

L A W S
PASSED AT
THE NINETEENTH SESSION
OF
Legislative Assembly
OF THE
STATE OF NORTH DAKOTA

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID
STATE, ON TUESDAY, THE SIXTH DAY OF
JANUARY, A. D. 1925, AND CONCLUD-
ING MARCH SIXTH, 1925

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

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 Nineteenth Session of the Legislative Assembly of the State of North Dakota, beginning January 6th, 1925, and terminating March 6th, 1925, 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 May, 1925.

ROBERT BYRNE,

Secretary of State.

(SEAL)

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ABSTRACTORS

CHAPTER I

(H. B. No. 96—Morton)

ABSTRACTORS.

An Act Relating to Abstracting, Providing for the Licensing and Bonding of such Abstractors, and the Examination and Registration Thereof and to Repeal Sections 3090, 3091, 3092, 3093, 3094, 3095, 3097, and 3098, 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. ABSTRACT RECORDS REQUIRED.] Any person, firm or corporation desiring to engage in or continue the business of making and compiling abstracts of title to real estate within the State of North Dakota, shall have for use in such business a complete set of abstract books or records of all instruments of record in the office of the Register of Deeds in and for the County in which such person, firm or corporation has his place of business, or shall have been in good faith engaged in the preparation for not less than three months of such books or records, and shall first obtain a Certificate of Registration and file the bond required in this article, save as may be hereinafter expressly provided.

§ 2. BOARD OF EXAMINERS.] There is hereby created a Board of Examiners to be known as the Abstractors Board of Examiners, to carry out the purposes and enforce the provisions of this article; said Board shall consist of three members to be appointed by the Governor of the State of North Dakota, one of whom shall be an abstractor, recommended by the North Dakota Title Association, such recommendation to be made within ten days after this law takes effect; the first members of said Board shall be appointed, one for two years, one for four years and the other for six years, and thereafter appointments shall be made for the term of six years; each member of said Board shall qualify by taking the oath provided by law for public officers; vacancies on said Board caused by death, resignation or otherwise shall be filled by appointment by the Governor.

§ 3. ORGANIZATION OF BOARD.] Said Board shall organize by the election of a President, and Secretary-Treasurer; the Secretary-

Treasurer shall not be a member of said Board but shall be a practical abstracter engaged in that business; the Board shall have a Seal, and the President and Secretary-Treasurer shall have power to administer oaths; said Board shall make such rules and regulations as shall be necessary to carry out the purposes of this act; each member of said Board shall receive a compensation of Five Dollars per day for actual services and 10c per mile for each mile actually traveled in attending the meetings of said Board and the sum of Five Dollars per day for expenses while absent from home upon business connected with the Board, which amount shall be paid upon verified vouchers, after allowance by said Board, out of any moneys in the hands of the Treasurer of said Board, provided that no part thereof shall in any event be paid out of the State Treasury.

§ 4. REPORTS OF BOARD.] Said Board shall make a biennial report to the Governor, which report shall contain a full statement of its receipts and disbursements for the preceding biennial term; also a full statement of its doings and proceedings and such recommendations as to it may seem proper for the better carrying out of the intents and purposes of this act, which said report shall not be printed except at the expense of the fund herein provided for. Any moneys in the hands of the Treasurer of said Board at the time of making such report shall be kept by him for the future maintenance and operation of the Board, or turned over to his successor to be disbursed on warrants signed by the President and the Secretary of the Board.

§ 5. CERTIFICATE OF REGISTRATION.] Any person, firm or corporation desiring to obtain a certificate of registration under this article shall make application to said Board therefor and shall pay to the Treasurer of said Board, an examination fee of \$25.00; such application shall be upon a form to be prepared by said Board and to contain such information as may be desired by it; thereupon said Board shall fix a date and place for the examination of such applicant, of which notice shall be given to the applicant by mail, who shall present himself at such meeting; whereupon said Board shall proceed to examine such applicant or applicants under such rules and regulations as may be by said Board prescribed; if the application is made by a firm or corporation, one of the members or managing officials thereof shall take such examination; provided, however, that every person, firm or corporation who is, upon the date this law goes into effect, engaged in the occupation or profession of an abstracter of title and who shall, within thirty days after this law takes effect, file with the Secretary of said Board, an affidavit setting forth his name, residence and length of time during which and the place where he has practiced such occupation or profession and that he has a complete set of abstract books or records of all instruments of record in the office of the Register of Deeds in and

for the County in which his office or place of business is maintained or that in good faith he had been engaged, prior to the time this law took effect, in the preparation of such books or records for not less than three months, and shall pay the registration fee hereinafter provided, then such Board shall make an order that, upon compliance with the other provisions of this law, a certificate of registration shall be issued to such applicant without further examination, and no examination fee shall be required.

§ 6. RECORDS OF BOARD.] Said Board shall keep a register wherein it shall enter the name of all applicants for registration with their place of residence and such other information as may be deemed appropriate, including the action taken by said Board thereon, and the date upon which the certificate of registration was issued, if one is issued; certificates of registration shall be issued upon payment of \$25.00 fee and shall be valid for five years from the date thereof but shall be renewed by said Board upon application within thirty days prior to the expiration thereof upon a payment of \$25.00 to the Treasurer of said Board, which application shall be accompanied by an affidavit that the applicant has for use in his, its or their business, a complete set of abstract books or record of all instruments of record in the office of the Register of Deeds in and for the County in which said applicant has his office or place of business, or that he has such set of abstract books or records in process of completion for at least three months before such application is made.

§ 7. BONDS REQUIRED.] Before a certificate of registration shall be issued the applicant shall file with the Board a bond to be approved by it, running to The State of North Dakota, in the penal sum of at least Ten Thousand Dollars, and in counties having a population of over ten thousand, the penal sum of Ten Thousand Dollars shall be required for each ten thousand inhabitants, or major part of that number residing within the county where the applicant has his office, as shown by the official Federal or State census last taken prior to the filing of such bond; provided, that a bond in excess of the penal sum of Twenty-five Thousand Dollars shall not be required; such bond shall be conditioned for the payment by such abstractor of any and all damages that may be sustained by or accrue to any person by reason or on account of any error, deficiency or mistake in any abstract or certificate of title or continuation thereof made and issued by such person, firm or corporation, provided, that if a personal bond is given there shall be at least three sureties, none of whom shall be officers or stockholders or interested in such business, and each of whom shall justify for the full amount of the bond, and which bond shall be by said Board filed in the office of the County Auditor of the County in which said applicant has his place of business; provided, that the sureties on such bonds shall

re-justify at the end of each five-year period, at least, and whenever required by said Board.

§ 8. CERTIFICATE OF AUTHORITY.] A certificate issued by said Board under the provisions hereof, shall, among other things, recite that such bond has been duly filed and approved, and such certificate shall authorize the person, firm or corporation named in it, to engage in and carry on the business of an abstracter of real estate titles in the County of the State of North Dakota in which said person, firm or corporation has his place of business, and for that purpose to have access to any of the offices of any of said counties or of the State, and to make such memoranda or notation from the records thereof as may be necessary for the purposes of making such abstracts, such access to be during the ordinary office hours; and it shall be the duty of any person, firm or corporation holding such certificate, to furnish or continue an abstract of the title to any tract of land in such County, when requested to do so, on payment of the fees hereinafter provided.

§ 9. FEES.] For making and certifying to abstracts under the provisions of this article, a reasonable fee shall be allowed, and in no case shall such fee exceed the following: For the first entry on any one abstract, or continuation thereof, One Dollar; for each subsequent entry, Fifty Cents; for a complete certification covering the records of the several county offices, Two Dollars, and for each name searched for judgments and personal property taxes, Twenty-five Cents; For all miscellaneous instruments, Fifty Cents for the first one hundred words, and Fifteen Cents for each additional hundred words or fractional part thereof.

§ 10. REGULATION AND APPEAL.] The Board may at any time, require any person, firm or corporation, holding a certificate under the provisions hereof, upon thirty days notice, to furnish such additional bonds as to the Board seems proper and to show cause why any bonds should not be held and declared insufficient and invalid or such certificate should not be recalled and annulled, provided, however, that no certificate shall be recalled or annulled save for a violation of the provisions of this Act or upon conviction of the holder of such certificate of crime under the laws of the State of North Dakota or unless the Board shall find such holder to be guilty of habitual carelessness or inattention to business or intoxication or the use of drugs to such an extent as to incapacitate him for business, or of fraudulent practices; if the certificate be held by a firm or corporation, then the provisions hereof shall be applicable to the managing members, or officers thereof; upon the cancellation of any certificate the holder thereof may have an appeal to the District Court from the decision of the Board. Such appeal to be taken

within thirty days by the service of a Notice of Appeal with a bond in the sum of \$250.00, upon the Secretary of the Board, such appeal to come on for hearing before the District Court of the County in which such certificate holder shall have his place of business at the next regular term of said Court.

§ 11. SEAL.] Any person, firm or corporation furnishing abstracts of title to real property under the provisions hereof shall first provide a seal, which seal shall have stamped thereon the name and location of such firm, person or corporation, and shall deposit with the Secretary of said Board an impression of such seal before the certificate of registration shall issue, which seal shall be affixed to every abstract or certificate of title issued by such person, firm or corporation.

§ 12. PENALTY.] Any person, firm or corporation making, compiling or certifying to abstracts of title to real property in this state, without having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding One Hundred Dollars nor less than Twenty-five Dollars for each offense.

§ 13. REPEAL.] All laws and parts of laws in conflict herewith and particularly Sections 3090, 3091, 3092, 3093, 3094, 3095, 3097 and 3098, Compiled Laws of 1913, are hereby expressly repealed.

§ 14. EMERGENCY.] An Emergency exists in this, that the present law does not properly cover the making of abstracts of title to real property, therefore an emergency is hereby declared, and this law shall be in effect from and after the 1st day of April, 1925.

Approved February 19, 1925.

ACCOUNTANCY

CHAPTER 2

(H. B. No. 149—Freeman.)

BOARD OF ACCOUNTANCY

An Act to Create a State Board of Accountancy and Prescribing its Duties and Powers; to Provide for the Examinations of and Issuance of Certificates to, Qualified Accountants, with the Designation of Certified Public Accountants; to Provide the Penalty for Violations of the Provisions Thereof; and to Repeal Sections 549, 550, 551, 552, 553, 554, 555, 556 and 557 of the Compiled Laws of North Dakota for the year 1913 and all other Acts or Parts of Acts in Conflict Therewith.

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

§ 1. Within thirty days after the passage of this act, the Governor of the State shall appoint a Board of three certified public accountants, which board shall be known as the State Board of Accountancy.

§ 2. The members of such Board shall hold office for three years or until their successors are appointed and have qualified, except that for the members first appointed under the act, one shall hold office for one year, one for two years and one for three years. The term of office for each shall be designated at the time of his appointment. Thereafter one member shall be appointed for the full term.

§ 3. The board shall organize by the election of one of its members as president, one member as secretary and one as treasurer, provided, however, that the office of secretary and treasurer may be held by one person.

§ 4. The board shall keep a complete record of all its proceedings and shall present annually to the Governor a detailed statement of the receipts and disbursements of said board during the preceding year, with a statement of its acts and proceedings and such recommendations as said board may deem proper.

§ 5. The board shall be authorized:

(a) To administer oaths to all applicants or persons appearing before the board in respect to investigations, examinations or the issuance of C. P. A. certificates;

(b) To conduct investigations and examinations and issue certificates to properly qualified accountants;

(c) To determine the qualifications of all applicants;

(d) To establish such rules and regulations as may be requisite properly to carry out the purposes of this act and maintain a high standard of integrity, education and proficiency among the holders of C. P. A. certificates.

§ 6. Written examinations of applicants shall be held as often as may be necessary in the opinion of the board, and at such times and places as it may designate, but not less than one in each calendar year.

