

Approved March 3, 1927.

PHARMACY

CHAPTER 210 (H. B. No. 121—Fedje)

REGISTRATION APPRENTICES IN PHARMACY

An Act to Amend and Re-enact Section 489 of the Compiled Laws of North Dakota of 1913, Making Persons Eligible to Register as Apprentices in Pharmacy.

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

§ 1. AMENDMENT.] That Section 489, Compiled Laws of 1913 be and is hereby amended and re-enacted to read as follows:

§ 489. Any person having the educational qualifications sufficient to enable him or her to pass an entrance examination to the high schools of the State of North Dakota, or its equivalent, desiring to register as an apprentice in pharmacy shall at the date of entering into his or her apprenticeship file with the secretary of the state board of pharmacy a certificate, stating that he or she has

entered into an apprenticeship, and stating his or her age, name and educational qualifications, and he or she shall at the same time file with the said secretary a certificate from his or her employer, who must be a regularly licensed and registered pharmacist of this state, which certificate shall set forth that the applicant has been employed by him as an apprentice in pharmacy, and that said applicant possesses the knowledge of such registered pharmacist, education and qualifications which would enable him or her to pass the entrance examinations to the high schools of this state or its equivalent; said certificates shall be accompanied by a fee of twenty-five cents, and thereupon it shall be the duty of said secretary to file the same and register said applicant as an apprentice and at the expiration of two years after such registration the said applicant shall be permitted to take the examination prescribed by the state board of pharmacy for assistant pharmacists upon the conditions imposed by the state board of pharmacy.

Approved March 7, 1927.

CHAPTER 211
(S. B. No. 49—Murphy)

PRACTICE OF PHARMACY

An Act to Amend and Re-enact Sections 476, 486, 487, 488, 490, 493, 495, 504, and 505 of the Compiled Laws of the State of North Dakota, for the Year 1913, the Same Being Sections 2, 12, 13, 14, 16, 19, 21, 25, 30, and 31 of Chapter 182 of the Session Laws of 1907, Entitled "An Act to Regulate the Practice of Pharmacy, and Providing Penalties for Violating the Provisions Thereof."

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

§ I. AMENDMENT.] Section 476 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 476. WHO MAY ENGAGE IN THE DRUG BUSINESS.] Every store, dispensary, pharmacy, laboratory, or office for the sale, dispensing or compounding of drugs, medicines or chemicals, or for the compounding or dispensing of prescriptions of medical practitioners shall be in charge of a registered pharmacist, or during the temporary absence of such registered pharmacist, in charge of a registered assistant pharmacist. Every store or shop where drugs, medicines, or chemicals are dispensed or sold at retail, or displayed for sale at retail for medicinal purposes, or where prescriptions are compounded, shall be deemed a "pharmacy" or "drug store" within the meaning of this act. No person shall hereafter carry on, conduct, or transact business under a name which contains, as a part

thereof, the words, "drugs," "drug store," or "pharmacy," or in any manner by advertisement, circular or poster, sign or otherwise describe or refer to the place of business conducted by such person by the terms, "drugs," "drug store," or "pharmacy," unless the place of business so conducted be at all times in charge of a registered pharmacist, or during the temporary absence of such registered pharmacist, in charge of a registered assistant pharmacist. Every person violating any provision of this section shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of fifty dollars.

§ 2. AMENDMENT.] Section 486, of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 486. QUALIFICATIONS FOR REGISTRATION.] Every applicant for a license as a registered pharmacist shall be not less than twenty-one (21) years of age, shall be of good moral character, shall be a graduate of a school or college of pharmacy recognized by the board; and shall have at least two (2) years practical experience in a retail pharmacy under the supervision of a registered pharmacist, which experience shall be predominantly work directly relating to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping records and making reports required under state and federal statutes; provided, however, that not to exceed one year of additional credit on practical experience may be allowed for one or more years of satisfactorily completed work in an approved school or college of pharmacy, in excess of two years.

On and after January 1, 1930, an applicant for examination as a registered pharmacist, must, with the application for examination, present to and file with the pharmacy board satisfactory evidence that he or she has had at least one year of practical experience as defined above, and must have graduated from a school or college of pharmacy having a course of three years or more, and recognized by the board of pharmacy as an approved school.

The said board shall be authorized to determine what shall constitute an approved school or college of pharmacy, but a school or college to be so approved must maintain standards equivalent to the requirements of membership of the American Association of Colleges of Pharmacy. Provided, that any person who was registered as an assistant pharmacist in North Dakota prior to January 1st, 1913, and who still continues to practice such profession within the State of North Dakota, but has been debarred from application for a certificate as a Registered Pharmacist by reason of the requirement as to college work, shall upon application duly made to the board prior to July 1st, 1928, be given an examination for registration as a pharmacist, such examination for registration to be so given

with due regard for such circumstance; and upon passing of an examination so to be given, in manner satisfactory to the majority of such board, shall be given a certificate as a Registered Pharmacist.

Registration as a pharmacist by said board entitles the person so registered to membership in the North Dakota Pharmaceutical Association.

§ 3. AMENDMENT.] Section 487 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 487. EXAMINATION FOR ASSISTANT.] An applicant for examination and registration as an assistant pharmacist must as a condition precedent to the right to be examined, present and file with the board satisfactory evidence that he or she is a person of good moral character over the age of eighteen years, and has had at least two years' experience in a reputable pharmacy under the instruction and supervision of a reputable pharmacist, or has been registered as an apprentice in pharmacy in this state for a period of two years. The board may, however, allow and consider as a part of the two years' experience required of such applicant such time, not exceeding one year, as shall have been spent by the applicant in a regular course of study in a college of pharmacy approved by the board.

§ 4. AMENDMENT.] Section 488 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 488. FEES.] Each applicant for registration shall pay to the secretary the sum of fifteen dollars before examination; provided, that in case of failure to pass a satisfactory examination, he may be re-examined at any regular meeting of the board, upon payment of a further fee of five dollars.

§ 5. AMENDMENT.] Section 490 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 490. CERTIFICATE. ISSUANCE OF.] The board shall cause to be issued to each pharmacist, or assistant pharmacist, whom it finds entitled thereto, a certificate showing the date of issue, the fact that the person to whom issued is a registered pharmacist or assistant pharmacist, as the case may be, and his or her residence. The certificate shall be signed by a majority of the members of the board. Such certificate shall entitle the holder to act in the capacity stated therein for a period of one year, and such certificate may

be renewed, or the place of business designated therein be changed, as hereinafter provided. Such certificate and any renewal thereof must be displayed in a conspicuous place in any pharmacy or drug store where the holder thereof is employed.

§ 6. AMENDMENT.] Section 493 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 493. COMPENSATION OF BOARD.] Members of the board of pharmacy shall receive a per diem of ten dollars for attendance at board meetings, and all actual and necessary expenses incurred in attending such meetings and in performing other official duties. Such per diem and expenses shall be paid only from monies received by the board under the provisions of this article. Any monies remaining after the payment of the per diem and expenses herein provided for shall be held by the treasurer as a special fund to meet the expenses of the board and of the reports and annual meeting of the North Dakota Pharmaceutical Association, and such other necessary expenses as may be incurred by such association.

§ 7. AMENDMENT.] Section 495 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 495. RENEWAL FEES.] Every registered pharmacist and every registered assistant pharmacist who desires to retain his registration on the books of the board of pharmacy in this state, shall annually, before the expiration of the first year's registration, and on or before the first day of March in each year, pay to the secretary of the state board of pharmacy a renewal fee in an amount to be fixed by the board, but in no case exceeding five dollars, and upon payment of such fee, a renewal certificate shall be issued. In case the certificate holder fails to pay the renewal fee as above required, within the time provided, then the secretary shall mail to the certificate holder a notice addressed to his last known place of residence, notifying the delinquent of his failure to obtain a renewal certificate. Any delinquent certificate holder may within sixty days after the date of the mailing of said notice procure a renewal certificate upon payment of a renewal fee of seven dollars. In event of his failure so to do, his original certificate or renewal certificate, as the case may be, shall become void and the registry thereof be cancelled. The board may, however, on application by the delinquent certificate holder, authorize the issuance to him of a new certificate without examination upon payment of all unpaid fees, if satisfied that the applicant is a proper person to receive the same.

§ 8. AMENDMENT.] Section 504 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 504. NARCOTICS.] No person shall have in his possession or under his control any opium, coca leaves, or any compound, salt, derivative, or preparation thereof, including cocaine, morphine, heroin and codeine, unless it be possessed through having been prescribed, or dispensed in good faith by a physician, dentist, or veterinary surgeon registered under the laws of North Dakota and registered by the United States Government under the Harrison Act, and Act of Congress approved December 17, 1914, as amended, to prescribe or dispense such drugs; provided, that this section shall not apply to any person registered under the said Harrison Act, or to any employee, or assistant of a registered person and under his supervision, having such possession or control by virtue of his employment and not on his own account; or to the possession of any of the aforesaid drugs by any corporation engaged in the wholesale of such drugs; or by manufacturers of pharmaceuticals, registered under the Harrison Act, or by any United States, state, city, county, or municipal official, who has possession of any of said drugs by reason of his official duties; or by a warehouseman holding possession for a person so registered and who has paid the tax under the aforementioned Harrison Act; or to common carriers engaged in transporting such drugs; provided, further, that it shall not be necessary to negative any of the aforesaid exemptions under any complaint, information, indictment or other writ or proceeding brought under this section; and the burden of proof of any such exemption shall be on the defendant. Any person violating any provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or be imprisoned in the county jail not less than thirty days nor more than one year, or both such fine and imprisonment; providing that, if the court or judge finds that the defendant is a habitual user of narcotic drugs, he may commit the defendant for a period not to exceed three years in a state institution.

That the provisions of this section shall not be construed to apply to the sale, distribution, giving away, dispensing, or possession of preparations and remedies which do not contain more than two grains of opium, or more than one-fourth grain of morphine, or more than one-eighth of a grain heroin, or more than one grain of codeine, or any salt or derivative of any of them in one fluid ounce, or if a solid or semi-solid preparation, in one avoirdupois ounce; or to liniments, ointments or other preparations which are prepared

for external use only, except liniments, ointments and other preparations which contain cocaine or any of its salts, or alpha or beta eucaine or any of their salts, or any subthetic substitutes for them; provided, that such remedies and preparations are solid, distributed, given away, dispensed or possessed as medicines and not for the purpose of evading the intentions and provisions of this section.

§ 9. AMENDMENT.] Section 505 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 505. PENALTY FOR VIOLATIONS.] Any person who shall wilfully violate any of the provisions of this article shall be guilty of a misdemeanor and upon conviction thereof, shall, unless otherwise provided in this article, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or be imprisoned in the county jail not exceeding thirty days, or both, with costs of prosecution in which shall be included an item of twenty-five dollars in addition to the traveling and other necessary expenses of members of the board, or of their appointee, in procuring evidence and securing conviction.

Approved March 7, 1927.

PROCEDURE

CIVIL PROCEDURE

CHAPTER 212 (S. B. No. 53—Forbes)

ACTION BY FOREIGN EXECUTOR, ADMINISTRATOR OR GUARDIAN

An Act Authorizing a Foreign Executor, Administrator or Guardian to Commence and Prosecute or Defend a Civil Action or Proceeding in the State of North Dakota.

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

§ 1. Any foreign executor, administrator or guardian may commence and prosecute or defend a civil action or proceeding in this state, in his representative capacity, in the same manner and under the same restrictions as in case of a resident; provided, that before commencing or defending such action he shall file an authenticated copy of his appointment as such executor, administrator or guardian in the office of the Clerk of the District Court of the county in which such action is to be or has been commenced.

Approved February 5, 1927.

CHAPTER 213
(S. B. No. 52—Forbes)

**ACTIONS BY AND AGAINST PARTNERSHIPS AND
ASSOCIATIONS**

An Act Authorizing Actions to be Commenced, and Prosecuted by and Against Partnerships and Associations, in Their Firm or Common Name, and Making the Judgments in All Such Actions Binding Upon the Joint Property of All the Members or Associates of Such Partnerships or Associations.

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

§ 1. When two or more persons have heretofore done or transacted, or are doing or transacting, or shall hereafter do or transact business as partners or associates, under a common name, whether such name comprises the names of such persons or not, they may sue, and be sued by such common name, and in case such partners or associates are defendants, the summons may be served on two or more of them, one of whom shall be an active officer or manager, if there be such. The judgment in any such action shall bind the joint property of all the members or associates of such firm or association, the same as though all of them had been named as defendants.

§ 2. No action, authorized by the preceding section, shall be commenced in the firm or common name of such partners or associates unless the consent, in writing, of at least a majority of such partners or associates be first obtained or unless all such partners or associates are named as plaintiffs in the title of said action and the fact that such consent has been obtained, when necessary, shall be alleged in the complaint and proved as a fact in said action.

Approved March 3, 1927.

CHAPTER 214
(S. B. No. 97—Baird)

**POWER OF COURT—REHEARING—WHAT CLERK TRANSMITS ON
APPEALS IN CIVIL ACTIONS**

An Act to Amend and Re-enact Section 7844 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Power of and Proceedings Had in the Supreme Court on Appeals.

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

§ 1. AMENDMENT.] That Section 7844 of the Compiled Laws of North Dakota for the year 1913 shall be and the same is hereby amended and re-enacted to read as follows:

§ 7844. POWER OF COURT. REHEARING. WHAT CLERK TRANSMITS.] Upon an appeal from a judgment or order the Supreme

Court may reverse, affirm or modify the judgment or order and as to any and all of the parties; and may, if necessary or proper, order a new trial of the entire cause or of some specific issue or issues, and if the appeal is from a part of the judgment or order, may reverse, affirm or modify it as to the part appealed from. If, in the consideration of any appeal, it becomes apparent to the Supreme Court that some issue involved in the case has not been tried, or if tried has not been determined, by the trial court, and that it is necessary or desirable to a proper disposition of the case on appeal that such issue be determined, the Supreme Court may remand the case to the District Court for the determination of such issue, without relinquishing jurisdiction of the appeal, and the Supreme Court may hold the determination of the appeal in abeyance until such issue has been determined by the trial court and the determination certified to the Supreme Court. In such case the proceedings had and the determination made in the trial court, upon remand, shall be deemed part of the record on appeal in such cause. In all cases the Supreme Court shall remit its final judgment or decision to the court from which the appeal was taken to be enforced accordingly; and if from a judgment, final judgment shall thereupon be entered in the court below in accordance therewith, except when otherwise ordered. The clerk of the Supreme Court shall remit to such court the papers transmitted to the Supreme Court on the appeal together with the judgment or decision of the Supreme Court thereon within sixty days after the same shall have been made, unless the Supreme Court on application of either of the parties shall direct them to be retained for the purpose of enabling such parties to move for a rehearing. In case such motion for a rehearing is denied the papers shall be remitted within twenty days after such denial. The clerk of the Supreme Court shall in all cases, except when the order or judgment is affirmed, also transmit with the papers so returned by him a certified copy of the opinion of the Supreme Court and his fees for such copy shall be taxed and allowed with his other fees in the case.

§ 2. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved February 19, 1927.

CRIMINAL PROCEDURE

CHAPTER 215
(S. B. No. 63—Baird)AFFIDAVIT OF PREJUDICE AND CHANGE OF VENUE IN
CRIMINAL CASES

An Act to Amend and Re-enact Section 10766 of the Compiled Laws of North Dakota for the Year 1913, Providing the Procedure Where Joint Affidavit is Filed in Criminal Cases, Alleging Prejudice Against the Judge and Also Asking for a Change in Place of Trial.

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

§ 1. AMENDMENT.] That Section 10766 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 10766. Whenever an affidavit for a change of judges is filed in a criminal action, in accordance with the provisions of Chapter 331 of the 1923 Session Laws, and the party also asks for a change of the place of trial, upon any ground specified in Section 10756 of the Compiled Laws of North Dakota for the year 1913, the court shall proceed no further in the action, and shall thereupon be disqualified to do any further act in said cause; and in such case, the application for a change of place of trial shall be heard and determined by the judge designated by the Supreme Court to act in said action; provided that such affidavit shall be filed in duplicate not less than five days before the opening day of the term at which such action may be tried, except in cases where the defendant is held to the District Court for trial after said time.

Approved Feb. 3, 1927.

CHAPTER 216
(S. B. No. 64—Baird)

DUTY OF CLERK OF COURT IN APPEALS IN CRIMINAL CASES

An Act to Amend and Re-enact Section 11002, Compiled Laws of North Dakota for 1913, Relating to the Duty of the Clerk of the District Court When Appeals in Criminal Cases Are Taken and Completed.

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

§ 1. AMENDMENT.] That Section 11002 of the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 11002. Within 10 days after an appeal has been taken, it shall be the duty of the Clerk of the District Court with whom the notice of appeal is filed, without charge, to certify and transmit to

the Clerk of the Supreme Court the notice of appeal, undertaking and certificate of probable cause, if any, and a certified copy of the judgment or order appealed from; and upon the filing of the completed record in any appeal, it shall be the duty of said clerk to immediately transmit to the Clerk of the Supreme Court a full and perfect transcript of all papers on file in the case, of all entries in his minutes, the settled statement of the case and briefs, and certify the same under his hand and seal of the court, and the Clerk of the Supreme Court shall file the same and perform the same services as in civil cases without charge.

Approved Feb. 3, 1927.

CHAPTER 217
(S. B. No. 62—Baird)

TIME FOR APPEALS IN CRIMINAL CASES

An Act to Amend and Re-enact Section 10994, of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 125, of the Session Laws of North Dakota for the Year 1925, Relating to the Time for Taking and Completing Appeals to the Supreme Court in Criminal Cases.

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

§ I. AMENDMENT.] That Section 10994 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 125 of the Session Laws of North Dakota for the year 1925, be amended and re-enacted to read as follows:

§ 10994. An appeal from a judgment may be taken within three months after its rendition and from an order within sixty days after it is made. The appellant shall file the settled statement of the case and briefs on an appeal from a judgment in the office of the Clerk of District Court within six months after the date of judgment; and in an appeal from an order within sixty days after date thereof; provided that the District Court may, upon application of the appellant made upon notice to the adverse party before the expiration of said time in which such record shall be filed, extend such time for a period of not more than three months; and further extension may only be granted by the Supreme Court upon the application of the appellant upon like notice. In case of the failure of the appellant to file such record within the time allowed by law, or within such further time as may be allowed by the court as herein provided, said appeal shall be deemed dismissed.

Approved Feb. 5, 1927.

CHAPTER 218

(H. B. No. 138—Thompson of Ramsey by Request)

CHALLENGES OF JURORS CRIMINAL CASES

An Act to Amend and Re-enact Sections 10804 and 10805 of the Compiled Laws of North Dakota for the Year 1913, Relating to Challenges to Jurors in Criminal Cases.

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

§ 1. AMENDMENT.] That Section 10804 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 10804. DEFENDANT'S CHALLENGES.] In all criminal cases the defendant is entitled to the following:

1. When the offense charged is murder in the first degree, the defendant may challenge peremptorily twenty jurors.
2. In prosecutions for offenses other than murder in the first degree punishable by imprisonment in the penitentiary, ten jurors.
3. In other prosecutions, six jurors.

§ 2. AMENDMENT.] That Section 10805 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 10805. PROSECUTION CHALLENGES.] The prosecuting attorney when the offense charged is murder in the first degree, may challenge peremptorily twenty jurors; in prosecutions for offenses other than murder in the first degree punishable by imprisonment in the penitentiary, ten jurors; in other prosecutions, six jurors.

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

Approved February 19, 1927.

CHAPTER 219
(H. B. No. 128—Cox)

SEPARATE AND JOINT TRIALS

An Act to Amend and Re-enact Section 10833 of the Compiled Laws of North Dakota for 1913, Providing for Separate Trials When Two or More Defendants are Jointly Charged With Any Criminal Action.

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

§ 1. AMENDMENT.] That Section 10833 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted to read as follows:

§ 10833. Whenever two or more persons shall be jointly charged with any crime they shall be jointly tried, subject to the power of the court in its discretion, and for special reasons to order separate trials as to one or more of the defendants, and when tried jointly there may be joint or several convictions or acquittals, as the jury may determine the facts.

Approved February 16, 1927.

CHAPTER 220

(H. B. No. 135—Thompson of Ramsey, by Request)

PRELIMINARY EXAMINATION OF WITNESSES

An Act to Amend and Re-enact Section 10605 of the Compiled Laws of North Dakota for the Year 1913, Relating to Examination of Witnesses in Preliminary Examinations.

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

§ 1. That Section 10605 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 10605. HOW WITNESSES EXAMINED.] The witnesses must be examined in the presence of the defendant and may be cross-examined in his behalf. And where the offense charged is a felony on demand of the state or the defendant, all the testimony in the case must be reduced to writing in the form of depositions. When the offense charged is a misdemeanor, either the state or the defendant may elect to have said testimony taken and reduced to writing as aforesaid, but that in case the defendant so elects, the state shall not be required to pay the cost of such transcript. Provided that if the accused shall make and file with the committing magistrate his affidavit duly sworn to, stating that he is financially unable to pay the expense of transcribing such testimony, and that the transcript thereof is necessary to his proper defense, such transcript of testimony shall be made and a copy thereof delivered to such accused. That such affidavit shall not be made on information and belief.

Approved February 28, 1927.

PROBATE PROCEDURE

CHAPTER 221

(H. B. No. 106—Craig)

QUALIFICATION—APPOINTMENT—REMOVAL, ETC. EXECUTORS
ADMINISTRATORS OR GUARDIANS

An Act to Amend and Re-enact Sections 8651, 8657 and 8682 of the Compiled Laws of 1913, Relating to the Qualification, Appointment, Removal and Discharge of Executors, Administrators and Guardians, and to Repeal All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] Section 8651 of the Compiled Laws of the State of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 8651. Letters testamentary and of administration with the will annexed, how and to whom issued. The court admitting the will to probate after the same is proved and allowed, must issue letters thereon to the persons named therein as executors, who are competent to discharge the trust, who may appear and qualify unless objection be made as provided hereinafter. No person is competent to serve as executor who at the time the will is admitted to probate is

1. Under the age of majority.
2. Convicted of an infamous crime.
3. Adjudged by the court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding or integrity.

If the sole executor or all of the executors are incompetent, or renounce, or fail to apply for letters, or to appear and qualify, or if there is no executor named in the will, letters of administration with the will annexed must be issued. Any person interested in a will may file objections in writing to granting letters testamentary to persons named as executors, or to any of them; and the objections must be heard and determined by the court. A petition may, at the same time, be filed for letters of administration with the will annexed. When a married woman is named as executrix she may be appointed and serve in every respect as a femme sole. No executor of an executor shall, as such, be authorized to administer on the estate of the first testator, but on the death of the sole or surviving executor of any last will, letter of administration with the will annexed, of the estate of the first testator, left unadministered, must be issued. Where a person, absent from the state,

or a minor, is named executor, and there is another executor who accepts the trust and qualifies, the latter may have letters testamentary, and administer the estate until the return of the absentee, or the majority of the minor, who may then be admitted as joint executor. If there is no other executor, letters of administration with the will annexed, must be granted; but the court may, in its discretion, revoke them upon the return of the absent executor, or the arrival of the minor at the age of majority. When all executors named are not appointed by the court, those appointed have the same authority to perform all acts and discharge the trust required by the will, as effectually for every purpose as if all were appointed and should act together; when there are two executors or administrators, the act of one alone shall be effectual, if the other is absent from the state, or laboring under any legal disability from serving, or if he has given his co-executor or co-administrator authority in writing, to act for both; and when there are more than two executors or administrators, the act of a majority of them is valid.

§ 2. AMENDMENT.] Section 8657 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 8657. LETTERS OF ADMINISTRATION, WHO ENTITLED TO.] Administration of the estate of a person dying intestate must be granted to some one or more of the persons hereinafter mentioned, and they are respectively entitled thereto in the following order:

1. The surviving husband or wife, or some competent person whom he or she may request to have appointed.
2. The children.
3. The father or mother.
4. The brothers.
5. The sisters.
6. The grand-children.
7. The next of kin entitled to share in the distribution of the estate.
8. The creditors.
9. Any person legally competent.
10. The public administrator of the county wherein there is property of the decedent which remains unadministered, as general or special administrator thereof.

If the decedent was a member of a partnership at the time of his decease, the surviving partner must in no case be appointed administrator of his estate. If any person entitled to administration is a minor, letters must be granted to his or her guardian, or any other

person entitled to letters of administration, in the discretion of the Court. No person is competent to serve as administrator or administratrix, who, when appointed, is

1. Under the age of majority.
2. Convicted of an infamous crime.
3. Adjudged by the Court incompetent to execute the duties of the trust by reason of drunkenness, improvidence, or want of understanding or integrity.

§ 3. AMENDMENT.] Section 8682 of the compiled laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 8682. EXECUTOR, ADMINISTRATOR, GUARDIAN. WHO COMPETENT FOR.] No person under twenty-one years of age, or other person who is incapable by law of making a contract, or has been convicted of a felony, is competent to serve as executor, administrator or guardian; and no person shall be appointed as such who was a partner of the decedent at the time of his death, or is by the Court found unfit to discharge the duties of the trust by reason of drunkenness, improvidence, mental or physical infirmity or lack of integrity. The husband of the widow of a deceased man shall not be appointed guardian of such deceased man's children if such husband has minor children living; provided, however, that the court may in its discretion, upon the probate of a foreign will, issue letters testamentary to the executor named in the will.

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

Approved February 28, 1927.

CHAPTER 222
(H. B. No. 245—Lynch)

INVENTORY AND ACCOUNTS OF GUARDIANS

An Act to Amend and Re-enact Section 8895 of the Compiled Laws of North Dakota for the Year 1913, and the Repeal Section 8896 of Said Compiled Laws.

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

§ 1. AMENDMENT.] Section 8895 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 8895. INVENTORY AND ACCOUNTS OF WARD'S ESTATE.] Every guardian must return to the County Court an inventory of the estate of his ward within three months after his appointment, and

annually thereafter shall make and render to the court a report and account. When the value of the estate exceeds the sum of twenty thousand dollars, semi-annual returns must be made to the Court.

(1) An appropriate diary shall be maintained by the County Court to insure the receipt of such inventory and reports and when three months have elapsed without the rendition of an inventory, the court shall cause a citation to be prepared and served on the guardian requiring him to show cause, if any, why the inventory should not be filed and the court may by order direct such inventory to be filed or for good cause shown, may extend the time for such filing not to exceed six months from the date of the appointment.

(2) Where the inventory submitted in any case shows personal or real property with a valuation in excess of five hundred dollars, the property may on order of the court, be appraised by appraisers appointed, sworn and acting in the manner provided for regulating the settlement of the estate of decedents.

(3) The court may at any time, upon application made for that purpose by any person, compel the guardian to render an account of the estate.

(4) When the inventory or accounting in an estate shows an estate in the hands of the guardian exceeding five hundred dollars in valuation, the county court at the time of filing such inventory or accounting shall cause a diary to be made on the case for one year. Upon the expiration of one year, the county judge shall notify the guardian by letter sent to him at his last known address according to the records in the county court, that an accounting is required in the case and further notifying the guardian that such report must be filed within thirty days unless, for good cause shown, the court extends the time not to exceed ninety days from the date the report was first due.

(5) Upon failure to receive a report as required, within the time limits fixed, the county court shall issue its citation over the signature of the county judge with the seal of the county court, directed to the guardian concerned, requiring him to appear, within thirty days from the date of service, and to show cause, if any, why an accounting should not be rendered in the case. Such citation shall be served in manner by law provided and where it appears that the guardian has wilfully neglected to obey such notice by the court, the expenses incident to the issuance and service of the citation may, in the discretion of the court, be assessed against the guardian personally.

(6) After an accounting has been filed the county court shall appoint a day certain not more than thirty days in the future, for hearing on said accounting, at which time the guardian shall be present either in person or by attorney to supplement his written re-

port in such manner as the court may require. Notice of said hearing shall be given, as required by law, provided, however, that when the report of the guardian shows any payments as having been received from the United States Veterans Bureau, the Regional office of the said Bureau shall in all cases be notified by registered letter.

(7) Upon each hearing on an accounting filed by a guardian, the court shall enter an order or decree, approving in whole or in part the accounting as filed or disapproving the accounting in whole or in part, and such order or decree shall contain any necessary direction to the guardian to file an amended accounting, to make restitution or add to or strike from the credits or debits in said accounting such items as the court may specify. Such further order as may be necessary in the case may also be entered by the court.

(8) Where an accounting or inventory by a guardian shows an estate of less than five hundred dollars valuation, the court may require such accountings as in its discretion are deemed necessary.

(9) The failure of the judge of the county court to enforce this section or any part thereof will be sufficient grounds for his removal as provided by Section 685 et seq.

§ 2. REPEAL.] Section 8896 of the Compiled Laws of North Dakota for the year 1913, is hereby repealed.

Approved March 5, 1927.

CHAPTER 223
(H. B. No. 244—Lynch)

APPOINTMENT GUARDIANS OF INSANE AND INCOMPETENTS

An Act to Amend and Re-enact Section 8887 of the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 8887 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 8887. GUARDIANS.] If after a full hearing and examination upon such petition, it appears to the court that the person in question is incapable of taking care of himself and managing his property, he must appoint a guardian of his person and estate with the powers and duties in this chapter specified. Provided, however, that the court may in its discretion appoint separate guardians for the person and for the estate of the incompetent,

Approved February 28, 1927.

CHAPTER 224
(S. B. No. 101—Van Arnam)

DECREES OF DISTRIBUTION

An Act to Amend and Re-enact Section 8849 of the Compiled Laws of North Dakota, 1913, Relating to Decrees of Distribution in County Court.

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

§ 1. AMENDMENT.] That Section 8849 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 8849. In the decree the court must name the persons and the proportions or parts to which each shall be entitled, and such persons may demand, sue for and recover their respective shares from the executor or administrator or any person having the same in possession. Or the court may order a partition and after such further proceedings as may be necessary under the following sections shall make a further decree assigning to each party his separate share and confirming the distribution accordingly and, within thirty days after the date of rendition of said decree, it shall be the duty of said court to record such decree if the same effects the title to real estate in the office of the Register of Deeds in every county where such land distributed is situated, and the costs thereof shall be part of the expenses of administration and be paid by the administration or executors.

Approved February 19, 1927.

CHAPTER 225
(H. B. No. 168—Freeman)

DECEDENTS LIFE INSURANCE

An Act to Amend Section 8719 of the Compiled Laws of North Dakota for 1913, Relating to the Exemption of the Avails of Life Insurance Payable to the Personal Representatives of a Deceased, His Heirs, or Estate.

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

§ 1. AMENDMENT.] That Section 8719 of the Compiled Laws for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 8719. The avails of a life insurance policy or of a contract payable by any mutual aid or benevolent society, when made payable to the personal representatives of a deceased, his heirs or estate, upon the death of a member of such society or of such insured shall not be subject to the debts of the decedent, except by special con-

tract, but such avails shall be inventoried as part of the estate of the deceased and shall be distributed without deduction, and pass to the heirs at law or legatees of the deceased, in due course of administration, in accordance with the laws of succession or will, as the case may be. The insured may by will or contract transfer the avails of such life insurance policies or contracts heretofore made. Provided, however, nothing herein contained shall be construed as permitting any insured to dispose by will of the avails of such policy or contract as heretofore mentioned if the same is payable to either a designated person, including the spouse of insured, or persons, or to the members of a family designated as class—for example as “all children” or “all brothers and sisters”, even though such children or brothers and sisters are not designated by name. Nor as permitting the assured to dispose by will of the avails of a contract by a mutual or fraternal society to anyone who could not be a beneficiary in such contract under the charter or by-laws of such society.

Approved March 7, 1927.

CHAPTER 226
(H. B. No. 271—Fowler)

ASSIGNMENT OF MORTGAGES BY FOREIGN EXECUTOR AND ADMINISTRATOR AND VALIDATING PRIOR ASSIGNMENTS

An Act Empowering Foreign Executors, Administrators, Guardians, Heirs and Legatees of Deceased Non-residents Whose Estates Have Been Probated Outside This State to Assign Mortgages; and Confirming and Legalizing Assignments Heretofore Made by Such Executors, Administrators, Guardians, Heirs and Legatees.

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

§ 1. When an executor or administrator shall have been appointed in any other state or foreign country, on the estate of any person, and no executor or administrator thereon shall have been appointed in this state, such foreign executor or administrator, upon filing in the office of the Register of Deeds of any county in which any mortgage held by the estate of such deceased person is filed or recorded, an authenticated copy of his appointment, may execute, acknowledge and deliver an assignment of such mortgage, the same as and with like effect as executors and administrators appointed under the laws of this state may do.

§ 2. Any heir or legatee of such deceased person, residing within or without the state, upon recording in the office of the Register of Deeds an authenticated copy of the judgment or decree of the foreign court, transferring to such heir or legatee the owner-

ship of any such mortgage, may, in like manner and with like effect, assign such mortgage.

§ 3. Any guardian appointed in any other state or foreign country of a minor holding and owning a mortgage upon property in this state, upon filing in the office of the Register of Deeds of the county in which the property is situated an authenticated copy of his appointment as guardian, and the same proof of ownership of such mortgage as is required in the last section, may, in like manner and with like effect, assign such mortgage.

§ 4. All assignments of mortgages upon property within this state heretofore made by any executor or administrator appointed in any other state or foreign country on the estate of any person, where no executor or administrator thereon had been appointed in this state, which executor or administrator has filed in the office of the Register of Deeds of any county in which any such mortgage held by the estate of such deceased person was filed or recorded, an authenticated copy of his appointment, and all assignments of mortgages upon property within this state heretofore made by any heir or legatee of such deceased person, which heir or legatee has recorded in the office of the Register of Deeds an authenticated copy of the judgment or decree of the foreign court transferring to such heir or legatee the ownership of such mortgage, and all assignments of mortgages upon property within this state heretofore made by any guardian, appointed in any other state or foreign country, of a minor holding and owning a mortgage upon property in this state, which guardian has filed in the office of the Register of Deeds of the county in which the property is situated an authenticated copy of his appointment as guardian and an authenticated copy of the judgment or decree of the foreign court, if any, transferring to his ward the ownership of such mortgage, which assignments were made prior to the date of the passage and approval of this Act, are hereby declared to be legal and valid for all purposes, and of the same force and effect as though such executors, administrators, guardians, heirs or legatees had been specifically authorized by law to make such assignments.

§ 5. The provisions of this act shall apply to all mortgages, judgments or other liens upon real or personal property, and to foreclosure of any such mortgage or lien on real or personal property.

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

Approved March 7, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—99—10—3.

Senate—30—17—2.

PUBLIC DEPOSITORIES

CHAPTER 227 (S. B. No. 163—Lynch)

DESIGNATION DEPOSITORIES PUBLIC FUNDS—RATES OF INTEREST

An Act to Amend and Re-enact Sections 714a8 and 714a13 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Designating of Depositories of Public Funds and Fixing Maximum and Minimum Rates of Interest That May Be Paid Thereon.

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

§ 1. AMENDMENT.] That Section 714a8 of the Supplement to the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 714a8. BOARD MEETINGS; NOTICE; PROPOSALS FOR DEPOSITS.] The Board, except the State Board of Auditors, shall at its regular meeting in January of each even numbered year after the taking effect of this act assemble and examine all outstanding bonds whenever necessary in order to comply with the provisions of this law. If there be no regular meeting of the Board in January, required by any law heretofore in force, the Board shall assemble for said purpose not later than the third Tuesday in January. At its regular meeting in January after this act takes effect, the Board shall designate depositories of public funds as herein provided. The clerk of such Board shall, at least ten days before such meeting, notify every bank in the country (county?) both state and national, that at the next regular meeting, or if no meeting be required by law to be held in January of each even numbered year, then at a meeting to be called for that purpose, the Board will designate a depository or depositories of public funds. Such notice shall be given by registered mail. The notice shall further recite the probable amount of public funds to be deposited, indicating separately sinking funds to be deposited on time and call funds to be deposited subject to check or draft; such notice shall advise the bank that proposals will be received for such deposits, and that the interest rate on such deposits shall be not less than one and a half per cent ($1\frac{1}{2}\%$) or over three per cent (3%) on call deposits and not less than three and a half per cent ($3\frac{1}{2}\%$) or over 5 per cent (5%) on time deposits. It shall further recite that the Board expects the depositories to pay interest on public funds at substantially the same rate it pays interest on funds deposited by private persons.

Provided that Township Clerks and Clerks of Common School Districts shall not be required to give the notice herein provided

for, but the Board of Supervisors of any Township or the School Board of any Common School District, may at its discretion designate depositories at any time. Proposals for deposits shall be sealed and delivered to the clerk and shall state in writing what rate of interest will be paid on average daily balances during the month and what interest will be paid on time deposits, and shall have attached to it a statement showing the financial condition of the bank at that time and as disclosed in the several statements of financial condition made during the last preceding twelve months. This section shall not apply to designating of the depositories by the State Board of Auditors.

Provided, however; that depositories designated prior to the taking effect of this act shall continue as such depositories until after the meeting of the Board in January, as herein provided.

And provided further, that such Governing Board at a meeting of said Board to be held not later than the third Tuesday in July, 1927, shall assemble and examine all outstanding bonds and require new bonds to cover the period between the expiration, if any, of such bonds to the date of the qualification of such depositories appointed at the meeting of such Board in January following.

§ 2. AMENDMENT.] That Section 714a13 of the Supplement to the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 714a13. INTEREST RATES.] The rate of interest on all public funds deposited as herein provided shall not be less than one and one half per cent ($1\frac{1}{2}\%$) or over three per cent (3%) on daily balances subject to check or draft, credited monthly, and not less than three and one half per cent ($3\frac{1}{2}\%$) or over five per cent (5%) on time deposits. It is the intention of this act that depositories of public funds in this state shall pay substantially the same rate of interest thereon as such banks pay to individual depositors upon individual deposits.

Approved March 5, 1927.

CHAPTER 228

(H. B. No. 59—Brown of Adams)

DESIGNATION PUBLIC DEPOSITORIES IN COUNTIES WITH ONLY ONE BANK

An Act to Amend Section 714a5 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the Designation of Depositories for Public Funds.

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

§ 1. AMENDMENT.] Section 714a5 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 714a5. In counties where only one bank is located or functioning the board may designate such bank as a depository, or it may designate another state or national bank or banks within the state, or the Bank of North Dakota, as depository or depositories in the manner and upon the conditions provided in this act. In counties where there is no bank in existence or functioning the board may designate the Bank of North Dakota, or any state or national bank or banks outside of such county and within the state as depository or depositories in the manner and upon the conditions provided in this act for the selection of depositories of public funds. In case there is no bank within any city, village, township or school district the governing board thereof may, if it deems it more advantageous and for the best public interest and convenience, select as a depository a conveniently located bank in an adjoining county, which bank shall thereupon qualify as a depository by giving the same bond as required from a bank within said county, said bond to be approved by such governing board as to sufficiency and by the State's Attorney of the county in which such city, village, township or school district is located as to form, and depositing the same in the office of the County Auditor of such county.

Approved March 1, 1927.

CHAPTER 229

(H. B. No. 226—Iverson and Butt)

REPORT OF PUBLIC DEPOSITS BY STATE TREASURER

An Act to Amend and Re-enact Section 714a15 of the Supplement to the Compiled Laws of 1913, Relating to the Report of the Treasurer Under the Public Depository Law (714a1 to 714a20 of the Supplement to the Compiled Laws of 1913).

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

§ 1. AMENDMENT.] Section 714a15 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 714a15. REPORT OF THE TREASURER.] All such public funds shall be deposited in the name of the state, state institutions or public corporation to which the same belongs. The State Treasurer shall, between the first and tenth day of January and July, in each year, cause to have printed in pamphlet form a report as of December 31st, and June 30th, showing the balances in all funds, the names of all depositories of such state funds, stating the amount of average daily balances and the amount of time deposits therein, together with the rate of interest paid on each class of deposits, and the amount of the bond furnished by each depository, and mail a copy of said report to each depository, one to each county auditor and county

treasurer in the state and one to each official county paper in the state. In each case when the State Treasurer causes to be printed a report as herein provided, he shall cause to be published in the official paper of Burleigh County, a public notice to the effect that such report is ready for distribution and can be had by any voter of the state upon request.