If five or more persons apply for examinations, the board shall hold an examination for such applicants. Examinations may be both oral and written, at the discretion of the board.

§ 7. The written examination shall at least cover four general subjects, with a minimum time allowance, as follows:

(a) Theory of Accounts, 3 hours.

(b) Practical Auditing, 6 hours.

(c) Auditing 3 hours.

(d) Commercial Law, 3 hours.

and such other subjects as may be required by the Board. Seventy-five per cent shall be required in each subject.

§ 8. Any citizen of the United States, or one, who in good faith has declared his intention of becoming such citizen (in which case he may become a citizen within one year after the time allowed by law or the certificate shall be revoked by the board), being a bona fide citizen of North Dakota, over the age of twenty-one years, of good moral character, a graduate of a high school of recognized standing with a four year course, or possessing an education fully equivalent thereto, who has had at least three years accounting experience, two of which shall have been in public practice on his own account or in the office of a Certified Public Accountant in active practice or who has completed a course of not less than two years in Accountancy in some state institution or some other school of recognized standing, and has passed a satisfactory examination (unless otherwise exempt from such examination as herein provided), shall receive a certificate of his qualifications to practice as a Certified Public Accountant. And it shall be unlawful for any person or partnership, all of the members of which have not received such a certificate, or a corporation to assume such title or the abbreviations, C. P. A., C. A., or any other words, letters or abbreviations, tending to indicate that the person, firm or corporation so using the name is a Certified Public Accountant without first having received said certificate. All certificates to practice as a certified accountant in North Dakota heretofore issued and in force and effect under the existing laws of this state shall remain in full force unless revoked in manner by this Act provided.

§ 9. The board may, in its discretion, upon application in writing, waive the examination of and issue a certificate to any non-resident Certified Public Accountant, who has the qualifications other than residence in North Dakota required by this act and the rules of the board, provided that such person shall submit to the board such evidence as to qualifications as may be required by and be satisfactory to the board, who for not less than three years has had the degree of Certified Public Accountant issued by or under the authority of another state, provided that the standards prescribed by law and the rules of the board are, in the opinion of the board, fully equivalent to the standards maintained in this state. If, for any reason, the certificates of original issue be revoked or cancelled, the board of accountancy of this state shall forthwith revoke and cancel the certificate issued to such person in accordance with this section.

§ 10. The board shall have the power to revoke any certificates then in force.

(a) If the holder thereof shall have been convicted of a felony;

(b) If he shall be found guilty of conduct involving moral turpitude;

(c) For fraud or misrepresentation in application for certificate or in the examination thereof;

(d) For failure on the part of the applicant, who at the time of issue of certificate, is not a citizen of the United States to qualify in accordance with the provisions of Section 8 of this act.

No certificate shall be revoked except after a hearing thereon and by a majority of the board, the Attorney General of the State or an attorney designated by him shall attend and act as the legal advisor of the board. Written notice of such proposed hearing shall be mailed to the holder of such certificate at his last known address at least twenty (20) days before the date thereof, stating the basis for such proposed action or revocation, and appointing a time and place for such hearing. At such hearing the board shall have the power to compel the attendance of witnesses, to administer oaths, and to examine witnesses under oath.

The board shall keep a complete record of all proceedings with respect to the revocation of any certificates.

§ 11. Each applicant for examination shall pay to the board a fee of twenty-five dollars (\$25.00) at the time of filing his application. In no case shall such fee be returned. If the applicant fails to pass the examination, he shall be entitled to take another examination within one year, at any time at which there are other applicants to be examined, provided he has failed in the first instance in not more than one-half of the subjects covered by the examination.

§ 12. The members of the board, to be appointed under this act, shall be paid their necessary traveling expenses while in the pursuance of the duties imposed upon them by this act.

§ 13. From the fees collected, the board shall pay all expenses incident to the examinations to be held under this act, the expenses of preparing and issuing certificates, the traveling expenses of examiners while performing their duties under this act, stationery, printing, clerk hire, and incidental office expenses, provided that no expense incurred under this act shall be a charge against the funds of the state.

§ 14. (a) Any Certified Public Accountant who shall be found guilty of falsifying a report, statement, investigation or audit shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or by imprisonment for a period of not exceeding six months, or by both such fine and imprisonment, in the discretion of the court.

(b) Any person representing himself or herself to the public as having received a certificate as a Certified Public Accountant, as provided in this act, or who shall assume to practice as a certified public accountant, without first having received such certificate, or if any person having received such certificate, shall hereafter lose

the same by revocation, as provided for in this act, and shall continue to practice as a Certified Public Accountant, or use such title or any other title mentioned in Section Eight (8) of this act, or if any person shall violate any of the provisions of this act, such person shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars (\$50.00) and not exceeding three hundred dollars (\$300.00) or by imprisonment for a period of not to exceed ninety days or by both such fine and imprisonment, in the discretion of the court.

§ 15. REPEAL.] That sections 549, 550, 551, 552, 553, 554, 555, 556 and 557 of the Compiled Laws of North Dakota for the year 1913 and all acts or parts of acts in conflict with this act are hereby repealed.

§ 16. EMERGENCY.] Whereas an emergency exists in that the present accountancy law contains no provision for penalty for its infractions, and under the decision of the North Dakota Supreme Court no protection is now given to the public or those holding a C. P. A. certificate issued by the State Board of Accountancy, it is hereby declared that this act shall take effect upon its passage and approval.

Approved March 7, 1925.

ADULTERATION

CHAPTER 3

(S. B. No. 229—Van Camp.)

ADULTERATION—MILK AND DAIRY PRODUCTS

An Act To Prohibit the Adulteration of Milk and Dairy Products by the introducing therein of any fat or oil other than milk fat; and To Prohibit the Sale of any Substitute for Dairy Products or the Exposing for Sale of such Products Through the Use of any Advertisement, or other means, suggesting the words: "butter," "creamery," or "dairy," or suggesting the name of any Breed of cattle; and Prescribing penalties for Violation.

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

§ 1. It shall be unlawful for any person, firm or corporation, by himself, his servant or agent, or as the servant of another, to manufacture, sell or exchange or have in possession with intent to sell or exchange, any milk, cream, skim milk, buttermilk, condensed or evaporated milk, powdered milk, condensed skim-milk, or any of the fluid derivatives of any of them, to which has been added any fat or oil other than milk fat, either under the names of said products or articles or any of the derivatives thereof, or under any fictitious or trade name whatsoever.

§ 2. It shall be unlawful for any person, firm or corporation to use in any way, in connection or association with the sale, or exposure for sale, or advertisement of any substance designed to be used as a substitute for butter, the word "butter," "creamery," or "dairy," except as otherwise required by the laws of this state; or the name or representation of any breed of dairy cattle, or any combination of such word, or words and representation, or any other words or symbols, or combination thereof, commonly used in the sale of butter.

§ 3. Any person who shall violate any of the provisions of this act shall be deemed 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, or by imprisonment in the county jail for a term of not less than sixty days nor more than one year, or by both such fine and imprisonment.

Approved March 6, 1925.

APPROPRIATIONS

CHAPTER 4

(S. B. No. 53—Committee on Appropriations.)

AGRICULTURAL COLLEGE

An Act Making an Appropriation of \$543,000.00 to Pay the General Maintenance, Improvements and Repairs, Equipment, Miscellaneous and Public Service of The Agricultural College, 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 funds not otherwise appropriated in the State Treasury the sum of \$543,000.00, 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, 1925 and ending June 30th, 1927, to-wit:

ADMINISTRATION

1—President's Office	\$ 20,200.00
2—Business Office	19,000.00
3—Registrar's Office	10,400.00
4—Telephone and Telegraph	8,000.00
5—Publication and General Printing.....	2,500.00
6—Divisional Expense	2,000.00

EDUCATION

1—School of Agriculture	138,000.00
2—School of Mechanic Arts	90,000.00

3—School of Home Economics	53,000.00
4—School of Education	12,500.00
5—School of Chemistry	45,000.00
6—School of Pharmacy	16,000.00
7—School of Veterinary Medicine.....	8,500.00
8—School of Science and Literature.....	135,000.00
9—Summer Sessions	10,000.00
10—Library	21,200.00
11—Band and Orchestra	7,000.00
12—Military Science & Physical Education	25,000.00
13—Student's Welfare	2,000.00
14—General Educational Expense	12,000.00
15—Leaves of Absence	4,000.00
16—Salary Adjustments	7,500.00

PHYSICAL PLANT

1—Buildings and Grounds	64,000.00
2—Light, Water, Power, Gas.....	12,000.00
3—Fuel	60,000.00
4—Power House and Janitor's Supplies	20,000.00
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Total Maintenance	\$804,800.00
Less Estimated Income	380,000.00
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Total Net Maintenance	\$424,800.00

IMPROVEMENTS AND REPAIRS

1—Drainage and Steam Lines	7,500.00
2—Sidewalks and Drives	500.00
3—Chemistry Building	9,000.00
4—Ceres Hall, Inc. Fire Escapes	4,900.00
5—Engineering Building	500.00
6—Veterinary Hall	500.00
7—Power Plant	400.00
8—Francis Hall	600.00
9—Science Building	4,000.00
10—Old Main Building	2,000.00
11—Library Building	200.00
12—Miscellaneous	1,500.00
13—Armory	600.00

EQUIPMENT

1—Engine and Generator House	25,000.00
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MISCELLANEOUS:

1—Insurance	25,000.00
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2—Interest	17,000.00
Public Service:	19,000.00
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Total, Improvements and Repairs, Equipment, Miscellaneous and Public Service	118,200.00
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Total for the Biennium for all Reports	543,000.00
Approved March 10, 1925.	

CHAPTER 5

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

AGRICULTURAL COLLEGE EXPERIMENTAL STATION

An Act Making an Appropriation of \$255,400.00 to Pay the Maintenance, Improvements and Repairs, New Buildings and Miscellaneous for the Experiment Station at The Agricultural College, 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 funds in the State Treasury not otherwise appropriated the sum of \$255,400.00 or so much thereof as may be necessary to pay the general maintenance, improvements and repairs, new buildings and miscellaneous items of the Experiment Station at the Agricultural College, Fargo, North Dakota, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

MAINTENANCE

1—Salaries	\$ 74,000.00
2—General Expense	68,000.00
3—Serum Institute	12,000.00
4—Cost Accounting	10,000.00
5—Marketing	10,000.00
6—Entomology	2,500.00
7—Cereals & Milling	5,000.00
8—Purchase Live Stock	2,500.00
9—Demonstration Farms	2,500.00
10—Sub-stations	15,000.00
11—Insurance	3,400.00
12—Heat, Light, Water, Power, Campus Service	25,000.00

IMPROVEMENTS AND REPAIRS

1—Station Share of New Trunk Sewer ...	1,000.00
2—Connections to New Trunk Sewer	3,000.00
3—Steam Heat in Seed House	1,500.00
4—Remodel Amphitheatre, Vet. Bldg.	4,000.00
5—General Repairs	5,000.00

NEW BUILDINGS

1—Apairy House 1,000.00

MISCELLANEOUS

1—Interest 10,000.00

Total for the Biennium \$255,400.00
Approved March 10, 1925.

CHAPTER 6

(S. B. No. 51—Committee on Appropriations.)

AGRICULTURAL COLLEGE EXTENSION DIVISION

An Act Making an Appropriation of \$65,000.00 as an Offset for Federal Aid in Extension Division Work of the Agricultural College, Fargo, N. Dak.

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 \$65,000.00, or so much thereof as may be necessary to carry out the work of the Extension Division of the Agricultural College, Fargo, N. Dak., and assist in carrying out the provisions of the Smith-Lever Federal Aid Work in the Agricultural Demonstration, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, as provided for under Chapter 5, Session Laws of 1915.