Approved March 7, 1927.

PUBLIC OFFICERS

CHAPTER 230

(S. B. No. 176—Sathre and Forbes)

REMOVAL PUBLIC OFFICERS BY GOVERNOR—APPEALS

An Act to Amend and Re-enact Section 690 of the Supplement to the 1913 Compiled Laws, Relating to the Removal of Public Officers by the Governor and Appeals Therefrom.

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

§ 1. That Section 690 of the Supplement to the 1913 Compiled Laws be amended and re-enacted to read as follows:

§ 690. Whenever testimony has been taken upon charges filed against any officer, as hereinbefore provided, it shall be the duty of the special commissioner to forthwith report all such testimony and proceedings, to the Governor, and file the same in his office, and thereupon the Governor shall fix a time and place for the hearing on a day not more than ten days from the date of filing of the commissioner's report, and not less than five days from the date of the service of notice of such hearing upon the accused, at which hearing the accused shall be entitled to be heard in person or by attorney. If upon such hearing the charges are sustained, the Governor shall forthwith make the order in writing removing such officer from his office and cause a copy of such order to be delivered to the accused and one copy to be delivered to the board or persons having the authority to fill a vacancy in such office, and thereupon such board or person shall, within five days thereafter, appoint some competent person to fill such office and perform the duties thereof, unless the accused had, prior to the final hearing, been suspended as hereinabove provided, and an ad interim appointment made. In such case the person appointed to such office ad interim shall continue until the expiration of the term for which the accused was elected or appointed; provided, however, that in all cases where the accused person so removed deems himself aggrieved thereby, he shall be entitled to appeal from the decision of removal so made by the Governor, to the district court in any other district of the state upon fil-

ing a notice in the office of the Clerk of the District Court, setting forth the grounds of appeal, together with a bond in the sum of \$250.00, which shall be for the payment of costs of said appeal in the event said action of the Governor shall be affirmed; said bond to be approved as to form by the State's Attorney of said county and as to its sufficiency by the Clerk of the District Court. Said notice and bond shall be filed within fifteen days after the date of the order by the Governor. Thereupon the Clerk of the District Court shall notify the Governor of the filing of said appeal by registered mail and the Governor shall within ten days after the receipt of said notice, mail to the Clerk of said court the testimony in said removal proceedings, together with a copy of any order made by him in said proceedings. Said appeal shall be heard by the Judge of said court upon the record in said proceeding, without a jury, at the next regular term of said court or prior to said term, in the discretion of the Judge of said court. After such hearing by the district judge, he shall make his order affirming the order of the Governor or an order reinstating the defendant officer.

Approved March 7, 1927.

RAILROAD COMMISSIONERS

CHAPTER 231

(S. B. No. 74—Sathre)

APPOINTMENT OF EXAMINERS BY RAILROAD COMMISSIONERS

An Act Authorizing and Empowering the Board of Railroad Commissioners to Appoint Examiners for the Purpose of Holding Hearings, and Prescribing the Powers and Duties of Such Examiners.

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

§ 1. The Board of Railroad Commissioners of North Dakota is hereby authorized and empowered to designate the special assistant attorney general appointed by the Attorney General as commerce counsel of said Board the Chief Statistician or the Chief Engineer of said Board, as an examiner for the purpose of holding any hearing or hearings which the said Board, or any member thereof, has power and authority to hold. Such examiner, when so appointed, shall have the power to administer oaths and affirmations, issue subpoenas, compel attendance and testimony of witnesses, the production of papers, books, accounts and documents, examine witnesses, and to act in and about such hearing or hearings with the same power and authority that has been or will be invested by law in said Board

or any member thereof. The proceedings at such hearings shall be taken in shorthand by a stenographer, reduced to writing, and, together with the exhibits introduced, certified to the Board by such examiner as a true, correct and complete record of such hearing. All such hearings so held shall be taken and deemed to be hearings before said Board of Railroad Commissioners, and the decision of the Board in such matters shall be based upon the record as made before any such examiner and certified to by him; provided, that further testimony may be taken if the Board deems it advisable and so orders.

Approved February 19, 1927.

CHAPTER 232
(H. B. No. 177—Veitch)

RAILROAD COMMISSIONERS AUTHORIZATION EXTENSION
ELECTRIC TRANSMISSION LINES

An Act Authorizing the Board of Railroad Commissioners to Require the Extension of Electric Transmission Lines, and the Service Furnished Thereby, to Cities, Towns, Villages and the Inhabitants Thereof, Within or Contiguous to the Territory Served by Such Transmission Lines, and to Fix the Rates and Charges for Such Service, and the Rules and Regulations to Be Observed in Connection Therewith.

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

§ 1. Whenever any city, town or village, or the inhabitants thereof, within or contiguous to the territory served by an electric transmission line operated by a public utility subject to the jurisdiction of the Board of Railroad Commissioners, desire to obtain the service furnished by such public utility, the proper authorities of such city, town or village, or fifteen per cent of the inhabitants thereof, may petition the Board of Railroad Commissioners for the extension of such transmission line and service to, into or through such municipality. The Board of Railroad Commissioners shall thereupon enter into an investigation concerning the practicability and reasonableness of such proposed extension and service and the public convenience and necessity to be subserved thereby, and if, after notice and hearing, such Board finds that such extension of line and service is practicable and can reasonably be made, taking into consideration, among other things which might lawfully be considered, the amount of revenue likely to be derived therefrom, and the prospect for a reasonable return to the utility upon the value of such extension, and further finds that public convenience and necessity will be subserved thereby, such Board is hereby authorized,

by its order, to require the extension of such line and service, for the purpose of serving such municipality and the inhabitants thereof, upon condition that a franchise for such operation be granted to such utility by the proper authorities of such municipality, and upon such other terms and conditions as may be just and reasonable. A certified copy of such order, when filed with the auditor or clerk of such municipality, shall have the same force and effect as an application by the utility for a franchise. The Board of Railroad Commissioners shall fix just and reasonable rates for such service and such reasonable rules and regulations as may be necessary pertaining thereto.

§ 2. Any municipality, public utility or person affected by the order of the Board of Railroad Commissioners may prosecute and conduct an appeal to the courts in the same manner as an appeal lies from any other order or decision of the Board.

§ 3. An emergency is hereby declared to exist and does exist, and this Act shall be in force and effect from and after its passage and approval.

Approved March 1, 1927.

CHAPTER 233
(H. B. No. 230—Cox)

RAILROAD CROSSINGS

An Act to Amend and Re-enact Section 10 of Chapter 181 of the Session Laws of 1925, Relating to the Establishment of Railroad Crossings.

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

§ 1. AMENDMENT.] That Section 10 of Chapter 181 of the Session Laws of 1925 is amended and re-enacted to read as follows:

§ 10. Whenever it is desired, either by the public officials having the necessary authority or by the railway company operating the railroad, to establish, vacate or re-locate any crossing of a public highway and a railroad, or separate grades, and an agreement cannot be reached between such public officials and the railway company, either as to the necessity for establishing, vacating or re-locating or separating of grades as to place, manner of construction or a reasonable division of the expense in the case of establishing, re-locating or separating of grades, either party may file a petition with the Commission, setting forth the facts and submitting the matter to it for determination; whereupon the Commission, after such notice as it shall deem reasonable, shall conduct a hearing and

issue its order determining whether there should be an establishment, vacation or re-location of the crossing in question, or a separation of grades, and dividing the expense of such establishment, vacation, re-location or separation of grades.

Provided that whenever a railroad crossing of any kind has been established, or re-located, in order to eliminate an adjacent or nearby crossing deemed by the Board of Railroad Commissioners to be dangerous, the said Board shall have the power to order said dangerous crossing closed.

Approved March 3, 1927.

CHAPTER 234
(H. B. No. 225—Ehr)

INVESTIGATION, FIXING OF RATES FOR TRANSPORTATION OF
FUELS, PROCEEDINGS, ETC., BY RAILROAD COMMISSIONERS

An Act Requiring the Board of Railroad Commissioners to Investigate and Fix Rates, Charges, Practices, Rules and Regulations of Carriers and Railroad Corporations for the Transportation of Fuel, Specifying the Proceedings Therefor, Making an Appropriation for Such Purpose and for the Defense of Such Rates, and Repealing Sections 4798a1 to 4798a5, Inclusive, of the Supplement to the Compiled Laws 1913, and Repealing Sections 4795a1 to 4795a11, Inclusive, of the Supplement to the Compiled Laws of 1913, So Far as the Same is Applicable to Rates for the Transportation of Fuel.

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

§ 1. The Board of Railroad Commissioners of the State of North Dakota (hereinafter termed the board), is hereby directed, authorized and required as soon as this act takes effect, to enter upon, continue from time to time and from place to place both within and without this state, and complete as expeditiously as shall be practicable, a proceeding, hearing and investigation (hereinafter termed investigation) into the lawfulness in general, the reasonableness, the preferential and discriminatory character of: (a) rates, charges, practices, rules and regulations (hereinafter termed rates) of carriers and railroad corporations (hereinafter termed carriers) applicable to the intrastate transportation, and of rates applicable to the interstate transportation, of any and every kind of fuel, including bituminous and anthracite coal, lignite, wood, coke, oil, and the like (hereinafter termed fuel); and (b) the rates prescribed by the Nineteenth Legislative Assembly of North Dakota, Session Laws 1925, Chapter 180. .

§ 2. In conducting the investigation required by Section one (1) of this act, the board shall procure, obtain, receive in evidence

and consider any and all competent, relevant and material information, facts and evidence (hereinafter termed evidence) of any and every kind and character whatsoever, whether oral, documentary, or otherwise, (including such as said board and similar state and interstate commissions usually and customarily procure, obtain, receive and consider in similar investigations).

§ 3. Said investigation by said board shall include, among other things, all matters relating to: the kinds, nature and general character of all fuels consumed in this state, the sources and places of production or manufacture thereof, and the methods, means, facilities, and instrumentalities of transportation and routes of movement thereof to this state; the amount of each kind of fuel consumed and produced in the state during each year; the nature and extent of the mineral fuel resources of this state, and the ownership and right to mine the same, carrier and railroad ownership thereof and the relationship, affiliations and dealings of carrier or railroad with producers, shippers, receivers, buyers, sellers, or consumers of fuel; the public interest, social and economic conditions affecting and affected by the rates applicable to, or the use of, each fuel; the value and utility of the several fuels and of the transportation services rendered in connection therewith by carrier; the profits and losses of producer, shipper, receiver, buyer, seller, in connection with production, purchase, and sale, manufacture, or distribution of fuel; the suitability of various fuels for industrial and domestic uses, and the classes of consumers who use them, the purposes for which used, and fluctuations and changes therein over a period of years; the necessity for special equipment, special preparation, or special methods of handling each fuel for use and consumption; the cost of various fuels at the several shipping or producing points and the selling price thereof to the ultimate consumers, together with the elements making up the same and the fluctuations and changes therein over a period of years; the means, methods, and cost of local merchandising and distribution of fuels; the location, owner and operator, of each mine in this state; when said mine was developed and continuity of operation since first production began; the general nature of each mine, and as a slope, drift, shaft or strip mine; the comparative size of each mine; sizes of fuel produced and method of preparation; annual and daily production and capacity for production, and the portion of the year during which mine is operated and the causes of all fluctuations; the amount invested in each mine, its equipment and all appurtenances; the manner of operating the mine and its shipments in detail; the transportation facilities or instrumentalities supplied by producer, shipper, and receiver or consumer and the switching, reconsigning, demurrage, car-service or other charges paid or borne; the nature of community near each mine and the effect of continuance or discontinuance of production on such community, upon the employees of such mine and the state at

large; the number of employees of each mine, their compensation, and the occupations of such employees when not engaged in mining; the attractiveness of fuel traffic to carriers and its relation to, and effect upon, other commodities transported; the concert of action, motive, and general attitude of carrier toward fuel rates and the shippers, receivers, buyers, sellers and consumers thereof; the investment, capitalization and valuation of carrier; car-mile, train-mile, ton-mile revenues received by carrier from fuel traffic; the economical and efficient character of each carrier's management; the cost of service and operation rendered by each carrier of fuel; division of fuel rates between carriers, their earnings and need for revenue; general competition, carrier competition in general, railroad competition, water competition, wagon and motor vehicle competition as they affect fuel traffic; the equalization of commercial conditions, advantages or disadvantages; the equipment furnished, its kind, general character and suitability, the loading thereof, weight and cubic content of loads, and the like; the history of fuel and other pertinent rates; the duration of previous rates, schedules or rate adjustments, in this state, other states, or interstate; pertinent rate comparisons, rate relativity and pertinent and appropriate comparisons of all matters referred to in this act; the natural advantages and disadvantages of the several fuels, their producers, buyers, sellers, consumers, shippers, and receivers; the use and utility of various fuels, their briquetting, carbonization, coking, manufacturing into other products, by-products and the like; the routes of movement of fuels, joint and single line hauls, branch and main-line conditions, service, cost of service, and the like; the interchange of traffic between carriers, the nature, character and extent of facilities and instrumentalities therefor, cost and expense thereof; the nature, character, and kinds of switching, reconsigning, spotting, pick-up, weighing, and terminal service performed by each carrier of fuel and by others than carriers, and the facilities and instrumentalities in connection therewith furnished by each; the origin and destination of fuel traffic, the distance hauled and the like; rates in opposite directions, via competing routes, and the like; the risk connected with fuel traffic, and the nature, extent and amount of loss and damage claims; the volume of fuel traffic, and the changes and fluctuations therein, and any and every other pertinent and appropriate item or matter.

§ 4. The board is hereby empowered and directed to make, for each carrier of fuel, and for each of the railroad corporations, doing business in this state as soon as practicable after the completion of said investigation, a schedule of reasonable maximum rates for the transportation of each fuel, on each of said carriers or railroads and said power shall include the classification and differentiation of said various kinds of fuels and the rates for the transportation of each thereof; and it shall be the duty of said commission to

make such classification and differentiation; and said schedules and classification so made by said commission shall, in all suits or other proceedings brought by or against any such carrier or railroad corporation, be taken in all the courts of this state, and in any other court or tribunal, as prima facie evidence that the rates, schedules, classification and differentiation therein fixed are reasonable and just maximum rates of charges, schedules, differentiation and classification.

§ 5. In conducting said investigation said board shall have, and in respect of any classification and schedule of reasonable maximum rates which said board may make, publish and declare as provided in this act, each officer, court or other tribunal of this state shall have, and there is hereby expressly conferred upon each of them, respectively, and so far as is pertinent and appropriate to the subjects of this act, the full and complete jurisdiction, and each and every power, right, duty, privilege and obligation now vested in, conferred upon, or possessed by said board, said officer, said court or other tribunal by any law of this state in respect of any general or special proceeding, hearing, inquiry, or investigation; including in respect of the investigation herein required, and of said rates, schedule, or classification, all jurisdiction, power, right, duty, or privilege provided by, or enumerated in, and all amendments of (so far as the same is applicable, pertinent and relevant to the subjects of this act): Session Laws 1879, Chapter 46; Session Laws 1889, Chapter 110a; Session Laws 1890, Chapter 17a; Session Laws 1897, Chapter 115; Session Laws 1899, Chapter 115; Session Laws 1911, Chapter 255; Session Laws 1917, Chapter 188; Session Laws 1919, Chapter 192 and Chapter 194; Revised Code 1899, Sections 2964, 3008, 3012, 3013, 3017, 3031, 3032, 3033, 3034, 3035, 3036, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, 3049, 3050, 3051, 3052, 3053, 3065; Compiled Laws of 1913, Sections 585, 588, 589, 591, 595, 596, 597, 598, 599, 600, 601, 4630, 4709, 4713, 4728, 4729, 4730, 4731, 4732, 4733, 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4762, 4783, 4797; and there is hereby required of every person, firm or corporation, specified, enumerated and referred to in any of the foregoing laws, the performance with respect of the various matters covered by this act of each and every duty or obligation imposed upon or required of, and by, each of them in respect of the subject matter of each of said foregoing acts.

§ 6. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated the sum of Ten Thousand Dollars (\$10,000), or so much thereof as may be necessary for the use of the Board of Railroad Commissioners to carry out the purposes of this act, and to maintain the rates as fixed by said Board for the transportation of fuel in conformity to this act.

§ 7. Session Laws, 1925, Chapter 180, and Session Laws 1917, Chapter 188, so far as the same relates or is applicable to rates for transportation of fuel are hereby repealed, said repeal to take effect when the schedule of reasonable maximum rates and the classification, fixed by said board pursuant to the directions of this act shall become effective and applicable for the transportation of lignite within this state.

§ 8. Nothing in this act contained shall be construed as limiting or abridging the powers now vested by law in the board, but on the contrary shall be deemed to be supplemental and in addition thereto, and after rates have so been fixed for the transportation of fuel by the Board of Railroad Commissioners, said board shall have the same duties and the same powers relative to rates for transporting lignite as it now or hereafter shall have relative to other freight rates.

§ 9. Should any court declare any section, clause, or item of this act invalid or unconstitutional, such decision shall affect only the section, clause or item so declared to be invalid or unconstitutional, and shall not affect any other clause or item of this act.

§ 10. 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, 1927.

CHAPTER 235
(S. B. No. 73—Sathre)

CERTIFICATES OF PUBLIC CONVENIENCE OF PUBLIC UTILITIES

An Act Requiring Public Utilities to Obtain from the Board of Railroad Commissioners Certificates of Public Convenience and Necessity Before Beginning the Construction or Operation of Public Utility Plants or Systems or the Exercising of Any Rights or Privileges Under Any Franchise or Certificate Hereafter Granted, or Under Any Franchise Heretofore Granted, the Exercise of Which Has Not Been Commenced Within One Year from the Granting Thereof, or Has Been Suspended or Discontinued for More Than One Year, and Prescribing the Procedure to Be Followed in Such Matters.

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

§ 1. No public utility, as defined in Section 4609c2, Supplement to the 1913 Compiled Laws of North Dakota, shall henceforth begin the construction or operation of a public utility plant or system, or of any extension thereof, without first obtaining from the Board of Railroad Commissioners of this state a certificate that public convenience and necessity require or will require such construction and operation; Provided, that this section shall not be construed to require any such public utility to secure such certificate for an extension within any municipality or district within which it has heretofore lawfully commenced operations, or for an extension within or to territory already served by it necessary in the ordinary course of its business, or for an extension into territory contiguous to that already occupied by it and not receiving similar service from another utility, or for which no certificate of public convenience and necessity has been issued to any other public utility; but if any public utility in constructing or extending its line, plant or system, unreasonably interferes with or is about to unreasonably interfere with the service or system of any other public utility, the Board of Railroad Commissioners on complaint of the public utility claiming to be injuriously affected may, after notice and hearing, make such order and prescribe such terms and conditions as are just and reasonable.

§ 2. No such public utility shall henceforth exercise any right or privilege under any franchise or certificate hereafter granted, or under any franchise heretofore granted, the exercise of which has been suspended or discontinued for more than one year, or if within one year from the granting of such franchise it has not commenced construction under such franchise, without first obtaining from said Board of Railroad Commissioners a certificate that public convenience and necessity require the exercises of such right or privilege.

§ 3. Before any certificate may issue under this Act, a certified copy of the articles of incorporation or charter of the utility, if the applicant be a corporation, shall be filed with said Board of Railroad Commissioners, and upon the hearing on said application shall submit evidence showing that such applicant has received the consent, franchise, permit, ordinance, or other authority of the proper municipality or other public authority, if required, or has or is about to make application therefor. The Board shall have the power, after notice and hearing, to issue such certificate as prayed for or to refuse to issue the same, or to issue it for the construction or operation of a portion only of the contemplated facility, line, plant or system, or extension thereof, or for the partial exercise only of said right or privilege, conditioned upon the applicant having secured or securing the consent, franchise, permit, or ordinance or other authority of the proper municipality or other public authority, and may attach to the exercise of the rights granted by any certificate such terms and conditions as in its judgment the public convenience and necessity may require. Whenever a public utility engages or is about to engage in the construction or operation as described in this Act, without having secured a certificate of public convenience and necessity as required by the provisions hereof, any interested municipality, other public authority, utility or person may file a complaint with the Board of Railroad Commissioners. The Board may thereupon, or upon its own motion without complaint, with or without notice, make its order requiring the public utility complained of to cease and desist from such construction or operation until the Board makes and files its decision, or until further order of the Board. The Board may, after notice and hearing, make such order and prescribe such terms and conditions as are just and reasonable.

§ 4. Any municipality, other public authority, utility or person affected by the order of the Board of Railroad Commissioners in any matter relating to the subject matter of this Act may prosecute and conduct an appeal to the courts in the same manner as an appeal lies from any other order or decision of the Board, as provided in Sections 4609c34, 4609c35, and 4609c36, Supplement to the 1913 Compiled Laws of North Dakota.

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

Approved Feb. 10, 1927.

CHAPTER 236
(H. B. No. 95—Holthusen)

HEARING ON PUBLIC UTILITIES

An Act to Amend and Re-enact Section 4609c30 of the Supplement to the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 4609c30 of the Supplement to the Compiled Laws of 1913, be and it is hereby amended and re-enacted to read as follows:

§ 4609c30. COMPLAINT; HEARING ON.] Complaint may be made by the commissioners of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any fact or thing done or omitted to be done by any public utility, including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation of any provision of law of any order or rule of the commissioners.

The commissioners shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof upon the complainant and the utility affected thereby not less than ten days before the time set for such hearing, unless the commissioners shall find that public necessity requires that such hearing be held at an earlier date, provided, that no complaint shall be entertained by the commissioners, except on its own motion, as to the reasonableness of any rates or charges, of any heat, gas, electrical, water or telephone utility, unless the same be signed by the mayor, council, commission or other legislative body of the county, city or village, if any, within which the alleged violation occurred, or not less than ten per cent of the consumers or purchasers of such heat, gas, electrical, water or telephone service.

Approved February 9, 1927.

SCHOOLS

CHAPTER 237 (H. B. No. 331—Anderson)

ELECTION OFFICERS COMMON SCHOOL DISTRICTS

An Act to Amend and Re-enact Section 1151 of the Compiled Laws of North Dakota, for 1913, Relating to Election of Officers of Common School Districts, and Prescribing Qualifications Therefor.

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

§ 1. AMENDMENT.] That Section 1151 of the Compiled Laws of North Dakota, year 1913, be amended and re-enacted to read as follows:

§ 1151. OFFICERS TO BE ELECTED.] On the first Tuesday in June of each year there shall be elected one school director for the term of three years and on the first Tuesday in June of each even numbered year a school treasurer for the term of two years. Such officers shall hold their respective offices from the second Tuesday in July following their election for the number of years respectively for which they were elected, and until their successors are elected and qualified. At the first election for the organization of a new school district there shall be elected at large for such school district three directors, one to serve until the first annual election, one to serve until the second annual election thereafter, and one to serve until the third annual election thereafter, and school treasurer to serve until the annual election in the next even numbered year and until his successor is elected and qualified; provided, however, that where a common school district is composed of twenty or more sections of land having within its boundaries an incorporated village or city, at least one member of such Board of Directors shall be a farmer residing upon a farm outside the corporate limits of said village or city.

Whereas an emergency exists, this Act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1927.

CHAPTER 238 (H. B. No. 51—Veitch)

SCHOOL AGE—EXEMPTION FROM COMPULSORY ATTENDANCE —TRANSPORTATION

An Act to Amend and Re-enact Section 1342 of Supplement to the Compiled Laws of 1913.

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

§ 1. That Section 1342 of Supplement to the Compiled Laws of 1913 shall be amended and re-enacted to read as follows:

§ 1342. Every parent, guardian or other person who resides in any school district or city and who has control over any child of or between the ages of the seventh and fifteenth birthdays, shall send or take such child to a public school in each year during the entire time the public schools of such district or city are in session; and every parent, guardian or other person having control over any deaf, blind or feebleminded child or youth between the ages of seven and twenty-one years of age shall be required to send such deaf child to the school for the deaf at the city of Devils Lake for the entire school year unless excused by the superintendent or principal of such school, such blind child to the school for the blind at Bathgate for the entire school year unless excused by the superintendent or principal of such school, and such feeble-minded child to the institution for the feeble-minded at Grafton; provided, that such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

(1) That such child is taught for the same length of time in a parochial or private school approved by the county superintendent of schools subject to appeal to the superintendent of public instruction; that no school shall be approved by the county superintendent of schools or superintendent of public instruction unless the branches usually taught in the public schools are taught in such schools.

(2) That such child has already acquired the branches of learning taught in the public schools; provided that in case the eighth grade is not completed, such child shall attend school, if necessary until the seventeenth birthday is reached.

(3) That such child is actually necessary to the support of the family as determined by the school board with the approval of the county superintendent subject to appeal.

(4) That such child is in such physical or mental condition (as declared by a licensed physician, if required by the board) as to render such attendance inexpedient or impracticable.

"If no school is taught the required length of time within 2 miles from the residence of the child, by the nearest route, the school board or board of education shall, except in cases of consolidated schools, pay to each family whose child or children attend school a sum per day for each day's attendance, in proportion to the distance from school, according to the following schedule:

From 2 Miles to 2 $\frac{1}{4}$ Miles	5 c per day
From 2 $\frac{1}{4}$ Miles to 2 $\frac{1}{2}$ Miles	8c per day
From 2 $\frac{1}{2}$ Miles to 2 $\frac{3}{4}$ Miles	11c per day
From 2 $\frac{3}{4}$ Miles to 3 Miles	14c per day
From 3 Miles to 3 $\frac{1}{4}$ Miles.....	17c per day
From 3 $\frac{1}{4}$ Miles to 3 $\frac{1}{2}$ Miles	20c per day
From 3 $\frac{1}{2}$ Miles to 3 $\frac{3}{4}$ Miles	23c per day
From 3 $\frac{3}{4}$ Miles to 4 Miles	26c per day
From 4 Miles to 4 $\frac{1}{4}$ Miles	29c per day
From 4 $\frac{1}{4}$ Miles to 4 $\frac{1}{2}$ Miles	32c per day
From 4 $\frac{1}{2}$ Miles to 4 $\frac{3}{4}$ Miles	35c per day
From 4 $\frac{3}{4}$ Miles to 5 Miles	38c per day
From 5 Miles to 5 $\frac{1}{4}$ Miles	41c per day
From 5 $\frac{1}{4}$ Miles to 5 $\frac{1}{2}$ Miles	44c per day
From 5 $\frac{1}{2}$ Miles to 5 $\frac{3}{4}$ Miles	47c per day
From 5 $\frac{3}{4}$ Miles to 6 Miles	50c per day

And for each one-fourth of one mile over and beyond such distance of six miles from such school the further sum of five cents per day.

Provided that such distance shall be measured from the front door of the school house to the front door of the family's residence according to the most convenient course of travel; provided that the board at its option in lieu of such payment may

(1) Furnish vehicular transportation by public conveyance to such family, or

(2) Furnish such family the equivalent of such payment in lodging or tuition at some other public school if acceptable to the family, and when the school board or board of education by resolution, provides for such payment, transportation, lodging or tuition, the compulsory attendance law shall apply to all school children of school age living not to exceed 6 miles from school and shall also apply to such children living more than six miles from school if vehicular transportation is furnished; provided, further, that demand for such payment shall be made by such family before the close of the school year or same will be deemed to have been waived.

Provided, that the provisions for transportation shall not apply to deaf, blind and feeble-minded children in this state, and this section shall not be construed to apply to parents, guardians, or other persons having control of any child or children of compulsory school age, who desire to send such child or children for a total period of not exceeding six months, which may be taken in one or more years, to any parochial school for the purpose of preparing such child or

children for certain religious duties. It shall be the duty of the clerk of the school board to include in his annual statement an item setting forth the amount spent for transportation of pupils.

Approved March 7, 1927.

CHAPTER 239

(H. B. No. 314—Committee on Education)

TEACHERS' EXAMINATION BY COUNTY SUPERINTENDENTS

An Act to Amend and Re-enact Section 1370 of the Compiled Laws of North Dakota for the Year 1913, Relating to Teachers' Examinations Conducted by County Superintendent and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] That Section 1370, Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 1370. EXAMINATION CONDUCTED BY COUNTY SUPERINTENDENT.] Under the direction of the state superintendent of public instruction, the county superintendent shall hold a public examination of all persons over eighteen years of age offering themselves as applicants for teachers' certificates, at the most suitable place or places in the county on the Second Thursday and Friday in August of each year or more often at the discretion of the state superintendent of public instruction, and when necessary such examination may be continued on the following day. He shall examine them by a series of written or printed questions, according to the rules prescribed by the state superintendent of public instruction. The county superintendent shall forward all answer papers submitted by applicants immediately after the close of the examination to the state superintendent of public instruction, for examination, marking, filing and recording. The state superintendent of public instruction shall grant to each applicant a certificate of qualification, if from the percentage of correct answers required by the rules, said applicant is found to possess the requisite knowledge and understanding to teach, in the common schools of the state, the various branches required by law; provided, that sufficient evidence is furnished that the candidate is a person of good moral character, has had successful experience, if any, and possesses an aptness to teach and govern.

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

Approved, March 3, 1927.

CHAPTER 240
(H. B. No. 336—Sleight)

**TUITION FOR CHILDREN WHOSE PARENTS RESIDE ON COUNTY
POOR FARMS**

An Act Requiring Counties to Pay the Tuition for Children Attending School in the State Whose Parents Reside Upon County Poor Farms Owned by Such Counties.

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

§ 1. Any and all children whose parents or guardians reside upon land owned by a county in this state and used for the purpose of a poor farm are hereby declared to be non-residents for school purposes of all the school districts in the state.

§ 2. Any school district in this state where any non-resident child, as described in Section 1 of this act, attends school, shall be entitled to charge as tuition for such non-resident child the sum of one and one-half dollars per week for the time such non-resident child is enrolled, without regard to whether such enrollment is in the high school department, if there be one, of such district, or the grades.

§ 3. The tuition so charged shall be paid by the county which is the owner of the land upon which the parents or guardian of such non-resident child or children reside.

§ 4. On or before the first day of July in each year the clerk of the school district board or board of education shall make and file with the county auditor of the county where such non-resident child has its home, a claim for tuition showing the name, age and date of enrollment of such child, the description of the land where such child resides and the total amount due, which claim shall be audited, allowed and paid as other claims against the county.

Approved, March 3, 1927.

CHAPTER 241
(S. B. No. 198—Carey and Ettestad)

SALARY SCHOOL TREASURER

An Act to Amend and Re-enact Section 1172 of the Compiled Laws of North Dakota, 1913, Relating to the Compensation of School Treasurers in Common and Consolidated School Districts.

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

§ 1. AMENDMENT.] That Section 1172 of the Compiled Laws of North Dakota 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 1172. SALARY OF SCHOOL TREASURER.] The School Treasurer in common or consolidated school districts, shall be paid for his services one and one-half per cent ($1\frac{1}{2}\%$) of all moneys paid out of the school district treasury, for receiving, safely keeping, and paying over the same according to law; provided, that in no case shall such school treasurer receive for such services more than FIFTY DOLLARS (\$50.00) in any one year; provided further that such treasurer shall not be allowed any percentage or amount on the balance turned over by him to his successor in office.

Approved, March 5, 1927.

CHAPTER 242
(S. B. No. 188—Sathre)

CLOSING SCHOOLS IN TOWNS AND VILLAGES UPON
CONSOLIDATION

An Act to Provide for the Closing of Schools in Certain Towns and Villages Upon the Consolidation of the Schools in Such School Districts and Providing the Procedure Therefor.

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

§ 1. No school situated in or near, and serving a platted or unplatted town or incorporated village located upon any railroad, which has regular train and mail service, and in which said railway company keeps open and maintains a depot for freight and passenger traffic, shall be closed by reason of and notwithstanding any past or future consolidation of the schools in the school district containing said town or village, unless consent thereto be given to such closing, by the written consent of the fathers, or in case of the death or the non-residence of the father, the mothers of not less than seventy-five per cent of the children of school age residing in or near said town or village, and usually attending such town or village school, providing that the term "father" and "mother" as herein used shall include foster parents or others having the care, custody and control of such children.

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

Approved, March 5, 1927.

CHAPTER 243
(H. B. No. 204—Committee on Education)

TRANSPORTATION CONSOLIDATED SCHOOLS

An Act to Amend and Re-enact Section 1190 of the Supplement to the Compiled Laws 1913, Relating to Consolidation of Schools and Transportation of Pupils.

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

§ 1. AMENDMENT.] That Section 1190 of the Supplement to the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 1190. CONSOLIDATION OF SCHOOLS AND TRANSPORTATION OF PUPILS.] The district school board may call, and, if petitioned by one-third of the voters 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 accomodate 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 except as hereafter otherwise provided shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school election. If a majority of the votes cast at such election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter, and such school shall be known as a consolidated school. 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. In the case of any consolidated school heretofore or hereafter established under the provisions of this act, it shall be the duty of the school board to pay to each family residing more than two miles from such school, by the nearest route, whose child or children shall attend such consolidated school, not including children in the high school department thereof, a sum per day for each day's attendance, in proportion to the distance from such school, according to the following schedule:

From 2 Miles to 2 $\frac{1}{4}$ Miles.....	5c per day
From 2 $\frac{1}{4}$ Miles to 2 $\frac{1}{2}$ Miles.....	10c per day

From $2\frac{1}{2}$ Miles to $2\frac{3}{4}$ Miles.....	15c per day
From $2\frac{3}{4}$ Miles to 3 Miles.....	20c per day
From 3 Miles to $3\frac{1}{4}$ Miles.....	25c per day
From $3\frac{1}{4}$ Miles to $3\frac{1}{2}$ Miles.....	30c per day
From $3\frac{1}{2}$ Miles to $3\frac{3}{4}$ Miles.....	35c per day
From $3\frac{3}{4}$ Miles to 4 Miles.....	40c per day
From 4 Miles to $4\frac{1}{4}$ Miles.....	45c per day
From $4\frac{1}{4}$ Miles to $4\frac{1}{2}$ Miles.....	50c per day
From $4\frac{1}{2}$ Miles to $4\frac{3}{4}$ Miles.....	55c per day
From $4\frac{3}{4}$ Miles to 5 Miles.....	60c per day
From 5 Miles to $5\frac{1}{4}$ Miles.....	65c per day
From $5\frac{1}{4}$ Miles to $5\frac{1}{2}$ Miles.....	70c per day
From $5\frac{1}{2}$ Miles to $5\frac{3}{4}$ Miles.....	75c per day
From $5\frac{3}{4}$ Miles to 6 Miles.....	80c per day

And for each one-quarter of one mile over and beyond such distance of six miles from such consolidated school, the further sum of five cents. Provided, that such distance shall be measured from the front door of the school house to the front door of the family's residence, according to the most convenient route. Provided, further, that demand for such payment shall be made by such family before the close of the school year or same will be deemed to have been waived. Provided, also, that the school board, at its option, and in lieu of such payment may

(1) Furnish vehicular transportation by public conveyance to such family; or

(2) Furnish such family the equivalent of such payment in lodging or tuition at some other public school, if acceptable to the family; and when the school board by resolution provides for such payment, transportation, lodging or tuition, the compulsory attendance law shall apply to all children of school age residing in such district within six miles of school, and shall also apply to children residing more than six miles from the school if vehicular transportation is furnished. Provided, further, that in districts where vehicular transportation by public conveyance is furnished, that resident children who are in the high school department, if such district maintains such high school department, shall be transported in such public conveyance.

Provided, also, that in case a patron is dissatisfied with the arrangement made by the school board with regard to the transportation of his children, he may apply to the school board for a board of arbitration consisting of one selected by the patron, one selected by the school board and another chosen by the two already selected; the school district to pay all cost 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 7, 1927.

CHAPTER 244
(S. B. No. 155—Steel)

BOARD OF EDUCATION FOR HIGH SCHOOLS ESTABLISHED BY
TWO OR MORE SCHOOL DISTRICTS

An Act to Amend and Re-enact Section 1194 of the Compiled Laws of 1913, Relating to High Schools Established and Maintained by Two or More School Districts, Providing a Board of Education Therefor and Prescribing its Powers and Duties; Providing that Certain De Facto School Districts Shall Be Validated and Re-established Under the Provisions of This Act.

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

§ 1. AMENDMENT.] That Section 1194 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 1194. (1) Two or more adjacent school districts, either common or special, may join in the establishment and maintenance of such high school, when empowered so to do by a majority of the electors in each district, at a meeting called and held as provided in Section 1185. In the event that a majority of the votes cast thereon in each district shall be in favor of establishing and maintaining such high school, the several districts joining for such purpose shall thereafter constitute a high school district. The management and control of such high school shall be vested in a high school board of education consisting of one member from each district; and if the number of districts is even, one additional member shall be chosen at large, as herein provided.

(2) Within 20 days after the holding of such election, resulting in a vote in favor of establishing and maintaining such high school, the county superintendent of schools of the county in which such districts are located shall call a special election, to be called and held as other school elections are held in common school districts, at which election the electors of each district shall elect, in said districts, a high school board of education of one member from each district. If the number of districts is even, one additional member shall be chosen at large, as herein provided, who shall hold office until the second Tuesday in July next following. At such election the electors shall also vote upon a name for said high school district. On the day following said election in the several districts the total of the votes cast for a name for the said high school district and for the director at large, if such director is to be elected,

shall be canvassed by a canvassing board composed of the judges of election in the elections held in the said several districts, said canvassing board shall meet at the place where said election was held in the district where the high school site is located, and the name receiving the highest number of votes cast in all the districts shall be adopted as the name of the district, likewise the person receiving the highest number of votes cast for the office of director at large shall be declared elected. On the date of the annual school election next ensuing, after such first election of such board of education, the electors of such high school district, in the manner hereinbefore provided, shall elect the members of said board of education; one-half of the total members less one, to represent the district or districts nearest the high school site, to be elected for one year; one-half of the total members less one, to represent the district or districts most distant from the high school site, for two years; and one at large, or if there is no member at large necessary to make an odd membership, then the remaining member of the board to represent the remaining district, for three years; all to serve from the second Tuesday in July next following their election; and thereafter the terms of office of each shall be three years. And at the expiration of the term of each of the said directors so elected, each district so represented, shall elect a member from such district for a term of three years at the annual school election. Provided that in the year in which the term of office of a director at large expires, if there be such director at large, that such director shall be elected at the annual school election held in the several districts, and the votes of such election shall be canvassed as hereinbefore provided for at the election for choosing the name for the district.

(3) Such high school board of education shall appoint a clerk and a treasurer for such high school district, who shall perform the functions and duties of such officers in special school districts in this state. The treasurer shall give a bond to the board as provided in Section 1256, and the funds of the high school district shall be deposited in depositories designated in the manner provided by law for designation of depositories in other school districts in this state.

(4) The high school board of education herein provided for shall, in the management and control of said high school, have all the powers and duties vested in boards of education in special school districts for the management and control of high schools in such special districts. Such board of education shall have the power to levy an annual tax upon the taxable property within such high school district for the purpose of establishing and maintaining such high school, but such annual tax levy shall not exceed four (4) mills upon each dollar of assessed valuation in such high school district. Such tax levy shall be made and certified, the taxes spread, collected and paid over to the treasurer of the high school district in the same

manner as now provided by law in the case of other school districts. Said board of education may call elections to determine on the question of issuing bonds of the high school district for the purpose of erecting buildings, marking additions thereto, or for any other purpose for which bonds may be issued by a special school district, and the statutes relating to issuance and sale of bonds of special school districts are hereby made applicable to such high school district. The board of education shall have power, and it shall be its duty, to arrange for the transportation of pupils to and from such high school in the manner provided by law in the case of consolidated schools. The high school district herein provided for shall be a public corporation and may sue or be sued in its corporate name, and in such name may acquire, hold and use personal and real property for school purposes, and may contract and be contracted with. The board of education shall adopt a corporate seal for said district.