Approved March 10, 1925.

CHAPTER 7

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

AGRICULTURAL COLLEGE PURE SEED LABORATORY

An Act Making an Appropriation of \$10,000.00 for the Maintenance of the Pure Seed Laboratory and Pure Seed Law Enforcement at The Agricultural College, Fargo, 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 \$10,000.00, or so much thereof as may be necessary for the purpose of examining, testing and inspection or examination of seeds, sold, offered or exposed for sale in North Dakota, and for purposes as prescribed by Section 2898-2904 of the Compiled Laws of 1913 for North Dakota, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

1—Salaries and Wages	\$ 8,000.00
2—Maintenance	600.00
3—Supplies and Equipment	400.00
4—Travel	1,000.00
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Total	\$10,000.00

Approved March 10, 1925.

CHAPTER 8

(H. B. No. 112—Hoople.)

APPROPRIATION - ERADICATION OF BEE DISEASES.

An Act to Provide an Appropriation in the Sum of One Thousand Dollars 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.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of One Thousand Dollars, or so much thereof as may be necessary, to defray the expenses of the Commissioner of Agriculture and Labor, or his agents, for the biennial period, beginning July 1st, 1925, and ending June 30th, 1927, in carrying out the provisions of Chapter 140 of the Session Laws of North Dakota for the year 1923.

Approved March 10, 1925.

CHAPTER 9

(S. B. No. 25—Committee on Appropriations.)

BOARD OF AUDITORS

An Act To appropriate the Sum of \$15,000.00 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 the Initiated Law approved November 2nd, 1920.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of any monies in the State Treasury, not otherwise appropriated, the sum of \$15,000.00, 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, and of all other 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 the initiated law

approved by the people on November 2nd, 1920, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved March 10, 1925.

CHAPTER 10

(H. B. No. 58—Cart.)

DES LACS LAKE BRIDGE

An Act To appropriate the Sum of Twenty-five Thousand (\$25,000.00) Dollars for the Purpose of Aiding in the Construction of a Bridge and Approaches Across the Des Lacs Lake on the County Line Between Burke and Ward Counties in the State of North Dakota, Under the Provisions of Chapter 73 of the Session Laws of North Dakota for the Year 1919, and that Such Appropriation be Made From the State Highway Fund.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. There is hereby appropriated out of any moneys in the State Highway Fund under Paragraph 2a of Section 11 of Chapter 44 of the Laws of the Special Session of the Sixteenth Legislative Assembly of the State of North Dakota for the year 1919, the sum of Twenty-five Thousand (\$25,000.00) Dollars, or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30th, 1927, inclusive, for the purpose of aid in the construction of the sub-structure, super-structure and approaches or embankment to a bridge across the Des Lacs Lake on or near the county line between Burke and Ward Counties within the State of North Dakota, under the provisions of Chapter 73 of the Laws of North Dakota for the year 1919.

Approved March 10, 1925.

CHAPTER 11

(H. B. No. 47—Boyd.)

FARGO 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 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. 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 Assem-

bly 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, 1927, inclusive, for the purpose of aid in the construction of the sub-structure, super-structure 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. 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 10, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.

See Senate Journal, March 6th, 1925—Page 67.

See House Journal, February 3rd, 1925—Page 20.

CHAPTER 12

(H. B. No. 57—Doyle.)

SANISH BRIDGE

An Act To appropriate the sum of \$100,000.00 From any Moneys in the State Highway Bridge Fund, for the Purpose of Aiding in the Construction of a Bridge Across the Missouri River, at a Point Near the Town of Sanish, Between McKenzie County, North Dakota and Mountrail County, North Dakota, 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 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 \$100,000.00, or so much thereof as may be necessary, between the date of the passage and approval of this Act and June 30th, 1927, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and east structural approach of a bridge across the Missouri River, at or near the town of Sanish, between McKenzie County and Mountrail County, North Dakota, 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 7, 1925.

CHAPTER 13
(H. B. 55—Eckert.)

WILLISTON BRIDGE

An Act To appropriate the Sum of \$200,000.00 from any moneys in the State Highway Fund for the Purpose of Aiding in the Construction of a Bridge Across the Missouri River between Williams County and McKenzie County, North Dakota, 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 \$200,000.00 or so much thereof as may be necessary between the date of the passage and approval of this Act and June 30, 1927, inclusive, for the purpose of aiding in the construction of the substructure, superstructure and structural approaches of a bridge across the Missouri River between Williams County and McKenzie County, North Dakota, 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.

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

Approved March 7, 1925.

CHAPTER 14
(S. B. No. 52—Committee on Appropriations.)

BUDGET

An Act To appropriate Money for the Expenses of the Executive, Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for which Such Appropriations Shall be Available, and Repealing 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.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATIONS FOR THE EXECUTIVE, LEGISLATIVE, AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.] The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated from any moneys in the State Treasury not otherwise appropriated, for the purposes specified in the following sections of this Act.

§ 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.] Unless otherwise specifically stated, the appropriations 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, 1925. and ending June 30th, 1927.

Section 3. APPROPRIATIONS.)

Sub-division 1.

EXECUTIVE OFFICE

Salary, Governor	\$10,000.00
Clerkhire:	
Secretary to Governor	\$5,600.00
Executive Clerk	3,000.00
Total	\$8,600.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	200.00
Printing	400.00
Miscellaneous	500.00
Contingent Fund	1,250.00
Governor's Conference	300.00
Total	\$21,800.00

Sub-division 2.

LIEUTENANT GOVERNOR

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

SUPREME COURT

Salary—

5 Judges at \$5,500.00 per year	\$55,000.00
Clerk of Court at \$2,500.00 per year	5,000.00
Stenographer and Deputy Clerk at \$125.00 per month	3,000.00
5 Stenographers to Justices at \$110.00 per month	13,200.00
Postage	500.00
Office Supplies	400.00
Furniture and Fixtures	1,400.00
Printing	500.00
Miscellaneous	500.00
Total	\$79,500.00

Sub-division 4.

SUPREME COURT REPORTER & STATE LAW LIBRARIAN

Salary	\$ 5,000.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	100.00
Miscellaneous	200.00
Repairing Books	100.00
Printing Reports and Purchasing Books	10,000.00
Total	\$15,800.00

Sub-division 5.

JUDGES OF DISTRICT COURTS

Salary, 15 Judges at \$4,000.00 per annum	\$120,000.00
Miscellaneous Expenses while holding court outside the County in which the Judges reside	15,000.00
Expenses while serving on the Supreme Bench	100.00
Total	\$135,100.00

Sub-division 6.

SECRETARY OF STATE

Salary	\$ 6,000.00
Clerkhire: Deputy at \$2,800.00 per annum	5,600.00
Chief Clerk and Bookkeeper at \$1,800.00 per annum	3,600.00
Two Stenographers	5,640.00
Three Recording Clerks	7,440.00
Census Clerk	600.00
Extra Clerkhire during Elections and Legislative Assem- blies	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
Total	\$41,580.00

Sub-division 7.

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 of 1925	3,500.00
Party Registration	2,000.00
Popular Edition Session Laws 1925	1,200.00
Total	\$27,100.00

Sub-division 8.

STATE AUDITOR

Salary	\$ 6,000.00
Clerkhire: Deputy	5,600.00
One Bookkeeper at	\$ 4,000.00
One Bookkeeper at	3,600.00
One Bookkeeper at	3,600.00
Audit Clerk	3,600.00
Warrant Clerk	3,000.00
Warrant Writer	3,000.00
Purchasing State Revenue	
Stamps Available April 1st	3,000.00
Total	\$23,800.00
Postage	800.00
Office Supplies	500.00
Furniture and Fixtures	1,500.00
Printing	1,400.00
Miscellaneous	400.00
Travel Expense	400.00
Supplies, Departments & Counties	1,000.00
Lists, New Taxable Lands	300.00
Total	\$41,700.00

Sub-division 9.

STATE TREASURER

Salary	\$ 6,000.00
Clerkhire:	
Deputy Treasurer	\$ 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
Investment Clerk	3,000.00
Stenographer	2,640.00
Assistants for Revenue	
Collection Available April 1st	5,000.00
Total	\$34,040.00

Postage	2,000.00
Office Supplies	500.00
Furniture and Fixtures	300.00
Printing	2,000.00
Miscellaneous	500.00
Travel Expense	300.00
Total	\$45,640.00

Sub-division 10.

INSURANCE DEPARTMENT

Salary, Commissioner of Insurance, \$3,000.00 per annum.....	\$ 6,000.00
Clerkhire:	
Deputy Commissioner	5,600.00
Actuary Examiner	6,000.00
Bookkeeper	3,000.00
Stenographer	2,640.00
Postage	800.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	6,000.00
Miscellaneous	500.00
Travel Expense	400.00
Total	\$31,540.00

Sub-division 11.

STATE FIRE MARSHAL DEPARTMENT

Salary, Fire Marshal at \$2,500.00 per annum.....	\$ 5,000.00
Clerkhire:	
Chief Assistant	3,600.00
Deputy	3,000.00
Postage	400.00
Office Supplies	150.00
Furniture and Fixtures	150.00
Printing	300.00
Miscellaneous	600.00
Travel Expense	5,000.00
Investigations of Suspicious Fires	2,000.00
Fees to Fire Chiefs for Reporting Fires	1,000.00
Total	\$21,200.00

Sub-division 12.

ATTORNEY GENERAL DEPARTMENT

Salary, Attorney General at \$3,600.00 per annum.....	\$ 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	700.00
Printing	2,400.00
Miscellaneous	1,800.00
Travel Expense	4,000.00
Miscellaneous Court Cases	5,000.00
Library	2,000.00
Fund for Cigarette Law Enforcement Available Apr. 1st	7,500.00
Total	\$90,600.00

Sub-division 13.

DEPARTMENT OF PUBLIC INSTRUCTION

Salary, Supt. of Public Instruction at \$3,000.00 per annum\$	6,000.00
Deputy Supt. of Public Instruction	5,600.00
Asst. Supt. Public Instruction	4,000.00
Clerkhire:	
Chief Clerk	3,000.00
One Stenographer	3,000.00
One Stenographer	2,400.00
One Stenographer	1,800.00
Extra Clerkhire	400.00
Postage	1,800.00
Office Supplies	500.00
Furniture and Fixtures	500.00
Printing	16,600.00
Miscellaneous	800.00
Travel Expense	2,500.00
Total	\$48,900.00

Sub-division 14.

DEPARTMENT OF PUBLIC INSTRUCTION
STATE AID AND EXAMINATION

State Aid:	
Salary, One High School Inspector	\$ 5,000.00
Clerkhire:	
1 Stenographer	2,400.00
1 Assistant High School Examiner (for 10 months).....	3,000.00
2 Rural Graded and Consolidated Inspectors.....	8,800.00
Travel Expense, One High School Inspector	2,000.00
Two Rural Graded and Consolidated Inspectors.....	4,000.00

For County Agricultural Schools	20,000.00
For High Schools	170,000.00
For Rural Graded & Consolidated Schools.....	450,000.00
For Teachers' Institutes	10,600.00
Expense Conducting High School & Evening Schools	4,000.00
Eighth Grade Examinations	4,000.00
Total	<u>\$683,800.00</u>

Sub-division 15.

DEPARTMENT OF AGRICULTURE AND LABOR

Salary	\$ 6,000.00
Clerkhire:	
Deputy Commissioner	5,600.00
Office Deputy	4,000.00
1 Stenographer	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	<u>\$24,140.00</u>

Sub-division 16.

DEPARTMENT OF AGRICULTURE AND LABOR

DAIRY DIVISION

Salary, Dairy Commissioner	\$ 5,600.00
Assistant Dairy Commissioners	8,000.00
Clerkhire:	
1 Official Tester	2,640.00
Secretary	3,000.00
Stenographers	2,640.00
Postage	1,600.00
Office Supplies	300.00
Furniture and Fixtures	400.00
Printing	1,600.00
Miscellaneous	700.00
Travel Expense	7,000.00
Total	<u>\$33,480.00</u>

Sub-division 17.