(5) Any de-facto high school district heretofore irregularly organized under Sections 1192, 1193, and 1194 of the Compiled Laws of North Dakota for 1913, shall be validated, and within twenty days after the passage of this act a special election shall be called to elect a board of education in the manner provided by Subdivision (2) hereof, and thereafter such high school district shall be governed according to the provisions of this act.

Approved, March 4, 1927.

CHAPTER 245

(S. B. No. 213—Seamands)

HIGH SCHOOL TUITION

An Act to Amend and Re-enact Section 1438-a1 of the Supplement to the Compiled Laws of North Dakota for 1913, Relating to High School Tuition Fee.

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

§ 1. AMENDMENT.] That Section 1438a1 of the Supplement to the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 1438a1. NON-RESIDENT PUPILS.] 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; provided further that any school district located on the boundary line of this state and not having a full four year high school course of at least fifteen (15) units, and being adjacent to a school district in an adjoining state having a full four year high school course, shall arrange for the attendance of any pupil in such adjacent school district located in such adjoining state, to complete such part of a full four year high school course of at least fifteen (15) units as is not offered in his own district, and for the payment of such tuition fee as shall first be approved by the county superintendent of schools of the county in which such pupil resides.

Approved, March 5, 1927.

CHAPTER 246

(H. B. No. 209—Committee on Education)

ADJACENT TERRITORY SPECIAL SCHOOL DISTRICTS

An Act to Amend and Re-enact Section 1240 of the Supplement to the Compiled Laws of 1913, Relating to Special School Districts.

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

§ 1. AMENDMENT.] That Section 1240 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 1240. ADJACENT TERRITORY: HOW ATTACHED FOR SCHOOL PURPOSES.] When any special school district has been organized and provided with a board of education under any general law, or special act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the board of county commissioners upon application in writing signed by two-thirds of the voters of such adjacent territory; provided, that no territory shall be annexed from any school district where the part remaining after such proposed

annexation would have an assessed valuation of less than one hundred thousand dollars for each teacher employed in such remaining territory.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and on school questions; provided, that nothing in this act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided that the county commissioners shall detach any part of such adjacent territory which is at a greater distance than three miles from the central school in such special district and attach it to any adjacent common or special school district or districts on petition to do so signed by two-thirds of the legal voters of such adjacent territory, provided, further, that in all cases of annexation or detaching of territory fourteen days' notice of hearing before the board of county commissioners shall be given by posted notices in conspicuous places, three to be in the special district, three in the territory sought to be annexed or detached, and three in the district from which the territory is to be taken or to which it is to be attached. If the board of county commissioners decide to annex or detach as the case may be, then such territory shall become a part of the special district or be detached therefrom within five days after such hearing and all assets and liabilities shall be equalized according to Section 1327 of the Compiled Laws of North Dakota for 1913. Provided, also, that any special school district to which adjacent territory has been attached under this or any other act shall pay compensation, or furnish lodging, or pay tuition, or furnish vehicular transportation by public conveyance, for all pupils residing in such special school district, not including high school pupils attending such central school, more than two miles from the central school house thereof, in accordance with the provisions of Section 1190 of the Supplement to the Compiled Laws of 1913, and acts amendatory thereof. Provided, further, that in districts where vehicular transportation by public conveyance is furnished; that resident children who are in the high school department, if such district maintains such high school department, shall be transported in such public conveyance.

Approved, March 3, 1927.

CHAPTER 247

(H. B. No. 170—Boeckel and Meidinger)

TEN COMMANDMENTS IN CLASS ROOMS

An Act Providing for the Printing and Placing of Placards Containing the Ten Commandments of the Christian Religion, in School Rooms and Class Rooms of Public Institutions of Learning.

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

§ 1. It shall be the duty of the School Board, Board of Trustees, or Board of Education of every school district, and the president of each and every institution of higher education in the state, which is supported by appropriations or by tax levies in this state, to display a placard containing the Ten Commandments of the Christian religion in a conspicuous place in every school room, class room or other place in said school where classes convene for instruction.

§ 2. The Department of Public Instruction shall have authority to print such placards and shall be permitted to charge for them such an amount as will cover the cost of printing and distribution.

Approved, March 3, 1927.

SCHOOL and STATE LANDS

CHAPTER 248

(H. B. No. 208—Thompson of Burleigh)

LEASE AND SALE OF ISLANDS FORMED IN NAVIGABLE STREAMS AND DECLARED PROPERTY OF STATE

An Act to Provide for the Leasing and Sale of Islands Formed in Beds of Navigable Streams. Whereas, there is no Law in This State Which Provides for the Leasing and Sale of Islands Formed in the Beds of Navigable Streams in This State, Now Therefore

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

§ 1. All islands formed in the beds of streams which are navigable and declared the property of the state under the provisions of Section 5475 of the Compiled Laws for 1913, shall be leased and sold by the Board of University and School Lands in the same manner as other lands now under control of said board are leased and sold.

§ 2. All proceeds derived from the leasing and sale of such lands, shall become a part of the common school funds and be distributed as directed by law.

§ 3. Whereas, there is no law upon the statute books covering the subject matter of this act, therefore an emergency is hereby declared to exist and this bill shall take effect from and after its passage and approval.

Approved March 5, 1927.

CHAPTER 249

(S. B. No. 146—Olson of Burleigh and Ployhar)

LEASING STATE OR SCHOOL LANDS SUPPOSED TO CONTAIN OIL

An Act Providing for the Leasing of State or School Lands Supposed to Contain Oil and to Make and Establish Rules and Regulations Relative to the Development Thereof; Providing for Royalty to Be Collected Therefrom, and for the Sale of Improvements on Such Lands; for the Assignment Thereof and for Geological Reports Thereon.

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

§ 1. WHEN GRANTED.] The State Board of University and School Lands is hereby authorized to lease, upon a royalty basis, any state or school lands supposed to contain oil and to make and establish rules and regulations covering the conduct of development and drilling operations to be carried on thereunder.

§ 2. ROYALTY.] Leases shall be issued by said board at such annual minimum payment as shall be fixed by the board authorized to lease such lands, which royalty shall not be less than 12½% of the gross output of oil from said lands under said lease.

§ 3. SALE. APPRAISAL OF IMPROVEMENTS.] If oil lands upon which improvements have been made shall be sold or if such lands shall be leased to other than the owner of the improvements thereon, then such purchaser or such new lessee shall pay to the owner thereof the value of said improvements, at an agreed price with the owner thereof; or if agreement cannot be reached, then at such price as shall be fixed by appraisalment under the authority of the Board of University and School Lands. The word "improvements" shall be construed to mean surface improvements, machinery and other equipment used and necessary for the operation of drilling on said land, and work performed in the development of the property for the drilling of oil when such development work is of practical use for future operations and drilling upon such land. Wells drilled for oil which do not produce oil in commercial quantities shall not be considered as improvements.

§ 4. DISTINCT FROM SURFACE LEASE.] All leases made under this act shall be separate and distinct from any lease of the grazing privileges thereon that may be made by said board, and

the regulations so made by said board in connection therewith shall provide for the use of said lands for grazing purposes without interference by the lessee of the oil drilling privileges.

§ 5. ASSIGNMENTS.] No lease made under the provisions of this act shall be assignable or transferable except upon the written consent of the board issuing the same, and the board in each case shall require the execution of a good and sufficient bond on the part of the lessee conditioned upon the payment of all moneys, rentals, and royalties provided for by the terms of said lease, and for the full compliance and observance of all rules and regulations established by said board and all other terms which may be set forth in said lease not inconsistent with the terms of this act.

§ 6. REPORTS UPON.] The state geologist, when requested by the Board of University and School lands of this state, shall visit and make a report upon any lands held under any lease issued under and by virtue of this act. Such report shall be made without any fee to the officer making the same, but said state geologist shall be paid his necessary expenses therefor.

§ 7. PROVIDED, that the lessee who first establishes and has in operation a well which actually produces oil in commercial quantities shall have the first right to lease any or all lands under the control of the Board of University and School Lands within a radius of seven (7) miles of such producing well.

§ 8. EMERGENCY.] An emergency is hereby declared to exist and this act shall become effective immediately upon its passage and approval.

Approved, March 3, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—46—3—0.

House—62—41—10.

SEEDS

CHAPTER 250

(S. B. No. 114—Brunsdale)

DEPARTMENT OF STATE SEED CERTIFICATION

An Act to Regulate, Concerning, Relating to the Production, Inspection, Testing, Analysis and Certification of Seeds, Offered or Exposed for Sale, or Sold as North Dakota Registered Certified Seed, Providing for Rules and Regulations With Reference Thereto, Prescribing Penalties for Violations of the Act, Providing for a Schedule of Equitable Fees, and Making an Appropriation.

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

§ 1. CREATION OF A DEPARTMENT OF STATE SEED CERTIFICATION.] There is hereby created and established a Department of State Seed Certification. Its main office and laboratories shall be located at the North Dakota Agricultural College and Experiment Station at Fargo, North Dakota.

§ 2. PURPOSE.] The main purpose of the Department of Seed Certification created in this act shall be to foster, promote, develop, and aid in the production, registration and certification of North Dakota Registered Certified Seed.

§ 3. STATE SEED COMMISSIONER. HOW APPOINTED.] The Department of State Seed Certification shall be operated and managed by the State Seed Commissioner, who shall be appointed by the Board of Administration, and his term of office, and salary, shall be fixed by said board.

§ 4. POWERS AND AUTHORITY OF THE STATE SEED COMMISSIONER.] It shall be the duty of the State Seed Commissioner and he shall have powers and authority as follows: (1) To make and promulgate all rules and regulations for field crop inspections, field registrations, seed crop handling, bin inspections, analyzing, testing, or certifying of all seed or seeds to be grown, produced, processed or treated, exposed or offered for sale or sold, which seeds are designated or intended to be or to become registered or certified under the state brand, label or tag as North Dakota Registered Certified Seed, by and through the North Dakota Department of State Seed Certification; (2) To establish and designate kinds, varieties, strains, the names thereof and the grades and standards of quality, degree of disease infection, and also the amount of any admixtures, foreign seeds, prohibited or noxious weed seeds that may be allowed in any lot or stock of seed or of potatoes, which may be or become eligible to Field Registration or to Seed Certification, provided that no lot of the *highest grade* of North Dakota Registered Certified Seed shall contain a total of more than 2% of such admixtures, foreign seeds, diseased products, noxious weed seeds and inert matter, and further, if any such disqualifications are present, the approximate per cent of the same shall be stated in the certificate and upon the official tag and label; (3) To prescribe all brands, labels, tags and containers that may be used for the various grades and qualities of North Dakota Registered Certified Seed and what written or printed words such brands, labels, tags or containers shall bear; (4) To regulate, prescribe and direct, the manner and methods of seed treatment, crop culture, harvesting, threshing, handling, storage and warehousing, under which the identity and quality of the seeds so produced shall be preserved and the grower or producer of such seeds become licensed, registered or

listed as a grower or producer of North Dakota Registered Certified Seeds; (5) To appoint all official field crop and bin inspectors, analysts and aids and to select as other aids and assistants any properly qualified persons connected with other experiment stations in the state and to designate laboratories at other state institutions in the state where analyses and testing of seeds may be had, subject to the approval of the Board of Administration, and such laboratories, aids and assistants, when so confirmed, shall be subject to the supervision and regulation of the State Seed Commissioner; (6) To co-operate with the managers of any seed cleaning, seed treating or processing plants, and with the managers of any wholesale seed houses of the state which have proper facilities and equipment to properly store, clean, grade, process and handle field inspected, or field registered seeds or potatoes preparatory to certification, and in like manner to co-operate with and utilize the facilities and equipment of any co-operative growers associations formed or incorporated in the state for the purposes of handling and marketing of North Dakota Registered Certified Seed. The State Seed Commissioner shall also have power and authority to co-operate with the United States Department of Agriculture and the proper authorities of other states in all matters relating to the betterment of methods and means of seed inspection, analysis, testing and certification; further, he shall have the power and authority to select, test, and grow, and in co-operation with farmers or growers, within the state, arrange for proper increase and distribution of foundation stocks suitable for the production of registered certified seed and to co-operate with any organized county, district, or state fairs to put on proper exhibits, contests and distribution sales of registered certified seed products. (7) To establish an equitable schedule of charges and fees to cover the costs of any special, subsidiary or necessary inspections, analyses or tests, other than as now provided by law, and all such charges and fees so collected shall be turned into the fund of the Department of State Seed Certification.

§ 5. PENALTIES.] Any person, firm, or corporation or agent thereof who shall expose or offer for sale, sell, or have in possession any seed which is represented in any manner to be North Dakota Registered Certified Seed or which bears in any manner any label or statement that it is or purports to be North Dakota Registered Certified Seed unless the same has been registered or certified pursuant to the provisions of this act, or who removes any official brand, label or tag from any bin, bag, package or other container or who transfers, modifies, mixes, or changes the content of any officially labeled or tagged container of North Dakota Registered Certified Seed while in transit or in storage except as officially authorized by the State Seed Commissioner, or who otherwise, in any manner, violates the provisions and purposes of this act, shall be

guilty of a misdemeanor and on conviction thereof shall be fined not less than one hundred dollars (\$100.00) and the costs, nor more than one thousand dollars (\$1,000.00) and costs of prosecution. Provided, however, that all fields of seeds now registered by the State Seed Commissioner and seeds now certified by such State Seed Commissioner shall be considered Registered or Certified, respectively, under this act.

§ 6. The State Seed Commissioner, in addition to the powers, duties and authority herein provided, shall also possess and continue to possess all of the powers, duties, and authority as now provided in existing seed enactments, namely: Chapter 209, Laws of 1909, as amended by Chapter 229, Laws of 1913, and as amended by Chapter 192, Laws of 1925, and all of the provisions of said laws shall apply to the application and enforcement of this act so far as the same are not inconsistent therewith.

§ 7. APPROPRIATION.] For purposes of carrying out and administering the provisions of this act and to pay the salaries of the necessary employees, analysts and expert field and bin inspectors and to establish definitely for the producers of the state, a trade mark and a label, under the state governmental authority, for North Dakota Registered Certified Seed, there is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars (\$15,000.00) or as much thereof as may be necessary for the biennium period beginning July 1, 1927. Such appropriation shall be paid to the Secretary of the North Dakota Agricultural College and be credited to the fund of the Department of State Seed Certification and be accounted for as are other institutional funds and shall be disbursed under the direction and supervision of the Board of Administration only for the purposes of this act and upon requisition of the State Seed Commissioner.

§ 8. DISPOSITION OF FEES AND OTHER FUNDS COLLECTED.] All funds arising from the collection of charges and fees or from any other source under this act shall be paid to the Secretary of the North Dakota Agricultural College and be credited to the fund of the Department of State Seed Certification and be accounted for as are other institutional funds and shall be disbursed under direction and supervision of the Board of Administration only for the purposes of this act and upon requisition of the State Seed Commissioner.

Approved March 5, 1927.

CHAPTER 251

(S. B. No. 47—Van Arnam)

PURE SEEDS—LABELING AND BRANDING

An Act to Amend and Re-enact Section 2898, Compiled Laws of North Dakota for 1913, Relating to the Manner of Labeling and Branding Seeds Offered for Sale Within the State of North Dakota.

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

§ 1. That Section 2898 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted as follows:

§ 2898. Each and every package or lot of seeds, excepting only garden seeds in a packet or a package of one pound or less, whether in package or in bulk, which is sold, offered or exposed for sale by any person, firm or corporation in the State of North Dakota, shall be plainly, legibly and indelibly labeled in English upon the exterior of the container with a written or printed label. Such label shall show:

First: The commonly accepted name of the kind and variety of seed.

Second: The full name and address of the person or persons, firm or corporation selling, offering or exposing the seeds for sale.

Third: The percentage of germination and the date of last testing of all seed corn, sweet clover, red clover and alfalfa.

Fourth: The name of the county and state where grown, in the case of seed corn, or the name of the state where grown in the case of alfalfa seed.

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

Approved, February 19, 1927.

SHEEP HUSBANDRY

CHAPTER 252

(H. B. No. 334—Brown, by Request)

LIABILITY OWNERS OF DOGS KILLING SHEEP, ETC.

An Act to Amend and Re-enact Section 2642 of the Compiled Laws of North Dakota of 1913, Relating to the Liability of Owners of Dogs Killing Sheep or Other Domestic Animals.

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

§ 1. AMENDMENT.] Section 2642 of the Compiled Laws of North Dakota of 1913 is hereby amended and re-enacted to read as follows:

§ 2642. OWNER OF DOG LIABLE.] The owners of any dog shall be liable in a civil action for all damages that may accrue to any person by reason of such dog killing, wounding, or chasing any sheep or other domestic animal belonging to such person. Where one or more of several dogs owned by different persons participate in killing, wounding, or chasing such sheep or other domestic animals, the owners of the respective dogs may be sued jointly in a joint action against the owners of such dogs, and a joint verdict, decision and judgment rendered against the owners of such dogs jointly. The owners of dogs against whom a joint judgment is rendered and paid, may among themselves have contribution in an appropriate action in which the respective damages committed by their respective dogs may be pro-rated.

This act and amendment shall apply to all causes of action which have accrued for the killing, wounding, or chasing of sheep and other domestic animals by dogs, and shall apply to all causes of action pending in any court for the recovery of damages for the killing, wounding or chasing of sheep and other domestic animals by dogs.

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

Approved, March 3, 1927.

SNUFF

CHAPTER 253

(H. B. No. 352—Streich and Twichell)

PROHIBITING SALE OF SNUFF TO MINORS

An Act to Amend and Re-enact Sections 10180, 10181, 10182 and 10183 of the Compiled Laws of North Dakota for 1913, Prohibiting the Sale, Bartering or Giving Away of Snuff to Minors, Providing Penalties Therefor and Repealing Acts in Conflict Therewith.

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

§ 1. That Section 10180 of the Compiled Laws of North Dakota for 1913 is amended and re-enacted as follows:

§ 10180. It shall be unlawful for any person, by himself, clerk, servant, employee or agent, or any clerk, servant, employee or agent of any person, directly or indirectly upon any pretense, or by any device, to sell, exchange, barter, dispose of or give away to, or furnish to, or buy, or procure for any person under the age of

twenty-one (21) years, or to distribute for advertising purposes, any snuff, or any substitute therefor under whatever name called, and as defined in this act.

§ 2. That Section 10181 of the Compiled Laws of North Dakota for 1913 is amended and re-enacted as follows:

§ 10181. For the purpose of this chapter, snuff is defined as any tobacco that has been fermented, or dried, or flavored, or pulverized, or cut, or scented, or otherwise treated, or any substitute therefor or imitation thereof, intended to be taken by the mouth, or nose. Provided, however, that ordinary plug, fine cut, or long cut chewing tobacco as now commonly known to the trade of this state, shall not be included in such definition.

§ 3. That Section 10182 of the Compiled Laws of North Dakota for 1913 is amended and re-enacted as follows:

§ 10182. It shall be the duty of the state's attorney, sheriffs, police officers, health officers and the food commissioner to enforce the provisions of this statute, and for the purpose thereof they shall have ingress and egress to all places of business where it is believed that snuff, as hereinbefore defined, is kept in violation of this chapter. Grand juries and state's attorneys shall have full inquisitorial powers over offenses committed under this chapter, and state's attorneys shall make investigation and conduct prosecutions when proper evidence is furnished to them. The Attorney General shall revoke the permit of any person, firm or corporation, authorized to sell snuff in this state, who has violated any of the provisions of this act, and no permit can again be issued to such person, firm or corporation for a period of two (2) years thereafter.

§ 4. That Section 10183 of the Compiled Laws of North Dakota for 1913 is amended and re-enacted as follows:

§ 10183. Any person violating any provisions of Section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall for the first offense be punished by a fine of not less than fifty dollars, nor more than one hundred dollars; and for the second and each subsequent offense, by a fine of not less than one hundred dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than ten or more than ninety days, or both such fine and imprisonment.

§ 5. Any person, firm or corporation violating any provisions of this act, or maintaining a place where snuff, or any substitute therefor is sold, or kept with intent to sell in violation of the provisions of this act, shall be deemed guilty of keeping and maintain-

ing a nuisance, and the building or place so used for the sale, or keeping for sale of snuff or any substitute therefor in violation of the provisions of this act shall be deemed to be a nuisance, and such person, firm or corporation may be enjoined and such building or place abated as a nuisance, and the procedure for the actions to enjoin and abate such nuisance, or for contempt in violating an order of injunction, shall be, as far as applicable, the same as those now provided by the laws of the state for enjoining and abating liquor nuisances. Provided, further, that the possession by any consumer thereof, of cigarettes or snuff in the original package or box, upon which stamps are by this act required to be affixed, without such stamps being so affixed thereto, shall be prima facie evidence of an infraction and evasion of the provisions of this act, and shall be and constitute a misdemeanor.

Approved, March 5, 1927.

SOLDIER'S BONUS

CHAPTER 254
(S. B. No. 169—Baird)

LIMITATION FOR FILING SOLDIERS BONUS CLAIMS

An Act Limiting the Time in Which to File Claims Against the Returned Soldiers Fund Under the Provisions of Chapter 206, Laws of 1919, and Laws Amendatory Thereto.

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

§ 1. No claim under the provisions of Chapter 206, Session Laws 1919, and all acts amendatory thereto, shall be received by the Adjutant General of North Dakota on and after July 1, 1927; provided, that the prohibition mentioned in this act shall not be construed to prevent the completion of any and all claims now in the office of the Adjutant General of North Dakota, but all such claims shall be deemed to have been filed prior to July 1, 1927.

Approved, March 3, 1927.

STATE SECURITIES COMMISSION

CHAPTER 255

(S. B. No. 126—Sathre, by Request)

DUTIES OF STATE SECURITIES COMMISSION

An Act to Amend and Re-enact Sections 2, 3, 5, 6, 10, 12, 14 and 21 of Chapter 182, Session Laws 1923, the Same Being Sections 5235a2, 5235a3, 5235a5, 5235a6, 5235a10, 5235a12, 5235a14 and 5235a21 of the Supplement to the 1913 Compiled Laws of North Dakota 1913-1925, Relating to the Definition of Securities, Indemnity Bond and Fees Collected by the State Securities Commission.

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

AMENDMENT.] That sections 2, 3, 5, 6, 10, 12, 14 and 21, of Chapter 182, Session Laws of 1923, the same being Sections 5235a2, 5235a3, 5235a5, 5235a6, 5235a10, 5235a12, 5235a14 and 5235a21 of the Supplement to the 1913 Compiled Laws of North Dakota 1913-1925, relating to the definition of securities, indemnity bond and fees collected by the state securities commission, are hereby amended and re-enacted to read as follows:

§ 5235a2. The term "Securities" as used in this act shall be taken to mean stock certificates, shares, bonds, debentures, certificates of participation, contracts, service contracts, pre-organization certificates and subscriptions, certificates evidencing shares of or interest in trust estates or associations, profit sharing agreements or certificates; or any certificate contract, or instrument whatsoever representing or constituting evidence of, or secured by, title to, or interest in, or any lien or charge upon the capital or any property or assets of the issuer thereof, or any oil, gas or mining lease; and interests, units or shares in any such lease or leases; contracts or bonds for the sale and conveyance of land on deferred payments or installment plan, or other instruments in the nature thereof by whatsoever name they may be known or called.

§ 5235a3. It shall be hereafter unlawful for any person, partnership, association or corporation, hereinafter called the Investment Company, either as principal or through agents, to sell, or offer for sale, or by means of any advertisement, circulars, or prospectus, or by any other form of public offering, to attempt to promote the sale of any securities in this state, unless there first shall have been filed with the Securities Commission: (1) A copy of the securities so to be promoted; (2) A statement in substantial detail of the assets and liabilities of the person or company making and issuing such securities and of any person or company guaranteeing

the same, including specifically the total amount of such securities and of any securities prior thereto in interest or lien, authorized or issued by any such person or company; (3) If such securities are secured by mortgage or other lien, a copy of such mortgage or of the instrument creating such lien, and a competent appraisal or valuation of the property covered thereby, with a specific statement of all prior liens thereon, if any; (4) A full statement of facts showing the gross and net earnings, actual or estimated, of any person, or company making and issuing or guaranteeing such securities, or of any property covered by any such mortgage or liens; (5) All knowledge or information in the possession of such Investment Company relative to the character or value of such securities, or of the property or earning power of the person or company making and issuing or guaranteeing the same; (6) A copy of any general or public prospectus or advertising matter which is to be used in connection with such promotion, and no such prospectus or advertising matter shall be used unless the same has been filed hereunder; (7) The names, addresses and selling territory in this state of any agents by or through whom any such securities are to be sold, including a statement giving the qualifications, occupations and business experience of each of such agents for a period of five years prior to the filing, the names and addresses of each employer, the period of employment and reason for resignation or discharge, and no such agents shall be employed unless such statement with respect to them has been filed hereunder, and there shall have been paid to the commission a registration fee of Three dollars (\$3.00) for each such agent. The payment of such fee shall be payment in full of all fees for registration of such agent from January 1st to January 1st of the following year; (8) The name and address of such promoter, including the names and addresses of all partners, if the Investment Company be a partnership, and the names and addresses of the directors or trustees, and of any person owning ten per centum, or more, of the capital stock, if the promoter be a corporation or association; (9) A statement showing in detail the plan on which the business or enterprise is to be transacted; (10) The articles of co-partnership or association, and all other papers pertaining to its organization, if the securities be insured or guaranteed by a co-partnership or unincorporated association; (11) A copy of its charter and by-laws if the securities be issued or guaranteed by a corporation; (12) A filing fee of one-twentieth of one per cent. of the amount of the securities authorized to be sold in this state, but in no case shall the fee be less than twenty-five dollars (\$25.00). In case of denial of the application, all of that part of fees, above the twenty-five dollars (\$25.00) will be returned to the applicant.

§ 5235a5. It shall be the duty of the commission as soon as is practical to examine the statement and documents so filed and if said commission shall deem advisable, they shall make, or have made, a detailed inspection, examination, audit and investigation of the affairs of the makers or guarantors of such securities which said inspection, examination, audit and investigation shall be at the applicant's expense. As a part of the aforesaid inspection, examination, audit and investigation, the commission may cause an appraisal to be made of the property of the maker or guarantor, including the value of patents, formulae, and good-will, promotion, and intangible assets and shall furnish a full and complete statement or report of his inspection and investigation aforesaid to the Securities Commission. If the statement shall disclose that any of such securities shall have been or shall be intended to be issued for any patent right, copyright, trademark, process or good-will, or for promotion fees or expenses, or for other intangible assets, the amount and nature thereof shall be fully set forth, and securities issued in payment of such patent right, copyright, trademark, process or good-will, or for promotion fees or expenses, or for other intangible assets, shall be delivered in escrow to such bank or trust company as shall be designated by the commission under an escrow agreement that the owners of such securities shall in case of dissolution or insolvency not participate in the assets of the corporation until after the owners of all other securities shall have been paid in full. Such escrow agreement shall remain in full force until the securities of the issuer thereof are on a dividend paying basis. The State Securities Commission shall, within ten days thereafter, examine the statement or report, and give the promoter a hearing if he so desires. If the Securities Commission finds no legal objection to the enterprise, or securities, it shall direct the secretary to acknowledge compliance with Section 3 of this act. But if, from the statements, papers and documents on file, and the investigations and report of the secretary, or from other evidence submitted, it shall appear, and the State Securities Commission shall find: (1) That the makers and guarantors of said securities are insolvent, or that the applicant's plan for business is dishonest, or fraudulent; (2) Or that the applicant's literature or advertising is misleading and calculated to deceive purchasers or investors; (3) Or that the securities offered or to be offered are issued or are to be issued in payment for property, patents, formulae, good-will or promotion and intangible assets, in excess of the reasonable value thereof; (4) Or that the enterprise of the applicant is unlawful or against public policy; (5) Or is a mere scheme of a promoter or promoters to get rich quick at the expense of the purchasers of the aforesaid

securities, the said commission shall reduce its said findings to writing and attest the same by the signature of the chairman and secretary thereof. Notice of such finding, or findings shall immediately be given to the applicant by registered mail, and it shall thereafter be unlawful for the promoter or any agent of said company or promoter to sell, offer the sale, or by means of any advertisement, circular, or prospectus, or by any other form of public offering to attempt to promote the sale of any such security or securities in this state.

§ 5235a6. The State Securities Commission shall at any time have the authority and jurisdiction to investigate the affairs of any enterprise, the securities of which are being sold or offered for sale in this state and after giving the company or promoter a hearing, may, if the evidence warrants, make any of the adverse findings enumerated in Section 5 of this act, and it shall thereafter be unlawful for any person, co-partnership, association or corporation to sell, offer for sale, or by means of any advertisement, circular, or prospectus or by any other form of public offering to attempt to promote the sale of the securities of such enterprise in this state.

§ 5235a10. The general accounts of every person, co-partnership, association or corporation, issuing or guaranteeing any securities subject to the provisions of this act, shall be kept in a business-like and intelligent manner and in sufficient detail so that the commission can ascertain at any time the financial condition of such person, co-partnership, association or corporation, and the books of account and affairs of any such person, co-partnership, association or corporation shall be subject to examination by the commission or upon their direction by their assistants, accountants, or examiners at any time said Securities Commission shall deem it advisable, and in the same manner as is now provided for the examination of state banks; and such person, co-partnership, association or corporation shall pay a fee for each such examination, of not to exceed fifteen dollars (\$15.00) for each day or fraction thereof, plus the actual traveling and hotel expenses of said examiner, assistant, accountant, that he is absent from the capitol of the state for the purpose of making such examination. And it is provided further that every person, co-partnership, association or corporation making or guaranteeing any securities subject to the provisions of this act, shall file at the close of business December 31st and June 30th of each year, and at such other times as may be required by the commission, a statement certified by the oath of some person having actual knowledge of the fact therein stated, setting forth in such form as may be prescribed by said commission the financial

condition, amount of property and liabilities of such person, co-partnership, association or corporation and such other information as said Securities Commission may require. Each statement shall be accompanied by a filing fee of five dollars (\$5.00). It shall be unlawful for any person, co-partnership, association or corporation subject to the provisions of this act, failing or refusing to comply with the provisions of this section within ten days after compliance is required, to thereafter sell or offer for sale in this state any securities which said person, co-partnership, association or corporation is selling or offering for sale in this state.

§ 5235a12. Any dealer desiring to sell or offer for sale within this state any stocks, bonds or other securities not exempted under the terms of this act, shall first register with the North Dakota Securities Commission and shall furnish said commission, upon oath, in such form as the commission shall prescribe, the following information, to-wit: the dealer's name, residence and business address, the general character of the securities to be dealt in, the place or places where the business is to be conducted within the state, and where the business in this state is not to be conducted by the dealer in person, then the name and addresses of all persons in charge thereof, and shall furnish said commission with such other information in addition to that above specified as said commission shall deem necessary in order to thoroughly acquaint such commission with the character of the business of said dealer. All authorized agents of any dealer shall be registered with the commission and the name of any agent shall be stricken from the register by the commission upon the written request of the dealer and additional agents may be registered by the commission upon like request of the dealer; Provided, That no agent shall act as such until his name and address shall be registered with the commission. If the dealer shall be a non-resident of this state or a corporation other than a domestic corporation, he shall at the time he registers with the commission, file with the commission a written duly authenticated appointment of the Secretary of State of this state as his or its agent in North Dakota upon whom the process or pleadings may be served for and on behalf of the dealer, which appointment shall be irrevocable. Every such dealer shall file with his application an indemnity bond in such amount as the commission may require, running to the State of North Dakota, the form of bond used to be approved by the commission and to be conditioned upon the faithful compliance with all the provisions of this act by the dealer, and all agents licensed by him and for the faithful performance and payment of the obligations of such dealer or his

agents. Such bond shall be executed as surety by a surety company authorized to do business in this state. Upon compliance by such dealer with the provisions of this act, the said commission shall issue to such dealer a license under the seal of said commission and signed by the secretary thereof, which said license shall expire on the 31st day of December in each year, but new licenses for the succeeding year shall be issued upon written application and upon the payment of the fee as hereinafter provided, without the filing of further statements or the furnishing of any further information, unless specifically required by the Commission. Applications for renewals must be made not less than fifteen nor more than forty-five days before the first of the ensuing year, otherwise they shall be treated as original applications. The fee for such license shall be fifty (\$50.00) dollars, and for each renewal thereof, the sum of fifteen (\$15.00) dollars, in the case of dealers and three (\$3.00) dollars annually in the case of agents. If said dealer's license is issued after July 1st of any year, the fee shall be reduced one-half.

§ 5235a14. No dealer within the meaning of this act shall sell or offer for sale within this State any of the stock, bonds or other securities of any investment company unless such investment company shall have fully complied with all the provisions of this act, nor until said dealer shall have registered with the Commission, under the terms of this act; Provided however, That should any dealer desire to sell or offer for sale within the State the stocks, bonds or other securities of an investment company which has not itself complied with the provisions of this act, said dealer shall file a notification of each issue of securities they are about to sell, giving the following information:

- (a) Name of Issuer.
- (b) Amount of issue covered by the notification.
- (c) A descriptive circular or statement briefly describing the securities.
- (d) The price at which the securities are to be sold.

The Commission shall have twenty-four (24) hours from and after receipt of such notification in which to take formal action and in case the Commission does not take such action within this given time, such securities shall be considered registered subject to the terms of such notification.

The Commission shall have the power to approve or deny the sale of said securities upon such registration or to require that the dealer qualify said securities under Section 3 of this act. In case the dealer is required to comply with Section 3 of this act there shall be a fee of one-twentieth of one per cent, of the total amount so qualified, with the minimum of \$10.00 for any one issue.

§ 5235a21. This Act shall not apply to the owner of any security who is not the maker or issuer thereof, who shall acquire

and sell the same for his own account in the usual and ordinary course of business and not for the direct or indirect promotion of any enterprise or scheme within the purview of this Act, providing, that such ownership is in good faith. Repeated or successive sales of any such security or securities shall be prima facie evidence that the claim of ownership is not bona fide, but is a mere shift or device to evade the provisions of this Act.

Approved March 7, 1927.

CHAPTER 256

(S. B. No. 25—Committee on Appropriations)

FEES STATE SECURITIES COMMISSION

An Act to Amend and Re-enact Section 22 of Chapter 182, Session Laws 1923, the Same Being Section 5235a22 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, Relating to the Disposition of Fees Collected by the State Securities Commission.

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

§ 1. AMENDMENT.] That Section 22 of Chapter 182, Session Laws 1923, the same being Section 5235a22 of the Supplement to the 1913 Compiled Laws of North Dakota, 1913-1925, is hereby amended and re-enacted to read as follows:

§ 5235a22. All fees herein provided for shall be collected by the Securities Commission and by them shall be paid into the general fund of the State Treasury, monthly. All money actually and necessarily paid out by the Securities Commission for traveling or incidental expenses on duties performed under this act shall be audited as other claims against the state and paid out of the appropriation made for the purpose of carrying this act into effect.

Approved, February 3, 1927.

STATE EDUCATIONAL INSTITUTIONS

CHAPTER 257

(S. B. No. 217—Schlosser and Hamilton)

CONSTRUCTION RESIDENCE HALLS OR DORMITORIES AT STATE EDUCATIONAL INSTITUTIONS

An Act Defining the Powers and Duties of the Board of Administration Relating to the Construction of Residence Halls or Dormitories on Lands of the Educational Institutions Under its Control.

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

§ 1. AUTHORITY OF STATE BOARD OF ADMINISTRATION.] For the purpose of providing dormitories or residence halls to be used

in connection with the University, agricultural college or any of the normal schools or other state educational institutions, and to permit the construction, financing and ultimate acquisition thereof, the State Board of Administration may convey a site for any such building upon the campus of any state educational institution or to an institutional holding association for a term not exceeding fifty years, upon condition that such association shall construct on the leased premises such building, with necessary appurtenances, for dormitory or residence hall purposes, as the State Board of Administration shall approve, and shall lease the same to the State Board of Administration, upon such terms regarding rentals, maintenance, payment of indebtedness, and the ultimate transfer of title to the state for the use of the educational institution affected, as such Board shall prescribe.

§ 2. CONTRACTS RELATING TO PROPERTY.] The State Board of Administration may contract to pay as rental for such property out of the net income derived therefrom and from other dormitory buildings on the same campus, a sum sufficient to pay the principal and the interest thereon of any indebtedness of the holding association incurred for the construction of such building; on the amortization plan, or otherwise, and may pledge such income for that purpose and enter into any other contract with such association as may be for the best interest of the educational institution affected. Provided, that the state shall incur no liability by reason of the exercise of the authority hereby granted to the State Board of Administration, and provided further, that any building and its appurtenances so constructed together with the site upon which it is located and all bonds or other evidences of debt issued by such association shall be exempt from taxation.

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

Approved, March 5, 1927.

CHAPTER 258

(S. B. No. 218—Schlosser and Hamilton)

ORGANIZATION INSTITUTIONAL NON-PROFIT HOLDING ASSOCIATIONS

An Act Authorizing the Organization of Non-Profit Sharing Institutional Holding Associations and Defining Their Powers.

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

§ 1. ASSOCIATIONS AUTHORIZED.] Non-profit sharing corporations to be known as institutional holding associations, may be

formed for the purpose of erecting and managing buildings and their necessary appurtenances on the campus of the state university, the agricultural college, or any of the normal schools or other state educational institutions, in the manner, and with the rights, and subject to the restrictions and liabilities, prescribed by Chapter 12, of the civil code of the Compiled Laws of 1913, except as herein otherwise provided.

§ 2. ARTICLES OF INCORPORATION.] The articles of incorporation shall set forth the name of the association, the place where its business is to be transacted, the term for which it is to exist, the number of members and the conditions of membership and succession therein, the number of its directors and the names and residences of those who shall serve until their successors are elected and qualified, the purpose for which it is formed, and the amount of indebtedness authorized, and the plan for the payment thereof, and shall provide that the association is non-profit sharing, that its indebtedness shall be paid out of its net income from rentals, and that when all debts are paid its right and interest in the building site shall terminate and its property, including all buildings and improvements, shall become the property of the state.

§ 3. LIMITATIONS ON POWERS.] Such association may construct buildings with their appurtenances only upon the campus of any such educational institution, according to plans and specifications therefor approved by the State Board of Administration, and as a prerequisite to its right so to do shall secure a site therefor from such board. The association may contract debts and issue bonds or other evidences of indebtedness to construct such buildings, and to secure the payment thereof may mortgage its property and pledge all rentals to be received therefor, but its debts shall not exceed in amount the value of the property, both real and personal, actually owned by the association, and the provisions for the payment thereof shall be approved by the State Board of Administration. The association shall not issue corporate stock, nor shall any member thereof have or acquire any divisional share in its property, and all of its net income shall be applied to the payment of its indebtedness. When such indebtedness is paid the title to all buildings and improvements of the association shall be conveyed to and shall vest in the state. The transfer or conveyance of the property of the association, except in accordance with the provisions of this act, is prohibited.

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

Approved March 5, 1927.

STATE EXAMINER

CHAPTER 259 (H. B. No. 246—Brown)

SALARY STATE EXAMINER AND DEPUTIES

An Act to Amend and Re-enact Section 234, Compiled Laws 1913, and Section 5146 (10) of the Supplement to the Compiled Laws 1913, Being Subdivision 3 of Chapter 219, Session Laws 1917.

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

§ 1. That Section 234, Compiled Laws 1913, is hereby amended and re-enacted to read as follows:

§ 234. The only salary of the State Examiner for all services rendered in any capacity whatever shall be five thousand dollars per year, and his necessary and actual expenses incurred in the discharge of his official duties, to be audited and paid in the same manner as the salary and expenses of the state officers are paid. Provided, however, that said State Examiner shall act as Secretary of the Depositors' Guaranty Fund Commission without further compensation, and provided further that the Depositors' Guaranty Fund shall pay into the general fund of the state the sum of Two Thousand dollars until otherwise provided by law.

§ 2. That Section 5146 (10) of the Supplement to the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

§ 5146. (10). The salary of the office deputy shall be thirty-five hundred dollars per annum, and the salary of each other deputy shall be not less than fifteen hundred dollars nor more than three thousand dollars per annum, to be fixed by the State Banking Board, and in addition thereto each deputy shall be paid his actual and necessary traveling expenses when engaged in the discharge of his duties; the salary of the reconciliation clerk shall be eighteen hundred dollars per annum; and the salaries of all other clerks, stenographers and assistants shall be fixed by the State Banking Board.

Approved, March 5, 1927.

CHAPTER 260
(S. B. No. 172—Sathre and Tofsrud)

APPOINTMENT AND QUALIFICATION STATE EXAMINER

An Act to Amend and Re-enact Section 224 of the Compiled Laws of North Dakota for the Year 1913.

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

§ I. AMENDMENT.] That Section 224 of the Compiled Laws of North Dakota for the year 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 224. There shall be a State Examiner who shall be appointed by the Governor and confirmed by the Senate. The State Examiner who holds office when this law takes effect shall continue as such until a successor is appointed by the Governor and confirmed by the Senate at its regular session in the year 1931, and thereafter the State Examiner shall hold his office for the term of four years and until his successor has been appointed, confirmed by the Senate, and qualified, unless sooner removed as herein provided. The state examiner shall be a skilled accountant, an expert in the theory and practice of book-keeping, and shall not be an incumbent of any public office in the state, or of any county, municipality or public institution therein, and shall not own, hold or control any stocks, capital or bonds, or the office of trustee, assignee, officer, agent or employe of any banking, annuity, safe deposit, trust company, moneyed or savings institution or corporation, or of any corporation engaged in the business of guaranteeing or insuring the fidelity or faithful performance of the duties of, or the solvency of public officers or of public depositories, created under the laws of North Dakota, or created under the laws of any other state, or under the laws of the United States. In case of vacancy by death, removal, resignation or otherwise, the governor shall fill the same by appointment. The governor is authorized to remove from office any state examiner who violates, or fails faithfully to discharge the duties of his office, or becomes disqualified under the provisions of this section, and to appoint his successor, who shall hold office until the end of the next legislative assembly, unless sooner removed as above provided.

Approved, March 3, 1927.

STATE LIBRARY COMMISSION

CHAPTER 261

(S. B. No. 150—Olson of Burleigh)

STATE LIBRARY COMMISSION WHAT CONSTITUTES

An Act to Amend and Re-enact Section 1531 of the Supplement to the 1913 Compiled Laws of North Dakota, Relating to the State Library.

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

§ 1. AMENDMENT.] Section 1531 of the Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 1531. The state board of administration shall constitute the state library commission and be vested with the powers and charged with the duties conferred by law upon the state library commission. The state board of administration shall appoint an executive officer to be known as the secretary and director of the library commission, who shall receive such annual salary as shall be provided in the general appropriation bill. Such secretary shall have control of the work and shall be director of the Library extension.

§ 2. REPEAL.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas it is questionable whether the designation "state library commission" has not been abrogated by the act creating the board of regents, and whereas the term "state library commission" has been retained in constant use since July 1, 1915, and is well known among the people of the state having occasion to transact business with the state library and its administrative board, and it is desirable that this designation should continue in use, therefore, an emergency is declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved February 28, 1927.

STATE PRINTER

CHAPTER 262

(H. B. No. 348—Fedje)

DUTIES OF STATE PRINTER

An Act Amending Section 375b3 of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the State Printer.

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

§ 1. AMENDMENT.] Section 375b3 of the Supplement to the Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 375b3. The said State Publication and Printing Commission is authorized to appoint a State Printer who shall be Secretary to the Commission. The person so appointed must be a practical expert printer who must have had experience as an estimator of printing. He shall perform all the duties now required of the State Printer and such other duties as may be assigned to him by the State Publication and Printing Commission and shall maintain his office in the State Capitol. When requested by any county auditor or board of county commissioners, he shall be required to figure any legal notice or publication and his decision as to the proper fee for such publication shall be binding and final, subject to review by the courts. He may be removed by the Commission with or without cause.

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

Approved March 7, 1927.

STERILIZATION

CHAPTER 263

(S. B. No. 136—Kretschmar)

STERILIZATION OF FEEBLEMINDED, INSANE, ETC.

An Act to Prevent the Procreation of Feeble-minded, Insane, Epileptic, Habitual Criminals, Moral Degenerates and Sexual Perverts, Who May Be Inmates of State Institutions, Authorizing and Providing for the Sterilization of Such Persons and Providing for Appeals to the District Court in Certain Cases; and Repealing Sections 11429 to 11438 Inclusive of the Compiled Laws of North Dakota for 1913.

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

§ 1. It shall be the duty of the superintendent or head of each State Institution in the State of North Dakota, including the State Penitentiary, the State Hospital for the Insane, the State Training School, and the State Hospital for the Feeble-minded to report quarterly to the Board of Examiners herein provided for, all feeble-minded, insane, epileptic, habitual criminals, moral degenerates and sexual perverts, who are potential to producing off-spring, who, because of inheritance of inferior or antisocial traits, would probably become a social menace or wards of the State.

§ 2. For the purpose of carrying into effect the provisions of this Act, there is hereby created a Board of Examiners to consist of three competent physicians and surgeons who shall be

appointed by the State Board of Administration upon recommendations made by the State Medical Board, each of whom shall serve during the pleasure of said Board of Administration. Such Board shall appoint one of its members as chairman and one as secretary.

§ 3. It shall be the duty of such Board of Examiners to examine into the innate traits, the mental and physical conditions, the personal records and the family traits and history of all persons reported so far as the same can be ascertained; and for this purpose, said Board shall have the power to summon and examine witnesses and hold a hearing as hereinafter provided; and if, in the judgment of the entire board, procreation by any such person would produce children with an inherited tendency to feeble-mindedness, insanity, epilepsy, criminality or degeneracy, and there is no probability that the condition of such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then it shall be the duty of said Board after such examination and hearing to make an order requiring such person to be sterilized.

§ 4. Each inmate so examined shall, before any order is made adjudging him to be a proper subject for sterilization, be entitled to a hearing before such Board upon reasonable notice, and shall be entitled in his own behalf, or by anyone appearing for him, to offer evidence, either in the nature of expert testimony or otherwise, for the purpose of showing that he is not a proper subject for sterilization under the provisions of this Act. Such notice of hearing shall be in writing and shall be served upon such inmate personally in all cases, and in cases of insane and feeble-minded persons, upon their legal guardian, if any, and if none, upon their nearest kin residing within the state of North Dakota, and in case of a minor, upon his parents or guardian.

§ 5. The purpose of said examination, findings and order of said Board shall be for the betterment of the physical, mental, neural, or psychic condition of the inmate, or to protect society from the menace of procreation by said inmate, and not in any manner as a punitive measure; and no person shall be sterilized under the authority of this Act except that such operation shall be found to be necessary to improve the physical, mental, neural, or psychic condition of the inmate, or to prevent such inmate from producing off-spring that would probably become a menace to society, or wards of the state.

§ 6. After completing such examination and hearing, said Board shall make separate written findings, for each of the inmates so examined, and the same shall be preserved in the records

of said Board and a copy thereof shall be furnished to the superintendent or head of the institution in which the inmate is confined, and if an operation is deemed necessary by said Board, then a copy of the order of said Board shall forthwith be served on the inmate, and in case said inmate is an insane or feeble-minded person, upon his legal guardian, if any, and if none, then upon his nearest kin within the State of North Dakota, and in case such inmate is a minor, then upon his parents or guardian.

§ 7. Any such inmate desiring to appeal from the order of said Board, or in case the inmate is under guardianship or is a minor, then the guardian of said inmate or the parents of such minor, as the case may be, may take an appeal to the District Court of the County in which the Institution where the inmate is confined, is located. Notice of appeal shall be filed with the Secretary of said Board within 15 days after the date when the notice of said Board's order is served upon the inmate, or his guardian, and said notice of appeal shall stay proceedings of said Board on said matter until the same is heard and determined on said appeal; provided further, that no sterilization operation shall be performed upon any inmate until the time for appeal from the order of the Board has expired.

§ 8. Upon an appeal being taken, the Secretary of said Board where the notice of appeal is filed, must within fifteen days thereafter, or such further time as the Court or the judge thereof may allow, transmit a certified copy of the notice of appeal and transcript of the proceedings, findings and order of the board, to the clerk of the court appealed to. The trial on appeal shall be de novo as provided by the Statutes of the State for the trials of actions in equity. Upon such appeal if the inmate be without sufficient financial means to employ an attorney then the court shall appoint an attorney to represent the said inmate, and such attorney shall be compensated upon order of the court as in case of indigent defendants, and it shall be the duty of the State's Attorney of the county wherein such trial is had to represent the said Board.

§ 9. If the court shall affirm the findings of said Board, said court shall enter a judgment, adjudging that the order of said Board shall be carried out as herein provided; if the court fails to affirm the decision of said Board appealed from, then said order shall be null and void and of no further effect.

§ 10. Upon the receipt of the order from said Board of Examiners, the superintendent or head of the Institution to which it is directed shall, after the time for appeal has expired, or in case

an appeal upon the entering of a judgment affirming the order of the Board, and it is hereby made his lawful duty to perform, or cause to be performed such surgical operation for the sterilization of the inmate named therein as may be specified in the order of the Board of Examiners, provided, that such operation shall not under any circumstances be by castration or ovariectomy except when organs are diseased. All such operations shall be performed with due regard for the physical condition of the inmate and in a safe and humane manner.

§ 11. No surgeon performing the operation provided for in the preceding sections shall be held criminally liable therefor or civilly liable for any loss or damage on account thereof, except in case of negligence in the performance of such operation.

§ 12. The criminals who shall come within the operation of this law shall be those who are moral degenerates and sexual perverts or those who are addicted to the practice of sodomy or the crime against nature, or to other gross, bestial and perverted sexual habits and practices prohibited by Statute.

§ 13. The provisions of this Act shall apply to both male and female inmates of any of the institutions designated therein.

§ 14. As compensation for their services as members of said Board of Examiners, each of them shall be entitled to a per diem of \$10.00 per day while in the actual performance of their duties and actual necessary expenses to be paid out of the funds of the institution where the services are performed upon the approval of the Board of Administration.

§ 15. The Board of Examiners shall keep all files and records in any proceeding had under the provisions of this Act together with full minutes of all meetings of such Board, and for that purpose the secretary of the Board of Examiners shall be the custodian of all records and files pertaining to proceedings had by such Board.

§ 16. It shall be the duty of the Chief Medical Officer of any institution in which any sterilized inmates are confined to make careful observations of each of such inmates, particularly with the view of ascertaining the effect of such operation upon the moral, mental and physical condition of such sterilized persons and shall annually make a written report to the Board of Examiners on each of such persons, and keep a copy thereof on file with the records of such institution.

§ 17. That Sections 11429 to 11438 inclusive of the Compiled Laws of North Dakota for 1913, be and the same are hereby repealed.

Approved March 3, 1927.

TAXATION

CHAPTER 264

(S. B. No. 148—Tofsrud)

ABATEMENT TAX CERTIFICATES ON STATE LAND

An Act to Amend and Re-enact Section 2193a of the Supplement to the 1913 Compiled Laws Relating to Abatements to Purchasers of Tax Sale Certificates on State Land.

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

§ 1. AMENDMENT.] Section 2193a of the Supplement to the 1913 Compiled Laws is hereby amended and re-enacted to read as follows:

§ 2193a. Whenever any land sold under contract by the State of North Dakota has been sold for taxes and a tax certificate has been issued and the said contract for sale has thereafter been cancelled by the State of North Dakota, the holder of said unpaid tax certificate upon due and proper application in the manner now provided by law, shall be entitled to an abatement and refund thereof as well as for any subsequent taxes paid on said land by such certificate holder, together with interest thereon at the rate of six per cent (6%) per annum; and if such land has been bid in by the county at tax sale, all taxes against such land shall be abated. Provided, however, that the provisions hereof shall not apply to hail indemnity taxes.

§ 2. The provisions of this act shall apply to the holder of any such tax certificate issued both prior and subsequent to the taking effect of this act.

§ 3. If any portion of this act shall be declared to be unconstitutional, it shall not affect the other part or portion thereof.

§ 4. This act is hereby declared to be an emergency measure and shall be in force and effect on its passage and approval.

Approved March 7, 1927.

CHAPTER 265

(H. B. No. 251—Twichell, Miller and Gudmestad)

COLLECTION TAX CERTIFICATES ON LANDS ACQUIRED BY STATE

An Act Providing that the Right of Any County Holding a Tax Certificate, or Other Tax Lien on Lands Acquired by the State Treasurer as Trustee of the State of North Dakota Under the Provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and Acts Amendatory Thereof, to Enforce the Collection of the Same Shall Be Suspended Until July 1st, 1929; Providing the Rate of Interest Such

Tax Certificates and Tax Liens Shall Bear; and Prohibiting the Assignment or Transfer of All Tax Certificates or Tax Liens Held by the County on Any Lands that Have Been Foreclosed Under Said Acts.

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

§ 1. In all cases where the State Treasurer as Trustee of the State of North Dakota has heretofore, or hereafter acquires the title to any lands within the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and Acts Amendatory thereof, and there are outstanding against such lands tax certificates held by the County, the right of the County to acquire a tax deed thereto, or to otherwise enforce the collection of its tax certificates or other tax liens against said lands shall be wholly suspended until July 1st, 1929, and any proceedings taken to acquire title by tax deed, or to otherwise enforce such tax liens shall be null and void; provided, that upon the re-sale of any such lands, either by deed or contract, the right of the County to enforce its tax certificates or tax liens in the manner provided by law shall thereupon be restored and shall thereafter remain in full force and effect.

§ 2. From and after the date of acquiring title by the State Treasurer as Trustee of the State of North Dakota to any lands as provided in Section 1, hereof, all tax certificates or other tax liens held by the county thereon shall bear interest at the rate of seven per cent (7%) per annum until redeemed or paid.

§ 3. From and after the date of the foreclosure sale of any lands under mortgages held by the State Treasurer as Trustee of the State of North Dakota under the provisions of Chapter 154 of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and acts amendatory thereof, no tax certificate or tax lien held by the County on any of said lands shall be assigned, or in any manner transferred to any person, firm or corporation for any purpose whatever during the time such foreclosure sale remains unredeemed, and any purported assignment or transfer of any such tax certificate or other tax liens made in violation hereof, shall be null and void.

§ 4. This Act shall expire and become inoperative for any purpose on the first day of July, A. D. 1929.

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

Approved March 5, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—61—49—3

Senate—40—7—2

CHAPTER 266
(S. B. No. 1—Rusch)

NOTICE EXPIRATION PERIOD REDEMPTION; TAX DEEDS TO
COUNTY AND SALE OF PROPERTY SO ACQUIRED

An Act to Amend and Re-enact Section 2202 of Supplement to the Compiled Laws of 1913, Relating to Giving Notice of Expiration of Period of Redemption on Property Forfeited to the County at Tax Sale, Issuance of Tax Deeds to County and Sale by County of Property Acquired by Tax Deed.

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

§ 1. AMENDMENT.] That Section 2202 of the Supplement to the Compiled Laws of 1913, be amended and re-enacted to read as follows:

§ 2202. NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION UPON LANDS FORFEITED TO THE COUNTY AT TAX SALES. ISSUANCE OF TAX DEED TO COUNTY. SALE OF PROPERTY ACQUIRED BY THE COUNTY THROUGH TAX DEED.] All pieces or parcels of real property bid in for the county under the provisions of this Chapter and not redeemed or assigned within three (3) years from the date of the certificate of sale or subsequent tax sale certificate, shall upon the giving of the required notice of expiration of period of redemption become the absolute property in fee of the county and the county auditor shall issue a tax deed therefor to the county in the same manner as to individual purchasers.

(2) Upon issuance of tax deed to the county, such county acquires title to the property included in the tax deed free from all incumbrances. Upon obtaining tax deed to any real estate, the Board of County Commissioners shall, by general resolution, provide for the cancellation of all general taxes and all special assessment taxes of record which are then due or delinquent except such as were included in the notice of expiration of period of redemption. The assessment made on any real estate acquired by the county through tax deed in the year in which the county takes title, shall be abated and cancelled. So long as the county retains title to any real estate acquired by tax deed, such real estate shall be exempt from all general property taxes and all special assessment taxes.

After the county has disposed of any such real estate acquired through tax deed, such property shall cease to be tax exempt and shall be subject to all general taxes and to all installments of special assessment taxes coming due after such date. After notice of expiration of period of redemption is given, a partial redemption of real estate taxes may be made at any time up to ninety days after

the date of the notice of expiration of period of redemption; provided, the redemptioner shall pay the cost of service of the notice of expiration of period of redemption.

(3) NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION AND MANNER OF SERVICE.] It shall be the duty of the county auditor on or before the first day of February of each year to give notice of the expiration of the period of redemption as to all tracts of real estate on which the period of redemption has expired. Such notice shall be given:

First: To the record title owner.

Second: To the person in possession thereof.

Third: Such notice shall also be given to mortgagees, lien holders and other persons interested therein.

Notice of expiration of period of redemption shall be served either personally or by mail as hereinafter specified and in the manner hereinafter prescribed. Such notice may contain any number of parcels of real estate which stand in the name of the same record title owner, shall contain the information indicated in the following form and may be substantially in the following form:

NOTICE OF EXPIRATION OF PERIOD OF REDEMPTION

To, the record title owner of the real estate hereinafter described, and to all mortgagees, lien holders, or other persons interested in said real estate, and to the person in possession thereof:

I, County Auditor of County, North Dakota, hereby give notice that the real estate hereinafter described was at the tax sale held in this county on the day of December 19....., offered for sale for delinquent taxes against it and was sold to said county, and that redemption has not been made therefrom and that the same is still the property of such county, and unless redemption is made from such tax sale within ninety (90) days from the date of this notice appearing above my signature, tax deed will be issued to the county granting to it and vesting in it absolute title in fee to said property and foreclosing all rights of redemption, and any and all other rights of the owner and of all mortgagees and lien holders and other persons interested therein. There is given herewith the description of such parcels of real estate, and set opposite each description is the amount which will be required upon the date of the expiration of the period of redemption to redeem such real estate from such tax sale exclusive of the cost of serving this notice personally upon the owner and the person in possession thereof. (Description of real estate and amounts required for redemption to be inserted.)

Given under my hand and the seal of the county auditor of
 County, North Dakota, this day of
, 19.....

.....
 County Auditor of County,
 North Dakota.

(a) SERVICE UPON OWNER. (1) Such notice shall be served personally upon the owner if he resides in the county.

(2) If the owner is known to be a resident of some other county in the state, such notice shall be served upon him by registered mail.

(3) If the owner does not reside in the state, service shall be made upon him by registered mail addressed to him at his post-office address if known to the County Auditor and if not known to him, then to the Postoffice address nearest the real estate.

(b) SERVICE ON PERSON IN POSSESSION. Such notice shall be served personally upon the person, if any, in possession of said real estate.

(c) If the assessed valuation of the property included in the notice is less than One Hundred Dollars (\$100.00) in any of the above cases, notice may be served upon the owner and person in possession thereof by registered mail, addressed to them at their last known postoffice address if known to the County Auditor and if not known, then to them at the Post Office address nearest the real estate.

(d) SERVICE UPON MORTGAGEES AND OTHER LIEN HOLDERS. Notice shall be sent by registered mail to each mortgagee, lien holder or other person interested therein as may appear from the records of the office of Register of Deeds and Clerk of Court. It shall be the duty of the register of deeds and clerk of court within ten days after request by the County Auditor to furnish him with a certified list giving the names, and so far as they appear on the records in the office of the register of deeds and clerk of court, the addresses of all persons who appear to be interested as owners, mortgagees, lien holders or otherwise in such real estate which has been sold to the county for taxes as may be specified by the County Auditor in making such request.

(e) SERVICE, BY WHOM MADE. Personal service shall be made in the same manner as is required for the service of a summons in a civil action in district court. The service shall be made by the sheriff and he shall be entitled to the same fees and mileage as for serving a summons in a civil action in district court; provided, that he shall be required as far as possible to serve all

such notices in any given portion of the county in a single trip and shall be entitled to but one charge for mileage unless, by reason of inability to make service, a subsequent trip is made necessary. The expense of such service shall be added to the amount required to redeem and be paid by the person making such redemption in addition to the amount stated in the notice. Service by registered mail shall be made by the County Auditor.

(4) NOTICE, BY PUBLICATION. WHEN MADE. The County Auditor shall also on or before February first of each year, give notice of the expiration of the period of redemption by publication as to all tracts of real estate on which the period of redemption has expired.

(5) NOTICE BY PUBLICATION, FORM AND MANNER OF PUBLICATION. The County Auditor shall prepare under his hand and official seal a notice containing the information indicated in the following form and which may be in substantially the following form:

NOTICE OF EXPIRATION OF THE PERIOD OF REDEMPTION ON LAND SOLD TO THE COUNTY AT TAX SALE

I,, County Auditor of County, do hereby give notice that the parcels of real estate hereinafter described were sold for taxes at the annual tax sale of this county on December, 19....., and that at said sale said parcels of real estate were sold to this county, and that such sales have not been redeemed from and they are still the property of this county, and that unless redemption shall be made from said tax sale within ninety (90) days from the date of this notice, the same will become the absolute property in fee of this county and the former owners thereof and all lien holders and other persons interested therein will be forever foreclosed and debarred of any and all rights of redemption or other rights in or to such real estate. Following is a list of the real estate sold at such tax sale on which the period of redemption has expired. Opposite each description of real estate appears the name of the record title owner thereof as it appears by the records in the office of the Register of Deeds of such county and also opposite each tract appears the amount which will be required to redeem from the effects of such tax sale at the expiration of the period of redemption, including the amount for which the said land was sold, interest and penalty thereon, subsequent delinquent taxes prior to those of the year 19....., and penalties and interest thereon.

(Here insert description of real estate, names of owners and amounts due.)

Given under my hand and the seal of the county auditor
 County, thisday of 19.....

 County Auditor of County,
 North Dakota.

Such notice shall be published three times, once each week for three consecutive weeks in the official paper of the county in which such real estate is situated, the date of the last publication to be more than sixty (60) days prior to the expiration of the period of redemption. The amounts stated in such notice shall include a charge of fifty cents for each parcel of real estate described therein to reimburse the county in part for the expense of such publication and for the mailing of such notice hereinbefore provided for. There may be included in a single published notice any number of parcels of real estate. The caption of said notice shall be in bold faced type, but only one heading shall be necessary for the entire list.

(6) **SALE OF PROPERTY ACQUIRED BY COUNTY THROUGH TAX DEED.** Property so acquired by tax deed shall, under the direction of the board of county commissioners, be sold at public or private sale, notice of which shall be given by posting at the front door of the court house thirty (30) days prior to the sale, a description of the parcels to be sold and by publishing a notice of such sale in the official newspaper of the county, giving a description of the parcels to be sold, such notice to be published at least once in each week for two consecutive weeks prior to the date of the sale. The description of all parcels of real estate to be sold at such sale shall be included in a single notice.

Before holding such sale, the board of county commissioners shall fix the minimum sales price on each lot or parcel which is offered for sale. Such minimum sales price shall not be fixed at an amount less than the amount required to redeem as stated in the notice of expiration of period of redemption unless the cash value fairly determined by the board of county commissioners shall be less than such aggregate in which case the value so fixed and approved by the board of county commissioners shall be the minimum price for which such property may be sold; provided if the cash value so determined by the Board of County Commissioners shall be less than such aggregate and in the opinion of the governing body of the subdivision having special assessments involved is less than the actual value, said determination of the county commissioners shall be subject to review and redetermination in an action brought within ten days from the date of the first publication of

said valuations; notice of such appeal being served on the county commissioners of the county in question within the ten day period aforementioned. Such action may be brought by the governing board of any incorporated city or village to which is payable any assessment taxes included in such aggregate. All such determinations of value that in the opinion of the governing board of the city or village are too low shall be combined in one appeal and shall be determined de novo by the District Court.

The Board of County Commissioners may fix the minimum sales price at an amount sufficient to cover all general taxes, special assessment taxes, penalties, interest and costs which were a charge against the property and which were delinquent at the time notice of expiration of period of redemption was issued plus cost of service of said notice; provided, such amount shall not exceed the fair cash value of the property. The foregoing provision is intended to cover those cases where general taxes were struck off to the county and special assessment taxes were struck off to the city and were not included in the tax forfeiture proceedings of the county.

None of the foregoing provisions is intended to limit the minimum price which the board of county commissioners is required to fix to less than their determination of the fair cash value of the tax title which the county is empowered to give.

Such sale shall be conducted by the county auditor in such manner as shall be directed by the board of county commissioners. The auditor and treasurer of the county shall attend such sale, the former to make a record of all sales thereat, and the latter to receive all moneys paid on account thereof.

Such sale shall take place at the county seat on the second Tuesday of June in each year and shall continue from day to day until completed. Each parcel shall be sold to the highest cash bidder therefor but not for a less sum than the minimum sales price theretofore fixed by the board of county commissioners. The purchaser shall forthwith pay the amount so bid to the county treasurer. Upon complying with such requirement, the purchaser shall be given a deed executed in the name of the county by the chairman of the board of county commissioners and the county auditor, conveying all rights, title and interest in and to such property acquired by the county through the tax proceedings, which deed may be substantially in the following form:

TAX DEED

THIS INDENTURE, made this day of, 192....., between the county of, North Dakota, party of the first part, acting by and through the Chairman of its Board

of County Commissioners and its County Auditor, and
....., party of the second part, witnesseth:

That, whereas, the real property hereinafter described did revert to and become the property of said county on account of the non-payment of taxes assessed and levied against the same for the years and, and the said taxes, interest and penalties aggregating in the sum of Dollars, and

Whereas, in conformity with law the said property was duly offered for sale pursuant to law on the day of, 192....., and at said sale said second party became the purchaser of the whole thereof for the sum of Dollars,

Now, therefore, the said County as party of the first part, in consideration of the premises and in pursuance of the statutes in such case made and provided, does hereby grant, bargain, sell and convey to the said second party, his heirs and assigns, that certain real property situated in the said county of, North Dakota, more particularly described as follows, to-wit:

To Have and to Hold, Said mentioned tract..... or parcel..... of land, with the appurtenances thereunto belonging to the said party of the second part heirs, and assigns, forever, in as full and ample manner as the said County is empowered by law to sell the same.

In Witness Whereof, and as Chairman of the Board of County Commissioners and Auditor respectively of the said County, do hereby set their hands the day and year first above written, and do cause the seal of said county to be affixed hereto.

..... County,
North Dakota.

By
Chairman of the Board of County
Commissioners.
.....
County Auditor.

State of North Dakota }
County of } ss.

On this day of, 192....., personally appeared before me, a Notary Public within the aforesaid county and state, and to

me personally known to be the Chairman of the Board of County Commissioners and the Auditor, respectively, of the said County, and each acknowledged to me that he executed the foregoing deed on behalf of the said county.

.....
Notary Public for County, N. D.
My commission expires

Whenever in any action at law or in equity, the validity of any such tax deed is questioned, upon the pleadings or otherwise, such action shall not proceed until the party assailing such deed shall within such time as the Court shall deem reasonable deposit in Court for the benefit of the party claiming thereunder, an amount equal to the sum paid by said party to the county for the purchase of the property covered by the tax deed together with costs and disbursements of the action then incurred by the party claiming under such deed.

(7) The proceeds of such sale shall be paid into the county treasury, and the amount due the state or any city, township, incorporated village, school district or other taxing district, from the taxes for which the same was sold, or a just proportion thereof which may be determined by the levy for the year's taxes for which the certificate was issued, be apportioned and placed to the credit of the state, city, township, incorporated village, school district, or other taxing district entitled thereto. After general property taxes and hail insurance taxes, including penalty and interest thereon have been satisfied, the balance or a sufficient portion thereof to satisfy special assessments shall be placed to the credit of the proper taxing district. If the balance is insufficient to satisfy all installments of special assessment taxes delinquent at time of issuance of notice of expiration of period of redemption, there shall be apportioned to each such fund such proportion of the balance as such item is of the total of all such delinquent installments of special assessments. If there is any remainder it shall go into the general fund of the county.

(8) In case no bids are received on any parcel of real property or in case all bids are rejected and such property is retained by the county, the county shall not be liable to any city or subdivision for any special assessment taxes levied on such property. Any parcels of real estate not disposed of at the June sale hereinbefore provided for may be sold at any subsequent time by the County Auditor provided that no such sale shall be made at a price less than the minimum sales price theretofore fixed by the

Board of County Commissioners prior to the June sale. Any parcels of real estate not disposed of at the June sale or not disposed of subsequently thereto, shall be revalued and shall again be offered for sale at the regular June sale in the following year.

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

Approved March 5, 1927.

CHAPTER 267

(H. B. No. 341—Committee on Judiciary)

ESTATE TAX ON GIFTS, LEGACIES, INHERITANCES, BEQUESTS, ETC.

An Act to Be Known as the Estate Tax Act, to Establish a Tax on Gifts, Legacies, Inheritances, Bequests, Successions and Transfers, to Provide for its Collection and to Direct the Disposition of its Proceeds, to Provide for the Enforcement of Liens Created by This Act, and by Any Act Hereby Repealed; and to Repeal Sections 2346b1, 2346b2, 2346b3, 2346b4, 2346b5, 2346b6, 2346b7, 2346b8, 2346b9, 2346b10, 2346b11, 2346b12, 2346b13, 2346b14, 2346b15, 2346b16, 2346b17, 2346b18, 2346b19, 2346b20, 2346b21, 2346b22, 2346b23, 2346b24, 2346b25, 2346b26, 2346b27, 2346b28, 2346b29, 2346b30, 2346b31, 2346b32, 2346b33, 2346b34, 2346b35, 2346b36, 2346b37, 2346b38, 2346b39, 2346b40, 2346b41, 2346b42, 2346b43, 2346b44, 2346b45, 2346b46, 2346b47, 2346b48, 2346b49, 2346b50, 2346b51, 2346b52, 2346b53, 2346b54, 2346b55, 2346b56, 2346b57, of the Supplement to the Compiled Laws of 1913, and All Acts or Parts of Acts in Conflict with This Act Are Hereby Repealed.

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

§ 1. This act shall be known as the Estate Tax Act.

§ 2. (1) TAX ON TRANSFERS OF ESTATES.] A tax shall be and is hereby imposed upon the transfer of the net estate of every decedent, whether in trust or otherwise, under the conditions and subject to the exemptions and limitations hereinafter prescribed.

(2) GROSS ESTATE. The value of the gross estate of the decedent shall be determined by including the following property:

(a) When a resident of the State.

1. All real property within the State.
2. All tangible personal property except that which has an actual situs without the state.
3. All intangible personal property wherever located.

(b) When a non-resident of this State.

1. All real property located within the State.
2. All tangible personal property having an actual situs within the state.

3. The full value of shares of stock in domestic corporations.

4. Sheriff's certificate's of sale of real estate and Sheriff's deeds.

(c) All property transferred prior to and in contemplation of death.

Any transfer of any part of the estate made by the decedent within two years prior to death without an equivalent monetary consideration shall unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this section.

(d) Any property transferred by the decedent prior to death by grant or gift without an equivalent monetary consideration and intended to take effect at or after the death of the decedent.

(3) **CONTRACTS IN CONTEMPLATION OF DEATH.** The gross value of the estate shall not be diminished by reason of any transfers due to the claim of any creditor against the estate arising from a contract made after the passage of this act if payable by the terms of such contract at or after death of the decedent, except insofar as it may be affirmatively shown by competent evidence that such claim was legally due and payable in the lifetime of the decedent or was supported by a consideration of equivalent monetary value. This shall not, however, bring within the meaning of the statute any antenuptial agreements which shall for the purpose of this act be considered as contract creating a debt against the estate.

(4) **JOINT INTEREST.** The gross estate of the decedent shall include the value of interest in property held as joint tenant or deposited in banks or other institutions in the joint name of the decedent and any other person and payable to either or the survivor. In all such cases the value of the decedent's interest shall be determined by dividing the value of the entire property by the number of joint tenants, joint depositors, or persons interested therein.

(5) **POWER OF APPOINTMENT.** Transfers of property subject to the power of appointment, whether the power be exercised or not exercised, shall be taxable under this act to the estate of the donor and shall not be taxable to the estate of the donee.

(6) **REVOCABLE AND IRREVOCABLE TRUSTS.** Whenever a decedent has reserved unrestricted power of revocation of any trust created during his lifetime, such trust shall be considered as a part of his estate and taxed accordingly. Where, however, the trust

provided that only a portion of such property could be revested, only that portion shall be taxable as a part of the estate and the irrevocable portion of such trust shall only be taxable when the transfer was made in contemplation of death or the possession or enjoyment thereof was intended to take effect at or after death. Wherever a donor of such a trust reserved a life income therefrom it shall be considered as a part of the estate and taxed accordingly.

(7) **PROPERTY PREVIOUSLY TAXED.** A transfer of property which has paid a transfer tax to this State within five years shall be subject to a tax as though it had not been transferred, but wherever the property can be identified as having been received by the decedent by gift, bequest, devise or inheritance within five years or can be identified as having been acquired in exchange for property so received a credit for the transfer taxes paid within five years upon his property shall be allowed upon the transfer tax; provided, however, that this credit shall not exceed the tax due under the present appraisal of such property for transfer tax purposes.

(8) **PROCEEDS FROM LIFE INSURANCE POLICIES.** All proceeds from life insurance policies shall be exempt from taxation.

§ 3. **RATE OF TAX.]** The tax upon the net estate shall be the following rates:

1 per centum of the amount of the net estate not in excess of \$25,000;

1½ per centum of the amount by which the net estate exceeds \$25,000 and does not exceed \$50,000;

2 per centum of the amount by which the net estate exceeds \$50,000 and does not exceed \$100,000;

2½ per centum of the amount by which the net estate exceeds \$100,000 and does not exceed \$200,000;

3 per centum of the amount by which the net estate exceeds \$200,000 and does not exceed \$400,000;

3½ per centum of the amount by which the net estate exceeds \$400,000 and does not exceed \$600,000;

4 per centum of the amount by which the net estate exceeds \$600,000 and does not exceed \$800,000;

5 per centum of the amount by which the net estate exceeds \$800,000, and does not exceed \$1,000,000;

6 per centum of the amount by which the net estate exceeds \$1,000,000 and does not exceed \$1,500,000;

7 per centum of the amount by which the net estate exceeds \$1,500,000.

(2) DETERMINATION OF NET ESTATE. For the purpose of this act the value of the net estate shall be determined by deducting from the value of the gross estate;

(a) An exemption, not exceeding the amount specified in each case, of the value of property passing to each of the following beneficiaries:

1. Wife, not exceeding \$20,000.
2. Husband, not exceeding \$20,000.
3. Lineal ancestor or descendant, adopted child, stepchild, or lineal descendant of an adopted child or stepchild, not exceeding \$3,000, and if a minor, not exceeding \$5,000.00.

(b) The amount of all bequests, legacies, devises, or transfers, except bona fide sales for an equivalent monetary consideration in contemplation of or intended to take effect in possession or enjoyment at or after the decedent's death, to or for the use of the United States, District of Columbia, or any public institution, for exclusively public purposes, or for any charitable, educational or religious purposes, or to or for the use of any corporation, institution, society or association, whose sole object and purpose is to carry on charitable, educational or religious work, but no deduction shall be made if any officer, member, shareholder or employee of such corporation, institution, society or association shall receive or may be lawfully entitled to receive, any pecuniary profit from the operations thereof, except reasonable compensation for services in effecting one or more of such purposes or as proper beneficiaries of a strictly charitable purpose; or it (if) the organization thereof, for any such avowed purpose, be a guise or pretense for directly or indirectly making any other pecuniary profit for such corporation, institution, society or association, or for any of its members or employees, or if it be not in good faith organized or conducted exclusively for one or more of such purposes.

(c) All debts of the decedent.

(d) Taxes

1. On real property within this State which were a lien at the date of decedent's death.
2. On the decedent's personal property which was the personal obligation of the decedent during his lifetime, or a lien upon such personal property at the date of death.
3. State and Federal income taxes on the income of the decedent to the date of his death.

(e) Death duties paid to foreign countries on intangible personal property.

- (f) Inheritance taxes paid or payable to other states on intangible personal property.
- (g) Federal Estate taxes paid and not refunded.
- (h) Special assessments which are due and which are a lien on taxable property located within the state.
- (i) Funeral and burial expenses; and all amounts actually expended not exceeding the sum of five hundred (\$500) dollars for monuments.
- (j) Commissions of executors and administrators actually allowed and paid.
- (k) Cost of administration including reasonable attorney's fees. When a portion of the decedent's estate is not taxable within this state the deductions shall be allowed under items (a), (d), (f), (g), (i) for only that portion of the total deduction which the property located within the state bears to the total taxable property of the estate.

§ 4. DUTIES OF THE COUNTY COURT.] (1) Each judge of the County Court shall have full authority, and it shall be his duty to assess the taxes hereby imposed at the time of probate, and he shall furnish such report of the probate proceedings in each estate as the Tax Commissioner shall require, a copy of the Inventory and Appraisal, a statement of all taxable transfers made by the decedent that have come to his knowledge and such other information contained in the records and files of his office, which the Tax Commissioner may require.

(2) NOTICE OF ASSESSMENT. It shall be the duty of the County Court having jurisdiction over any Estate to assess the tax payable thereon before final decree of distribution of said estate has been made and to mail a copy of his Order assessing the tax, together with such other information as shall be required, to the State Tax Commissioner promptly upon issuance of his order assessing the tax. He shall, at the same time, notify the executor, administrator, or trustee of the Estate of the amount of such assessment, but failure to receive such notice from the County Court shall not excuse the non-payment of the taxes nor invalidate the tax in any way.

(3) APPRAISALS MADE AND TAXES PAYABLE AS OF DATE OF DEATH. The taxes imposed by this act shall be due and payable at the death of the Decedent. The transfer shall be considered to take place at time of death, and all appraisals shall be as of that date, except as in this act otherwise provided. Wherever there has been a taxable transfer prior to death, on which the tax has

not been paid, the property so transferred shall be considered a part of the Estate, and shall be appraised as of the date of death of the decedent, and taxed under the laws then in force.

(4) **PRELIMINARY APPRAISAL.** In all cases wherein the County Court has reason to believe that a decedent's estate may be subject to assessment under the provisions of this act, and no probate proceeding has been instituted within sixty (60) days following the death of the decedent, he shall cite one or more of the probable beneficiaries to appear and show cause why estate taxes be not imposed under the provisions of this act and may in his discretion appoint one or more appraisers who shall immediately appraise the property of any resident decedent within his county. Such appraisal shall be preliminary and may be amended by adding thereto any property found to be the property of the decedent during the administration of decedent's estate, or by deducting therefrom, any property listed in such preliminary inventory, which is found not to be the property of the decedent. Such appraisal may in the discretion of the Court be made final and may serve all purposes for the administration of the Estate. The said appraisers so appointed shall be paid out of the funds of the Estate. In no case shall the expense of appraisal exceed one-tenth of one per cent of the net taxable value of the estate.

Provided, however, there shall be a minimum allowance of \$5.00 for each Estate examined or appraised, together with the actual and necessary traveling expenses.

(5) In all estates which under the provisions of this act are exempt from the payment of any tax, the County Court shall issue its Order exempting such Estate from the payment of any estate tax. Such order shall contain the total appraised valuation of said estate, together with the names and relationship of the beneficiaries thereunder. A copy of said Order shall be sent to the State Tax Commissioner.

§ 5. **SUPERVISION BY STATE TAX COMMISSIONER.]** (1) The State Tax Commissioner shall have full supervision of the enforcement and collection of all taxes due under this act, and shall make such rules and regulations as may be necessary for the interpretation and enforcement thereof.

(2) **OTHER DEPARTMENTS TO ASSIST TAX COMMISSIONER; SPECIAL AGENTS.** The State Tax Commissioner shall be entitled to call upon other proper departments of the State Government for cooperation in the enforcement and collection of these taxes, and may employ such attorneys, examiners and special agents as may be necessary for carrying out the full intent and purposes of this act.