BOARD OF RAILROAD COMMISSIONERS

Salary—Three Commissioners	\$18,000.00
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Clerkhire:

Secretary	5,000.00
Chief Clerk	3,600.00
Traffic Expert	7,200.00
Chief Engineer	7,200.00
Ass't. Engineer	4,000.00
Accountant	5,400.00
Reporter	6,000.00
Stenographers	14,000.00
Postage	2,400.00
Office Supplies	2,000.00
Furniture and Fixtures	1,000.00
Printing	3,000.00
Miscellaneous	1,800.00
Travel Expense	12,000.00
Handling Cases Before Interstate Commerce Commission	4,000.00
Expenses Incurred as Members of National Ass'n.....	2,000.00
Total	<u>\$98,600.00</u>

Sub-division 18.

LAND COMMISSIONER

Salary—Land Commissioner\$ 6,000.00

Clerkhire:

Deputy Land Commissioner	5,000.00
Field Agent	4,000.00
Supervisor of State Farms	4,000.00
Bond and Mortgage Clerk	3,600.00
Lease and Site Clerk	3,000.00
2 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	340.00
Travel Expense	5,000.00
Filing Selection Lists	50.00
Expense Leasing Unsold Lands	3,000.00
Premium on Bonds	150.00
Expense School Land Sale	2,500.00
Total	<u>\$49,520.00</u>

Sub-division 19.

STATE EXAMINER

Salary—State Examiner	\$ 6,000.00
Clerkhire:	
Chief Deputy	5,600.00
Office Deputy	4,800.00
9 Road Deputies	36,000.00
5 City, County and Institution Examiners.....	20,000.00
Chief Clerk	3,600.00
Ass't. Clerk	3,000.00
2 Stenographers at \$110.00 per month	5,280.00
Postage	2,000.00
Office Supplies	700.00
Furniture and Fixtures	400.00
Printing	2,000.00
Miscellaneous	1,250.00
Travel Expense	33,000.00
Bonds for Examiners	1,600.00
 Total	 \$125,230.00

Sub-division 20.

STATE TAX COMMISSIONER

Salary—Tax Commissioner	\$ 8,000.00
Clerkhire:	
Deputy Tax Commissioner	6,500.00
Income Tax Deputy (Office).....	5,600.00
Income Tax Field Auditor and Accountant.....	6,500.00
Asst. Tax Deputy (Equalization & Assessment Work)...	4,000.00
Inheritance Tax Deputy	3,600.00
Cashier (Income)	3,000.00
Statistical Clerk	3,000.00
Abatement Clerk	3,000.00
Corporation Clerk	3,000.00
Stenographer	3,000.00
One Filing Clerk	2,640.00
Income Tax Clerks	2,640.00
Postage	2,400.00
Office Supplies	600.00
Furniture and Fixtures	1,000.00
Printing	5,600.00
Miscellaneous	800.00
Travel Expense	3,600.00
 Total	 \$68,480.00

Sub-division 21.

BOARD OF ADMINISTRATION

Salary, ³ Board Members at \$3,000.00 per annum.....	\$18,000.00
Clerkhire:	
Executive Secretary	5,600.00
Chief Clerk	3,240.00
Stenographer	2,760.00
Auditor	4,800.00
Ass't. Auditor	4,200.00
Bookkeeper	3,000.00
Purchasing Agent	4,800.00
Voucher Clerk	3,000.00
Supply Clerk	2,400.00
Postage	1,500.00
Office Supplies	1,000.00
Furniture and Fixtures	500.00
Printing	2,000.00
Miscellaneous	2,000.00
Travel Expense	12,000.00
Supply Department Revolving Fund	2,000.00
Total	\$72,800.00

Sub-division 22.

STATE SECURITIES COMMISSION

Salary—Executive Officer at \$2,800.00 per annum.....	\$ 5,600.00
Postage	100.00
Miscellaneous	200.00
Travel Expense	800.00
Premium on Bond for Executive Officer.....	50.00
Total	\$ 6,750.00

Sub-division 23.

GUARANTY FUND COMMISSION

Salary—Commissioners per diem at \$5.00.....	\$ 3,000.00
Clerkhire:	
1 Bookkeeper and Assessment Clerk	3,000.00
1 Assistant Secretary	4,800.00
3 Stenographers and Clerks	8,000.00
Postage	6,000.00
Office Supplies	500.00
Furniture and Fixtures	2,000.00
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	\$49,800.00

Sub-division 24.

STATE LIBRARY COMMISSION

Salary—Librarian and Director	\$ 5,000.00
Clerkhire:	
Chief of Traveling Library	3,600.00
Cataloguer	3,200.00
Stenographer and General Assistant	2,640.00
Postage	200.00
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	\$20,840.00

Sub-division 25.

ADJUTANT GENERAL

Salary	\$ 6,000.00
Clerkhire	3,000.00
United States Property & Disbursing Officer.....	4,800.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	200.00
Printing	400.00
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
3 Clerical Assistants at \$110.00 per Month.....	7,920.00
Postage	1,200.00
Office Supplies	400.00

Furniture and Fixtures	400.00
Printing	300.00
Miscellaneous	50.00
Total	\$15,270.00

Sub-division 27.

STATE PRINTER

Salary	\$ 5,000.00
Clerkhire	2,640.00
Extra Clerkhire during Session of Legislature.....	150.00
Postage	200.00
Office Supplies	100.00
Furniture and Fixtures	100.00
Printing	200.00
Miscellaneous	300.00
Travel Expense	300.00
Total	\$ 8,990.00

Sub-division 28.

STATE ENGINEER

Salary, State Engineer	5,000.00
Assistant State Engineer	5,600.00
Clerkhire: Stenographer and Bookkeeper	2,640.00
Postage	300.00
Office Supplies	300.00
Furniture and Fixtures	300.00
Printing	300.00
Miscellaneous	200.00
Travel Expense	2,000.00
Field Assistants	2,000.00
Hydrographic Surveys	1,000.00
Transportation and Equipment	1,500.00
Total	\$21,140.00

Sub-division 29.

INDUSTRIAL COMMISSION

Salary—Secretary at \$2,800.00 per annum.....	\$ 5,600.00
Clerkhire—Bookkeeper	3,000.00
Postage	400.00
Office Supplies	200.00
Furniture and Fixtures	150.00
Printing	740.00

Miscellaneous	600.00
Travel Expense	500.00
Audit Expense	100.00
Total	\$11,290.00

Sub-division 30.

TWENTIETH LEGISLATIVE ASSEMBLY

Mileage and per diem, members	\$55,000.00
Per diem, officers and employees	20,000.00
Printing	20,000.00
Miscellaneous Expense and Supplies.....	7,000.00

Total	\$102,000.00
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§ 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 March 10, 1925.

CHAPTER 15

(S. B. No. 174—Committee on Appropriations.)

STATE BUDGET BOARD

An Act To appropriate the Sum of \$2,000.00 for the Purpose of Paying the Per Diem and Expenses of the State Budget Board as Prescribed by Chapter 61 of the Session Laws of North Dakota for the Year 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 \$2,000.00 or so much thereof as may be necessary to pay the

per diem and traveling expenses of the members of the State Budget Board, for the biennium, beginning July 1st, 1925 and ending June 30th, 1927, as provided by Chapter 61 of the Session Laws of 1915.

Approved February 18th, 1925.

CHAPTER 16

(S. B. No. 15—Committee on Appropriations.)

CAPITOL BUILDING AND GROUNDS

An Act Making an Appropriation of \$104,500.00 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 \$104,500.00 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, to-wit:

General Maintenance	\$66,836.00
Improvements and Repairs	15,000.00
Rent on Down Town Offices	2,664.00
Insurance and Workmen's Compensation	16,000.00
Grading Grounds and Roads and Planting Trees.....	4,000.00

Total	\$104,500.00
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Approved February 17th, 1925.

CHAPTER 17

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

CHILD WELFARE

AN ACT Making an Appropriation of \$11,000.00 for the Use of 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, 1925 and ending June 30th, 1927, to-wit:

Salary of Director	\$ 6,000.00
Clerkhire	2,500.00
Postage	300.00
Office Supplies	100.00
Furniture and Fixtures	50.00
Printing	400.00
Miscellaneous	150.00
Travel Expense	1,500.00
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Total	\$11,000.00
Approved March 10, 1925.	

CHAPTER 18

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

DEPOSITORS GUARANTY FUND

An Act Making an Appropriation of \$19,450.00 to Reimburse the Depositors Guaranty Fund for Moneys Withdrawn Therefrom Under Authority of Section 34 of Chapter 200 of the 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 \$19,450.00, or so much thereof as may be necessary to reimburse the Depositors Guaranty Fund for moneys withdrawn therefrom under authority of section 34 of Chapter 200 of the Session Laws of 1923, to-wit:

Per Diem (3 Commissioners)	\$ 1,350.00
Clerkhire	3,900.00
Office Supplies	400.00
Furniture and Fixtures	600.00
Printing	1,600.00
Miscellaneous—Telegraph, Telephone	1,200.00
Travel Expense—Commissioners	3,800.00
Travel Expense—Inspectors	3,500.00
Salaries for Inspectors (2)	3,000.00
Bonds for Commissioners and Other Employees	100.00

Total	\$19,450.00
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§ 2. EMERGENCY.] This measure shall be declared an emergency and shall be in force and effect from and after its passage and approval.

Approved March 6, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.

See Senate Journal, February 16th, 1925—Page 13.

See House Journal, March 2nd, 1925—Page 35.

CHAPTER 19

(S. B. No. 48—Lynch and Hamilton.)

By Request

LEILA DIESEM

An Act To appropriate the sum of Six Hundred Dollars to Pay Miss Leila Diesem, La Moure, North Dakota, for services rendered in connection with the Compilation of the Blue Book for North Dakota for the year 1919, Under the Direction of the Secretary of State.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATION.] There is hereby appropriated out of the State Treasury not otherwise appropriated the sum of Six Hundred Dollars (\$600.00) for services rendered by Leila Diesem, La-Moure, North Dakota in connection with the Compilation of the Blue Book of North Dakota for the year 1919, under the direction of the Secretary of State.

§ 2. EMERGENCY.] Whereas this bill is of long standing, therefore this Act is declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 10, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.

See Senate Journal, January 24, 1925—Page 8.

See House Journal, March 4, 1925—Page 24.

CHAPTER 20

(S. B. No. 175—Committee on Appropriations.)

STATE EMERGENCY COMMISSION

An Act To appropriate \$40,000.00 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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any funds 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, 1925 and ending June 30th, 1927, 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 1915 for North Dakota.

Approved February 18th, 1925.

CHAPTER 21

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

INSTITUTE FOR THE FEEBLE MINDED

An Act Making an Appropriation for Maintenance, Improvements and Repairs, New Building, Equipment and Miscellaneous Items For the Institution of the Feeble Minded at Grafton.