(3) APPRAISAL BY THE TAX COMMISSIONER. The appraisals made by the County Court shall be subject to the approval of the State Tax Commissioner. He may accept the valuation in the Inventory as reported by the appraisers appointed by the County Court, or he may petition the Judge of the County Court to appoint a time and place for hearing, of the said Inventory and Appraisalment, at which time and place all issue of law and fact pertaining to the assessment of the tax hereby imposed, shall be heard. The County court shall cite all parties interested to appear at such hearing, and may issue subpoenas to compel the attendance of witnesses. The State Tax Commissioner shall upon demand of the Executor, Administrator, trustee, or beneficiary of the Estate, or may of his own volition, refuse to accept the appraisal of an estate made by the County Court. In such case, the State Tax Commissioner shall, on demand of the Executor, administrator, trustee or beneficiary of the Estate, employ specially qualified appraisers, to be paid out of the funds of the estate. If no such demand is made, the State Tax Commissioner may on his own motion either in person or by representative, make such re-valuations as shall be just and equitable. Any executor, administrator, trustee or beneficiary of the estate if not satisfied with such additional appraisal, may appeal to the State Tax Commissioner, which appeal shall be heard and determined as in other cases; provided said appeal shall be made within thirty (30) days from the date on which the notice of the decision of the State Tax Commissioner is filed with the county court of the county in which the estate is being probated. The executor, administrator, trustee or beneficiary, if not satisfied with the final decision of the State Tax Commissioner, may within thirty (30) days from such decision exercise such right of appeal to any Court of competent jurisdiction as is provided from other decisions of the State Tax Commissioners.

§ 6. BASIS OF APPRAISALS.] All assessments shall be made upon appraisals of the full and fair cash value of the property to be transferred as of the date of the death of the decedent. Where the estate is to be appraised contains stocks or bonds which are listed upon stock exchanges the assessed value shall be determined by ascertaining the range of the market and the average of prices for a period not exceeding six months before and six months after the date of death of the decedent. In determining the value of all other property the appraisers shall take into consideration the range and values of this and similar property with the fluctuations therein for a period of time not exceeding six months before and six months after the death of the decedent.

§ 7. REPORTS BY EXECUTORS, ADMINISTRATORS AND TRUSTEES. It shall be the duty of the executor, administrator or trustee before the final settlement of an estate to furnish a supplemental inventory listing all property and taxable transfers that have come to his knowledge since the first inventory. He shall also furnish copies of any documents or records and any other information pertaining to the estate, or the value thereof, upon request of the County Court.

§ 8. LIEN FOR TAXES.] All taxes imposed by this act shall be and remain a lien upon the property transferred, and upon all property acquired by the executor, administrator, or trustee in substitution therefor until the taxes are paid or a bond given, but said lien shall not effect any tangible or intangible personal property after it has passed to a bona fide purchaser for value; provided however, that nothing herein contained shall give the owner of any securities the right to have the same transferred to him by the corporation, association, company or trust issuing the same, until a permit required by this act shall have been filed as herein provided. The lien charged as aforesaid upon any real estate or separate parcel thereof may be discharged by the payment of all taxes due and to become due on said real estate or separate parcel, or by the filing and acceptance of a bond as provided in this act, or by an order of the County Court transferring such lien to other real estate owned by the person to whom said real estate or separate parcel thereof passes. The beneficiary shall be personally liable for the tax on such real estate, as well as the executor, administrator, or trustee; and if the executor, administrator, or trustee pays such tax, he shall, unless the same is made an expense of administration by the will or other instrument, have the right to recover such tax or any other tax from the beneficiary acquiring such real estate.

§ 9. COLLECTION OF TAXES; REFUNDS.] The County Treasurer in the county wherein the probate is held, shall collect the tax levied under this act and shall certify them to the County Auditor at the end of each calendar month. He shall pay over to the State Treasurer, 35% of such tax, retaining 65% thereof, which 65% shall be deposited to the credit of the general fund of the county. Provided, that in all cases wherein no County Court has jurisdiction, the amount of tax shall be determined by the State Tax Commissioner, and the State Treasurer shall collect the same and deposit to the credit of the general fund of the state. No executor, administrator, or trustee shall be entitled to a final discharge in an estate in settlement of which a tax is due under the provisions of this act, unless he shall produce a receipt showing the payment of such tax. In case an overpayment of such tax has

been made, such overpayment shall be repaid out of any estate tax funds in the hands of the county treasurer upon an Order of the Court approved by the State Tax Commissioner. A certified copy of such order shall be filed with the State Treasurer and he shall credit the account with the amount of the state's proportionate liability on such refund. In any case where the State Treasurer has collected the entire inheritance tax, refunds may be made upon approval of the State Tax Commissioner in the same manner as other claims against the state are paid.

§ 10. ACTIONS FOR QUIETING TITLE TO PROPERTY.] Actions may be brought against the state by any interested person for the purpose of quieting title to any property against the lien or claim of lien of any tax or taxes under this act, or the purpose of having it determined that any property is not subject to any lien nor chargeable with any tax under this act. No such action shall be maintained where any proceedings are pending in any court in this state wherein the liability of such property for taxes under this act may be determined. All parties interested in said property and in the taxability thereof shall be made parties thereto and any interested person who refuses to hoin (join) as plaintiff therein may be made a defendant. Summons for the state in said action shall be served upon the State's Attorney and the State Tax Commissioner.

§ 11. FORMS AND RECORDS.] The State Tax Commissioner shall have power to prescribe such forms, application blanks and printed matter as may be necessary for the carrying out and enforcement of this act. He shall also keep such records as are indicated by good accounting practice in such manner as to furnish to the state legislature intelligent information upon which to base further legislation in regard to these taxes.

§ 12. INTEREST ON POSTPONED PAYMENTS.] Taxes due under this act if not paid within one year after the date of death of the decedent shall bear interest at the rate of six (6) per cent per annum to be computed from the expiration of one year after the death of such decedent until the amount is paid.

§ 13. DETERMINATION OF TAX ON ESTATE OF NON-RESIDENT WHEN THERE IS NO PROBATE PROCEEDING WITHIN THE STATE.] In the absence of administration in this state upon the estate of a non-resident, the State Tax Commissioner may, at the request of an executor or administrator duly appointed and qualified in the state of the decedent's domicile, or of a grantee under a conveyance made during the grantor's lifetime, and upon satisfactory evidence furnished by such executor, administrator, or grantee, or otherwise,

determine whether or not any property of said decedent within this state is subject to tax under the provisions of this act, and if so, may determine the amount of such tax and adjust the same with such executor, administrator, or grantee, and for that purpose may appoint an appraiser to appraise said property and the expense of such appraisal shall be charged upon said property in addition to the tax. The State Tax Commissioner's certificate as to the amount of such tax and the State Treasurer's receipt for the amount therein certified may be filed in the probate office in the county where the property is located, and when so filed shall be conclusive evidence of the payment of the tax upon the said property. Whenever in such case the tax is not adjusted within four months after the death of the decedent, the proper county court, upon application of the State Tax Commissioner, shall appoint an administrator in this state.

§ 14. DUTIES OF SAFE DEPOSIT COMPANIES, TRUST COMPANIES, BANKS, AND CORPORATIONS.] No safe deposit company, trust company, corporation, bank or other institution, person or persons engaged in the business or renting safe deposit boxes or other receptacles of similar character shall rent any such box or receptacle without first requiring all persons given access thereto to agree in writing to notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented, of the death of any person having the right of access thereto, before seeking access to such box or receptacle must notify such safe depositary, bailee, or lessor, from whom such box or receptacle is rented of the death of such person; and it shall be unlawful for any safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control, custody or partial custody any safe deposit box or similar receptacle to permit access thereto by any one after the death of any person who at the time of his death had the right or privilege of access thereto either as principal, deputy, agent or cotenant, without the consent of the judge of the county court of the county. No safe deposit company, trust company, corporation, bank or other institution, person or persons having in possession or under control or custody or under partial control or partial custody, securities, deposits, assets or property belonging to or standing in the name of a decedent who was a resident or non-resident, or belonging to, or standing in the joint names of such decedent and one or more persons, including the shares of the capital stock of or other interest in, the safe deposit company, trust company, corporation, bank or other institution making the delivery or transfer herein provided, shall deliver or transfer the same to the executors, administrators or legal representatives, agents, deputies, attorneys, trustees, legatees, heirs, successors in the interest of said decedent or to any other person or persons, or to the

survivor or survivors when held in the joint names of decedent and one or more persons, or under their order or request, without retaining a sufficient portion or amount thereof to pay any tax and interest which may thereafter be assessed thereon under this act and unless notice of the time and place of such delivery or transfer be served upon the County Court at least thirty days prior to said delivery or transfer: provided, that the County Court may issue an order directing said delivery or transfer, and such order shall relieve said safe deposit company, trust company, corporation, bank or other institution, person or persons from the obligation hereunder to give such notice or to retain any portion of said securities, deposits or other assets in their possession or control. Provided, however, that the County Court may appoint appraisers as provided for in section three (3), subdivision four (4), of this act to examine and appraise said securities, deposits or assets at the time of said delivery or otherwise.

§ 15. PENALTIES.] Failure to comply with the provisions of this section shall render such safe deposit company, trust company, corporation, bank or other institution, person or persons, liable to a penalty of not more than one thousand dollars (\$1,000.00), and in addition thereto said safe deposit company, trust company, corporation, bank or other institution, person or persons shall be liable for the amount of taxes, interest and penalties due under this act on said securities, deposits, or other assets above mentioned, and said penalties and liabilities of said safe deposit company, corporation, bank or other institution, person or persons for the violation of this section may be enforced in an action brought by the State's Attorney or the State Tax Commissioner in any court of competent jurisdiction.

§ 16. LIABILITY OF EXECUTORS.] Administrators and executors shall be liable for all taxes payable on the estate with interest as hereinbefore provided until the same have been paid. Provided, however, that in no case shall such administrator or executor be liable for a greater sum than is actually received by him.

§ 17. PENALTY FOR FALSE STATEMENTS OR REPORTS.] Every person who wilfully and knowingly subscribes or makes any false statement of facts, or knowingly subscribes or exhibits any false paper or false report with intent to deceive, any appraiser appointed pursuant to the provisions of this act, shall be subject to a penalty not exceeding five thousand dollars (\$5,000.00) or imprisonment for not exceeding one (1) year or both. Said penalties may be enforced in any court of competent jurisdiction.

§ 18. REPEAL.] Section 2346b1, 2346b2, 2346b3, 2346b4, 2346b5, 2346b6, 2346b7, 2346b8, 2346b9, 2346b10, 2346b11, 2346b12, 2346b13, 2346b14, 2346b15, 2346b16, 2346b17, 2346b18, 2346b19, 2346b20, 2346b21, 2346b22, 2346b23, 2346b24, 2346b25, 2346b26, 2346b27, 2346b28, 2346b29, 2346b30, 2346b31, 2346b32, 2346b33, 2346b34, 2346b35, 2346b36, 2346b37, 2346b38, 2346b39, 2346b40, 2346b41, 2346b42, 2346b43, 2346b44, 2346b45, 2346b46, 2346b47, 2346b48, 2346b49, 2346b50, 2346b51, 2346b52, 2346b53, 2346b54, 2346b55, 2346b56, 2346b57, of the Supplement to the Compiled Laws of 1913, and all acts or parts of acts in conflict with this act are hereby repealed.

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

Approved March 5, 1927.

CHAPTER 268
(S. B. No. 181—Schlosser)

TAX LEVY OF VILLAGES

An Act to Amend and Re-enact Sections 3874 and 3875 of the Compiled Laws of North Dakota for 1913, Relating to Tax Levy of Villages and Duties of County Auditors With Reference Thereto.

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

§ 1. AMENDMENT.] Section 3874 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 3874. TAX LEVY. HOW AND WHEN MADE.] The Board of Trustees shall at its budget meeting on the fourth Wednesday of July or within ten days thereafter levy a tax sufficient to meet the expenses of the current fiscal year as determined at such budget meeting and not exceeding in the aggregate such amount as may be raised under the limitations prescribed by Sections 2163a1 to 2163a10 inclusive of the Supplement to the Compiled Laws of 1913 or acts amendatory thereof. The clerk of said village shall forthwith certify such levy to the county auditor of the county in which such village is situated. Such levy shall be made in a specific amount.

§ 2. AMENDMENT.] Section 3875 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 3875. DUTY OF COUNTY AUDITOR.] It shall be the duty of the county auditor to extend such tax upon the tax lists of the county for the current year in the same manner and with the same effect as other taxes are extended.

Approved March 3, 1927.

CHAPTER 269
(S. B. No. 50—Rusch)

TAX LEVY LIMITATIONS

An Act to Amend and Re-enact Section 2163a7 of Supplement to Compiled Laws of the State of North Dakota 1913, Being Section Seven of Chapter 318 Laws of 1923.

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

§ 1. AMENDMENT.] That Section 2163a7 of the Supplement to the Compiled Laws of the State of North Dakota 1913, being Section 7 of Chapter 318, Laws 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 2163a7. The foregoing limitations shall not apply to irrigation districts nor drainage districts nor to special assessments in cities and villages assessed by special assessment commissions against benefited property; nor to levies for the purpose of paying bonded indebtedness or interest upon the bonded indebtedness in any class of taxing district; nor to the county tuition levy, provided for by Section 1224 of the Compiled Laws of 1913 as amended by Chapter 66 of the Special Session Laws of 1919; nor to taxes levied pursuant to the provisions of Chapter 139, Session Laws of 1919 (Section 2868a1, post), for the purpose of combating the grasshopper pest; nor to taxes levied pursuant to the provisions of Section 3716 of the Supplement to the Compiled Laws of the State of North Dakota 1913, being Chapter 174, Laws of 1923; provided that in levying taxes pursuant to said law, the City Council or City Commission, as the case may be, shall have power to provide for the payment of such deficiency in equal installments over a period of not to exceed five years and to issue general warrants of said city covering such deficiency bearing interest at the legal rate of interest; nor to taxes levied pursuant to the provisions of chapter 106 of the Session Laws of 1915 (Section 2261, 2262, post) for the purpose of combating gophers and similar pests. In case revenue raised for the purpose of combating such pests is transferred to the road and bridge fund, the amount of the maximum legal limit of the levy for roads and bridges made next after such transfer shall be diminished from the maximum amounts permitted by the provisions of Section 5 of this act by the amount of such transfer or transfers.

Approved February 19, 1927.

CHAPTER 270
(S. B. No. 22—Murphy)

TAX LEVY FOR MUNICIPAL BAND

An Act to Authorize a Tax Levy in Cities and Villages for the Purpose of Providing a Fund for the Maintenance or Employment of a Band for Municipal Purposes, and Providing for Submission of the Question of Levying a Tax for Such Purpose to the Voters of Such Cities and Towns.

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

§ 1. Cities and villages howsoever organized and irrespective of their form of government, may when authorized as hereinafter provided, levy each year a tax for the purpose of providing a fund for the maintenance or employment of a band for municipal purposes.

§ 2. Said authority shall be initiated by a petition signed by ten per cent of the legal voters of the city or town, as shown by the last regular municipal election. Said petition shall be filed with the council or commission and shall request that the following question be submitted to the voters, to-wit: "Shall a tax of not exceeding mills (specifying the rate) be levied each year for the purpose of furnishing a band fund?"

§ 3. When such petition is filed, the council or commission shall cause said question to be submitted to the voters at the first following general or municipal election.

§ 4. Said levy shall be deemed authorized if two-thirds of the votes cast at said election be in favor of the proposition. The governing body of said city or village may thereupon include in their budget an appropriation for the maintenance or employment of a band for municipal purposes and may levy to cover such appropriation in this annual tax levy. The amount of levy to cover such appropriation together with the aggregate amount for general purposes shall be within the limitation prescribed by Section 2163a1 and 2163a6 of the Supplement to the Compiled Laws of 1913, or acts amendatory thereof. The amount appropriated for the maintenance or employment of a band for municipal purposes shall in no case exceed four thousand dollars and shall further be subject to the following limitations:

(a) In cities or villages having a net assessed valuation not in excess of five million dollars, the amount appropriated shall not exceed one mill on the net assessed valuation of the property of the city or village.

(b) In cities or villages having a net assessed valuation of over five million dollars and not in excess of fifteen million dollars,

the amount appropriated shall not exceed one-half of one mill on the net assessed valuation of the taxable property of the city or village.

(c) In cities or villages having a net assessed valuation in excess of fifteen million dollars, the amount appropriated shall not exceed one-fourth of one mill on the net assessed valuation of the taxable property of the city or village.

§ 5. A like petition may at any time be presented to the council or commission asking that the following proposition be submitted, to-wit: "Shall the power to levy a tax for the maintenance or employment of a band be cancelled?" Said submission shall be made at any general or municipal election as heretofore provided, and if a majority of the votes be in favor of said question, no further levy for said purpose shall be made until such time as the said question may be again voted upon favorably as heretofore provided.

§ 6. All funds derived from said levy shall be expended as set out in Section One hereof by the council or commission.

Approved March 3, 1927.

TRANSFERS

CHAPTER 271

(H. B. No. 65—Rulon)

TRANSFER REAL PROPERTY, DUTY OF COUNTY AUDITOR

An Act to Amend and Re-enact Section 2212 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota, Relating to the Duty of the County Auditor and Requirements of the Transfer of Real Property as to Taxes, Deeds and Other Instruments of Conveyance and Declaring an Emergency Exists.

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

§ 1. AMENDMENT.] That Section 2212 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota be amended and re-enacted to read as follows:

§ 2212. Whenever any deed or patent is presented to the County Auditor for transfer, he shall ascertain from the books and records in the offices of the County Treasurer and County Auditor if there be delinquent taxes or special assessments on the land described therein, or if it has been sold for taxes and if there are delinquent taxes or delinquent special assessments or installments of special assessments due thereon, he shall certify to the same, and when the receipt of the County Treasurer shall be produced for the said delinquent taxes or special assessments or installments of special assessments that may be in the hands of the County Treasurer or County Auditor for collection, the County Auditor shall enter on every deed, or patent so transferred, over his official signature,

"Delinquent taxes and special assessments or installments of special assessments, paid and transfer entered," or if the land described has been sold for taxes, "paid by sale of the land described within," or if it is an instrument entitled to record without regard to taxes, "transfer entered," and unless such entry is made upon any deed or patent, the Register of Deeds shall refuse to receive or record the same; provided that sheriff's or referee's certificates of sale on execution or foreclosures of mortgages may be recorded by the Register of Deeds without any such certificate from the County Auditor. The County Auditor shall keep a record of such transfers in a book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of the transfer, and shall collect twenty-five cents for each certificate from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the County Treasurer at the end of each month and be placed to the credit of the general funds of the county.

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

Approved February 9, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—109—0—4

Senate—28—15—6.

CHAPTER 272

(S. B. No. 37—Forbes)

RECORDING TRANSFERS—AFFIDAVIT

An Act to Amend and Re-enact Section 5552 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] That Section 5552 of the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 5552. AFFIDAVIT ENTITLED TO RECORD.] The affidavit provided for in Section 5551, duly verified according to law, and containing a description of the land to which it relates, may be recorded in the office of the register of deeds of any county in this

state, in the proper book of miscellaneous records, in such office, and such affidavit, when so recorded, shall be prima facie evidence of the truth of the facts set forth or contained therein.

Approved January 28, 1927.

TRUSTEES

CHAPTER 273

(H. B. No. 192—Fowler)

EFFECT OF INSTRUMENTS BY TRUSTEES

An Act Defining the Effect of Instruments, Affecting Real and Personal Property Belonging to a Trust, Executed by Trustees in Their Respective Capacity as Trustee.

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

§ 1. Whenever any Trustee, in the course of the administration of its trust, shall execute any deed, mortgage, bill of sale or other instrument affecting real or personal property belonging to said trust, and proper recitals shall appear in such instrument showing that the same was executed by said Trustee solely in its representative capacity as Trustee, such instrument shall only be binding upon said Trustee in its representative capacity, and shall create no personal liability against the person, firm or corporation executing such instrument.

Approved February 28, 1927.

USURY

CHAPTER 274

(S. B. No. 195—Seamands)

USURY DEFINED

An Act to Amend and Re-enact Section 2 of Chapter 155, Session Laws of 1925, the Same Being Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, Defining Usury.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 155, Session Laws of 1925, the same being Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, be and the same hereby is amended and re-enacted to read as follows:

§ 6073. USURY DEFINED.] No person, firm, company or corporation shall directly or indirectly take or receive, or agree to take

or receive in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods or things in action, than nine per cent per annum, and in the computation of interest, the same shall not be compounded. Any violation of this section shall be deemed usury; provided, that any contract to pay interest not usurious on interest overdue shall not be deemed usury.

§ 2. EMERGENCY.] Whereas, some question has arisen as to whether or not interest upon past due interest may be collected under the provisions of Chapter 155, Session Laws of 1925, therefore this act is declared an emergency and shall be in full force and effect immediately upon its passage and approval.

Approved March 5, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—29—19—1

House—63—43—7.

VALIDATIONS

CHAPTER 275

(H. B. No. 104—Sperry)

VALIDATION DEEDS, MORTGAGES AND OTHER INSTRUMENTS

An Act to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages, and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies Thereof, Admissible in Evidence.

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

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages and other instruments in writing affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1927, and which have been filed or recorded in the proper counties of this state, be, and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the State of North Dakota, or of any other state, territory or county at the time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys-in-fact, done in good

faith, in the execution and acknowledgment of such instruments, are hereby declared to be valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in taking or certifying to the acknowledgment of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments, and it shall be prima facie presumed that such officer acted within the scope of his authority. Provided, that nothing in this act shall be construed to validate any deed, transfer or other instrument in writing where there shall be now pending any suit, action or proceeding of any kind affecting the title to any real property owned by the State of North Dakota or any subdivision thereof, or of any person, firm or corporation.

Approved, March 7, 1927.

CHAPTER 276
(S. B. No. 248—Atkins)

VALIDATING LEGAL PUBLICATIONS IN OFFICIAL NEWSPAPERS
An Act Legalizing and Validating All Legal Publications Made Prior to the 1st Day of January, 1927, Contrary to the Provisions of Chapter 187 of Session Laws, 1919, and of the Initiated Measure Relating to Official Newspapers Approved November 2, 1920.

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

That all legal publications of any kind or character, which prior to the 1st day of January, 1927, have been made in a newspaper other than a newspaper legally designated therefor under the provisions of Chapter 187 of Session Laws 1919, and of the Initiated Measure relating to Official Newspapers approved November 2, 1920, are hereby declared legal and valid for all purposes.

Approved March 7, 1927.

CHAPTER 277

(S. B. No. 187—Sathre and Forbes)

VALIDATING MORTGAGE FORECLOSURES

An Act Limiting the Time Within Which Any Action May Be Brought to Void a Foreclosure of a Mortgage, a Mortgage Foreclosure Set Aside, or Any Defense Interposed in Any Action, by Virtue of Any Defect in the Form, Substance or Service of Notice of Intention to Foreclose a Mortgage.

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

§ 1. After six months from and after this act takes effect no action shall be commenced to set aside the foreclosure of a mortgage and no foreclosure of a mortgage shall thereafter be set aside, and no defense shall be interposed in an action based upon the foreclosure of such mortgage, by virtue of any defect in the form, substance, service or manner of service of the notice of intention to foreclose such mortgage, which mortgage has been foreclosed prior to the taking effect of this act.

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

Approved, March 5, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—27—20—2

House—64—42—7.

CHAPTER 278

(S. B. No. 258—Bakken)

VALIDATION PARK DISTRICT BOND ISSUES

An Act to Validate and Legalize Certain Proceedings of Park Districts and Their Commissioners Relating to Bond Issues.

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

§ 1. Where the voters of any park district of this state have heretofore authorized at an election held pursuant to a resolution passed by the Board of Park Commissioners of such districts to issue the bonds of the district and the Park Commissioners thereof have heretofore or shall hereafter adopt ordinances providing for the issuance of such bonds and the levy of taxes for the payment thereof, all in accordance with the purported authorization and within the limitations of Chapter 96 as printed in the Session Laws of North Dakota for the year 1921, and laws supplemental thereto, except that the maturities of such bonds have been fixed at a date

or dates not more than twenty years from the date of such bonds, such proceedings are hereby declared to be valid and legal, and such bonds when signed by the president and clerk of such district and sold in accordance with Chapter 327, Laws of 1923, as amended, shall be and are hereby declared to be valid and enforceable obligations of such park district.

Approved, March 3, 1927.

CHAPTER 279

(S. B. No. 204—Forbes and Sathre)

VALIDATION SALES OF REAL ESTATE ON EXECUTION AND
FORECLOSURE

An Act to Legalize and Make Valid All Sales of Real Estate, Made Prior to the Passage and Approval of this Act, Whether Under Execution or by Advertisement, in All Cases Where the Certificate of Sale Was Not Recorded in the Office of the Register of Deeds Within Sixty (60) Days After the Date of Sale.

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

§ 1. Any sale of real estate, made prior to the taking effect of this act, whether under execution or in foreclosure of a mortgage by advertisement, is hereby declared to be legal and valid for all purposes, even though the Sheriff's Certificate of Sale, issued in completion of such sale, was not filed for record in the office of the Register of Deeds within Sixty (60) Days after the date of such execution or foreclosure sale.

§ 2. This act shall not apply to or effect any proceeding, special proceeding, action at law, or suit in equity now pending in any court of this state.

§ 3. EMERGENCY.] Whereas, an emergency exists in that in many foreclosure sales of real estate, heretofore made, both under execution and in foreclosure by advertisement, the purchaser has, by inadvertence or mistake, failed or neglected to record the Sheriff's Certificate of Sale within the time required by law and such failure or neglect may cause technical defects or clouds in the title to real estate in this state, which ought to be corrected and cured without expense or litigation, this act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1927.

Note: The foregoing measure carried the following vote on final passage:

Senate—26—19—4
House—67—38—8.

CHAPTER 280
(H. B. No. 270—Fowler)

VALIDATION SALES OF REAL ESTATE BY EXECUTOR OR ADMINISTRATOR

An Act to Validate Sales of Real Estate Made by An Executor or Administrator Pursuant to Contract, Which Has Not Been Confirmed by the County Court.

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

§ 1. All sales of real estate made by any executor or administrator, where his testator or intestate had contracted in writing for the sale thereof in his lifetime, and conveyance of which has been made pursuant to a decree of any county court of this state as provided by Article 8, Chapter 6, of the Probate Code of North Dakota, in estates which are closed and such administrator or executor has been discharged, and which conveyances have been otherwise legally made but have not been approved by the judges of the county courts wherein such conveyances were had, pursuant to Section 8794, of the Compiled Laws of 1913, are hereby declared valid and of the same effect as if an order or judgment of approval had been made by the county judge of the court in which such proceedings were had.

Approved, March 3, 1927.

VETERANS

CHAPTER 281
(S. B. No. 109—Baird, Hamilton and Schlosser)

VETERANS' SERVICE COMMISSIONER

An Act Creating the Office of Veterans' Service Commissioner; Providing the Qualifications, the Manner of Appointment, Duties, Salary, Tenure of Office of Such Officer, Providing An Appropriation Therefor, and Declaring An Emergency.

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

§ 1. There is hereby created the office of Veterans' Service Commissioner.

§ 2. **QUALIFICATIONS AND APPOINTMENT.]** Such commissioner shall be appointed by the Governor of the State of North Dakota from a list of names of five men furnished by the State Executive Committee of the American Legion. Any person to be eligible for appointment as such commissioner shall be an actual and bona fide resident of North Dakota, a regularly licensed attorney, or someone experienced in the prosecution of claims against the Veteran's Bureau, and shall possess an honorable discharge either from the Navy, Army or Marine Corps of the United States Government.

§ 3. DUTIES.] It shall be the duty of the Veterans' Service Commissioner to investigate pending claims and to make a survey of the state to ascertain the number of veterans entitled to compensation who have not filed claims and to assist them in filing such claims if they are eligible for compensation; and to represent any honorably discharged veteran who has served at any time as a commissioned officer, or in the enlisted personnel of the United States Army, Navy, Marine Corps, Army Nurse Corps or Naval Nurse Corps, or the widow, administrator, executor, guardian or heir of any such veteran, in securing a fair and equitable adjustment of any claim of any such veteran, or such other person, made to the United States Veterans' Bureau, United States Pension Bureau, or the proper department of the United States, for adjusted compensation, insurance, pension, compensation for disability, hospitalization, vocational training, or other benefit which such veteran may be or may have been entitled to receive under the laws of the United States.

§ 4. Said commissioner shall have a seal of office and be authorized to administer oaths to any person whose acknowledgment may become necessary in the prosecution of any claim for compensation, hospitalization, insurance or other aid or benefits; and he shall likewise be authorized and empowered to certify to the correctness of any document or documents which may be submitted in connection with any such application.

§ 5. COMPENSATION AND EXPENSES.] The salary of such Veterans' Service Commissioner shall be Twenty-five Hundred Dollars (\$2,500.00) per annum, payable monthly on proper voucher submitted therefor to the State Auditor. He shall likewise be allowed the sum of One Thousand Twenty Dollars (\$1,020.00) per annum for clerk hire, Two Hundred Thirty Dollars (\$230.00) per annum for office supplies and expenses, and the sum of Eighteen Hundred Dollars (\$1,800.00) per annum for expenses for travel and investigation of claims, the same to be paid monthly on warrants of the State Auditor, after proper vouchers have been filed and approved as provided by law.

§ 6. OFFICE.] Office of said commissioner shall be located in the same city as the office of the United States Veterans' Bureau for this district; and in the event that such Veterans' Bureau be removed from the State of North Dakota, then said commissioner's office shall be in the State Capitol at Bismarck.

§ 7. APPROPRIATION.] For the purpose of carrying out and making effective the provisions of this act, there is hereby appropriated out of the general funds in the treasury of the State of North

Dakota, not otherwise appropriated, the sum of Eleven Thousand One Hundred Dollars (\$11,100.00), or so much thereof as may be necessary.

§ 8. DURATION OF OFFICE.] The office of Veterans' Service Commissioner shall exist for a period of two years from the date of the passage and approval of this act. Provided, however, if any of the money appropriated hereby has not been used, the office may be continued to July 1, 1929, when the emergency for which the same was created will have expired.

§ 9. EMERGENCY.] Whereas, the period of limitation as set by the Federal law provides that all claims for compensation, hospitalization and insurance must be proven before July 1, 1929, or be forever barred; and Whereas there are now within the State of North Dakota approximately four thousand ex-service men who have just claims for compensation, hospitalization, insurance, or other benefits which are not properly or efficiently being prosecuted owing to the fact that they are not familiar with the necessary steps and procedure, and owing to the further fact that under the laws of the United States, the Veterans' Bureau, through which such claims are presented, is estopped to assist such disabled service men in the prosecution of such claims; and Whereas the preservation of the public peace, health and safety makes it necessary that the provisions of this act shall become operative immediately, an emergency is hereby declared to exist, and this act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 7, 1927.

WEEDS

CHAPTER 282

(H. B. No. 310—Erickson of Kidder)

NOTICE BY WEED COMMISSIONER—DUTIES

An Act to Amend and Re-enact Section 630a4 of the Supplement to the Compiled Laws of North Dakota, for 1913, Relating to Notice Given by Weed Commissioner, Relative to the Sow Thistle and Duties of Commissioner.

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

§ 1. AMENDMENT.] That Section 630a4 of the Supplement to the Compiled Laws of North Dakota be amended and re-enacted as follows:

§ 630a4. NOTICE BY WEED COMMISSIONER, AND HIS DUTIES.] When the weed commissioner of any district or any of his deputies

shall find growing upon any land within his district, including state roads, public highways and railroad right of ways, any of the weeds known as perennial sow thistle, it shall be the duty of said weed commissioner or his deputy to give immediate 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 be not less than five days from the date of service or the posting of said notice. In case such sow thistle shall be found growing upon any railroad right of way, such notice shall be served upon the agent of said railroad company nearest thereto, and if such sow thistle is found growing upon any state road, state park or state school land, notice shall be served upon the board of county commissioners of the county in which the same is located, and if said sow thistle be found upon any public highway which is not a state road, such notice shall be served upon the owner, lessee, occupant, agent or person having the care or charge of the land adjoining such public highway, and it shall be the duty of such person to cut down, pull or destroy such sow thistle to the center of such public highway adjoining said land; 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 such sow thistle on or before the date fixed in said notice, then the said weed commissioner, his deputies or employees, shall enter upon the land, right of way, state road, state park, or state school land, or public highway and cause all of said sow thistle to be cut down, pulled or destroyed and with as little damage to growing crops as may be, where said sow thistle is destroyed on agricultural land; Provided, that the expense of such cutting, pulling and destruction of such sow thistle shall not exceed one hundred dollars for each one hundred and sixty acre tract in each year when found growing upon agricultural land, and where found growing upon any state road, public highway or railroad right of way, such expense shall not exceed the reasonable and necessary cost of such work.

Provided 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 such county, said notice shall be posted in a conspicuous place on the land where the same can be seen by the traveling public.

Provided further, that when such sow thistle shall be destroyed by the weed commissioner, his deputies or employees, upon any state road, state park, or state school land, the cost and expense of such

service shall be paid by the county in which such state road, state park, or state school land is situated.

Approved March 7, 1927.

WOLF and COYOTE BOUNTY

CHAPTER 283
(S. B. No. 83—Van Camp)

FIXING WOLF AND COYOTE BOUNTY

An Act to Amend and Re-enact Section 2645 of the Supplement to the Compiled Laws of 1913, Relating to Wolf Bounty.

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

§ 1. AMENDMENT.] That Section 2645 of the Supplement to the Compiled Laws of 1913 shall be amended and re-enacted to read as follows:

§ 2645. STATE BOUNTY FOR WOLVES AND COYOTES.] For the purpose of encouraging the destruction of wolves and coyotes, a bounty shall be paid by the State of North Dakota for each wolf and coyote killed as follows:

Three dollars (\$3.00) for each mature wolf or coyote killed, and one dollar and fifty cents (\$1.50) for each wolf or coyote pup killed prior to September 1st of the year of the whelping of such wolf or coyote pup. Provided, further, that no bounty shall be paid on wolves or coyotes killed by the Extension Division of the North Dakota Agricultural College, through the directors thereof co-operating with the Bureau of the Biological Survey of the United States Department of Agriculture.

Approved February 19, 1927.

WORKMEN'S COMPENSATION

CHAPTER 284
(H. B. No. 92—Sperry, by Request)

INVESTMENT OF WORKMEN'S COMPENSATION BUREAU FUNDS
An Act Providing for the Investment of Moneys in the Workmen's Compensation Fund.

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

§ 1. The Workmen's Compensation Bureau is hereby authorized, at its discretion, to invest the moneys in the Workmen's Compensation Fund in Bonds or certificates of indebtedness of the State of North Dakota, or of any political subdivision thereof.

§ 2. Such investment shall not be made except upon resolution duly entered upon the minutes of the Bureau by a majority vote of all the members of said Bureau directing the same, and such securities shall have the approval of the Attorney General as to the form and legality thereof; provided that the Treasurer of the State of North Dakota, shall be and he is hereby made the custodian of all such bonds and certificates of indebtedness, purchased or acquired by the Workmen's Compensation Bureau hereunder, and it shall be the duty of such bureau to deliver the same to the said State Treasurer, as such custodian thereof.

Approved March 1, 1927.

CHAPTER 285
(H. B. No. 93—Sperry, by Request)

POWERS AND DUTIES WORKMEN'S COMPENSATION BUREAU

An Act to Amend and Re-enact Section 4 of Chapter 162 of the Session Laws for the Year 1919, as Amended by Chapter 145 of the Session Laws of 1921, as Amended by Chapter 220 of the Session Laws of 1925.

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

§ 1. AMENDMENT.] Section 4 of Chapter 162 of the Session Laws for the year 1919, as amended by Chapter 145 of the Session Laws of 1921, as amended by Chapter 220 of the Session Laws of 1925, is hereby amended and re-enacted to read as follows:

§ 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 five 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, and one of the appointees of the said Bureau shall be a representative of the employers; 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 chairman of the Bureau, the Commissioner of Insurance shall be ex-officio member of the Bureau, and the members of the Bureau shall receive a salary of Two Thousand Eight Hundred Dollars (\$2,800.00) 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 furnished by him, shall be paid out of the Workmen's Compensation Fund; there is hereby appropriated for such purposes out of the Workmen's Compensation Fund the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) for the biennium ending June 30th, 1929.

Not later than August 1st of each year next preceding the session of the Legislative Assembly, the State Auditor shall send to the secretary of the Workmen's Compensation Bureau a suitable blank form to be filled out by the secretary, with an itemized statement of the amount of money which said Bureau considers necessary for the proper maintenance and operation of such Bureau, during the two fiscal years next ensuing. The said secretary shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the Legis-

lative Assembly to the State Auditor, together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by the said Workmen's Compensation Bureau for the purposes covered by this sub-section.

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 the act. The Bureau, or any member thereof, shall have the power to subpoena witnesses, administer oath 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 created by death, resignation or removal of any of the commissioners shall not impair the right of the remaining members to exercise all the powers of the full Bureau so long as a majority remains; provided, however, that neither the employers nor the employees shall remain without a representative upon the Bureau for a period of more than thirty days by reason of the death, resignation or removal of their representative. 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; and 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 the record 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 the laws and regulations requiring such employment to be safe, and shall issue reasonable safety regulations whenever the same shall become necessary, and the Workmen's Compensation Bureau may designate some suitable person to inspect the premises of any employer to determine if such regulations have been complied with.

Every employer as defined by the terms of this act who shall fail to comply with any reasonable safety regulations made in ac-

cordance herewith, within ten days after notice from the Workmen's Compensation Bureau, or its authorized agents, shall be guilty of a misdemeanor and upon conviction thereof in a court of competent jurisdiction shall be subject to a fine of not less than Ten Dollars or more than One Hundred Dollars; provided, that upon a showing being made by said employer that further time is necessary to enable the employer to comply with such regulation after the notice hereinbefore provided for has been received, the Workmen's Compensation Bureau may extend the time for such compliance on the part of said employer as the facts in each case may warrant.

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 cooperate with the Federal Board of Vocational Education for this purpose.

Approved March 7, 1927.

CHAPTER 286
(S. B. No. 65—Bakken)

SCHEDULE OF COMPENSATION—WORKMEN'S COMPENSATION
FUND

An Act to Amend and Re-enact Section 3 of Chapter 162, of the Session Laws of the State of North Dakota for the Year 1919, and Acts Amendatory Thereof, Relating to the Workmen's Compensation Act.

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

AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of the State of North Dakota for the year 1919, and acts amendatory thereof, be and the same is hereby amended and re-enacted to read as follows:

§ 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 the injury.

C. If the injury cause TEMPORARY or PERMANENT 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 wage, PROVIDED, HOWEVER, THAT IF THE DISABILITY BE PERMANENT TOTAL DISABILITY, THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED FIFTEEN THOUSAND DOLLARS (\$15,000).

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:

- For a one per cent disability..... Five (5) Weeks
- For a ten per cent disability Fifty
- For a twenty per cent disability..... One Hundred
- For a thirty per cent disability..... One Hundred Fifty
- For a forty per cent disability Two Hundred
- For a fifty per cent disability..... Two Hundred Fifty
- For a sixty per cent disability Three Hundred
- For a seventy per cent disability..... Three Hundred Fifty
- For an eighty per cent disability..... Four Hundred
- For a ninety per cent disability..... Four Hundred Fifty

And the following shall be the schedule of specific benefits to be allowed for specific injuries:

	Min.	Max.
1. For loss of arm at shoulder, 234 weeks.....	\$1404.00	\$4680.00
2. For loss of arm at or above elbow, 213.5 weeks	1281.00	4270.00
3. For loss of hand at or above wrist, 195 weeks	990.00	3900.00

4. For loss of thumb, 45 weeks.....	270.00	900.00
5. For loss of second or distal phalange of thumb, 22.5 weeks	125.00	450.00
6. For loss of first finger, 29.25 weeks.....	175.50	585.00
7. For loss of middle or second phalange of first finger, 19.5 weeks.....	117.00	390.00
8. For loss of third or distal phalange of first finger, 9.75 weeks	58.50	195.00
9. For loss of second finger, 24.75 weeks.....	148.50	495.00
10. For loss of middle or second phalange of second finger, 16.5 weeks.....	99.00	330.00
11. For loss of third or distal phalange of second finger, 8.25 weeks.....	49.50	165.00
12. For loss of third finger, 15.75 weeks.....	94.50	315.00
13. For loss of middle or second phalange of third finger, 10.5 weeks.....	63.00	210.00
14. For loss of third or distal phalange of third finger, 5.25 weeks.....	31.50	105.00
15. For loss of fourth finger, 13.5 weeks.....	81.00	270.00
16. For loss of middle or second phalange of fourth finger, 9.0 weeks.....	54.00	180.00
17. For loss of third or distal phalange of fourth finger, 4.5 weeks.....	27.00	90.00
18. For loss of leg at the hip, 234.0 weeks.....	1404.00	4680.00
19. For loss of leg at or above the knee, 195.0 weeks	990.00	3900.00
20. For loss of foot at or above the ankle, 136.5 weeks	819.00	2730.00
21. For loss of great toe, 19.5 weeks.....	117.00	390.00
22. For loss of any other toe, 7.5 weeks.....	45.00	150.00
23. For loss of sight of an eye, 9.75 or 100 weeks	585.00	1950.00
24. For loss of hearing in one ear, 29.25 weeks	175.50	585.00
25. For loss of hearing in both ears, 156.00 weeks	936.00	3120.00

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 employee's weekly wages are less than Six Dollars (\$6.00), in which case his weekly compensation shall be the actual amount of his weekly wages. The weekly compensation for partial disability shall not be more than Twenty Dollars (\$20.00). If the injured person was, at the time of the injury, a minor or employed in a learner's capacity, and not physically or mentally defective, the Bureau shall from time to time determine the probable increase in weekly earning capacity of such person if such injury had not occurred, and shall base its award for compensation upon such probable weekly wage-earning capacity.

G. If death results from an injury within six years, the North Dakota Workmen's Compensation Fund shall pay to the following persons, for the periods specified, a weekly compensation equal to the following percentages of the deceased employee's weekly wages; provided, however, that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from the injury, or, if there has been no disability preceding death, if death takes place more than one year after the injury, AND PROVIDED, FURTHER, THAT THE TOTAL AMOUNT PAYABLE SHALL NOT EXCEED THE SUM OF \$15,000, IN ADDITION TO THE AMOUNTS PAID FOR COMPENSATION AND MEDICAL AND HOSPITAL EXPENSE DURING TEMPORARY DISABILITY.

(a) To the widow, if there is no child, thirty-five per cent. Such 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. Such compensation shall be paid until his death or marriage.

(c) To the widow or widower if there is a child, or children, the compensation payable under clause (a) or (b), and in addition thereto ten per cent for each child, not exceeding, however, a total of sixty-six and two-thirds per cent for the widow or widower and the children. The compensation payable on account of any child shall cease when such child 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 exceeding, however, a total of sixty-six and two-thirds per cent, the compensation hereunder not to be for the

specific children but to be divided share and share alike. Compensation for each child shall be paid until such child dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. Compensation for 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, 25 per cent; if both are wholly dependent, twenty per cent to each; if one or both are partially dependent, a proportionate amount in the discretion of the Bureau. The foregoing percentages shall be paid only if there is no widow, widower or child. If there is a widower, widow or child, there shall be paid only so much of the foregoing percentages as, when added to the total of the percentages, payable to the widow, widower and children, shall not exceed the total of sixty-six and two-thirds per cent; PROVIDED, THAT ANY COMPENSATION SO PAYABLE TO THE PARENTS, IF THERE IS A WIDOW, WIDOWER OR CHILD, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000 REFERRED TO IN PARAGRAPH G.

(f) To the brothers, sisters, grandparents, and grandchildren, 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 none of them are wholly dependent but one or more are partly dependent, 10 per cent divided among such dependents, share and share alike. The foregoing percentages shall be paid only if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid only so much of the foregoing percentages as, when added to the total percentages payable to the widow, widower, children and dependent parents, shall not exceed a total of sixty-six and two-thirds percent; PROVIDED, THAT ANY COMPENSATION PAYABLE TO ANY DEPENDENTS UNDER THIS PARAGRAPH, IF THERE IS A WIDOW, WIDOWER, CHILD OR DEPENDENT PARENT, SHALL NOT BE INCLUDED IN THE LIMITATION OF \$15,000 REFERRED TO IN PARAGRAPH G.

(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 of the employee, unless before that time, he, if a grandparent, 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; provided, however, that nothing herein contained shall be construed to increase the compensation of the children of a widow or widower upon his or her remarriage.

(i) In case there are two or more classes of persons entitled to compensation under this section, and the apportionment of such compensation, hereinbefore 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 his marriage, accepts any payments or compensation after his marriage, he or she 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.

(l) 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 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

(m) 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).

Approved March 9, 1927.

WORLD WAR

CHAPTER 287
(S. B. No. 115—Baird)

RECORD OF NORTH DAKOTA CITIZENS SERVING AND ACTIVE IN WORLD WAR

An Act to Provide for the Compilation, Publication and Distribution of the Record of the Citizens of North Dakota Who Rendered Military Service on Behalf of the State and Assisted in the Administration of the Selective Service Act During the World War.

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

§ 1. The Adjutant General of the State of North Dakota is hereby authorized and directed to compile, publish and distribute, in accordance with such rules and regulations as he may adopt, a record of the citizens of the State of North Dakota who rendered Military Service on behalf of the State and assisted in the administration of the Selective Service Act during the World War.

§ 2. The Industrial Commission of the State of North Dakota shall defray all expenses incident to carrying out the provisions of this act out of any moneys in its hands which have accumulated through the administration of the provisions of Chapter 244 of the Laws of 1923, provided, however, that all expenditures hereunder by the Industrial Commission shall be limited to such accumulations.

§ 3. The Adjutant General and Industrial Commission shall have full power and authority to do and perform any and all acts and things which may to them seem necessary and proper for the purposes of carrying out the terms and conditions and spirit of this act.

Approved, March 3, 1927.

CONCURRENT RESOLUTION 'M' (Benson and Schlosser)

REPEAL OF FEDERAL ESTATE TAX

WHEREAS, the Federal Estate (Inheritance) Tax Law, as amended February 26, 1926, provides that the estate liable there-

under shall be credited with any inheritance tax paid by the beneficiaries to the state, or states, the credit not to exceed eighty per cent of the Federal Levy; and

WHEREAS, this amendment menaces the rights of the states, because its object is to persuade them to abandon their state inheritance tax laws in favor of statutes based on the federal law. The tax not being required for revenue at this time, its only object now must be coercion of the states; and

WHEREAS, the joint levy is contrary to the theory of this government, unprecedented and offensive to the independence of the legislatures of the sovereign states;

THEREFORE BE IT RESOLVED, by the Senate, the House concurring, that we hereby request the present congress to repeal immediately the federal estate (Inheritance) tax provisions of the revenue law effective February 26, 1926, and abandon this field of taxation in time of peace.

BE IT FURTHER RESOLVED, that certified copies of this concurrent resolution be forwarded to North Dakota's Senators and Representatives to the Congress of the United States.

Filed February 28, 1927.

CONCURRENT RESOLUTION
(Kretschmar)

GREAT LAKES-ST. LAWRENCE WATERWAY PROJECT

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

WHEREAS, the great and natural resources of the State of North Dakota are as yet undeveloped, and said State is dependent upon agriculture for its prosperity, and agriculture being the fundamental basis for prosperity in all northwest states; and

WHEREAS, in a large measure, if not entirely, the price of agricultural products is dependent upon foreign markets; and

WHEREAS, the present rates for transportation of such products are too high to be in just proportion to the price received therefor at terminal markets, and thus has a tendency to curtail the production of the staple articles of agriculture needed by all people in all lands; and

WHEREAS, the Great Lakes-St. Lawrence Waterway Project, if completed and perfected, will furnish to the people of the State of North Dakota a cheaper method of transportation of their products to foreign markets, thus assuring them a higher revenue for the same; and

WHEREAS, the adoption and completion of such project has been requested by the farmers and industries of the Middle and Northwest for many years last past, from the Congress of the United States; and

WHEREAS, the carriers by rail in this Nation are now demanding increased rates for the transportation of grain and grain products, making the need for such project more acute than at any previous period,

NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Twentieth Legislative Assembly of the State of North Dakota, the House of Representatives concurring therein, that we do hereby memorialize the Congress of the United States, and respectfully urge that Congress take immediate action towards the passage of such law or laws, which will make possible the early completion and perfection of the Great Lakes-St. Lawrence Waterway Project.

BE IT FURTHER RESOLVED, that the Secretary of State of North Dakota send a copy of this Resolution to the President of the United States, and the President of the Senate, and Speaker of the House of Representatives of the United States, and of the Montana and Minnesota Legislatures respectively, also to our members in Congress.

Filed February 13, 1927.

RESOLUTION
(Brown and McCay)

AID FOR INDIANS

WHEREAS, the matter of the need of the Indians upon Standing Rock Indian Reservation, located in the States of North Dakota and South Dakota, have been brought to the attention of this body through a resolution duly introduced at the instance of a number of Indians of such reservation, and

WHEREAS, a hearing has been had upon said matter before the House Committee of Federal Relations, a number of Indians from such Reservation appearing before such committee and Mr. E. D. Mossman, Superintendent, also appearing at the request of such committee, and

WHEREAS, crops upon such reservation were shown to have been practically a total loss during 1926; that tenants of Indian lands by reason of a crop failure have in most instances failed to pay rents due therefor; and

WHEREAS, it is evident that provision must at once be made to meet resulting conditions which will entail privation and suffering for many of these Indians during this winter and until such time as another crop is harvested;

Now, THEREFORE, we respectfully urge upon you that provision such as is suggested in the letter of E. D. Mossman, Superintendent, of date, September 15th, 1926, and directed to the Commissioner of Indian affairs, Washington, D. C., and in the letter from the Tribal Business Council of such reservation, accompanying the same and addressed to the Secretary of the Interior, be at once made, that these wards of the government be insured against suffering and privation.

While this matter was brought before this Legislative body through the efforts of a number of reservation Indians, the examination of Mr. Mossman before the committee, convinced such committee and this body that his recommendation of September 15th, 1926, must be at once acted upon if privation and suffering is to be prevented.

While we realize that this is a matter in which this body properly has no voice, we respectfully urge upon you, the Secretary of the Interior and the Commissioner of Indian Affairs, immediate consideration of the situation, which before spring, will be one to be deplored.

To the Secretary of Interior of the United States and To the Commissioner of Indian Affairs at Washington, D. C.

Mr. Brown moves the resolution be properly enrolled and copies thereof transmitted by the chief clerk, certified to by the speaker and himself, to the Secretary of the Interior and the Commissioner of Indian Affairs at Washington, D. C.

Filed January 22, 1927.

CONCURRENT RESOLUTION 'A'
(Peck)

DESTRUCTION OF PROPERTY AND TRESPASSING ON INDIAN RESERVATIONS

Be It Resolved by the Senate of the State of North Dakota, the House of Representatives concurring, that

WHEREAS, the farmers of the State of North Dakota living on and farming lands adjacent to the Indian Reservations located in this State have, each year, for the past 20 years, suffered severe damage, inconvenience and hardship due to the trespassing of Indian Live stock from these reservations on said farm lands, and

WHEREAS, individual and collective appeals by these farmers to the Department of the Interior during all of these years has secured from the Department no effective action to check this trespassing, and,

WHEREAS, it appears that the Federal laws and department rulings offer no legal redress to said farmers for such trespassing upon their farm lands, therefore:

BE IT RESOLVED, that a protest be submitted to the Department of Interior against the injustice being done to these farmers, and

BE IT FURTHER RESOLVED, that we suggest, as an aid to keeping said live stock upon the said reservations, that a severe penalty be imposed by the Department of Interior upon any one who shall be found guilty of cutting or destroying the Indian Reservation boundary fence, or gates, or of leaving such gates open, and that we suggest that the Department of the Interior make such ruling, or cause such legislation to be enacted as will make the Indian live stock subject to the laws of the State of North Dakota when such live stock shall be found trespassing on lands outside these reservations or Indian allotments.

Filed February 28, 1927.

CONCURRENT RESOLUTION 'N'

(Fine)

McNARY-HAUGEN BILL

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

§ I. WHEREAS, the Senate of the United States, and the House of Representatives of the United States Congress, have acted favorably upon the McNary-Haugen Farm Relief Measure, and

WHEREAS, the said bill is now before the President of the United States for his approval and signature;

BE IT RESOLVED, that the Senate of the State of North Dakota, the House of Representatives concurring therein, do hereby respectfully petition the Honorable Calvin Coolidge, President of the United States to act favorably upon the said bill and approve the same.

BE IT FURTHER RESOLVED, that the Secretary of State of the State of North Dakota, is hereby instructed and directed to for-

ward a duly certified and authenticated copy of this resolution to the Honorable Calvin Coolidge, President of the United States.

Filed February 19, 1927.

A CONCURRENT RESOLUTION
URGING ENACTMENT McNARY-HAUGEN BILL

Requesting Congress to Enact Legislation for Stabilization of the Price of Agricultural Products, Thereby Placing Agriculture on An Equal Basis With Other Industries.

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

WHEREAS, agriculture is the basic industry of this nation; and,

WHEREAS, we believe the stability and prosperity of agriculture is essential to the prosperity and general welfare of the people of this nation; and,

WHEREAS, agricultural products are being sold below cost of production, which condition is bankrupting farmers, causing heavy decrease in farm population, failure of banks and adversely affecting other business; and,

WHEREAS, the American farmers are under present conditions placed upon a competitive basis with cheaper labor of foreign countries which is contrary to the recognized policy of the United States;

NOW, THEREFORE, BE IT RESOLVED: That the House of Representatives of the State of North Dakota, the Senate concurring, most respectfully urge upon The Congress of the United States, the early enactment of the McNary-Haugen Bill.

AND BE IT FURTHER RESOLVED that the Secretary of State of the State of North Dakota be and is hereby instructed to forward a duly authenticated copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives and to each Representative of the State of North Dakota in the United States Senate and House of Representatives.

Filed January 19, 1927.

CONCURRENT RESOLUTION 'H'
(Baird)

DISTRIBUTION "OTHER FUNDS" NATIONAL GUARD
ORGANIZATIONS

WHEREAS, it has been duly made known to the proper authorities of the State of North Dakota that the Secretary of War of the United States has in his possession, as trustee, certain monies known as "Other Funds," which had been collected for their own use and benefit by certain National Guard organizations, that were broken up as units for and as a result of the World War, and have not been reconstituted; and

WHEREAS, it further appears that the Secretary of War, as trustee, desires to turn over to a substitute trustee, duly authorized by the State of North Dakota, such portion of the said funds as equitably belongs to the National Guard of North Dakota.

NOW, THEREFORE, be it resolved by the Senate of the State of North Dakota, the House of Representatives concurring, that the Governor of North Dakota is hereby authorized to receive such funds as trustee, and to distribute them for the benefit of the National Guard of this State in such manner as his judgment shall dictate.

Filed February 28, 1927.

JOINT MEMORIAL RESOLUTION

DECEASED MEMBERS OF NORTH DAKOTA LEGISLATURE

Adopted by the Senate and House of Representatives of the Twentieth Legislative Assembly of the State of North Dakota.

WHEREAS, the late Senator John L. Cashel, of Grafton, Walsh County, represented the Fourth Legislative District in the North Dakota Senate in the Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth and Thirteenth Legislative Assemblies; and,

WHEREAS, the late Senator Leslie A. Simpson, of Dickinson, Stark County, represented the Thirty-first Legislative District in the North Dakota Senate in the Seventh, Eighth, Ninth, Tenth, Eleventh and Twelfth Legislative Assemblies; and,

WHEREAS, the late Senator Christ Albright, of Ashley, McIntosh County, represented the Thirty-sixth Legislative District in North Dakota Senate in the Tenth and Eleventh Legislative Assemblies; and,

WHEREAS, the late Senator A. L. Martin, of Sentinel Butte, Billings County, represented the Thirty-ninth Legislative District in the North Dakota Senate in the Eleventh and Twelfth Legislative Assemblies; and,

WHEREAS, the late Senator O. T. Loftsgard, of Hoople, Walsh County, represented the Third Legislative District in the North Dakota Senate in the Thirteenth and Fourteenth Legislative Assemblies; and,

WHEREAS, the late Senator O. C. Gross, of Raleigh, Grant County, represented the Forty-seventh Legislative District in the North Dakota Senate in the Seventeenth and Eighteenth Legislative Assemblies; and,

WHEREAS, the late Representative A. R. Swendseid, of Petersburg, Nelson County, represented the Seventeenth Legislative District in the House in the Tenth and Eleventh Legislative Assemblies; and,

WHEREAS, the late Representative H. C. Harty, of Omeme, Bottineau County, represented the Twenty-eighth Legislative District in the House in the Twelfth, Thirteenth, and Fourteenth Legislative Assemblies; and,

WHEREAS, the late Representative Frederick Frank, of Deering, Ward County, represented the Twenty-ninth Legislative District in the House in the Nineteenth Legislative Assembly; and,

WHEREAS, the late Representative William R. Johnston, of Forest River, Walsh County, represented the Fourth Legislative District in the House in the Third, Sixth and Sixteenth Legislative Assemblies; and,

WHEREAS, the late Representative Ole E. Olsgard, of McVille, Nelson County, represented the Seventeenth Legislative District in the House in the First Legislative Assembly; and,

WHEREAS, the late Representative R. N. Stevens, of Lisbon, Ransom County, represented the Fourteenth Legislative District in the House in the First Legislative Assembly, and the Twenty-seventh Legislative District in the Sixth, Ninth, and Tenth Legislative Assemblies; and,

WHEREAS, the late Representative Albert G. Lowe, of Wolford, Pierce County, represented the Forty-second Legislative District in the House in the Fifteenth and Sixteenth Legislative Assemblies; and,

WHEREAS, the late Representative Hugh Montgomery of Harvey, Wells County, represented the Thirty-third District in the House in the Fourteenth Legislative Assembly; and,

WHEREAS, these men represented their respective districts and constituencies with eminent ability; and,

WHEREAS, The Supreme Ruler of the Universe has seen fit to remove from our midst these well known and esteemed citizens;

THEREFORE, BE IT RESOLVED, by the North Dakota Senate and House of Representatives assembled in joint session that we deeply regret the passing of these men from our midst, because of their contribution to the welfare and upbuilding of the communities in which they lived and the high-level, unselfish service with which they discharged their duties in their respective legislative bodies. Let it be said of each and all of them, they gave to their state an ever abiding faith, loyalty and love.

BE IT THEREFORE RESOLVED, that we offer their families and friends of these, our departed members, our most profound and heartfelt sympathy; and that copies of these resolutions be sent to the families of the deceased members and spread upon the minutes of the joint session of the two legislative bodies in which they so ably and faithfully served.

Filed February 25, 1927.

JOINT MEMORIAL RESOLUTION
(Swett)

HON. J. W. O'NEILL

WHEREAS, It has been the will of an all-wise Providence to remove from our midst our good friend, able legislator, and honored citizen, J. W. O'Neill, for twenty-one years a resident of North Dakota; and,

WHEREAS, He was for two terms a member from Renville County of this Legislative Assembly, and during all such times by his wise forethought and genial disposition won the kindest regard and respect of all members of this body;

NOW, THEREFORE, BE IT RESOLVED by the Senate and House of Representatives of the State of North Dakota of the Twentieth Legislative Assembly assembled in joint session that upon the dissolution of the joint session and re-convening of both Houses, that they immediately adjourn for this legislative day out of respect for our deceased member and co-worker, J. W. O'Neill, and to express to his family and relatives our sincere sympathy.

BE IT FURTHER RESOLVED, That the Secretary of State be, and he is hereby, directed to forward to the widow of our departed friend a properly enrolled copy of this Joint Resolution.

The above resolution was unanimously adopted by a rising vote.

Filed February 7, 1927.

RESOLUTION

(Halcrow)

PEMBINA COUNTY COURT HOUSE

BE IT RESOLVED, that the State Board of Administration of the State of North Dakota be and it is hereby authorized and requested to investigate the feasibility of the State of North Dakota accepting, without consideration, a deed to the brick veneer courthouse building, together with the land adjacent thereto belonging to Pembina County, North Dakota, situated in the city of Pembina, to be used for the purpose of establishing a children's home therein and to report to the next session of the Legislative Assembly as to the feasibility of such a proposition.

Filed February 21, 1927.

CONCURRENT RESOLUTION

(Benson)

RADIO COMMISSIONERS

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

WHEREAS, the Congress has passed a bill providing for the regulation of radio, wherein it becomes the duty of the President of the United States to appoint five Commissioners; and,

WHEREAS, it is the sense of this Assembly that some of the Commissioners should be appointed from essentially non-broadcast listeners; and,

WHEREAS, the State of North Dakota has no broadcast stations of importance, but has a large and increasing number of listeners,

Now, THEREFORE, We the Twentieth Legislative Assembly of the State of North Dakota respectfully petition the President of the United States to appoint a resident of the State of North Dakota as the Commissioner for this Radio District.

BE IT FURTHER RESOLVED, That a copy of these resolutions be transmitted to the President of the United States, the Secretary of Commerce and Labor, and to the North Dakota Senators and Representatives in Congress.

Filed February 28, 1927.

CONCURRENT RESOLUTION

(Signalness and Tester)

ROOSEVELT PARK

Memorializing the Congress of the United States to Establish the Roosevelt National Park in Billings County, North Dakota; and to Provide for the Substitution of Public Lands of the United States for the State School Lands Located Within the Proposed Park Area.

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

WHEREAS, there is now pending in the Congress of the United States a bill to establish the Roosevelt National Park in Billings County, North Dakota, introduced by Congressman Sinclair of North Dakota, December 7th, 1925, being H. R. 3942, and,

WHEREAS, the tract of land in such proposed park consists of the petrified forest and the famous "Bad Lands," lying on both sides of the Little Missouri River in Billings County, North Dakota, where Theodore Roosevelt operated his historic cattle ranches and hunted wild game in the early history of Dakota territory, and which tract is admirably fitted by nature for scenic purposes, and preserves in its natural state the mountainous character and wild unchanged condition which existed in the West fifty years ago, and which tract it is practicable and appropriate to preserve as a National Park in the honor of Theodore Roosevelt, in the interest of American scenic beauty and as a relic of the traditional pioneer conditions of the West which have all but disappeared from the North American Continent; and,

WHEREAS, there is included in said proposed park area approximately forty-two thousand (42,000) acres of public lands belonging to the State of North Dakota known as State school lands, which

was granted to it by the United States under Sections 10 and 11 of the Enabling Act of February 22nd, 1889, to be held in trust by the State of North Dakota for the common schools, which lands, on account of its rough and barren character, cannot be sold for the minimum price of ten dollars (\$10.00) per acre as prescribed in Section 11 of said Enabling Act, and from which the State of North Dakota gets only a nominal income; and, it further appearing that it would be expedient to exchange the said State school lands located within such proposed park area, for public lands of the United States of like quantity, character, and value located in the vicinity of such proposed park;

NOW THEREFORE, BE IT RESOLVED, that this Twentieth Legislative Assembly of the State of North Dakota, hereby endorses said Roosevelt National Park Project, and respectfully urges the Congress of the United States to establish a National Park as provided for in said H. R. 3942; and,

BE IT FURTHER RESOLVED, that Congress, in furtherance of said park project, make appropriate provision for exchanging with the State of North Dakota public lands of the United States, of equal quantity, character and value for the State school lands lying within said proposed park area heretofore granted to the State of North Dakota under the Provisions of Sections 10 and 11 of the Enabling Act of February 22nd, 1889; and,

BE IT FURTHER RESOLVED, that the Secretary of State transmit copies of this Memorial to the President of the United States, to the Senate and House of Representatives of the United States, and to the Senators and Congressmen for the State of North Dakota.

Filed February 28, 1927.

CONCURRENT RESOLUTION
(Martin)

ADJUSTMENT WAR LOSSES SUSTAINED BY WHEAT GROWERS

Be It Resolved by the Senate and House of Representatives:

WHEREAS, during a period of the World War the United States Government established and fixed an arbitrary price upon the value of wheat cereal.

AND FURTHER, the Government organized and maintained a corporation which purchased and took over, handled and resold all of the wheat grown in the United States, and prescribed certain

rules and regulations concerning the sale, distribution and consumption of the same.

AND FURTHER, that during the years 1919 and 1920 the United States Government made urgent requests of the farmers and wheat growers of the United States to put forth an effort to increase and swell the volume of wheat for consumption in the United States and for export, in order that famine situation might be averted.

AND FURTHER, that contrary to the implied promise of the United States Government that it would continue to support the market for wheat, and would maintain the price of wheat in 1919 and 1920 upon relative price level with that which was guaranteed and maintained during the period of the actual continuance of the operations of the World War.

AND FURTHER, that the Federal Government neglected to redeem its implied promise to so do.

AND FURTHER, the market price for wheat for the said years dropped considerably below the minimum price guaranteed by the Federal Government through the Federal Grain Corporation, and that by reason thereof the wheat farmers of the United States sustained tremendous losses on account of the said reduction and price.

FURTHER, that the cost of the production of the 1919 and 1920 wheat crop was vastly enhanced by reason of the scarcity of labor and the consequent high prices paid therefor, and the high prices prevailing for all implements, machinery and supplies necessarily used by the wheat farmers of the United States in the production of the said 1919 and 1920 crops.

AND WHEREAS, the said United States or Federal Grain Corporation closed out and ceased its operations with a large surplus in the treasury, which said surplus represented profits realized by the said Federal Grain Corporation during the period of the war when it operated and enjoyed a complete monopoly of the wheat markets of the United States, and through said power and influence it exercised a dominant power over the markets of the world; and that in justice and equity the said surplus belongs to the wheat growers of the United States of America;

WHEREAS, the Federal Government after the close of the World War and the termination of its contract with the manufacturers of war materials and supplies, many such manufacturers were settled with and paid large sums as a remuneration for losses sustained on account of the contract relation existing between the Federal Government and the said manufacturers.

WHEREAS FURTHER, the Federal Government settled with paid claims of the railroads and transportation companies with which it had contracts either expressed or implied, for the transportation of war material, soldiers, sailors, and so forth, and that large sums were paid to said transportation companies in settlement of claims which they presented to the Federal Government, many of which claims were not covered by express contracts.

WHEREAS, the Federal Government during the period of war, by its rules and regulations assumed to dictate and control the production acreage of wheat grown in the United States during the period of actual hostilities, and for the years 1919 and 1920, being the reconstruction period after the war; and in consequence thereof an implied contract arose between the wheat growers and the Federal Government, and the wheat growers relied upon the said implied contract and in justice and right should be remunerated for their losses in a sum not less than a price guaranteed by the Federal Government for wheat during the period of hostilities;

WHEREAS, the Federal Government realized a profit at the expense of the wheat grower and that the wheat grower in good faith complied with all the rules, regulations and requests of the Federal Government. It is the sense of the Senate and House of Representatives of the State of North Dakota that in justice and equity Congress should take full cognizance of these millions of dollars now in the National Treasury, so retained and belonging to the Wheat Growers of the United States; that this money should be made available to use in any manner required in connection with Legislation which should be enacted at the earliest possible date, establishing for the grower of wheat in the United States, a price for his product, based upon American standards of living and cost.

FURTHER, that a copy of this resolution be prepared by the Secretary of State of the State of North Dakota and forwarded to the President and Vice President of the United States, and to each Senator and member of the House of Representatives from the State of North Dakota.

Filed February 28, 1927.

CONCURRENT RESOLUTION

(Whitman)

COMMISSION FOR BI-CENTENNIAL OF BIRTH OF
GEORGE WASHINGTON

To Create and Define the Powers and Duties of a State Commission, to Associate With Any Similar Commission Created by Act of Congress of the United States and Such Other Commissions as May Be Created by Act of the Legislatures of the Respective States, and With Civil Committees Created by the Sulgrave Institution and Other Civic Bodies, in the Commemoration of the Most Momentous and Significant Anniversary Event in the History of the American People, Namely, the Bi-centennial of the Birthday of George Washington, Father and Founder of His Country.

WHEREAS, a Joint Resolution has been introduced in the Senate and in the House of Representatives of the Congress of the United States authorizing and making appropriation for a National Commission, of which the President, the Speaker of the House of Representatives and the President pro tem. of the Senate shall, ex officio, be members, to prepare and to carry out a comprehensive, completed plan for the celebration of the two hundredth anniversary of the birth of George Washington on February 22, 1932, and,

WHEREAS, The significance of this event transcends in importance any other historic event of a similar kind that has ever before been commemorated by the nation; and,

WHEREAS, Past experience has taught that it takes from five to ten years to complete fitting and adequate plans for the commemoration of outstanding historic events; and

WHEREAS, Heretofore the celebration of epochal events has always been marred by the incompleteness of preparations, monuments, etc., etc., necessitating delays in the inauguration of commemorations; and

WHEREAS, if any commemoration of the bi-centennial of the birth of George Washington that is commensurate with its importance and significance to the American people be held, then the time between the present day and the year 1932 is by no means too long for the completion and carrying out of plans:

THEREFORE, BE IT RESOLVED, That the people of the State of North Dakota, represented in the Senate and House of Representatives, do enact as follows:

§ 1. Resolved by the Senate and House of Representatives of the State of North Dakota, that a State Commission is hereby created to consist of fifteen members, of whom three ex officio members shall be the Governor of the State of North Dakota, the President of the Senate, and the Speaker of the House of Representatives; and of whom six shall be appointed by the Governor, three by the President of the Senate and three by the Speaker of the House of Representatives, to act for the State in connection with the celebration in the year 1932, in the State of North Dakota and elsewhere in the United States, and by the Nation as a whole, of the bi-centennial of the birth of George Washington, who led the American people through a successful revolution, who presided at the convention which gave to the Republic its constitution, who was the Nation's first President, and who died and has since lived as first in war, first in peace, and first in the hearts of his countrymen; the Commission so created to act with any commission created under the Act of Congress, and with such other Commissions as may hereafter be established under the authority of the respective States, and with the civil, national committee established by the Sulgrave Institution, and with such other civic bodies whose activities may relate to such signaling of this eventful anniversary.

§ 2. Such Commission shall continue for a period of one year after the expiration of the celebration, on December 31, 1932, and shall file its annual report within a period of ninety days after the final event of the celebration.

§ 3. Such Commission shall represent the State of North Dakota in respect to the formulation of a plan or plans of celebration, in association with other Commissions and committees, as referred to in Section 1 of this Act; and shall participate in the carrying out of the program so arranged; and with the President of the Senate, and with the Speaker of the House of Representatives, for submission to their respective bodies; and to make therein such recommendations to be acted upon by the ensuing administration and Legislative Assembly of the State of North Dakota as may be deemed advisable and essential in the preparation and carrying out of a fitting and adequate plan for this commemoration.

§ 4. Vacancies in the Commission shall be filled in harmony with the provisions of this Act.

§ 5. This Act shall take effect and be in force from and after its passage and approval.

Filed February 28, 1927.

CONCURRENT RESOLUTION

(S. B. No. 41—Olson of Barnes)

CONSTITUTIONAL AMENDMENT—COMPENSATION AND
SALARY OF MEMBERS OF LEGISLATIVE ASSEMBLY

A Concurrent Resolution Providing for the Amendment of Section 45, Article 2, of the Constitution of the State of North Dakota, Relating to the Compensation and Mileage Allowed Legislative Members.

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

That the following proposed amendment to Section 45, Article 2, of 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, 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 \$600 for each regular session and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route; which compensation and mileage shall be in full for all services, expenses and allowances for each two year period.

Filed February 1, 1927.

JOINT RESOLUTION

(H. B. No. 51—Twichell)

CONSTITUTIONAL AMENDMENT—ASSESSMENT OF PROPERTY
—WHERE AND HOW MADE

A Joint Resolution to Amend and Re-enact Section 179 of Article 11 of the Constitution of the State of North Dakota as Amended by Article 20 of the Amendments Thereto, Relating to Revenue and Taxation.

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

That the following amendment to Section 179 of Article 11 of the Constitution of the State of North Dakota, as amended by Article 20 of the Amendments thereto 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 179 of Article 11 of the Constitution of the State of North Dakota, as amended by Article 20 of the Amendments thereto be amended and re-enacted to read as follows:

§ 179. All taxable property except as hereinafter in this section provided, shall be assessed in the county, city, township, village or district in which it is situated, in the manner prescribed by law. The property, including franchises of all railroads operated in this state, and of all express companies, freight line companies, dining car companies, sleeping car companies, car equipment companies, or private car line companies, telegraph or telephone companies, the property of any person, firm or corporation used for the purpose of furnishing electric light, heat or power, or in distributing the same for public use, and the property of any other corporation, firm or individual now or hereafter operating in this state, and used directly or indirectly in the carrying of persons, property or messages, shall be assessed by the State Board of Equalization in a manner prescribed by such state board of (or) commission as may be provided by law. But should any railroad allow any portion of its railway to be used for any purpose other than the operation of a railroad thereon, such portion of its railway, while so used shall be assessed in a manner provided for the assessment of other real property.

Approved March 7, 1927.

VETOES

(H. B. No. 140—Roberts)

ABSENT VOTERS BALLOT FOR ELECTOR PHYSICALLY DISABLED

An Act Providing for the Voting of an Absent Voter Ballot by Electors Who by Reason of Physical Disability Are Unable to Attend Their Polling Place to Vote at Any General or Primary Election.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 140, an act providing for the voting of an Absent Voter Ballot by electors who, by reason of physical disability, are unable to attend their polling place to vote at any general or primary election.

The highest privilege given to citizens is the right of suffrage. Everywhere about us is evidence of the growing carelessness with respect to the exercise of the right of suffrage, including even the wholesale failure to exercise such right.

This bill provides no way of determining, and makes no provision for any person or persons authorized to determine whether or not physical disability may or may not exist in any particular case, and I deem it highly probable that such a law might lead to extravagant abuse which, by reason of lack of control over the question of determining physical disability, would be practically devoid of remedy.

I do not think, therefore, that the right of certain persons to vote in any other than the usual and accepted manner, should be permitted except upon the gravest consideration and for the gravest reasons.

I, therefore, veto House Bill No. 140 and file the same herewith.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. PHYSICALLY DISABLED ELECTORS MAY VOTE ABSENT VOTERS BALLOT. How.] Any qualified elector of the State who by reason of physical disability is unable to attend at the polling place in his precinct to vote at any general or primary election, may vote an absent voters ballot in the manner prescribed in Article

16, of Chapter 2, of the Political Code of the Compiled Laws of North Dakota of 1913.

The application for an absent voters ballot, shall in such case be in the form therefor now prescribed by such Article, except that the same shall recite and set forth as the reason for such application, the physical disability of the applicant to attend at his or her polling place to vote; which fact shall also be stated in the Affidavit of such voter, now required by such Article, upon the absent voters ballot envelope.

Vetoed March 9, 1927.

(H. B. No. 191—Bubel and Holthusen)

QUALIFICATIONS ELECTORS IN BOND ELECTIONS

An Act to Prescribe Who Shall Be Qualified Electors in Certain Bond Elections in This State.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I file herewith House Bill No. 191 without my approval.

This bill provides that no person shall be eligible to vote at bond elections who is not a freeholder or who does not pay a personal property tax.

If this bill were to become a law I am of the opinion that it would seriously interfere with the legality and the sale of bonds. After any such election the question might be raised whether or not the bond issue was legal, depending upon whether or not all the citizens who voted had dollars enough to their credit either in real or personal property.

It is questionable, also, whether such a law would be constitutional, since it seems to be in conflict with Section 122 of the Constitution of North Dakota.

I hope the citizens of North Dakota are not retrograding. I hope we are not putting the dollar mark ahead of the right of citizens to exercise the franchise. Surely the people of North Dakota do not want the dollar mark to be the indication of a citizen's qualification to vote. We progressed beyond that state long ago.

Furthermore, by the adoption of the 19th amendment to the Constitution of the United States women were granted equal franchise with men. The provisions of this bill would almost repeal

the woman suffrage law, for proportionately few women hold either real or personal property in their own names.

For the reasons above stated I have vetoed this bill.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. That in any election hereafter held in this state upon the question of issuing bonds by any county, city, village, school district or other subdivision of the state, no person shall be eligible to vote who is not a qualified elector and a freeholder, or holder of homestead right or payer of personal property tax.

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

Vetoed March 9, 1927.

(H. B. No. 313—Erickson of Kidder, and Freeman)

QUALIFICATIONS COUNTY CORONER

An Act Providing Additional Requirement for the Office of County Coroner.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill 313, without my approval.

This bill provides that any county having a population of more than 10,000 must have a practicing physician as coroner. We have done very well for a number of years with the law we now have, and if a county having a population of 9,999 can get along with the provisions of the present law, then a county having a population of 10,001 should also be able to get along. This is just another instance where someone thought there should be a law.

I have vetoed this bill.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. No person shall be eligible to become a candidate for, or to be elected to, the office of County Coroner in any county

of the State having a population of 10,000, or more, according to the last state census, except such person be a regular practicing physician. In counties having less than 10,000 population according to such census, such qualifications shall not be required.

Vetoed March 8, 1927.

(H. B. No. 25—Fowler)

**ELECTION PRESIDENTIAL ELECTORS, NATIONAL
AND PRECINCT COMMITTEEMEN**

An Act to Provide for the Nomination and Election of Candidates for the Offices of Presidential Electors, National Committeeman, Delegates to National Party Conventions, and Party Precinct Committeemen; to Provide for Forms of Ballots and Requirements of New Parties With Reference Thereto; to Repeal All Acts or Parts of Acts in Conflict Herewith Including Sections 910 to 919, Inclusive, Compiled Laws 1913, and to Change the Date of Holding City Elections in Presidential Election Years.

VETO

March 10, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 25 providing for the election of precinct committeemen and doing away with the election of presidential electors and national committeemen and delegates to the national party conventions.

Under existing laws presidential electors, delegates to national party conventions, and national committeemen are voted upon at the presidential election on the third Tuesday in March of every fourth year. The precinct committeemen are elected at the state primary election in June in every even numbered year.

House Bill No. 25 provides that precinct committeemen shall not be elected at the various precincts at the primary election in June, but that such precinct committeemen shall be elected on the third Tuesday in March of every presidential election year. These precinct committeemen so elected shall meet at the Court House in their county the third Tuesday thereafter, which would be during April. Then the delegates there elected shall meet at the State Capitol on the second Tuesday in May, where this state organization shall elect delegates to a state party convention, and this convention so made up shall on the same date nominate and elect presidential electors, a national committeeman, and the required number of delegates to the national party convention. These provisions, to all intents and purposes, do away with the popular vote for these most important offices.

The effect of House Bill No. 25, if the same should become a law, would be to disfranchise a majority of the electors of this

state. We, in North Dakota, realize and well know that March is not the most agreeable time during which to hold an election, and that an election held on the third Tuesday in March would prevent a large number of farmers and their families from partaking in the election.

It is easily seen that this would leave the control of the party machinery of the state in the hands of the city and village electors.

This bill, however, goes further, and if by chance the farmers should be able to proceed to the polls in March and elect their precinct committeemen, then we find that these precinct committeemen, who undoubtedly would be farmers, would have to leave their spring work and proceed to the county seat during the first part of April. We can readily understand that not very many farmers could afford to take the time off to leave their work to attend a precinct committee meeting at such a time. The result would be to more completely leave the control of party machinery in the hands of city and village electors. Then, to make it the more difficult for anyone who might be a delegate to the state convention to attend, the state convention is designated to be held on the second Tuesday in May, which is also an extremely busy season for the farmers of this state.

I am surprised to think that legislators of the State of North Dakota, many of whom are farmers, should be willing to lend their support to a measure of this kind which cannot help but result in disfranchising, for this particular purpose, a large number of people of the state.

There can be no good reason why the precinct committeemen should not be elected in June at the state primary election. It is the one time of the year in which all the people of North Dakota are more or less at leisure; and if any change should be made in the election laws of this state, it would be more reasonable that the presidential election, which is now held in March, should be changed to a more suitable time for the people of North Dakota.