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 \$267,700.00, or so much thereof as may be necessary to pay for the general maintenance, improvements and repairs, new building, equipment and miscellaneous items of the Institution for the Feeble Minded at Grafton, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

SALARIES AND WAGES

1. Administration	\$ 8,400.00
2. Faculty	14,640.00
3. Other Employees	111,360.00

OPERATING EXPENSE

1. Fuel (including freight)	50,000.00
2. Light, Power, Water, Gas.....	2,000.00
3. Telephone, Telegraph, Postage	800.00
4. Freight and Express	500.00
5. Insurance, Bonds and Etc.....	6,000.00
6. Printing	200.00
7. Travel	500.00
8. Office Supplies	500.00
9. Educational Supplies	2,600.00
10. Power House Supplies	2,100.00
11. Janitor's Supplies	5,000.00
12. Inmates Welfare	2,800.00
13. Food (including meats, etc.).....	39,000.00
14. Clothing	21,000.00
15. Hospital and Medical Service.....	3,000.00
16. Farm and Garden Mtce.	7,000.00
17. Laundry Supplies	2,500.00

Total Maintenance	\$279,900.00
Less Estimated Income, I. & I. Inst. Coll. Etc.....	146,000.00
Net Maintenance	\$133,900.00

IMPROVEMENTS AND REPAIRS

1. Paints and Painting	\$ 800.00
2. Building and Repairs	3,800.00
3. Power House Repairs	2,000.00
4. Heating and Plumbing Repairs	1,000.00
5. New Wells	1,200.00

NEW BUILDINGS

1. Girl's Dormitory (100)	\$110,000.00
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EQUIPMENT

1. Laundry Equipment	2,000.00
2. Kitchen Equipment	1,000.00
3. Telephone Equipment	500.00
4. Pyramid Grates and Crusher	2,500.00
5. Fencing	800.00
6. Beds and Furniture	2,000.00
7. Dormitory Furnishings	2,000.00

MISCELLANEOUS ITEMS

1. Interest	1,000.00
2. Land Rental	3,200.00

Total	\$267,700.00
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Approved March 4, 1925.

CHAPTER 22

(S. B. No. 20—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, 1925 and ending June 30th, 1927.

Approved March 3rd, 1925.

CHAPTER 23

(Senate Bill No. 39—Committee on Appropriations.)

FIRE DEPARTMENTS—INSURANCE

An Act To appropriate the Sum of \$90,000.00 for the Purpose of Paying Insurance Tax to the various Fire Departments of 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 \$90,000.00, or so much thereof as may be necessary to comply with the provisions of Sections 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, 1925 and ending June 30th, 1927.

Approved February 3, 1925.

CHAPTER 24

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

FLORENCE CRITTENDEN HOME

An Act Making an Appropriation for the Florence Crittenden 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 Crittenden 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 January 31, 1925.

CHAPTER 25

(S. B. No. 173—Committee on Appropriations.)

FUGITIVES FROM JUSTICE

An Act Making an Appropriation of \$5,000.00, for the Biennium to Pay the Expenses and Per Diem of Agents in the Arrest and Return of Fugitives from Justice as Prescribed by Section 11162 of the Compiled Laws of 1913 for 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 \$5,000.00, or so much thereof as may be necessary to pay the expenses and per diem of agents in the arrest and return of fugitives from justice, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, as provided for under Section 11162 of the Compiled Laws of 1913 for North Dakota.

Approved February 18, 1925.

CHAPTER 26

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

GAME AND 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 for the biennium beginning July 1st, 1925 and terminating June 30th, 1927, to-wit:

Salary—

- | | |
|---------------------------------------|-------------|
| 1. Wardens | \$21,000.00 |
| 2. Fish Commissioner and Deputy | 6,000.00 |

Clerkhire:

- | | |
|---|----------|
| 1. Secretary | 2,400.00 |
| 2. Clerkhire for Secretary and Wardens..... | 3,000.00 |
| 3. Per Diem and Board Officers..... | 1,000.00 |

Postage	600.00
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Office Supplies	500.00
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Furniture and Fixtures	500.00
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Printing	2,000.00
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Miscellaneous	2,000.00
Travel Expense—Officers, Wardens, Secretary.....	27,000.00
Office Rent, Two Chief Wardens and Secretary.....	1,000.00
Travel Expense—Fish Commissioner and Deputy.....	2,400.00
Care and Propagation of Game and Fish.....	5,000.00
Maintenance of Game Farms	5,000.00
Maintenance of Fish Hatcheries	5,000.00
Rewards and Convictions	2,000.00
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 March 10, 1925.

CHAPTER 27

(S. B. No. 93—Patten.)

GRAIN GRADING DEPT.

An Act Making an Appropriation for the Purpose of Carrying Out and Maintaining General Supervision and Regulation of Grain Grading, Elevator Accounting, Bonding, Licensing, and Inspection of Elevators, Warehouses and Flour Mills, in the Handling of all Agricultural Products.

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 \$45,500.00 for the biennium, or so much thereof as may be necessary for the purpose of maintaining and carrying out of the general supervision and regulation of grain grading, elevator accounting, bonding, licensing, and inspection of elevators, warehouses, and flour mills in the handling of all agricultural products.

This amount to be budgeted as follows:

Salary—	
Chief Inspector	\$ 6,000.00
Chief Elevator Accountant	5,600.00
Federal Licensed Inspector	4,800.00
License Clerk	2,400.00
Elevator Inspectors (2)	7,200.00
Stenographers (2)	5,040.00
Postage	1,200.00
Office Supplies	200.00
Furniture and Fixtures	1,000.00
Printing	1,500.00

Potato Inspection	1,000.00
Miscellaneous	1,560.00
Travel Expense	8,000.00
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Total	\$45,500.00

Provided, that this act shall in no way limit or prevent the expenditure or disbursement of any funds in The North Dakota Grain Grading Fund as provided in The North Dakota Grain Grading Act approved November 7, 1922.

Approved March 4, 1925.

CHAPTER 28

(S. B. No. 165—Ritchie, Stevens & Rusch.)

GRAND ARMY OF THE REPUBLIC

An Act Providing for an Annual Appropriation of \$1,000.00 for the Purpose of Aiding the Department of North Dakota of the Grand Army of the Republic, in Maintaining the Expense of its organization, And to Aid in Defraying the Expenses of its Annual Encampment.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ I. APPROPRIATION.] There is hereby appropriated annually out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$1,000.00 for the purpose of aiding in maintaining the organization of Civil War Veterans known as the Department of North Dakota of the Grand Army of the Republic, and to defray the expenses of its annual encampment. The money shall be expended for the Department upon vouchers approved by the Quartermaster General of the Department of North Dakota, Grand Army of the Republic and countersigned by the Department Commander.

Approved February 20th, 1925.

CHAPTER 29

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

STATE HISTORICAL SOCIETY

An Act Making An Appropriation of \$21,350.00 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:

§ I. APPROPRIATION.] There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of \$21,350.00, or so much thereof as may be necessary to pay

the Salary, Clerkhire and miscellaneous of the State Historical Society for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salary, Superintendent	\$ 5,000.00
Clerkhire:	
Cataloguer	3,600.00
Assistants in Museum and Library	2,400.00
Assistant in Catalogue Work and Office Stenographer..	2,000.00
Postage	350.00
Office Supplies	500.00
Furniture and Fixtures	600.00
Printing	1,350.00
Miscellaneous	350.00
Travel Expense	600.00
Field Work	300.00
Museum	1,000.00
Books, Periodicals and Scientific Reports	1,000.00
Binding Newspapers and Pamphlets	1,300.00
State Parks	1,000.00

Total\$21,350.00

Approved February 16, 1925.

CHAPTER 30

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

HOSPITAL FOR THE INSANE

An Act Making an Appropriation for the State Hospital for the Insane at Jamestown for the Payment of Salaries and Wages, Improvements and Repairs, New Building, Equipment and Miscellaneous Items.

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 \$76,500.00, or so much thereof as may be necessary to pay the salaries and wages, improvements and repairs, new building, equipment and miscellaneous items of the State Hospital for the Insane at Jamestown for the biennium, beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$30,800.00
2. Other Employees	314,460.00

Operating Expenses:

1. Fuel (including freight)	136,000.00
2. Telephone, Telegraph, Postage	2,400.00

3. Travel	1,200.00
4. Office Supplies	1,400.00
5. Power House Supplies	1,400.00
6. Janitor's Supplies	19,000.00
7. Inmates Welfare	9,000.00
8. Food (including meats, etc.).....	172,000.00
9. Clothing	42,000.00
10. Hospital and Medical Service	8,000.00
11. Laundry Supplies	8,200.00
12. Beds and Bedding	9,000.00
13. Painting	8,400.00
14. Farm, Lawn, Garden	20,000.00
15. Miscellaneous	4,000.00
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Total Maintenance.....	\$787,260.00
Less Estimated Income, I & I, Inst. Coll.	787,260.00
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IMPROVEMENTS AND REPAIRS.

1. Repairs and Upkeep of Building	12,000.00
2. Fuel Testing Equipment	2,000.00

NEW BUILDING

1. Enlarging Dining Room	40,000.00
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EQUIPMENT

1. Furniture and Furnishings	5,000.00
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MISCELLANEOUS

1. Insurance	17,500.00
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Total	\$76,500.00
Approved March 4, 1925.	

CHAPTER 31

(H. B. No. 90—Committee on Appropriations.)

HOSPITAL FOR THE INSANE

An Act Making an Appropriation of \$40,000.00 for the Purchase of Land and the Installing of a Waterworks System at the Hospital for the Insane at Jamestown.

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, or so much thereof as may be necessary, to the State Hospital for the Insane at Jamestown, for the Purpose of buying a certain tract of land known as the Alson Wells farm and the installation of a well and pumping station thereon. This amount to be divided as follows:

Purchase of Land	\$20,000.00
Well and Pumping Station	20,000.00

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

Approved February 9, 1925.

CHAPTER 32

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

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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$13,500.00, or so much therefor as may be necessary to pay the salary, stenographer, printing and miscellaneous items for the Commissioner of Immigration, for the biennium beginning July 1st, 1925 and terminating June 30th, 1927, to-wit:

Salary	\$ 5,000.00
Stenographer	2,400.00
Postage	1,000.00
Office Supplies	600.00
Printing Pamphlets, Circulars and Cuts	2,500.00
Telephone, Telegraph, Etc.,	500.00
Travel Expense	1,500.00

Total	\$13,500.00
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Approved March 7, 1925.

CHAPTER 33

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

INSANE PATIENTS AT LARGE

An Act Making an Appropriation of \$70,000.00 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 \$70,000.00 or so much thereof as may be necessary to care for the insane patients whose residence can not be determined and whose care must be borne by the state, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved February 13, 1925.

CHAPTER 34
(H. B. No. 294—Yeater.)

APPROPRIATION—EXPENSES HIGHWAY COMMISSION INVESTIGATION. A CONCURRENT RESOLUTION

To Provide Money to Pay the Expenses Incurred by the Special House Committee in Its Investigation of the State Highway Commission as Authorized by the House Resolution Known as House Bill 72.

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

WHEREAS, The Special House Committee investigating the State Highway Commission incurred expenses consisting of the per diem and expenses of employees, the per diem and mileage of witnesses and the per diem of counsel during the time that the State Highway Commission was under investigation;

THEREFORE, BE IT RESOLVED By the House of Representatives, the Senate concurring, that the Legislative Assembly appropriate and pay out of moneys on hand in the appropriation for the Nineteenth Legislative Assembly of the State of North Dakota, or from any funds available or to become available for that purpose, the sum of Four Thousand Eleven and 90/100 Dollars (\$4,011.90), or so much thereof as may be necessary to pay the per diem and expenses of employees, the per diem and mileage of witnesses and the per diem of counsel incurred by the Special House Committee appointed by the House of Representatives of the Nineteenth Legislative Assembly, said sum to be paid to the particular individuals in the specific amounts as hereinafter named, designated and specified.