Our rural population needs representation. This cannot be accomplished if election laws are so framed that our farmers will be to a great extent disfranchised.

I can find no valid reason why House Bill No. 25 should become a law. It does not eliminate any elections, there is no saving to the people; but I can see many reasons why the results of this

bill would be very detrimental to an agricultural state like North Dakota, and for these reasons I have vetoed House Bill No. 25.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. On the third Tuesday of March in each Presidential Election year, there shall be held an election at which the qualified electors of political parties existing within this state, as hereinafter provided, shall have opportunity to elect by their votes, from their respective voting precincts, committeemen to represent their political party.

§ 2. Each political party in each voting precinct in this State shall be entitled to elect one precinct committeeman for each 100 votes or major fraction thereof, cast in such precinct at the last preceding Presidential election for the Presidential Elector of such party receiving the highest vote in the State; provided that each precinct shall be entitled to at least one precinct committeeman for each National party. All precinct Committeemen shall be electors of their precinct and shall be elected to serve for a term of four years and until their successor is elected and qualified.

§ 3. Candidates for precinct Committeemen may have their names placed on the separate party ballot of their respective parties within their respective precincts by filing with the County Auditor not more than forty nor less than twenty-five days prior to the election petitions bearing the signatures of not less than five per cent of the last vote in such precinct for the aforesaid candidate for Presidential Elector of the party to which the candidate for Precinct Committeeman belongs. Such nominating petition shall conform with the now existing requirements of law in all matters not specifically provided for herein. Each name on the petition shall be that of a qualified voter and be subscribed under a party heading. Each signer of a nomination paper shall sign but one such paper for the same office; he shall add his residence with the street number, if any, and the date of signing.

§ 4. The names of candidates for election as precinct committeemen shall be printed on separate ballots for each political party. Such ballot shall contain only the names of candidates for Party Precinct Committeeman for whose nomination petitions have been filed with the County Auditor as is herein provided. If no nominating petitions have been filed for any candidate the ballot shall contain blank lines and spaces on which names may be written

or a sticker pasted. The ballot to be used for the election of candidates for said offices shall be prepared for each voting precinct in the County by the County Auditor and distributed by him with other election supplies in the same manner and number for each party as is now provided by law for party primary election ballots. Such ballots shall be in the following form, namely:

PARTY BALLOT

_____Party.
(Insert Party Name)

To vote this ballot mark an (x) in the square after the name of each of the persons for whom you wish to vote. To vote for a person whose name is not printed on this ballot, write or paste the name in the blank space provided for that purpose.

For Precinct Committeemen

(Vote for _____)

John Doe

Richard Doe

§ 5. No organization, political or otherwise, shall be entitled to a party ballot in the election herein provided for unless said organization nominated and had printed upon the ballot, at the past preceding Presidential election, the names of a set of Presidential Electors pledged to the election of the candidates of said party for President and Vice-President, and further that such candidates for Presidential electors received at least five per cent of the total vote cast for President within the State at said election.

§ 6. The candidate or candidates for Precinct Committeemen equal to the number to be elected, receiving each, for himself, the highest number of votes for such office shall be declared elected. The official returns made by the election Board from each precinct shall show the name and address of each such precinct committeeman duly elected. Upon the canvass of the returns which shall be made within seven days of the date of said election the County Auditor shall immediately issue and mail a Certificate of Election in writing of his election to each precinct committeeman so elected, and notice of the date and place of meeting of such committeemen as hereinafter provided.

§ 7. Except as herein otherwise provided, the ballots above provided for shall be prepared, printed, distributed, voted, canvassed and returned and said election held and conducted in the manner now provided by law for Party primary elections, respectively; likewise, as to notice of election, depositing of ballots, certifying election, penalties for violation of election laws and all other matters not specifically provided for in this act.

§ 8. The Precinct Committeemen elected as herein provided, together with the members of the Legislative Assembly of each party, shall constitute the County Committee of each party. They shall meet in the Court House at the County Seat of each County at two o'clock P. M. on the third Tuesday after such primary election and organize by selecting a chairman, a vice chairman, a secretary and a treasurer, by adopting rules and modes of procedure not in conflict with law, and by selecting an executive committee consisting of from five to eleven persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the State Central Committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district, the precinct committeeman from each legislative district, meeting separately, shall select a legal voter from their respective legislative district to serve on such State Central Committee. When two or more counties are embraced in one legislative district, the county committee of each county shall meet as aforesaid and shall elect a committee of five of its members to meet with a similar committee from the other county or counties comprising such legislative district, at the Court House at the county seat of the senior county of such district at two o'clock P. M. on the Tuesday following their election and proceed to elect a member of such State Central Committee from such legislative district. Each committee shall be entitled to cast the number of votes equal to the number of precinct committeemen elected in its county for such member, in such manner and for such candidate as shall be determined by the majority of such committee. Each member of any committee shall be a legal voter and shall retain such position until his successor is chosen. If any member of such State Central Committee is unable to attend any meeting of such Committee, he shall be authorized to give written proxy to another legal voter of his legislative district or county. Vacancies shall be filled by a majority of the State Committee by appointment from the legislative district in which such vacancy exists. Vacancies in the office of Precinct Committeeman shall be filled by appointment from such Precinct made by the County Executive Committee of such party.

The members so elected as State Central Committeemen shall meet at the State Capitol on the second Tuesday in May at the hour of ten o'clock A. M. and organize by selecting a chairman, a vice chairman, a secretary and a treasurer and by adopting rules and modes of procedure. The officers so elected need not be members of such committee.

§ 9. The precinct committeemen, at their organization meeting aforesaid, shall also elect delegates and alternates to a State party convention to be held as herein provided. One delegate and alternate shall be elected for each 200 votes or major fraction thereof, cast in said County at the last preceding Presidential Election for the Presidential Elector of such party receiving the highest vote in the State; provided that every county shall be entitled to at least one delegate. All delegates and alternates shall be electors of their county. If any delegate shall be unable to attend such convention, he shall designate in writing one of the alternates to attend and represent and act for him.

Said State party convention shall be held at the State Capitol on the second Tuesday in May in each Presidential Election year and shall convene at the hour of ten o'clock A. M.

Such party convention shall nominate the legal number of candidates for their respective parties for the offices of Presidential Electors and shall elect a National Committeeman and the required number of delegates to the National Party Convention and a like number of alternates. The candidate or candidates for such nomination or election receiving the majority vote of the delegates elected to such convention shall be declared nominated or elected and the chairman and secretary of such convention shall issue certificates of nomination or election. If any delegate to such national convention shall be unable to attend, he shall designate in writing one of the alternates to attend and represent and act for him. Every delegate and every alternate appointed as aforesaid to act for a delegate who shall actually attend such convention shall be paid the sum of Two Hundred Dollars by the State Treasurer to cover his traveling and other expenses thereto. The names of the candidates nominated for Presidential Electors shall be certified by the chairman and secretary of such convention to the Secretary of State to be placed upon the general election ballot as now provided by law.

§ 10. If a special election shall be called to fill a vacancy in any office requiring a party nomination, the proper party committee shall call a convention to make party nomination for such office, and the precinct committeemen of the county or district shall be duly convened and shall elect the required number of delegates and alternates to such convention.

§ 11. The provisions of Chapter 129, Laws of 1911, and acts amendatory thereof relating to unfair and corrupt election practices are hereby specifically made applicable to all elections and conventions provided for in this act. Delegates or alternates to any convention provided for herein shall not be bound by any instructions nor by any unit rule and all voting in such conventions shall be by

open ballot, and shall also be by roll call of individual delegates unless two-thirds of the delegates elected to such conventions shall otherwise order.

§ 12. Should a vacancy occur in any nomination for any party office or in the office of National Committeeman, the proper party committee shall have authority to fill such vacancy.

§ 13. It is not the intention hereof to destroy or impair the organization of any party or principle now existing or hereafter to exist, therefore, each of such parties or principles, and each and all of the state, county, district and other committees thereof shall possess all of the power and authority heretofore established and existing by the usage and customs of such parties not inconsistent with any of the provisions hereof.

§ 14. The date of the holding of city elections in Presidential Election years is hereby changed to the third Tuesday in March in each Presidential Election year, and for the purpose of the election provided for by Section one of this act, in all cities, villages and civil townships, the regular election officers thereof shall also act as the election officers for said election, and in unorganized townships and voting precincts outside of cities, villages and civil townships the inspector and two judges of election, or those who have been or may be appointed to fill vacancies in such offices, shall act therein as the inspector and judges of election. The per diem of such election officers and the expenses of said election shall be paid by the several counties of the state the same as for other statewide elections. The city officers elected at such election shall have until the second Tuesday of April in which to qualify for such office.

§ 15. All acts or parts of acts, including Sections 910 to 916, and Sections 917 to 919, inclusive, Compiled Laws 1913, in conflict herewith are hereby repealed.

Vetoed March 10, 1927.

(S. B. No. 134—Carey)

REPEAL PARTY REGISTRATION

An Act to Repeal Sections 917, 918 and 919 of the Compiled Laws of North Dakota of the Year 1913; Relating to Registration of Voters.

VETO

March 10, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 134, an act to repeal Sections 917, 918 and 919 of the Compiled Laws of North Dakota for the year 1913, which is commonly known as the "Party Registration Law."

The law now in existence, as provided for in the sections above mentioned, requires that assessors shall, in the even numbered years, enroll all the qualified electors of the assessing districts in the precinct in which they are entitled to vote. It also provides that the electors must furnish information, upon blanks provided by the assessors for such purpose, showing their qualifications as voters, by stating therein their ages and citizenship, whether citizens by birth or by naturalization. They must also designate the political party with which they have affiliated. This registration statement is then filed with the County Auditor and becomes a permanent record, to which any citizen may refer for information as to who are qualified electors in his particular precinct. It is the only means, so far as I know, whereby a list of qualified electors of the state is provided.

Senate Bill No. 134 provides for the repeal of these sections pertaining to the registration of voters. If this bill became a law, there would be no provision whereby we would know how many or who were qualified electors of the state, except by resorting to the poll books of the various elections.

It is the belief of many of the leading statesmen of this country that the stability of the government depends upon party responsibility. Our nation has been governed through party organizations from the very earliest days of its existence. As long as we have a government electing its officers and officials upon party tickets, I believe it is for our best interests to safeguard such party affiliations. There should be no person in this state, of voting age, who does not know at the time of the registration of voters by the assessor, as to which party he belongs, or the party with which he desires to affiliate.

The law as we have it today does not prevent a person from changing his party affiliations, but in order to do so he must comply with the law. If Senate Bill No. 134 should become a law, it seems to me that it would be but an instrument in the hands of those who term themselves "political bosses," whereby they could the more easily control those voters who are under their domination.

To my mind it is another attempt by those who feel that their power is rapidly slipping away from them, to bolster up their control of governmental officials. We have lived for a great many years under the existing law, and I can see no good which would result

from the repeal of these provisions relating to the registration of voters. I have, therefore, vetoed Senate Bill No. 134, and file the same herewith.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. REPEAL.] That Sections 917, 918 and 919 of the Compiled Laws of North Dakota of the year 1913 be, and the same are hereby repealed.

Vetoed March 10, 1927.

(S. B. No. 127—Ployhar)

GARNISHMENT OF WAGES

An Act to Amend and Re-enact Section 7567 of the Supplement to Compiled Laws of North Dakota for 1913.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 127, an act to amend and re-enact Section 7567 of the Supplement to the Compiled Laws of North Dakota for 1913, which provides that any employe or servant of the state shall be subject to garnishment proceedings upon an indebtedness.

It is a generally accepted principle of common law that the United States Government or the State of North Dakota, or any other state of the union, cannot be made subject to garnishment actions upon any indebtedness of any employe of the government or state. This bill provides that the office of the State Auditor of North Dakota shall become a collection agency for any person who sells goods to an employe of the state who does not pay his bills.

Credit information on individuals can be obtained through any well regulated credit association, and any merchant who sells merchandise to any employe of the state with poor credit rating, knowing that such person cannot be garnisheed, uses very poor business judgment.

North Dakota is a progressive state, but I believe it is going too far when merchants of the state attempt to force the State Auditor to collect bad accounts for them.

I, therefore, veto Senate Bill 127, and file the same herewith.

Very truly yours,

A. G. SORLIE,

Governor.

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

§ 1. That Section 7567 of the Supplement to the Compiled Laws 1913 be and the same hereby is amended and re-enacted to read as follows:

§ 7567. CREDITORS MAY PROCEED BY GARNISHMENT OF WAGES.] 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 (a municipal corporation, the State of North Dakota, or any institution, department or agency of the state), 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.

Provided, however, that no defendant or garnishee, whether such garnishee be a municipal corporation, the State of North Dakota, or a department, institution or agency of the state, shall be permitted to defend the garnishment on the ground that the defendant is an officer, agent, servant or employee of such garnishee.

Vetoed March 9, 1927.

(S. B. No. 55—Eastgate)

STATE HAIL INSURANCE

An Act to Amend and Re-enact Sections 189b1, 189b5, 189b9, 189b11, 189b12, 189b25, 189b29 and 189b30 of the Supplement to the Compiled Laws 1913.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me Senate Bill No. 55, which incorporates several bills in one. If the provisions incorporated in this bill had been made into separate bills, some would have been good; but it hardly seems possible that anyone could have expected the bill as presented to me to become a law.

Some of our legislators seem to work on the theory that if they can incorporate two or three good ideas along with three or four bad, their bills will slip through and become laws.

Because of the bad provisions included in this bill I have vetoed it, and herewith file the bill with you.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 189b1 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b1. 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 lands flooded to such an extent as to be unprofitable for the purpose of agricultural cultivation. The term "cropped land" when used in this act shall mean all lands actually in such crop or intended to be planted or sown into such crops as wheat, rye, barley, oats, speltz, flax and corn. The term year whenever used in this act shall mean the calendar year.

§ 2. That Section 189b5 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b5. The crops insured under this act shall consist of wheat, rye, barley, oats, speltz, flax and corn grown on cultivated

lands, listed as actually cropped, subject to and paying the taxes herein specified, or which is insured according to Section 24 of this act. Provided that no indemnity shall be allowed or paid for damage to any crop after it is cut, nor shall any indemnity be allowed for loss that occurs after the 15th day of September of any year except that flax shall be considered insured up to and including September 25th if not cut before such time, nor shall indemnity be allowed for loss occurring before the first day of June on winter rye and winter wheat, nor before the 10th day of June on spring wheat, spring rye, barley, oats, speltz, flax and corn. Provided that in counties which are "excepted counties" as defined in Section 3 of this act, no insurance upon any crop shall take effect until application has been made therefor. Provided that it shall be the duty of the assessor to show on the crop listing affidavit, in a space provided therefor, the number of acres and kind of crop. Provided that when listing is effected in the manner and form as above provided no diagramming of such crops shall be considered necessary. Provided further that where fields have been abandoned for one reason or another there shall be no claim allowed for any loss or damage to crops described in this act. It is further provided that such lands owned by the Bank of North Dakota or held by such institution as agent for the State Treasurer as Trustee of the State of North Dakota, and lands held by the Board of University and School Lands on foreclosed mortgages, and not resold, also such lands as such Board of University and School Lands has cancelled contracts for non-payment of taxes or other defaults shall not be considered insured with the Department except as provided in Section 24 of the Hail Insurance Law, and it shall be the duty of the State Land Commissioner and the Manager of the Bank of North Dakota to furnish the State Hail Insurance Department with a list of all such lands not later than June 10th of each year. Where counties and other subdivisions hold non-taxable lands, it shall be the duty of the County Auditor to furnish the Hail Department with lists of such lands by the 10th of June of each year that proper cancellation of any erroneous listings may be effected.

§ 3. That Section 189b9 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b9. 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 sown 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 sown to crop during such year and shall return and file the same with the County Auditor on or before the 1st day of June in each year. In case the number of acres in crop, as shown on the crop-listing affidavit in the column providing for showing such crop lands, does not correspond with the crop acreage shown on the diagram on the crop-listing affidavit, the number of acres as given in the cropped land column shall govern. Such assessor, in addition to the compensation allowed by law, shall receive the sum of \$15.00 for every full township of thirty-six sections, or at the rate of seven cents per hundred acres or fraction thereof listed, whether tillable or not.

Provided that in "excepted counties," as defined herein, assessors shall be paid a fee of twenty-five cents for each application for hail insurance returned by him, but such compensation shall not exceed 90% of the compensation allowable to assessors in other than "excepted counties." 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 and making such applications 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 in his township or district. The assessor, county auditor and all officers, employees and servants of the State Hail Department, in the performance of all of their duties provided for in the State Hail Insurance Law, shall be conclusively deemed to be the agents of the State Hail Department and the law of waiver and estoppel shall operate against the State Hail Department as against a private individual or a private corporation. This act shall apply to all past and pending claims for crop losses by hail which have arisen subsequent to January 1st, 1925.

Provided, however: In counties where 75% or more of the land returned by the assessor as in crop, or to be sown to crop, is withdrawn for the year 1927, the assessor shall not make return of land in crop to be sown to crop, except that upon request of land owners or tenants he shall take applications for indemnity hail insurance of crops growing or to be grown upon any land otherwise eligible, for which such land owner or tenant, either individually or jointly, may make application, and which application shall be signed in triplicate by the party requesting such insurance and attested by the assessor, whereupon such lands shall be listed and diagramed on the crop-listing affidavit and returned as herein provided, together with the

original and one duplicate copy of such application, the remaining duplicate copy to be redelivered to the applicant. Provided, that anyone listing and insuring crops with the assessor or the county auditor in excepted counties shall have all the privilege of withdrawal and reinstatement accorded to those whose lands are listed and assured in other counties. Such counties shall be known as "excepted counties" until such time as the land so listed for insurance upon application as aforesaid shall equal twenty-five per cent of the land returned as in crop or to be sown or planted to crop in the year 1927, when they shall cease to be "excepted counties" and shall be no longer subject to this proviso. Provided further, that in any such reinstated counties should lands withdrawn in any subsequent year again exceed 75 per cent of the lands in crop or to be sown to crops, as returned by the assessor for the year 1927, then and in that case such counties shall again be classified as "excepted counties."

It shall be the duty of the Insurance Commissioner each year, before the 15th day of February, to notify the auditors of the several counties whether their respective counties are "excepted counties" or otherwise, and the auditor shall thereupon cause notice of that fact to be published in the official paper once a week for four consecutive weeks and shall notify the assessors in his county thereof.

§ 4. That Section 189b11 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b11. Every owner or his agent, or tenant or his agent, of any land subject to the provisions of this act shall make 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 1st 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 the 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 respective 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.

Provided, however: In counties defined as "excepted counties" by Section 189b9 of the Supplement to the Compiled Laws 1913, of this act, the requirements of this section shall be limited to cases in which application is made for indemnity hail insurance as in said section provided for.

Provided, further, any land owner or tenant who fails to make application for insurance to the assessor prior to June 1st of each year, or whose application therefor has for any reason been improperly made or returned, may make application for such insurance to the County Auditor at any time up to and including July 5th, in which event he shall make and file with such auditor his affidavit that such crops have not been damaged or destroyed by hail prior to that time, and such applications shall have the same effect as an application made to the assessor as hereinbefore provided, but no insurance so applied for shall take effect until twenty-four hours after the receipt and filing of such application with the County Auditor.

§ 5. That Section 189b12 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b12. Any owner of land liable for the indemnity tax herein provided may at any time prior to June 10th of each year withdraw any portion or all lands owned by such person from the levy of said hail indemnity tax upon making an affidavit in duplicate giving the legal description of the land, the number of acres withdrawn and, if possible, the kind of crop so withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit in duplicate with the County Auditor, and the County Auditor shall immediately file a copy of same with the Commissioner of Insurance. Such affidavit shall be sworn to before someone authorized to administer oaths. Provided that no assessor shall acknowledge affidavits of withdrawal. Should such owner wish to withdraw all of his lands subject to indemnity tax, then he should, if possible, surrender his copy of the crop-listing affidavit and file same together

with the application for withdrawal with the County Auditor. Provided that if such land or any portion thereof is rented such owner shall procure the written consent to withdrawal of such tenant, such consent to appear on the same blank as the affidavit of withdrawal. Provided if land is leased for a money consideration, then the lessee, if he has full interest in the crops grown on the lands, may make affidavit as above provided and file with same copy of his lease or affidavit to the effect that he is cash tenant. Provided further, that withdrawal from hail indemnity tax may be cancelled and insurance re-instated at any time prior to July 10th by filing an affidavit of application for such re-instatement in duplicate with the County Auditor on blanks furnished by the Hail Insurance Department, and the County Auditor shall immediately file a copy of such application with the Hail Insurance Department. Provided that, if land is rented, both the owner's and tenant's signatures must appear on such application for re-instatement, one or both of such signatures to be acknowledged by someone authorized to administer oaths. It is further provided that any portion of the crops originally withdrawn may be reinstated and that such re-instated insurance as above provided shall not take effect prior to 24 hours after such application for re-instatement is filed in the office of the Hail Insurance Department, Bismarck, North Dakota. The Hail Insurance Department shall not be liable for loss during the time withdrawal is in effect, and the application for re-instatement shall contain a sworn statement to the effect that such crops have not been damaged or destroyed by hail prior to the making of such application. Every owner of land shall have a self-executing first lien upon all crops and grains belonging to the tenant as security for the payment of said tax or the part of such tax, properly chargeable to such tenant, which shall be in the same proportion as he has interest in the crop. It is further provided that in such cases where payment of hail indemnity taxes have been evaded, as where mortgagees and others pay general taxes without paying the hail indemnity tax where the county is shown to hold such taxes, the Hail Insurance Department shall cancel the protection on any and all such lands until such time that such hail indemnity taxes with accumulated interest shall have been paid, or until the time that title shall have passed to another owner except the original mortgagor. And it shall be the duty of the County Auditors to notify the Hail Insurance Department when such evasions occur as well as when such payments are made, that re-instatements may be effected in accordance with such rules and regulations as the Commissioner of Insurance may determine. It is further provided that lands covered by mortgage, where such mortgage has

been foreclosed, such land shall not be insured with the State Hail Insurance Department during the period of redemption, except that such lands may be protected according to Section 24 of the Hail Law Act, and it shall be the duty of the sheriff of each and every county in the state, not later than the 10th day of June of each year, to furnish the Hail Insurance Department with a complete list of lands in his county on which the period of redemption expires during the then current year and after June 10th of such year, giving the date when sheriff's certificate was issued as well as the name and address of mortgagor and holder of such sheriff's certificate. Provided, further, that it shall be the duty of the county auditors to distribute to the assessors such hail insurance blanks as are furnished him by the Hail Insurance Department.

§ 6. That Section 189b25 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b25. The Hail Insurance Department may insure crops upon homestead land on which 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. The department may also furnish protection on lands owned by the Board of University and School Lands on which contracts for sale have been cancelled or which may have been acquired by sheriff's deed on foreclosure of mortgage, and on such lands owned by the Farm Loan Department of the Bank of North Dakota as agent for the State Treasurer as Trustee for the State of North Dakota, and on such lands as may be owned by counties and not taxable, and on such lands that failed to be listed prior to the 10th day of June, also on other lands and crops not otherwise insured with the department, such applications to be made upon blanks furnished by the Commissioner of Insurance under such rules and regulations as he may direct, and may not be filed later than August 1st of each year; such applications to be verified and contain a statement to the effect that the crops upon such lands have not theretofore been damaged by hail, and shall be accompanied by a certified check or draft for the premium figured at the rate of 60 cents an acre for \$7.00 per acre protection. Provided further, that the Commissioner of Insurance shall, after the actual per acre levy has been determined, make refunds to such applicants in such amounts as will make the cost per acre not more for crops insured under this section than the cost per acre as ascertained under the provisions of Section 189b7 of the Supplement to Compiled Laws 1913, of this act. Provided further, that such insurance shall become effective from the hour of the receipt of such application in the office of the Hail Insurance Department.

§ 7. That Section 189b29 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b29. The county commissioners, with the approval of the Commissioner of Insurance, may, in case of error, reduce the number of acres shown as listed for such season as cropped land when proof is furnished that a smaller acreage was actually cropped, or that part of such acreage was summer fallowed. Provided that such applications asking reduction from listed acreage must be submitted to the Hail Insurance Department for approval not later than the first of October of the year listing was made, in order that the levy for hail indemnity tax may be based on the proper acreage. Provided, further, that in similar manner the Insurance Commissioner may, in case of error, abate any hail insurance tax wrongfully levied and refund any such tax wrongfully collected under the provisions of this act upon presentation to him of a written application in the manner and form as the Commissioner of Insurance may provide.

§ 8. That Section 189b30 of the Supplement to the Compiled Laws 1913 be, and the same hereby is, amended and re-enacted to read as follows:

§ 189b30. The Commissioner of Insurance shall have no discretion to allow any claim for loss made or filed after sixty days from the time such loss occurred, nor later than October 1st of that year. Civil actions may be brought against the State of North Dakota on all causes of action arising out of transactions connected with the operation of the Hail Insurance Department of the State of North Dakota. In such actions the state shall be designated as the State of North Dakota, doing business as the Hail Insurance Department of the State of North Dakota, and the service of process therein shall be made upon the Commissioner of Insurance. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions may be brought in the county where the crop is or was grown. The provisions of Sections 375 and 657, the Compiled Laws of 1913, shall not apply to claims against the state affected by the provisions of this section. A judgment rendered in such an action shall constitute an allowed claim against the Hail Department of the State of North Dakota, and shall be paid in the same mode and manner as other allowed claims against the Hail Department of the State of North Dakota. No action upon any claim for loss by hail shall be brought after three years from the time the loss occurred, and no action for a refund of indemnity or flat tax, or both, paid, shall be brought after three years from the first of December of the year for

which such indemnity or flat tax was levied. Provided, that the limitation contained herein shall not apply to purchasers or assignees of tax sale certificates. Provided, that this act shall not apply to arbitration of adjustment of claims provided in Section 189b17, Supplement of the Compiled Laws of North Dakota for 1913. Provided further, that any acts or parts of acts in conflict with any of the provisions of this act are hereby expressly repealed. This section shall apply to all past and pending claims for crop losses by hail, which have arisen subsequent to January 1st, 1925.

Vetoed March 8, 1927.

(H. B. No. 243—Committee on Appropriations)

BUDGET STATE HAIL INSURANCE DEPT.

An Act to Amend and Re-enact Section 189b3 of the Supplement to the Compiled Laws of 1913.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 243, an act to amend and re-enact Section 189b3 of the Supplement to the Compiled Laws of 1913, providing for a budget for the State Hail Insurance Department. I disapprove of this bill and have vetoed the same for the following reasons:

The Hail Insurance Department is a business institution with expenditures varying greatly from year to year depending upon the number of hail loss claims filed with the department. It is impossible to estimate the cost of operating this department because no one is able to foresee the expenses involved in the adjustment of losses, which vary from year to year.

A bill similar to this was passed by the 1925 Legislative Session and was vetoed for the same reasons as stated herein.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. AMENDMENT.] Section 189b3 of the Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 189b3. COMMISSIONER TO EMPLOY HELP.] The commissioner of insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The commissioner of insurance shall designate the duties and fix the compensation of all such employees, and may remove any or all of them with or without cause. Such compensation together with all other expenditures for the operation and maintenance of the hail insurance department shall remain within the appropriation made annually for such purpose, except as provided for by Sections 16 and 17 of this act. The commissioner of insurance shall pay all salaries and expenses of the department after March 1st, 1920, by vouchers issued by him and approved by the state auditing board, 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.

There is hereby appropriated out of the hail indemnity levy made in the year 1927 the sum of One Hundred Thirty-five Thousand Dollars (\$135,000.00) and a like sum out of the hail indemnity levy made in the year 1928, for the purpose of operating and maintaining the said hail department for the next succeeding year in which said indemnity levy is made.

No appropriation is made to operate said department for the year 1927 for the reason that One Hundred Seventy-six Thousand Dollars (\$176,000.00) (more than a sufficient amount) has been appropriated out of the indemnity levy made in the year 1926. Provided further that not later than August 1st of each year next preceding the session of the legislative assembly, the State Auditor shall send to the manager of the State Hail Insurance Department a suitable blank form to be filled out by the said manager, with an itemized statement of the amount of money which said manager considers necessary for the proper maintenance and operation of his department, during the two fiscal years next ensuing. The said manager shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the legislative assembly, to the State Auditor together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by the said manager of the Hail Department.

Vetoed March 8, 1927.

(H. B. No. 274—Miller and Streich)

TYPES OF PAVING TO BE SPECIFIED IN BIDS

An Act Governing Specifications and Bids Upon Paving, Requiring Bids Upon Several Types to Be Asked For.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file with you House Bill 274 without my approval.

This bill seems to have been intended to aid someone in the sale of patent process paving. North Dakota has had enough paving scandals without having such a law as this bill proposes on its statute books to encourage more such nauseating affairs as most citizens can recall having happened during the last few years.

It is possible that the bill is an attempt to overcome, by legal means, the resentment which these paving scandals have caused.

It is a splendid idea for all of us to help one another. On the other hand it is unfair to attempt to use a law to thrust something down the throats of city or county boards of commissioners which their sound judgment would cause them to reject. The State Highway Commission has already gone on record as rejecting the use of patent types of paving. I see no reason for forcing city boards to ask for bids on such patent paving if they have no wish to use it.

I have vetoed this bill because I believe it to be contrary to sound public policy and against the interests of honest government.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. In preparing specifications and advertising for bids for any paving construction, all governing boards of municipalities and Boards of County Commissioners and the State Highway Department shall provide specifications and ask for bids upon such types of pavement as they deem advisable; but shall include all the several types of pavement heretofore laid in any three or more municipalities of the State of North Dakota.

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

Vetoed March 8, 1927.

(H. B. No. 202—Cox)

**SINKING AND INTEREST PAYMENT FUND, N. D.
REAL ESTATE BONDS**

An Act to Amend Sections 7, 9 and 13, Chapter 292, Session Laws of 1923, Relating to the Bonds of North Dakota Real Estate Series; and to Amend Sections 9 and 12, Chapter 292, of the Session Laws of 1923, as Amended by Sections 2 and 3 of Chapter 100 of the Session Laws of 1925, Relating to the Bonds of North Dakota Real Estate Series.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 202 without my approval.

This bill attempts to set up a procedure to be followed by the State Treasurer as trustee of the State of North Dakota in the handling of foreclosures upon lands upon which the Bank of North Dakota has taken a mortgage through its farm loan department.

The law now in effect provides for a comprehensive and full procedure for the State Treasurer as well as the State Board of Equalization, and this bill is unnecessary and superfluous. It attempts by legislative enactment to establish that there is a deficit in the real estate bond interest fund.

It also provides that the State Board of Equalization, which is composed of five state officials, shall be subject to the control of the Industrial Commission in making levies for real estate bond sinking and interest fund. The State Board of Equalization is fully competent to take care of this situation, and it is poor policy to make one board of five officials subject to the mandatory control of another board of three officials; especially so when two members of the Industrial Commission are also members of the Board of Equalization.

This bill also provides that tax levies may be made against the people of this state without any reason or necessity for such levies. This is contrary to sound public policy. The laws now in effect relating to the Bank of North Dakota and the farm loan department

provides all the machinery necessary. This bill serves no real purpose and is therefore unnecessary.

Very truly yours,

A. G. SORLIE,
Governor.

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

§ 1. AMENDMENT.] That Section 7 of Chapter 292, Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 7. After such assignment of any mortgage, and the obligation thereby secured, all payments accrued thereon shall be made to the State Treasurer. He shall hold and use said mortgage, obligations and moneys paid thereon in trust; first, for the security and payment of bonds to be issued as herein provided, and second, for redelivery to The Bank of North Dakota of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall segregate such moneys into separate funds designated as follows: First, "REAL ESTATE BOND SINKING FUND," and in this fund shall place all sums collected for the purpose of retiring the principal of said bonds at the maturity of the same; second, "REAL ESTATE BOND INTEREST PAYMENT FUND," and into this fund he shall place all moneys collected for the purpose of paying interest on said bonds, except the administration fee of one-half of one per cent. to be paid to the Bank of North Dakota as provided in this act. All principal payments made on notes and the mortgages securing the same shall be placed in the REAL ESTATE BOND SINKING FUND, and all interest payments made on notes and the mortgages securing the same shall be placed in the REAL ESTATE BOND INTEREST PAYMENT FUND. Such funds shall not be intermingled and no payments shall be made out of either of such funds except for the purpose for which they are created, except as provided by this act. Such funds shall be kept apart from all funds in his possession. He shall also keep in said funds as a part thereof for the same purpose, in the same manner and under the same limitations, and conditions, all moneys received by him whether from the proceeds of taxes or from payments made by the Industrial Commission or from legislative appropriation or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the principal of said bonds or to the interest thereon. The State Treasurer is authorized, with the approval of the Industrial Commission of the State of North Dakota, to invest the funds before designated as REAL ESTATE BOND SINKING FUNDS in approved United

States Government Bonds, State Bonds, or Certificates of Indebtedness of the State of North Dakota, or municipal bonds. No other disposition, appropriation, or otherwise, shall ever be made of the money in said funds until said bonds shall be fully paid; or until the time limit provided by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the Industrial Commission as hereinbefore provided shall be returned to the State Treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund. It shall be unlawful for the State Treasurer to make any other disposition or appropriation of said funds until said bonds shall be fully paid, and upon conviction of so doing, the State Treasurer shall be liable to a fine of not to exceed One Thousand Dollars (\$1,000.00), or imprisonment not to exceed one (1) year, or both, at the discretion of the court.

§ 2. AMENDMENT.] That Section 9 of Chapter 292, Session Laws of 1923, as amended by Chapter 100, Section 2 of the Session Laws of 1925, is hereby amended and re-enacted to read as follows:

§ 9. If the obligation secured by any such mortgage so held by the State Treasurer shall not be performed by the mortgagor, according to its terms, or if any condition expressed in any such mortgage shall not be performed and kept according to its terms, the State Treasurer shall certify the facts to the Manager of The Bank of North Dakota, who shall proceed as agent of the State Treasurer as Trustee for the State of North Dakota, by foreclosure or otherwise, to make collection of the obligation secured, and it is hereby made the duty of The Bank of North Dakota to make collection of principal and interest on all mortgages taken hereunder, and it shall be the duty of the State Treasurer, from time to time, to certify to The Bank of North Dakota a list of such obligations and mortgages delivered to him, showing payment made and amounts remaining unpaid, to the end that a duplicate record may at all times be kept up to date in The Bank of North Dakota. The Bank of North Dakota shall turn over to the State Treasurer and take receipt for all moneys collected by it with an itemized statement showing on which obligations such payments and collections have been made and are to be credited, together with the date of payment, such statement and remittance shall be made within twenty days after receipt of such payments by it. The mortgagor may make payment direct to the State Treasurer, and he shall daily, as such payments are made, make an itemized statement and report thereof to The Bank of North Dakota. In case default shall occur in the payments or conditions of any mortgage, heretofore or hereafter

taken, which default shall continue for a period of one year, then, and in that case, it shall be the duty of The Bank of North Dakota to foreclose upon such mortgage or to otherwise make collection of the obligation thereby secured. The Bank of North Dakota may, in its discretion, in order to make collection thereof, negotiate a sale of any such mortgage which may be in default, and upon payment of the full amount of the mortgage, the State Treasurer shall execute and deliver a proper assignment and indorse without recourse and deliver the note secured thereby. The Bank of North Dakota may also, in its discretion, instead of foreclosing, take a conveyance from the owner to the State Treasurer as Trustee for the State of North Dakota in payment of the mortgage covering the land conveyed; provided, however, in case of foreclosure no Power of Attorney or Attorney's Affidavit as to fees shall be required, but there shall be included in the item of costs of such foreclosure all legal costs and disbursements incurred, including all taxes paid by said Bank and interest thereon from date of such payment at six per cent. per annum, which shall belong to The Bank of North Dakota and be credited to the department therein handling such collection and foreclosure proceedings. If at such foreclosure sale no bid is made equal to the amount due at the date of sale, including costs, taxes paid, disbursements and statutory attorney's fees, the property shall be bid in in the name of the State Treasurer as Trustee for the State of North Dakota. After deducting the costs, taxes paid, disbursements and expenses of foreclosure, including any interest paid to effect redemption from such sale, the net proceeds of such sale or the net proceeds of a redemption from such sale in case redemption is made, shall be paid over to the State Treasurer and shall by him be used to purchase at the then current market price, as nearly as may be possible, an equivalent amount in bonds issued in accordance with this act, or he may require the Bank of North Dakota to substitute new mortgages therefor as provided in Section 10 of this act. The bonds so purchased by the State Treasurer shall be cancelled by a board consisting of the Governor, State Treasurer and Secretary of State. An appropriate record thereof shall be made and kept by the State Treasurer. In case no redemption is made from such foreclosure sale in a manner provided by law, a Sheriff's Deed shall be issued to the "State Treasury as Trustee for the State of North Dakota." Any land, title to which is acquired through foreclosure, or otherwise, may be sold by the State Treasurer, as such Trustee, through The Bank of North Dakota acting as his agent, for the best price and terms obtainable; all net proceeds of such sales, exclusive of taxes paid and costs and disbursements incurred by The Bank of North Dakota, shall accrue, in proper proportions, to the REAL ESTATE BOND SINKING FUND and the REAL ESTATE BOND INTEREST PAYMENT FUND. Any

such sale must be approved in writing by the Industrial Commission, and any deed or contract for deed shall be executed by the Treasurer of the State of North Dakota as Trustee.

§ 3. AMENDMENT.] That Section 12 of Chapter 292, Session Laws of 1923, as amended by Section 3 of Chapter 100, Session Laws of 1925, be amended and re-enacted to read as follows:

§ 12. The Industrial Commission shall prepare a statement in July of each year showing the condition of the REAL ESTATE BOND SINKING FUND and the REAL ESTATE BOND INTEREST PAYMENT FUND. Such statement shall be approved by the State Treasurer and shall be presented to the State Board of Equalization at its annual meeting of the same year, together with the recommendation of the Industrial Commission. If an actual deficit exists in either or both of said funds, on July 1, 1927, or annually thereafter, it shall be mandatory upon the said board to make an annual levy of taxes sufficient to make good the deficit in such fund, including a levy to restore said fund to solvency as hereinafter defined, on account of depletion of said fund or funds prior to the adoption of this act. If at the time said statement is made, an actual deficit does not exist, but by reason of adverse crop conditions, or for any other reason, the Industrial Commission shall anticipate a deficit in either or both of said funds during the ensuing year, it shall recommend tax levies to meet such anticipated deficits, and it shall be mandatory upon the Board of Equalization to make such levies in accordance with such recommendation. It being the intent and purpose of this act that at all times both of said funds shall have sufficient moneys on hand to meet all payments of principal and interest when the same become due, and to make it mandatory upon the Industrial Commission to recommend and the State Board of Equalization to make annual levies when necessary in order that both of such funds shall be kept in such condition that the interest payments on North Dakota Bonds, Real Estate Series, shall be promptly paid out of funds collected or levied for interest payments only and that each year the sinking fund created for the purpose of retiring such bonds shall be proportionately increased so that this fund shall at all times during the life of said bonds be solvent and have in it the proper amount, taking into consideration the number of years before the due date of said bonds, to retire the principal of such bonds at maturity. Provided, however, if there are not sufficient funds in the REAL ESTATE BOND INTEREST PAYMENT FUND to meet the payment of interest due on real estate series bonds on any interest payment date, the State Treasurer is authorized to borrow sufficient funds by the issuance

of certificates of indebtedness of the State of North Dakota, to make such payment. Such certificate shall be issued in anticipation of taxes levied or to be levied, shall be signed by the Governor and the State Treasurer, shall mature not more than thirty months from the date of issuance, and shall bear interest at a rate not to exceed six per cent. per annum. Such certificates of indebtedness shall be in the form as prescribed by the State Treasurer. When such money is borrowed by the state, the fund is to be reimbursed annually as hereinbefore provided.