Dan. R. Jones, Wahpeton, North Dakota	\$ 2.10
R. B. McDonald, Solen, North Dakota	2.10
T. R. Atkinson, Bismarck, North Dakota	4.10
J. H. Newton, Mandan, North Dakota	4.70
J. H. McAuliff, Mandan, North Dakota	4.70
John N. Smith, Fort Lincoln, North Dakota	2.50
R. H. Myhra, Wahpeton, North Dakota	41.40
Treadwell Twichell, Mapleton, North Dakota	39.00
C. H. Lucke, Moorhead, Minnesota	24.00
John Gavin, Springfield, Missouri	75.40

C. F. Mudgett, Valley City, North Dakota	16.00
J. A. Wallace, Bismarck, North Dakota	2.10
Irma B. Shepard, Ellendale, North Dakota	700.00
Sigrid Alfson, Bismarck, North Dakota.....	300.00
B. F. Tillotson, Bismarck, North Dakota	214.00
A. W. Luehrs, Bismarck, North Dakota	97.50
Ben Martin, Bismarck, North Dakota.....	85.00
Ted Meinhover, Bismarck, North Dakota	37.50
Robert Yeater, Bismarck, North Dakota	108.00
Glenn Jensen, Bismarck, North Dakota.....	37.50
O. R. Vold, Bismarck, North Dakota.....	82.50
Tom Lauder, Bismarck, North Dakota.....	65.00
Hotel McKenzie, Bismarck, North Dakota.....	73.70
Rohrer's Taxi Service, Bismarck, North Dakota.....	10.00
F. J. Graham, Ellendale, North Dakota.....	1,350.00
C. E. Lounsbury, Wahpeton, North Dakota	633.40
Total	\$4,011.90

CHAPTER 35

(Concurrent Resolution No. 293—Martin.)

JOURNALS OF 19TH LEGISLATIVE ASSEMBLY

Be It Resolved By The House Of Representatives, The Senate Concurring:

That the State Printing Commission be, and is hereby authorized and empowered to supervise the comparison and indexing of the Journals of the Nineteenth (19th) Legislative Assembly and that the cost of such work be charged to Legislative Expense, such work to be done under the supervision of such commission; that C. R. Verry, Secretary of the Senate, and Miss Barbara Seavey, Desk Stenographer, be employed to complete the Senate Journal and that Howard Thomas, first assistant chief clerk, and David Poindexter, be employed to complete the House Journal;

And be it further resolved that the Printing Commission is hereby required to use their diligence in expediting the work of comparison and indexing the Journals of the two Houses, to the end that the bound volumes of the Journals shall be ready for distribution within the shortest possible time from the date of adjournment of this Legislative Assembly; that the temporary journals of the last days of the session, not delivered the members during the session of the Nineteenth (19th) Legislative Assembly, be mailed to them as soon as printed.

And be it further resolved that the compensation for the same shall be at the rate of Seven Dollars (\$7.00) per day.

Filed March 11, 1925.

CHAPTER 36

(Concurrent Resolution No. 291—Twichell.)

EXPENSES OF SPECIAL COMMITTEE—HOSPITAL FOR THE INSANE

To Provide for the Payment of Expenses of the Special Committee Named by the Governor at the Instance of the House and Senate State Affairs Committee, for the Purpose of Investigating Conditions at the State Hospital at Jamestown, North Dakota.

Be It Resolved By The House Of Representatives Of The State Of North Dakota, The Senate Concurring:

WHEREAS, the Joint State Affairs Committee of the House and Senate of the Nineteenth Legislative Assembly caused to be appointed by the Governor a special committee of three, consisting of Senator Fredrickson, Representative Standley and Representative Sanford to visit the State Hospital for the Insane and investigate into certain conditions there, and,

WHEREAS, the said committee has performed the duty devolved upon it;

THEREFORE, be it resolved by the House of Representatives, the Senate concurring, that the Legislative Assembly appropriate and pay out of moneys on hand in the appropriation for the Nineteenth Legislative Assembly of the State of North Dakota or from any funds available, or to become available, for that purpose, the sum of \$47.03 to reimburse the members of said committee for expenses in connection with this investigation; \$16.11 of such amount to be paid to L. O. Fredrickson, \$14.66 to be paid to I. W. Standley, and \$16.26 to be so paid to I. Sanford.

Filed March 11, 1925.

CHAPTER 37

(H. B. No. 286—Burns.)

OPPOSITION TO INCREASE IN LIGNITE FREIGHT RATES

An Act Directing the State Emergency Commission to Provide Funds for Opposing Any Increase in Lignite Freight Rates 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 Emergency Commission to transfer to the Attorney General's Department of the State of North Dakota such sum or sums of money as, in the opinion of said Commission, such department shall require, not exceeding \$15,000.00, for use in opposing any increase in lignite freight rates.

§ 2. There is hereby appropriated to the State Emergency Commission out of any funds in the State Treasury not otherwise

appropriated, the sum of \$15,000.00 for the purpose of carrying out the provisions of this Act.

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

Approved March 10, 1925.

CHAPTER 38

(S. B. No. 41—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 and for the Glanders & Dourine and Bovine Tuberculosis Funds.

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 State Treasury not otherwise appropriated, the sum of \$126,850.00 or so much thereof as may be necessary to pay the general expenses of the State Live Stock Sanitary Board and for the Glanders & Dourine and the Bovine Tuberculosis Funds, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

For compensation and expenses for the Board of Trustees of the Live Stock Sanitary Board.....	\$ 1,200.00
Salary of 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
Services and Expenses of Board's Agents.....	18,000.00
Insurance Premium in Workmen's Compensation Bureau	650.00
Glanders & Dourine Fund	5,000.00
Bovine Tuberculosis Fund	90,000.00

Total\$126,850.00

Approved February 13, 1925.

CHAPTER 39

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

MINE INSPECTION DEPARTMENT

An Act Making an Appropriation of \$10,200.00 for the Purpose of Paying the General Expenses of Carrying out the Provisions of Chapter 168 of the Session Laws of 1919, Relating to Mine Inspection.

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 State Treasury, not otherwise appropriated the sum of \$10,200.00, or so much thereof as may be necessary to pay for the salary, clerkhire and contingent expenses for the biennium, beginning July 1st, 1925 and ending June 30th, 1927, for the Department of Mine Inspection, to-wit:

Salary of Chief Inspector	\$ 5,000.00
Clerkhire	2,000.00
Examining Board Per Diem and Expenses.....	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 3, 1925.

CHAPTER 40

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

MINIMUM WAGE DEPARTMENT

An Act Making an Appropriation for the Current and Contingent Expenses of the Minimum Wage, Health and Morals of Women Workers, for Salary, Postage, Office Supplies, Printing, Traveling Expenses, Hearings, Conferences, Witness Fees, Legal Fees and Office Rent.

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 \$6,500.00 or so much thereof as may be necessary for the current and contingent expenses of the Minimum Wage, Health and Morals of Women Workers for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salary of Secretary	\$ 3,240.00
Postage	250.00
Office Supplies	150.00
Printing	300.00
Miscellaneous	100.00
Travel Expense	600.00
Hearings, Conferences, Witness and legal Fees.....	1,500.00
Office Rent	360.00

Total\$6,500.00

Approved February 20, 1925.

CHAPTER 41

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

MOTOR VEHICLE DEPARTMENT

An Act Making an Appropriation for the General Expenses of 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 to the department of Motor Vehicle Registration Bureau the sum of \$92,650.00, out of any moneys in the State Highway Fund, or so much thereof as may be necessary to pay the general expenses for the biennium beginning July 1st, 1925 and ending June 30th, 1927, as prescribed under Paragraph 2 of Section 11 of Chapter 44 of the Laws of the Special Session of North Dakota for the year 1919, to-wit:

Salary	\$ 4,800.00
Clerkhire	24,000.00
Postage	21,500.00
Office Supplies	400.00
Furniture and Fixtures	1,500.00
Printing	4,000.00
Miscellaneous	850.00
Travel Expense	1,000.00
Special Agents	2,000.00
Tags	32,000.00
Transportation Equipment	600.00

Total\$92,650.00

Approved February 16, 1925.

CHAPTER 42

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

NATIONAL GUARD

An Act To appropriate \$60,000.00 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 not otherwise appropriated in the State Treasury the sum of \$60,000.00, or so much thereof, as may be necessary to pro-

vide 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 1913 for North Dakota, and to meet other requirements prescribed by the Federal Statutes, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved February 6, 1925.

CHAPTER 43

(H. B. No. 25—Committee on Appropriations.)

DICKINSON NORMAL

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

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 State Treasury, not otherwise appropriated, the sum of \$150,650.00, or so much thereof as may be necessary to pay the current and contingent expenses, improvements and repairs and equipment of the State Normal School, Dickinson, North Dakota, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$11,600.00
2. Faculty	82,000.00
3. Other Employees	16,800.00

Operating Expenses:

1. Fuel (including freight)	15,500.00
2. Light, Power, Water, Gas.....	4,100.00
3. Telephone, Telegraph, Postage	1,000.00
4. Freight and Express	550.00
5. Insurance, Bonds, etc.....	5,300.00
6. Printing	1,200.00
7. Travel	400.00
8. Office Supplies	400.00
9. Educational Supplies	3,500.00
10. Power House Supplies	800.00
11. Janitor's Supplies	1,100.00
12. Student's Welfare	900.00

Total Maintenance	\$145,150.00
Less Estimated Income, I & I, Inst. Coll., etc.....	16,000.00
Net Maintenance	\$129,150.00

Improvements and Repairs:

1. For Truck & Wagon Scales.....	\$ 275.00
2. Window Shades and Fixtures	625.00
3. Hot Water Tanks	700.00
4. Return Steam Pump	600.00
5. Improvements to Grounds	1,000.00
6. Electric Fixtures and Lamps	2,800.00
7. Cement Walks	2,000.00
8. Steel Lockers	1,500.00

Equipment:

1. Apparatus & Equipment, Gymnasium	900.00
2. Furniture and Equipment, Offices	600.00
3. Furniture and Equipment, Cafeteria	500.00
4. Furniture and Equipment, Library	800.00
5. Furniture and Equipment, Man'l. Training.....	800.00
6. Furniture & Equipment, Home Economics.....	900.00
7. Furniture and Equipment, Class Rooms.....	2,000.00
8. Laboratory Tables & App. Science	2,500.00
9. Library Books & Periodicals	3,000.00

Total\$150,650.00

Approved February 17, 1925.

CHAPTER 44

(H. B. No. 42—Rabe.)

DICKINSON NORMAL—LOAN

An Act Making an Appropriation of \$16,200.00 to Provide for the Payment of a Loan Made to the State Normal School at Dickinson, 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 \$16,200.00, or so much thereof as may be necessary, to provide for the payment of a loan made to the State Normal School at Dickinson, North Dakota, by certain banks of that city.

§ 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 9, 1925.

CHAPTER 45

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

MAYVILLE NORMAL

An Act Making an Appropriation For the Current and Contingent Expenses of the State Normal School, Mayville, and For Equipment and Improvements and Repairs.

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 \$134,720.00, or so much thereof as may be necessary to pay the current and contingent expenses of the State Normal School at Mayville, together with improvements and repairs, equipment and miscellaneous items for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$15,860.00
2. Faculty	84,000.00
3. Other Employees	28,280.00

Operating Expense:

1. Fuel (including freight).....	24,000.00
2. Light, Power, Water, Gas.....	6,500.00
3. Telephone, Telegraph, Postage	1,200.00
4. Insurance, Bonds, and Etc.....	5,600.00
5. Printing	1,200.00
6. Travel	400.00
7. Office Supplies	1,000.00
8. Educational Supplies	2,500.00
9. Power House Supplies	1,600.00
10. Janitor's Supplies	2,000.00
11. Student's Welfare	600.00
12. Truck Maintenance	500.00
13. City Board of Education	8,000.00

Total Maintenance\$183,240.00

Less estimated income, I. & I. Inst. Coll., Etc..... 55,000.00

Net Maintenance\$128,240.00

Improvements and Repairs:

1. Repairs, Plumbing, Heating, Ventilating.....	2,000.00
2. Repairs on Main Bldg.	1,000.00
3. Weather Stripping & Calking Main Bldg.....	600.00

Equipment:

1. New Furniture, Class Room, Office, Dormitory.....	800.00
2. Two Office Typewriters	80.00
3. Library Books and Etc.	1,500.00

Miscellaneous Items:

1. Interest	500.00
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Total\$134,720.00

Approved March 7, 1925.

CHAPTER 46

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

MINOT NORMAL

An Act Making an Appropriation for the Current and Contingent Expenses of the State Normal School, Minot, North Dakota, and Making Permanent Improvements and Repairs Thereto.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. APPROPRIATIONS.] There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury the sum of \$306,325.00, or so much thereof as may be necessary for the purpose of providing for the current and contingent expenses of the State Normal School, Minot, North Dakota, and providing improvements and repairs and miscellaneous items for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

General Maintenance:

1. Administration	\$23,100.00
2. Faculty	155,000.00
3. Other Employees	33,500.00
4. Fuel (including freight)	26,500.00
5. Light, Power, Water, Gas.....	3,000.00
6. Telephone, Telegraph, Postage	1,500.00
7. Freight and Express	1,000.00
8. Insurance, Bonds, etc.	4,400.00
9. Printing	2,000.00
10. Travel	400.00
11. Office Supplies	825.00
12. Educational Supplies	6,000.00
13. Power House Supplies	1,200.00
14. Janitor's Supplies	2,000.00
15. Student's Welfare	1,500.00
16. Campus Maintenance	500.00

Total Maintenance\$262,425.00

Less Estimated Income, I & I, Inst. Col.....	36,000.00
Total Net Maintenance	\$226,425.00
Improvements and Repairs :	
1. General Repairs	3,500.00
2. Fencing Farm and Grounds	500.00
3. Finishing Auditorium	65,000.00
Equipment :	
1. Science and Agri. Equipment	1,000.00
2. Furniture	1,000.00
3. Library Books and Periodicals	3,000.00
4. Pyramid Grates and Blower	1,000.00
Miscellaneous :	
1. Taxes and Special Improvements.....	3,400.00
2. Interest	1,500.00
Total	\$306,325.00
Approved March 10, 1925.	

CHAPTER 47

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

VALLEY CITY NORMAL

An Act Making an Appropriation for the Current and Contingent Expenses of The State Normal School, at Valley City, North Dakota, and Making Permanent Improvements and Repairs Thereto.

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 State Treasury, not otherwise appropriated, the sum of \$317,650.00, or so much thereof as may be necessary to pay the current and contingent expenses and the permanent improvements and repairs to the State Normal School, Valley City, North Dakota, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages :

1. Administration	\$27,100.00
2. Faculty	241,400.00
3. Other Employees	55,500.00

Operating Expense :

1. Fuel (including freight)	30,000.00
2. Light, Power, Water, Gas.....	3,200.00
3. Telephone, Telegraph, Postage	2,000.00

4. Freight and Express	1,250.00
5. Insurance, Bonds, etc.	11,550.00
6. Printing	2,000.00
7. Travel	400.00
8. Office Supplies	1,000.00
9. Educational Supplies	6,000.00
10. Power House Supplies	2,200.00
11. Janitor's Supplies	4,000.00
12. Student's Welfare	2,000.00

Total Maintenance\$389,600.00

Less Estimated Income, I & I, Inst. Coll., Etc.100,000.00

Net Maintenance\$289,600.00

Improvements and Repairs:

1. General Repairs	5,000.00
2. Heating Plant Repairs & Addition.....	3,500.00
3. Water Work Improvement (V. C. Assessment).....	11,300.00

Equipment:

1. Library, Books, Periodicals, Binding, Supplies.....	2,500.00
2. Pyramid Grates and Blower	1,200.00
3. Furniture for Dormitories	2,000.00

Miscellaneous Items:

1. Paving Normal Avenue	2,550.00
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Total\$317,650.00

Approved March 7, 1925.

CHAPTER 48

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

NORMAL AND INDUSTRIAL SCHOOL—ELLENDALE

An Act Making An Appropriation for The Current and Contingent Expenses of The State Normal and Industrial School at Ellendale, and for Improvements and Repairs thereto.

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 \$93,794.00, or so much thereof as may be necessary to pay the current and contingent expenses and improvements and repairs,

equipment and miscellaneous items of the State Normal and Industrial School at Ellendale, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$11,200.00
2. Faculty	75,088.00
3. Other Employees	15,966.00

Operating Expense:

1. Fuel (including freight)	12,000.00
2. Light, Power, Water, Gas	600.00
3. Telephone, Telegraph, Postage	720.00
4. Freight and Express	400.00
5. Insurance, Bonds and etc.	4,200.00
6. Printing	1,000.00
7. Travel	400.00
8. Office Supplies	600.00
9. Educational Supplies	2,000.00
10. Power House Supplies	400.00
11. Janitors Supplies	800.00
12. Student's Welfare	1,000.00
13. Instructors for Summer School	5,000.00
14. Farm Maintenance	1,000.00
15. Practice Teaching	720.00

Total Maintenance	\$133,094.00
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Less Estimated Income, I & I Inst. Coll. Etc.....	44,000.00
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Net Maintenance	\$89,094.00
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Improvements and Repairs:

1. Watermain Repairs	200.00
2. Repairs on Bldgs.	1,000.00
3. Repair of Walks and grounds.....	300.00

Equipment:

1. Laboratories	1,000.00
2. Replacements	500.00
3. Library Books, Periodicals and Etc.....	1,200.00

Miscellaneous Items:

1. Interest to Bank of North Dakota	500.00
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Total	\$93,794.00
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Approved February 17, 1925.

CHAPTER 49

(S. B. No. 37—Marshall.)

NORMAL AND INDUSTRIAL SCHOOL—ELLENDALE

An Act To appropriate the sum of \$38,208.34, or so much thereof as may be needed, for the purpose of paying certain Revenue Warrants issued by the Board of Trustees of the State Industrial School and School for Manual Training at Ellendale for the repayment of \$35,000.00 borrowed and used for the erection of a building at such school; and providing the manner of repayment of same with unpaid interest.

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 State Treasury, not otherwise appropriated, the sum of Thirty-eight Thousand Two Hundred Eight and 34/100s (38,208.34) Dollars, or so much thereof as may be needed for the purpose, to pay to The Home Trust Company, as Executor of the Last Will and Testament of Andrew Carnegie, deceased, the sum of Thirty-five Thousand (35,000.00) Dollars, for principal, and the sum of Thirty-two Hundred Eight and 34/100s (3,208.34) Dollars, for interest unpaid thereon, from March 15th, 1923, at the rate of four per cent. per annum, in accordance with the terms of Seven (7) certain Revenue Warrants, dated April 9th, 1902, each for Five Thousand (5,000.00) Dollars, issued to Andrew Carnegie by the Board of Trustees of the State Industrial School and School for Manual Training in accordance with a certain resolution of the said Board of Trustees and as evidence of a loan of Thirty-five Thousand (35,000.00) Dollars, made by Andrew Carnegie to such School and used in the year 1902 by such Board of Trustees to erect a building for the use of such School.

§ 2. STATE TREASURER AND AUDITOR, DUTIES OF.] Immediately upon the taking effect of this Act such Executor of the Last Will and Testament of Andrew Carnegie, deceased, shall present all of the said Revenue Warrants to the State Auditor, who shall draw his warrant for the sum of Thirty-eight Thousand Two Hundred Eight and 34/100s (38,208.34) Dollars, or so much thereof as is then shown to be due thereon, in payment for the sums due for principal and interest, as set forth in Section 1 of this Act. Upon the payment of such warrant the State Treasurer shall cancel and retire such Revenue Warrants.

Approved February 21, 1925.

CHAPTER 50

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

PARDON BOARD

An Act to appropriate \$1,000.00 to provide funds for the payment of the per diem and necessary expenses of the Members of the State Board of Pardons.

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 \$1,000.00, or so much thereof as may be necessary to pay the per diem and necessary traveling expenses and miscellaneous items of expense incurred by such board, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved January 26, 1925.

CHAPTER 51

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

PENITENTIARY

An Act Making an Appropriation of \$265,540.00 for the Current and Contingent Expenses of the State Penitentiary and for Making Permanent Improvements and Repairs Thereto.

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 \$265,540.00, or so much thereof as may be necessary to pay the current and contingent expenses together with improvements and repairs of the State Penitentiary for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

- | | |
|--------------------------|-------------|
| 1. Administration | \$18,000.00 |
| 2. Other Employees | 73,000.00 |

Operating Expense:

- | | |
|--|-----------|
| 1. Fuel (including freight) | 30,000.00 |
| 2. Light, Power, Water, Gas | 4,000.00 |
| 3. Telephone, Telegraph, Postage | 2,500.00 |
| 4. Freight and Express | 1,500.00 |
| 5. Insurance, Bonds and etc. | 11,500.00 |
| 6. Printing | 1,000.00 |

7. Travel and Prison Congress	1,200.00
8. Office Supplies	2,000.00
9. Educational Supplies	500.00
10. Power House Supplies	6,000.00
11. Janitor's Supplies	1,500.00
12. Inmates Welfare	2,000.00
13. Food (including meats, etc.)	60,000.00
14. Clothing	12,000.00
15. Hospital and Medical Service	5,000.00
16. Warden's Expense	1,000.00
17. Bertillion and Escapes	5,000.00
18. Transportation & Clothing (Released Convicts).....	8,000.00
19. Maintenance of Autos, Trucks and Tractors.....	4,000.00
20. Inmates Wages	20,000.00
21. Mtc. Farm and Shops	7,000.00
<hr/>	
Total Maintenance	\$276,700.00
Less Estimated Income	40,000.00
<hr/>	
Net Maintenance	\$236,700.00
Improvements and Repairs :	
1. General Repairs	11,000.00
2. New Fire Proof Roof on Power House.....	4,000.00
3. Drilling Well	1,000.00
4. Electric Device for Operating Gates	2,500.00
5. Septic Tank for Penitentiary Sewer	4,000.00
6. Rebuilding Cell House Tower	500.00
Equipment :	
1. Kitchen Range	500.00
Miscellaneous Items :	
1. Payments, Interest and Rentals of Land.....	5,340.00
<hr/>	
Total	\$265,540.00
Approved March 4, 1925.	

CHAPTER 52

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

PUBLIC HEALTH DEPARTMENT

An Act Making an Appropriation for the Current and Contingent Expenses of the Department of Public Health for the Biennium, beginning on July 1st, 1925 and ending on June 30th, 1927.

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 State Treasury, not otherwise appropriated, for the biennium beginning on July 1st, 1925 and ending on June 30th, 1927, the sum of \$40,150.00, or so much thereof as may be necessary for the purpose of providing for the current and contingent expenses of the Department of Public Health, to-wit:

Salary of State Health Officer\$ 7,200.00
Clerkhire:

Bureau of Vital Statistics:	
1 Statistician	3,600.00
2 Clerks	4,800.00
1 Director Venereal Disease	6,000.00
1 Clerk	2,400.00
Postage	1,000.00
Office Supplies	900.00
Furniture and Fixtures	2,000.00
Printing	2,000.00
Miscellaneous	750.00
Travel Expense	2,000.00
To Match the Federal Bill, Known as the Sheppard-Towner Bill	3,000.00
Card Indexing, Numbering and Binding Birth and Death	
Reports:	
2 Clerks	4,000.00
Binding of 500 Volumes	400.00
Cards and Printing	100.00
Total	\$40,150.00

Approved February 16, 1925.

CHAPTER 53

(S. B. No. 172—Committee on Appropriations.)

PREMIUMS ON BONDS OF STATE OFFICIALS

An Act To appropriate the Sum of \$2,000.00 for the Purpose of Paying Premiums on Bonds of State Officials as Provided for by Chapter 175 of the Session Laws of North Dakota for the Year 1917.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. 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 to pay the premiums on bonds of State Officials, bonded under the provisions

of Chapter 175 of the Session Laws of North Dakota for the year 1917, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved February 18, 1925.