§ 4. AMENDMENT.] That Section 13 of Chapter 292, Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 13. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as the occasion may arise under the terms of this act; provided, however, that at no time shall the amount of bonds issued and outstanding, pursuant to the terms of this act, exceed the amount of thirty million dollars. The State Treasurer shall pay to the Bank of North Dakota, quarterly, on the first day of January, April, July and October in each year, the administration charge included in the interest rate upon all mortgages deposited with him.

Vetoed March 9, 1927.

(H. B. No. 252—Gudmestad, Miller and Twichell)

PAYMENT OF TAXES BY BANK OF NORTH DAKOTA

An Act to Provide for the Payment by the Bank of North Dakota of Taxes on Certain Lands that the State Treasurer as Trustee of the State of North Dakota Holds as Security Under Chapter 154, of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and Acts Amendatory Thereof; Making an Appropriation Therefor; Providing for the Reimbursement of the Bank of North Dakota Therefrom and Establishing a Revolving Fund Therefor.

VETO

March 9, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I file herewith House Bill No. 252 without my approval.

This bill provides for the appropriation of \$250,000 to pay individuals who may hold tax certificates against lands foreclosed on by the Bank of North Dakota.

Up to the present time the Bank of North Dakota has taken care of such tax certificates, and as a sound business proposition

there is no reason why the Bank should not be able to take care of the estimated \$65,000 additional. It has already taken care of certificates amounting to \$120,000.

This appropriation is entirely unnecessary. The Bank of North Dakota has several million dollars on deposit outside the state at the present time, drawing $1\frac{1}{2}$ per cent interest. Tax certificates on foreclosures will not draw less than 6 per cent. It is high time that we commenced using our own money at home instead of sending it outside the state to be used in developing other sections of the country rather than our own state.

I, therefore, veto this bill.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. Whenever any lands on which the State Treasurer as Trustee of the State of North Dakota holds a mortgage, sheriff's certificate of foreclosure, or deed taken under the provisions of Chapter 154, of the Session Laws of North Dakota for 1919 and Chapter 292 of the Session Laws of North Dakota for 1923 and acts amendatory thereof, have been heretofore, or which may hereafter be sold for taxes and the tax certificates are held and owned by any purchaser other than the county, it shall be the duty of the Bank of North Dakota, as agent for the State Treasurer as Trustee of the State of North Dakota, to redeem said lands from such tax sales before the statutory period of redemption expires, and such redemptions shall be made out of the funds herein provided.

§ 2. There is hereby appropriated out of any funds of the State Treasury, not otherwise appropriated, the sum of \$250,000.00 to carry out the provisions of this act; and such appropriation is hereby constituted a revolving fund for such purposes. Payments therefrom shall only be made on voucher payable to and approved by the Bank of North Dakota; provided, that the Bank of North Dakota shall, whenever any of such lands are sold, deduct from the proceeds of the sale price received therefor, the amount of the taxes paid thereon and return such amount to the State Treasury, which sum shall be credited to the revolving fund herein created; and provided further, that the Bank of North Dakota shall be reimbursed out of said fund for all taxes paid by it upon such lands to the taking effect of this act.

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

Vetoed March 9, 1927.

(H. B. No. 224—Traynor)

AUDITOR'S NOTICE OF DELINQUENT TAX SALE
 An Act to Amend and Re-enact Sections 2189, 2191, 2192 and 2197 and to Repeal Section 2197a of the Supplement to the Compiled Laws of North Dakota for the Year 1913, Relating to Tax Sales and Redemption Therefrom.

VETO

March 7, 1927.

THE HONORABLE ROBERT BYRNE,
 Secretary of State,
 Bismarck, North Dakota.

Dear Sir:

I have before me House Bill No. 224 which provides for the separation of the Hail Tax from the Real Estate Tax in publishing notices of Tax Sales. If this law should go into effect it would result in an added expense to the counties by reason of the requirement for the separate publication of real estate and hail tax delinquent lists.

The thought in this bill was to make tax certificates more saleable. However, with Senate Bill 185 becoming a law, hail tax certificates would be just as saleable and a better investment than the other tax certificates.

For the sake of economy and for the purpose of cutting down on the duplication of work in departments, and for the purpose of saving on taxes by eliminating all superfluous publications and notices, I have vetoed this bill.

Very truly yours,
 A. G. SORLIE,
 Governor.

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

§ 1. That Section 2189 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2189. AUDITOR'S NOTICE OF DELINQUENT TAX SALE; HOW PUBLISHED; WHAT TO CONTAIN.] The county auditor shall give

notice of the delinquent real estate tax sale in the official newspaper of the county. Such delinquent tax sale notice shall be published weekly in such paper for two successive weeks, the first publication of such notice to be made at least fourteen days prior to the date of such sale, and such notice as published shall be signed and certified to by the county auditor. It shall contain the information that all lands upon which taxes for the preceding year (describing the same) remain unpaid, shall be sold, and shall state the time and place of such sale, which sale shall be held on the second Tuesday in December of each year. Such notice shall contain the name of the owner of each lot or tract, as by the records appear, the description of such lot or tract, and the total amount of tax and penalty due, in which amount as so printed shall be included by the county auditor the sum of twenty-five cents as the cost and expense of advertising each such lot or tract. It shall be the duty of the county treasurer between the first day of November and the fifteenth day of November, prior to the date of sale, to mail to each owner of any lot or tract of land which shall be offered for sale, as by the records appears, a notice giving the legal description of such lot or tract to be offered for sale, and stating that such lot or tract will be sold for delinquent taxes unless such delinquent tax with penalty, interest and any cost of advertising, be paid prior to said sale.

Such delinquent tax sale notice as published, shall be printed in the following manner: Such list shall be printed in single columns $12\frac{1}{2}$ to 13 ems pica in width, in six point type set solid. Headings and sub-headings shall be set in six point bold face type. Whenever practical, the description as to township, range, addition, subdivision and block shall be set as a sub-heading preceding the description of tracts and lots in such township, range, addition, subdivision or block, so as to preclude the necessity of the township, range, addition, sub-division or block being printed separately as a part of each description. Tracts and lots shall be, as far as practical, described in such notice of sale, as to township, range, section, parts of section, sub-division, addition, block and lot by the use of abbreviations, initial letters, figures, etc., declared to be legal in the manner of the sale of lands for taxes by Section 2215 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 1 of the Session Laws of 1915. A statement of the abbreviations, initial letters and numbers so used with the meaning thereof in such notice, shall precede the published list of lands upon which taxes are delinquent, as shall a statement that figures given under the heading "Total Amount" represent the amount of all taxes and special assessments delinquent for such year, together with interest, penalty and cost of advertising such description. Only such total

amount as so due upon each of the several descriptions shall be published. Provided, however, that the Delinquent Hail Indemnity Taxes shall be published separately under the title "DELINQUENT HAIL INDEMNITY TAXES," having appropriate headings and sub-headings, and when practical the description of tracts, lots or parcels and such notice shall be published in form and manner the same as otherwise provided herein, and shall appear immediately following the list of delinquent general tax sale notice as required by this section. Under the column "Total Amount" shall be entered the amount of delinquent Hail Indemnity Taxes for such year, against each such description together with interest, penalty and cost of advertising description. The fee for the publication of such general and hail indemnity tax notices shall be paid, only, upon the publisher filing with the county auditor an account, duly sworn to, showing the number of lines published and the rate per line charged therefor, which rate shall be that by law provided. The county auditor shall furnish to the official newspaper, as copy for such notices, only such matter as shall be required for the publication of such notices in the manner and form hereinbefore provided.

§ 2. That Section 2191 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2191. AUDITOR TO SELL AT PUBLIC VENDUE.] Said sale shall be made at public auction at the office of the county auditor or usual place of holding court in the same building, and shall commence at the hour of ten o'clock in the forenoon, but may be adjourned from day to day for a period of ten days, whenever it is necessary for the disposal of the lands advertised.

The land and lots shall be offered for sale by the county auditor or his deputy in the order in which they appear in the advertised list, and each tract or lot shall be offered separately and struck off to the bidder who will pay the total amount of taxes, special assessments or installment of special assessment, penalties and costs charged against it, including any personal taxes specified in the list and in the advertisement, which are a lien upon it, and who will agree to accept the lowest rate of interest from the date of sale on the amount of such taxes, penalties and costs so paid by him, which said rate shall in no case exceed nine per cent (9%) per annum.

But if the sum bid for the same is not paid before the sale closes, such tract or lot shall again be offered for sale in like manner.

The county auditor shall, immediately following the sale as hereinbefore provided for, offer for sale and sell the lands for the

delinquent unpaid Hail Indemnity Taxes, in the same manner as provided for the conduct of sale of lands for delinquent general and special assessment taxes, and to the bidder who will pay the total amount of hail indemnity taxes and penalties and costs charged against such land, including the unsold hail indemnity taxes, penalties and costs of prior years, if any, and who will agree to accept the lowest rate of interest from the date of sale on the amount of such hail indemnity taxes, penalties and costs so paid by him, which shall in no case exceed the rate of one per cent (1%) per month or major fraction thereof. And such last mentioned sale shall be known as the "Hail Indemnity Tax Sale" and in issuing the County Certificate of Sale for such Hail Indemnity Tax Sale the county auditor shall write or stamp in red ink across the face of such certificate of sale the words "HAIL INDEMNITY TAX CERTIFICATE."

It shall be unlawful for the bidders at such sale to enter into any understanding or agreement direct or indirect to stifle competition, by bidding in rotation or turn, or in refraining from bidding to give others opportunity to acquire particular tracts without competition, and upon discovering any such combination, understanding or agreement to exist, or upon development of any system of bidding in rotation or systematic refraining from bidding to avoid competition it shall be the duty of the auditor to refuse to accept bids made in furtherance of any such scheme, combination or understanding, and he may if he shall deem it probable that sales already made have been to bidders in any such combination, declare all such sales rescinded, and proceed to resell the same, or adjourn the sale from day to day for not to exceed ten days until a proper sale can be had.

The county treasurer shall attend the sale and receive all moneys paid thereon and when any tract or lot remains unsold for want of bidders, the same shall again be offered before the sale closes, and if there is no other bidder he shall bid for the same in the name of the county and the same be struck off and become forfeited to the county in which the sale takes place, such county acquiring all rights both legal and equitable that a person could acquire by reason of a purchase at such sale. Such tract or lot shall be assessed and taxed like other real estate until the period of redemption expires but shall not again be offered for sale for either such subsequent general taxes and special assessments or installments of special assessments, unless the county has made an assignment of the certificate of sale. Provided, however, that any delinquent Hail Indemnity Taxes, not paid as subsequent, shall be advertised and sold at each annual auditor's tax sale as provided in this act.

Whenever any real property shall be sold to the county, the county auditor shall make out a certificate of sale to the county in the same manner as if the sale had been made to any other person, which certificate shall be retained by the county treasurer; but no tax receipt shall be issued and no amount due the state or any taxing district or the state hail insurance fund shall be paid by the county until the county has received payment, either through redemption or sale of the property or assignment of the certificate. A certificate so issued to the county for general taxes and special assessments or installments of special assessments and penalties, interest and costs thereon shall bear interest at the rate of nine per cent (9%) per annum, and one so issued to the county for indemnity hail taxes and penalties, interest and costs thereon shall bear interest at the rate of one per cent (1%) per month for each month or major fraction thereof.

The county auditor, upon the order of the board of county commissioners shall defer the sale of any parcel of real estate for unpaid taxes until the delinquent taxes thereon, together with accrued penalty and interest, and including delinquent hail indemnity taxes, shall amount in the aggregate to the sum of five dollars or such lesser sum as the board shall determine upon. In any case where such tax sale shall be deferred upon the order of the board of county commissioners, the publication of delinquent tax list shall not include parcels not offered for sale.

Such real estate may be included in the notice of tax sale and sold at the tax sale of any subsequent year, and in such notice the combined aggregate amount of all delinquent taxes against each parcel may be set forth in a single lump sum and a single sale made for all delinquent taxes, penalties and interest against such parcel, provided, however, that in all cases separate sales for delinquent general taxes and special assessments or delinquent installments of special assessments, and for delinquent hail indemnity taxes shall be made. It shall not be necessary for the notice of sale to contain anything to indicate that such amount includes taxes for more than one year. The omission of sale upon order of the board of county commissioners, or by error or otherwise, shall not invalidate any subsequent tax sale. Property inadvertently omitted from any tax sale may be sold at the tax sale of any subsequent year in similar manner as though its sale had been purposely deferred, and this may be done even though the amount of taxes against it, when thus inadvertently omitted, is in excess of five dollars.

§ 3. That Section 2192 of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby amended and re-enacted to read as follows:

§ 2192. CERTIFICATE OF SALE; ASSIGNMENTS FILED; SUBSEQUENT PAYMENTS.] The purchasers of any tract of real property sold by the County Auditor for taxes shall be entitled to a certificate describing the land so purchased, stating the sum paid and the time when the purchaser will be entitled to a deed, which certificate shall be signed by the county auditor in his official capacity and shall be presumptive evidence of the regularity of all prior proceedings. The county auditor shall execute to the purchaser of any piece or parcel of land a certificate of sale covering each parcel of land sold to any purchaser, which certificate may be substantially in the following form:

COUNTY CERTIFICATE OF SALE FOR TAXES

I,, Auditor of the County of, in the State of North Dakota, do hereby certify that the following described real estate in said county and state, to-wit: (describing the same), was on the day of, A. D., 19.... sold by me in the manner provided by law for the delinquent taxes of the year thereon, amounting to dollars, including interest and penalty thereon, and the cost allowed by law to for the sum of dollars, he being the bidder who agreed to accept the lowest rate of interest thereon from the date of sale on the amount of such taxes, penalties and costs so paid by him, and that said rate of interest which said purchaser agreed to accept was per cent per annum.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said, or assignee, will be entitled to a deed therefor on and after the day of A. D.,, on the surrender of this certificate.

In Witness Whereof, I have hereunto set my hand and seal this day of A. D. 19.....
SEAL.

Auditor.

Such certificate shall be assignable and the assignee shall acquire all the rights of the original purchaser of the real property described therein. He may present the assigned certificate to the county auditor for entry and such county auditor shall enter on the record of such sale the fact that the certificate has been assigned, entering the name and address of the assignee and the date when such assignment was presented for such entry. Such purchaser at tax sale or assignee of such certificate may pay taxes for subsequent

years at any time after they become delinquent and shall have the same lien for such subsequent taxes and may add them to the amount paid by him in the purchase; and the treasurer shall make out a tax receipt in duplicate for such taxes paid as subsequent, and shall write thereon "Paid as Subsequent Taxes," and the county auditor shall enter on the record of delinquent taxes or tax sale record the payment of such subsequent taxes, giving the name of the person by whom paid, the date when paid, the amount paid, and for what year such subsequent tax was levied.

At all tax sales made as provided herein, except in case of purchase by the county, the treasurer shall make out the tax receipt in duplicate for the taxes upon the real property mentioned in such certificate the same as in other cases and shall write thereon "Sold for Taxes."

Provided, that the form of certificate issued for the sale of lands for Hail Indemnity Taxes may be varied from the foregoing form by having written or stamped thereon in red ink the words "HAIL INDEMNITY CERTIFICATE," to distinguish such certificate from tax certificates issued upon sale of general and special assessment taxes and otherwise to meet with the requirements of this act. That the rights and privileges of the owner of a Hail Indemnity Tax Certificate to pay as subsequent delinquent hail indemnity taxes and have the same added to such certificate, and within the same time and manner, the procedure and the notice to be given for application for and securing of tax deed, shall be available, in so far as the same shall be applicable, as are recorded to the owner of a tax certificate upon land sold for general and special assessment taxes.

Provided further, that the holder of a Hail Indemnity Tax Certificate shall have the right to redeem the land covered by such hail indemnity tax certificate from the sale thereof for general and special assessments by paying the amount for which the land was originally sold at such general and special assessment tax sale, together with accrued interest and penalty thereon, and including all similar taxes which have been paid by such general and special assessment tax certificate owner as subsequent, together with interest accrued thereon, to the date of such redemption. Any holder of such certificate desiring to redeem must present it to the County Auditor and if he be an assignee must also present the assignment under which he holds the same. The redemption shall be effected in the same manner as a redemption by the land owner, excepting that upon obtaining the certificate for such general and special assessment tax sale from which redemption is made from the holder,

the Auditor shall deliver the sale to the redemptioner, together with a certificate which shall be known as a "REDEMPTION-ASSIGNMENT CERTIFICATE," but failure to receive such certificate shall not defeat any of the rights of the redemptioner. Such redemption-assignment certificate shall describe the premises originally sold at tax sale for such general and special assessment taxes, shall state the amount for which they were originally sold and set forth amount of taxes paid as subsequent to the original tax sale certificate which remain unredeemed, and also the amount paid in partial redemption from such tax sale, if any, and may be in substantially the following form:

REDEMPTION-ASSIGNMENT TAX SALE CERTIFICATE

..... County, North Dakota.

.....

Name of County Seat.

I,, County Auditor of County in the State of North Dakota, do hereby certify that at the annual tax sale of 19....., held December of that year, the following described real estate situated in said county, to-wit:

.....

..... was sold for the taxes of to of for the aggregate sum of

(Post Office Address)

Dollars (\$.....) and there was issued to such purchaser tax sale certificate No.; that thereafter the owner of said tax certificate paid subsequent taxes upon said real estate as hereinafter set forth; that as the holder of a Hail Indemnity Tax Certificate on said real estate, or a part thereof, has now paid the sum of \$..... in full redemption from such sale of the taxes thereon for the year 19.....; that said original tax sale Certificate No. has therefore been surrendered by the owner thereof and that there is due him for subsequent taxes paid upon said real estate:

\$..... for taxes of the year 19....., with interest at 9% per annum from, 19.....;

\$..... for taxes of the year 19....., with interest at 9% per annum from, 19.....; and

\$..... for taxes of the year 19....., with interest at 9% per annum from, 19.....; And this Redemption Assignment is issued to the Hail Indemnity Tax Certificate owner

..... of and there is here-
 (Post Office Address)
 by assigned and transferred to him all the rights, interest, privi-
 leges and title which have or might accrue to the previous owner
 of such Tax Sale Certificate No., and he is hereby subro-
 gated to all such rights, interest, privileges and title therein, includ-
 ing the right to a tax deed conveying to him the said real estate,
 unless redemption is made of the certificate so assigned as by law
 provided.

Given under my hand and the seal of the County Auditor of
 County, North Dakota, this
 day of, 19.....

.....
 County Auditor of County.

Such redemption-assignment shall have the effect of transfer-
 ring and assigning all the rights, interest, privileges and title, con-
 veyed by the original tax sale certificate, issued pursuant to the
 regular annual auditor's tax sale thereof, or subsequent tax sale
 certificate issued in accordance with the provisions of this act. The
 redemption-assignment owner of such tax certificate shall be en-
 titled to a tax deed three years from the date of sale if based upon
 the original certificate, or three years from the second Tuesday in
 December of the year when the first subsequent tax paid thereon
 became delinquent, upon the giving of the statutory notice of ex-
 piration of the period of redemption and the procedure prescribed
 in Section 2223 of the Supplement to the Compiled Laws of North
 Dakota for the year 1913 which shall be followed

§ 4. That Section 2197 of the Supplement to the 1913 Com-
 piled Laws of the State of North Dakota is hereby amended and
 re-enacted to read as follows:

§ 2197. REDEMPTION OF REAL ESTATE.]

(1) If at said sale any piece or parcel of land shall be sold
 to a purchaser of delinquent general taxes and special assessments
 and delinquent installments of special assessments, the same may
 be redeemed within three years from the date of sale by any person
 or corporation having an interest therein who shall pay into the
 treasury of the county for the credit of the person thereto entitled,
 the amount paid by the purchaser at the time of sale, with a penalty
 of three per cent and interest thereon at the rate specified in such
 certificate of sale, together with all amounts of similar subsequent
 taxes, penalties and interest paid by the holder of such certificate
 of sale up to the date of redemption with interest at the rate of

three-fourths of one per cent per month from the date of the payment of such subsequent taxes, which date of payment shall not be prior to the day upon which such subsequent tax became delinquent. And provided that redemption from Hail Indemnity Tax Sale may be made within two years from the date of such sale in like manner as herein set forth, with a penalty of five per cent and interest thereon at the rate as specified in such Hail Indemnity Tax Certificate of Sale together with all amounts of hail indemnity taxes, penalties and interest paid by the holder of such hail indemnity tax certificate up to the date of redemption with interest at the rate of two per cent per month, or major fractional part thereof, from the date of the payment of such subsequent hail indemnity taxes, which date shall not be prior to the day upon which such subsequent hail indemnity tax became delinquent, provided that the change in penalty upon redemption from tax sale and the change in rate of interest upon subsequent taxes made by this amendment shall not apply to certificates issued or subsequent taxes paid prior to the taking effect of this act in the case of Hail Indemnity Tax sales or otherwise.

In case any piece or parcel of land was struck off to the county at tax sale, then any person or corporation having an interest therein shall have the same right of redemption from the county, and on the same terms, as from a purchaser at a tax sale. The county auditor shall certify to the amount due upon redemption, and on payment of the same to the county treasurer, the county treasurer shall make duplicate receipts, for the certified amount, describing the property redeemed, one of which receipts shall be filed with the county auditor, which shall have the effect of annulling the sale. If the amount so paid for redemption be less than required by law it shall not invalidate such redemption, but the county auditor shall be liable for the deficiency to the person entitled thereto, and shall personally have a right of action against the person redeeming to recover from him the amount of such deficiency. Minors, insane persons or persons in captivity, or in any country with which the United States is at war, having an estate in, or liens on lands sold for taxes, may redeem the same within three years after such disability ceases; but in such cases the right to redeem shall be established in a suit for that purpose, brought against the party holding the title under sale. Any person who has or claims an interest in, or lien upon, any undivided estate in any piece or parcel of land sold, may redeem such undivided estate by paying into the county treasury a proportionate part of the amount required to redeem the whole and in such case the certificate of redemption shall express the estate or interest redeemed.

taxes upon said real estate as hereinafter set forth; that
 as the owner of said real estate or of a lien
 thereon has now paid the sum of \$..... in payment of the
 taxes thereon for the year; that said original tax sale
 certificate No. has been surrendered by the owner thereof
 and this Subsequent Tax Sale Certificate is issued to the said tax
 sale certificate owner of,
 and it is hereby certified that there is due him for subsequent taxes
 paid upon said real estate: \$..... for taxes of the year
 19..... with interest at per cent per annum from
, 19.....: \$..... for taxes of the year
 19....., with interest at per cent per annum from,
 19.....; and \$..... for the year 19..... with interest at
 per cent per annum from, 19.....; and that
 unless redemption be made from said taxes within.....
 (two years in
 years from the
 case of Hail Indemnity, otherwise three years)
 Second Tuesday in December, 19....., he will be entitled, after due
 notice given, to a tax deed conveying to him the said real estate.

Given under my hand and the seal of the County Auditor of
 County, North Dakota, this day of
, 19.....

.....
 County Auditor of County.

Subsequent tax sale certificates shall have the effect of con-
 veying all the rights, interest, privileges and title conveyed by an
 original certificate of tax sale issued in pursuance to the regular
 annual auditor's tax sale. The owner of a subsequent tax sale certifi-
 cate issued for general taxes and special assessments, paid as subse-
 quent, shall be entitled to a tax deed three years from the Second
 Tuesday in December of the year when such subsequent tax first
 paid became delinquent; and the owner of a subsequent hail in-
 demnity tax sale certificate issued for hail indemnity taxes, paid as
 subsequent, shall be entitled to a tax deed two years from the second
 Tuesday in December of the year when such hail indemnity tax first
 paid became delinquent, upon giving the statutory notice of ex-
 piration of the period of redemption. The procedure prescribed in
 Section 2223, of the Supplement to the Compiled Laws of North
 Dakota for the year 1913, shall be followed, and in case redemption
 be not made, tax deed shall be issued in the same manner and with
 the same force and effect as though issued under an original tax
 sale certificate issued pursuant to a regularly conducted annual tax

sale. The provisions of this section shall apply to redemptions or partial redemptions hereafter made, regardless of whether the tax sale certificates were issued and subsequent taxes paid as subsequent before or after the taking effect of this act. A partial redemption of real estate general and special assessment taxes or hail indemnity taxes covered by a subsequent tax sale certificate may be made in the same manner as partial redemption is made from a tax sale certificate, but a partial redemption shall in no case be allowed more than twice as to the same tax sale, once from the tax sale certificate and once from the subsequent tax sale certificate and shall likewise be applicable to redemption from hail indemnity taxes. In case of a partial redemption from a subsequent tax sale certificate, the form of certificate issued may be varied from the foregoing form by appropriate reference to the prior partial redemption. All Hail Indemnity Tax Sale Certificates and Subsequent Tax Sale Certificates shall have written or stamped across the face thereof in red ink the words "HAIL INDEMNITY TAX SALE CERTIFICATE."

§ 5. That Section 2197a of the Supplement to the 1913 Compiled Laws of the State of North Dakota is hereby repealed

Vetoed March 7, 1927.

(H. B. No. 91—Sperry, by Request)

APPEALS FROM WORKMEN'S COMPENSATION BUREAU

An Act to Amend and Re-enact Section 17 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, as Amended by the Session Laws of North Dakota for the Years 1921 and 1923.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I herewith file House Bill No. 91 which I have vetoed.

This bill provides that in all cases heard by the Workmen's Compensation Bureau where claimants are dissatisfied with the decision of the Bureau, appeals may be taken to the District Court.

The existing law could no doubt be improved in some respects, but this bill is obviously not an improvement. One of the main purposes of the Workmen's Compensation Insurance is to insure adequate protection to injured workmen without the necessity of resorting to legal action. A strong contributing factor was the desire to spare the workman heavy expenses in retaining a lawyer to fight

his case. Had this bill proposed a reasonable limit on the fees of lawyers prosecuting such appeals it would have been a much better bill.

On the other hand, had this provision been included in the bill there would have been much less agitation for its passage. Lawyers who lobbied for it during the session were quite frank in their statements that it would mean money to them. There is no contention that the bill was being demanded by the workingmen of the state. The Workmen's Compensation Insurance laws were designed to protect the workingman, not to build up a business for attorneys. Were this a workingman's bill and not a bill sponsored by a few ambulance-chasing lawyers I would have signed it.

In most cases the right to appeal from decision of the Bureau would mean that certain lawyers would get part of the benefit award which now goes entirely to the injured workingman. It certainly would not be in any way beneficial to the injured employe to have such a situation exist.

Another point to be considered is that this bill would necessitate the addition of several more district judges and would result in added expense for the Workmen's Compensation Bureau. The result would be an increase in insurance rates with no real benefit to either the employer or employe.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 17 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law, as amended by the Session Laws of North Dakota for the years 1921 and 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 17. The Bureau shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final unless an appeal be perfected therefrom within sixty (60) days of the date of entry of the Bureau's final decision, of which decision notice shall be given to all parties to the proceeding in which said final decision was rendered. Said appeal may be taken by any party to said proceeding, including the injured employee or party claiming to be an injured employee, the dependents or legal representatives of a deceased employee, the employer or alleged employer of said employee, to the District Court for any county of the Judicial District wherein the injury,

accident or sickness was inflicted or incurred. The appealing party shall file an undertaking in the amount of Two Hundred Dollars (\$200.00) with sufficient security to be approved by the Clerk of the District Court of the County in which said appeal is taken to the effect that he will pay any judgment for costs which may be rendered against him. In such proceedings the state's attorney of the county in which said appeal is pending without additional compensation shall represent the Workmen's Compensation Bureau and shall be notified by the Clerk forthwith of the filing of such appeal.

Within thirty (30) days after filing the appeal, the appealing party shall prepare and serve a complaint setting forth therein his or its cause of action in the ordinary form, and further pleadings shall be had in said cause according to the rules of civil procedure in the District Court. Within twenty (20) days after the service of a copy of said notice of appeal upon the Workmen's Compensation Bureau the Bureau shall certify the complete record in such proceeding to the District Court. Upon the trial of said cause upon appeal by the Court, either party may offer such additional proof and evidence as is material to the issues, and the Court shall be in no way bound by the findings or determination made by the Workmen's Compensation Bureau, but shall exercise his own independent judgment, both as to the facts and the law. In the event that judgment of the Court rendered in said proceedings awards compensation to the employee, he shall make specific findings as to whether the said employee has received injuries causing total disability, or temporary disability, or permanent partial disability; and in the event the Court finds the injury caused permanent disability he shall determine the percentage which such disability bears to the total disability, taking into consideration the employee's age and occupation, and the aforesaid findings shall be incorporated in the judgment of the Court rendered in said proceeding and shall be binding upon the Bureau in fixing the amount of the award to said injured employee. The award so arrived at shall be paid by the Workmen's Compensation Bureau out of the Workmen's Compensation Fund or by the employer in the case of an elective claim in accordance with the provisions of this Act.

The cost of such proceedings, including a reasonable attorney's fee to the claimant's attorney, if the claimant be successful, shall be fixed by the Trial Judge and taxed against the Workmen's Compensation Fund or the employer in the case of an elective claim as the case may be.

Each party to the said proceedings shall have the right of appeal to the Supreme Court, said appeal to be governed by existing statutes as in the case of appeals in civil cases, and a trial de novo shall be had in the Supreme Court.

It is the intent of this Act that appeals as aforesaid may be had by any party from any and all final decisions of the Workmen's Compensation Bureau.

§ 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 shall be in full force and effect immediately upon its passage and approval.

Vetoed March 8, 1927.

(H. B. No. 356—McGauvran)

TRAVEL EXPENSES STATE DEPARTMENTS

An Act to Amend and Re-enact Section 2 of Chapter 213, of the Session Laws of North Dakota for 1925 Regulating the Expenditure of Money for Traveling Expenses of Members, Officers, and Employees of State Departments.

VETO

March 8, 1927.

TO THE HONORABLE SECRETARY OF STATE:

I have before me House Bill No. 356 which provides certain amendments to the present law relating to members, officers and employees of State Departments who travel outside the state.

The present law seems to cover this matter quite fully, but it seems it has not worked out to the satisfaction of some departments and for that reason the heads of such departments decided there must be a new law to fit their particular cases.

I am of the opinion that the law we now have is sufficient and satisfactory, and have therefore vetoed this bill, and file the same herewith.

Very truly yours,
A. G. SORLIE,
Governor.

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

§ 1. That Section 2 of Chapter 213 of the Session Laws of North Dakota for 1925, be amended and re-enacted as follows:

§ 2. No expenditure for traveling expenses to other States shall be allowed to any member, officer or employee of any Department of the State, except Judicial and Legislative Departments and

elective officers and their assistants or employees, unless authority therefor shall first be granted in writing by the Governor; provided, that traveling expenses to other States shall not be allowed to more than one member, officer, or employee of any Department of the State except the members of the Board of Railroad Commissioners for attending a meeting of any National Association to which such member, officer or department shall belong.

Vetoed March 8, 1927.

PARTIAL VETOES ARE CARRIED BY S. B. 19—BUDGET—
AND H. B. 40—APPROPRIATION AGRICUL-
TURAL COLLEGE

These are grouped under their respective title with Appropriation measures in from part of volume.

VETOES RETURNED BY GOVERNOR TO LEGISLATIVE
ASSEMBLY PRIOR TO ADJOURNMENT
ON MARCH 4TH, 1927

- S. B. 29—Fees Payable by Auto Transportation Companies.
- S. B. 30—Transfer Balance in Auto Transportation Fund to General Fund.
- S. B. 76—Authorizing stock or mutual Insurance Companies to engage in Workmen Compensation Insurance.
- H. B. 69—Insurance on Municipally owned property.
- H. B. 83—Flat Hail Insurance Tax.
- H. B. 218—Annual Statement of Insurance Companies.

INITIATED MEASURE

GASOLINE TAX

An Act to Impose a Tax Upon the Sale of Motor Vehicle Fuels; Providing for the Collection of Said Tax, for Reports of Sales of Such Motor Fuels and for the Disposition of the Revenue Derived Therefrom; Regulating the Sale of Such Fuels and Fixing Penalties for the Violation of This Act. Repealing All Acts or Parts of Acts in Conflict With the Provisions of This Act.

Be It Enacted by The People of The State of North Dakota:

§ 1. That the words, terms and phrases in this act, are for all the purposes hereof, defined as follows:

(a) "Motor vehicles" means and including all vehicles, engines or machines, movable or immovable, which are operated or propelled in whole or in part by internal combustion of any one or more of the "motor vehicle fuels" defined herein.

(b) "Motor vehicle fuels" means and includes gasoline, benzine, naphtha, benzol, and such other volatile and inflammable liquids as may be produced or compounded for the purpose of operating or propelling motor vehicles, except the product commonly known as kerosene oil.

(c) "Dealer" means and includes any person or persons, firm, association or corporation who imports or causes to be imported from any other state or country, any motor vehicle fuel for operating or propelling motor vehicles for use, distribution or sale, in and after the same reaches the State of North Dakota; and also any person or persons, firm, association or corporation who produces, refines, manufactures or compounds any motor vehicle fuel in the State of North Dakota for use, distribution or sale within this state.

§ 2. That each and every dealer in motor vehicle fuel, as defined in this act, who is now engaged or who may hereafter engage in his own name, or in the name of others or in the name of his representative or agents in this state, in the sale or use of motor vehicle fuel as herein defined, shall, not later than the 15th day of each calendar month render to the State Auditor on forms prescribed, prepared, and furnished by the State Auditor, a sworn statement of the number of gallons of motor vehicle fuel sold or used by him or them during the preceding calendar month, which statement shall be sworn to by one of the principal officers, in case of domestic corporation, or by the resident general agent, or agents, or attorney-in-fact, or by a chief accountant or officer. In case of a foreign corporation, by the managing agent or owner in case of a firm, association or individual, and shall contain a statement of the quantities of motor vehicle fuel sold or used within the State of North Dakota from his or their respective places of business, and if any of such motor vehicle fuel has been sold and delivered by said dealer to customers in the original package, whether in tank cars, barrels or other packages and in the same form and condition in which the same was imported, said statement shall show the amount of motor vehicle fuel so sold and the names and addresses of the persons, firm or corporations to whom the same was sold.

Said dealer shall pay a license tax of two cents per gallon on all motor vehicle fuel used and sold by him other than such fuel sold by him or them in the original packages as above specified, and shall have the option of paying said tax of two cents per gallon on all motor vehicle fuel sold by him or them in the state in the original packages in which the same was imported as above specified.

Wherever any sale is made by a dealer of motor vehicle fuel in the original packages in which the same was imported as above specified, such dealer shall deliver to the purchaser thereof an invoice of such motor vehicle fuel, stating the name and address of the purchaser, the quantity and kind of fuel sold, and whether or not said dealer assumes and agrees to pay the license tax on said fuel above specified, and such dealer shall transmit to the State Auditor at the same time he shall render the statement above specified, duplicate copies of all such invoices issued and delivered by him during the period covered by such statement.

§ 3. Every dealer paying such license tax or being liable for the payment thereof, shall be entitled to charge and collect the sum of two cents per gallon, on such motor fuel sold by him, as a part of the selling price thereof.

§ 4. That all dealers in motor vehicle fuel in the State of North Dakota shall file a duly acknowledged certificate with the State Auditor, on forms prescribed, prepared and furnished by the said state auditor, which shall contain: The name under which such dealer is transacting business within the State of North Dakota; the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business, and the names and addresses of its principal officers, resident general agent and attorney-in-fact. And the place or places of business of such dealer and whenever such dealer shall open up any new place of business, he shall forthwith report such fact to the State Auditor.

§ 5. That said license tax in respect to motor vehicle fuel sold or used in any calendar month shall be paid at the same time the statement provided for in Section 2 hereof is rendered, to the State Auditor, who shall receipt the dealer therefor, and shall forthwith pay over all the money to the State Treasurer thus received, except such money as shall have been expended by said State Auditor for the purpose of making refunds as herein provided, and State Treasurer shall promptly credit the amount of such payment to the State Highway Commission. All money so credited is hereby appropriated to be used by such commission for the construction, reconstruction, maintenance or repairs of highways or roads under the jurisdiction of said commission.

§ 6. That any person or persons, firm or corporation who shall buy or use any motor vehicle fuel as defined in this act for the purpose of operating or propelling stationary gas engines, tractors, used for agricultural purposes, motor boats, airplanes or

aircraft, or who shall purchase or use any of such fuel for lighting, heating, cleaning or dyeing or other commercial use of the same except motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of the State of North Dakota, on which motor fuel the tax imposed by this act has been paid, shall be reimbursed and repaid the amount of such tax paid by him upon presentation to the State Auditor, on a form prescribed by the State Auditor, a sworn statement setting forth the total amount of such fuel purchased and used by such consumer other than in motor vehicles operated or intended to be operated upon any of the public highways of the State of North Dakota and the purpose for which said motor vehicles upon which he claims exemption from said tax was used, and such other information as the State Auditor shall require, and the said State Auditor upon the presentation of such sworn statement, shall cause to be repaid to such consumer from the taxes collected on motor vehicle fuels, the said taxes on fuels purchased or used than for motor vehicles as aforesaid; provided, that such applications for and refunds of such taxes shall be made not oftener than at the beginning of the quarter of each calendar year.

§ 7. That the records of all purchases, receipts, sales, distribution and use of motor vehicle fuel of every dealer shall at all times during the business hours of the day be subject to inspection by the State Auditor or by any agent or employee thereof duly authorized by him.

§ 8. It shall be unlawful for any person or persons, firm or corporation to purchase, receive or accept any motor vehicle fuel from any dealer in the original package as the same was imported into the state as specified in Section 2 hereof, or to pay for same, or to sell or offer same for sale, unless the invoice provided for in Section 2 hereof was by said dealer delivered to him at the time of the purchase or receipt of said motor vehicle fuel. Any person, firm or corporation who shall purchase or receive any motor vehicle fuel from any dealer in this state in the original package in which the same shall have been imported, and upon which fuel the said dealer shall not have assumed to pay the tax as provided in this act, shall, on the 15th day of each month render to the State Auditor the same statement required of the dealer by Section 2 hereof, and at the same time shall remit and pay to said State Auditor a license tax of two cents per gallon on such motor vehicle fuel, upon which the dealer has not assumed the tax.

§ 9. That any dealer, person or association of persons, firm, or corporation violating any provision of this act, or any person, firm or corporation who shall make any false statement in any

statement or report required by this act or who shall make any false statement in connection with an application for the refund of any money of taxes provided in this act, or who shall collect or cause to be repaid to him or to any person any tax not being entitled to the same under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars or be imprisoned in the county jail for not more than 90 days, or by both such fine and imprisonment.

§ 10. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved June 30, 1926, 65,813 to 57,374.

CONSTITUTIONAL AMENDMENTS

CONCURRENT RESOLUTIONS, S. L. 1925

Section 45—Article 2

§ 45. Each member of the legislative assembly shall receive as compensation for his services for each session eight dollars per day, and ten cents for every mile of necessary travel in going to and returning from the place of the meeting of the legislative assembly on the most usual route.

Disapproved June 30th, 1926, 86,883 to 48,719.

CONCURRENT RESOLUTION, S. L. 1925

Article 43

§ 82. There shall be chosen by the qualified electors of the State at the times and places of choosing members of the legislative assembly, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of insurance, three commissioners of railroads, one attorney general and one commissioner of agriculture and labor, who shall have attained the age of twenty-five years, shall be citizens of the United States, and shall have the qualifications of state electors. They shall severally hold their offices at the seat of government, and, with the exception of the commissioners of railroads, for the term of two years and until their successors are elected and duly qualified, but no person shall be eligible to the office of treasurer for more than two consecutive terms. Of the commissioners of railroads elected at the general election in 1926, the one having held his office for the longest time shall

serve for six years; the one having held his office the next longest time shall serve for four years, and the one having held this office the shortest time, shall serve for two years, provided, however, if two or more such commissioners shall have held such office an equal or no length of time, the one having the highest vote shall serve for the longer term; thereafter one commissioner of railroads shall be elected every two years, and shall hold his office for a term of six years and until his successor is elected and qualified.

Approved June 30, 1926, 69,214 to 61,235.

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