CHAPTER 54

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

REWARD AND APPREHENSION OF CRIMINALS

An Act Making An Appropriation for the Reward and Apprehension of Criminals According to Chapter 200 of the Session Laws of 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 \$1,000.00, or so much thereof as may be necessary to pay rewards for apprehension of criminals, for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved January 31, 1925.

CHAPTER 55

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

SCHOOL FOR THE BLIND

An Act Making an Appropriation for the Current and Contingent Expenses with Improvements and Repairs, Equipment and Miscellaneous Items for the State School for the Blind at Bathgate.

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 \$34,000.00, or so much thereof as may be necessary to pay the general maintenance, equipment, improvements and repairs and miscellaneous items of the State School for the Blind at Bathgate, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

- | | |
|--------------------------|-------------|
| 1. Administration | \$ 6,000.00 |
| 2. Faculty | 10,460.00 |
| 3. Other Employees | 10,460.00 |

Operating Expense:

1. Fuel (including freight)	7,000.00
2. Light, Power, Water, Gas	500.00
3. Telephone, Telegraph, Postage	150.00
4. Freight and Express	100.00
5. Insurance, Bonds and Etc.....	1,630.00
6. Printing	50.00
7. Office Supplies	250.00
8. Educational Supplies	800.00
9. Power House Supplies	350.00
10. Janitor's Supplies	500.00
11. Student's Welfare	300.00
12. Food (including meats, etc.)	7,600.00
13. Hospital and Medical Services	400.00
14. Laundry Supplies	270.00
15. Bedding	350.00
16. Farm and Garden Mtce.	1,900.00

Total Maintenance\$49,070.00

Less Estimated Income, I & I, Inst. Coll., Etc..... 20,070.00

Net Maintenance\$29,000.00

Improvements and Repairs:

1. General Repairs	1,500.00
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Equipment:

1. Kitchen Utensils	200.00
2. Furniture	1,000.00
3. Books & Musical Instruments	500.00
4. Replacements	800.00

Miscellaneous:

1. Care of Blind Babies	1,000.00
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Total\$34,000.00

Approved February 13, 1925.

CHAPTER 56

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

APPROPRIATION—SCHOOL FOR THE DEAF

An Act Making an Appropriation to Pay the Current and Contingent Expenses of the School for the Deaf at Devils Lake, Together with Improvements and Repairs, Equipment and Miscellaneous Items.

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 \$147,329.00, or so much thereof as may be necessary to pay the current and contingent expenses, improvements and repairs, equipment and miscellaneous items of the School for the Deaf at Devils Lake, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$11,640.00
2. Faculty	53,000.00
3. Other Employees	27,500.00

Operating Expense:

1. Fuel (including freight)	17,500.00
2. Light, Power, Water, Gas	2,500.00
3. Telephone, Telegraph, Postage	750.00
4. Insurance, Bonds, Etc.	6,500.00
5. Printing	2,000.00
6. Travel	600.00
7. Office Supplies	200.00
8. Educational Supplies	5,000.00
9. Power House Supplies	600.00
10. Janitor's Supplies	1,150.00
11. Student's Welfare	500.00
12. Food (including meats, etc.)	17,500.00
13. Hospital and Medical Service	600.00
14. Farm, Supplies and Upkeep	1,800.00
15. Automobile Upkeep	650.00
16. Kitchen Supplies	800.00
17. Bedding and Linen	1,500.00
18. Laundry Supplies	350.00

Total Maintenance	\$152,640.00
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Less Estimated Income, I & I Inst. Coll.	23,000.00
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Net Maintenance	\$129,640.00
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Improvements and Repairs:

1. Upkeep of Grounds, Nursery Stock	\$ 500.00
2. Heating and Plumbing	1,000.00
3. Electric Wiring and Supplies	350.00
4. Painting	1,000.00
5. General Repairs of Buildings	2,000.00
6. Rewiring of Main Building	1,000.00

Equipment:

1. Book Binding Equipment	2,200.00
2. Library and Text Books	1,000.00

3. Furniture	2,500.00
4. Model 14 Linotype for Print Shop.....	4,500.00
Miscellaneous Items:	
1. Western Union Clock Rental (Flat Rate).....	314.00
2. Land Rental	700.00
3. Interest on Borrowed Money	500.00
4. Purchasing Bull	125.00
Total	\$147,329.00
Approved March 10, 1925.	

CHAPTER 57

(H. B. No. 43—Messrs. Shurr, Thatcher, Svingen and Streich.)

SCHOOL OF FORESTRY

An Act Making an Appropriation for the Current and Contingent Expenses of the State School of Forestry at Bottineau and Making Permanent Improvements and Additions Thereto.

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 State Treasury not otherwise appropriated the sum of \$66,320.00, or so much thereof as may be necessary for the purpose of providing for the current and contingent expenses of the State School of Forestry at Bottineau and making permanent improvements and additions thereto:

I—MAINTENANCE

Faculty Salaries	\$ 41,000.00
Employee Salaries	6,000.00
Fuel (including freight)	4,400.00
Light, Water & Power	520.00
Printing, Stationery, etc.	600.00
Postage, Telephone, Telegraph, etc.	300.00
Traveling expense	150.00
Janitor's supplies	1,000.00
Educational supplies	1,000.00
Supplies, Short Courses	150.00
Supplies, Laboratory	1,000.00
Students Welfare	200.00
Maintenance of Grounds	150.00
Total Forward	\$ 56,470.00

2—IMPROVEMENTS AND REPAIRS

Covering return pipes	\$ 200.00
Repairing Heating Plants	1,000.00
General Repairs	2,000.00
Total	\$ 3,200.00

3—EQUIPMENT

School Equipment	\$ 1,500.00
Machinery, Gardens & Grounds	150.00
Dormitory Furniture	700.00
Library, Books, Periodicals, etc.	1,000.00
Woodwork Benches	200.00
Total	\$ 3,550.00

4—MISCELLANEOUS

Dormitory Maintenance	\$ 400.00
Insurance, Bonds, etc.	2,500.00
Interest	200.00
Total	\$ 3,100.00
Grand Total	\$ 66,320.00

Approved March 4, 1925.

CHAPTER 58

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

SCHOOL OF SCIENCE

An Act Making an Appropriation for the Current and Contingent Expenses of the State School of Science at Wahpeton, Together with Improvements and Repairs and New Equipment.

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 \$86,720.00, or so much thereof as may be necessary to pay the current and contingent expenses of the State School of Science at Wahpeton and making improvements and repairs thereto, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$14,300.00
2. Faculty	60,000.00
3. Other Employees	11,120.00

Operating Expense:

1. Fuel (including freight)	10,000.00
2. Light, Power, Water, Gas	3,000.00
3. Telephone, Telegraph, Postage	800.00
4. Freight and Express	200.00
5. Insurance, Bonds and Etc.	2,500.00
6. Travel	400.00
7. Office Supplies	400.00
8. Educational Supplies	2,500.00
9. Power House Supplies	400.00
10. Janitor's Supplies	800.00
11. Student's Welfare	750.00
12. Advertising	1,200.00

Total Maintenance\$108,370.00

Less Estimated Income, I & I, Inst., Coll. 40,000.00

Net Maintenance\$68,370.00

Improvements and Repairs:

1. General Repairs	2,000.00
2. Boiler Transportation	350.00
3. Remodeling Trades Bldg.	8,000.00

Equipment:

1. Printing and Equipment	4,000.00
2. Trades and Industries Equipment	4,000.00

Total\$86,720.00

Approved February 24, 1925.

CHAPTER 59

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

APPROPRIATION—SUPREME COURT

An Act Making an Appropriation to Provide for The Payment of Stenographic Help of the Supreme Court from January 1st, 1925, to July 1st, 1925.

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 \$1,615.00 for the purpose of paying the salaries of stenographers of the Supreme Court from January 1st, 1925, to July 1st, 1925.

§ 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 6, 1925.

CHAPTER 60

(S. B. No. 232—Magnuson.)

TEACHERS' INS. AND RET. FUND

An Act Authorizing the Board of Trustees of the Teachers' Insurance and Retirement Fund to Employ an Actuary and Clerical Assistance and Making an Appropriation Therefor.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. The Board of Trustees of the Teachers' Insurance and Retirement Fund is hereby authorized to employ an Actuary, and such other clerical assistance as may be necessary to make an actuarial survey of the State Teachers' Insurance and Retirement Fund, under the supervision and direction of the Board.

§ 2. APPROPRIATION.] There is hereby appropriated out of the State Teachers' Insurance and Retirement Fund the sum of \$5,000.00, or so much thereof as may be necessary, to pay the necessary expenses of such actuarial survey.

Approved March 6, 1925.

CHAPTER 61

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

STATE TRAINING SCHOOL

An Act Making an Appropriation of \$262,380.00 to the State Training School, Mandan, North Dakota, for the Current and Contingent Expenses, Maintenance, New Buildings, Equipment and Miscellaneous Items, for the Biennium Beginning July 1st, 1925, and Ending June 30th, 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 \$262,380.00, or so much thereof as may be necessary to pay the current and contingent expenses, Improvements and Repairs, New Buildings, Equipment and Miscellaneous Items of the State Training School, Mandan, North Dakota, for the biennium beginning July 1st, 1925, and ending June 30th, 1927, to-wit:

Salaries and Wages:

1. Administration	\$ 15,160.00
2. Faculty	14,520.00
3. Other Employees	56,000.00

Operating Expense:

1. Fuel (Including Freight)	19,000.00
2. Light, Power, Water, Gas	6,000.00
3. Telephone, Telegraph, Postage	1,500.00
4. Freight and Express	1,000.00
5. Insurance, Bonds, Etc.	7,000.00
6. Printing	900.00
7. Travel and Payrolls	5,400.00
8. Office Supplies	250.00
9. Educational Supplies	2,500.00
10. Power House Supplies	3,000.00
11. Janitor's Supplies	3,000.00
12. Students' (or inmates) Welfare	3,500.00
13. Food (Including Meats, etc.)	40,000.00
14. Clothing	24,000.00
15. Hospital and Medical Service	8,000.00
16. Students' Wage	2,000.00
17. Farm and Garden Mtce.	6,000.00
18. Auto Truck Mtce.	2,000.00

Total Maintenance\$220,730.00

Less Estimated Income, I & I Inst. Coll. Etc. 21,000.00

Total Net Maintenance\$199,730.00

Improvements and Repairs:

1. General Repairs	4,000.00
2. Two Wells	600.00
3. Remodel Boiler House	1,500.00
4. Remodel Manual Training Bldg.	2,000.00
5. Steam Mains, Sewer, Campus Lights	15,000.00
6. New Silo and Repairs	1,200.00
7. Gymnasium Floor	1,200.00
8. Painting Outside Buildings	500.00
9. Sidewalks and Grounds	500.00

New Buildings :

1. Dairy, Ice, Cold Storage Bldg.	10,000.00
2. Finish Dakota Hall	5,000.00
3. Chicken House	500.00

Equipment :

1. Farm Machinery	600.00
2. Laundry Equipment	6,500.00
3. Household Equipment	2,000.00
4. Gymnasium Equipment	1,000.00
5. School Equipment	1,000.00
6. Fire Equipment	1,500.00
7. Office Equipment	600.00
8. Plumbing and Carpenter Shop Equipment.....	1,500.00
9. Tailor and Barber Shop Equipment	400.00

Miscellaneous Items :

1. Burial Expense	300.00
2. Rewards	300.00
3. Interest	2,600.00
4. Land Rental	2,350.00

Total for the Biennium\$262,380.00

Approved March 10, 1925.

CHAPTER 62

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

APPROPRIATION—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:

§ 1. APPROPRIATION.] There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$24,000.00, 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, 1925 and terminating June 30th, 1927, to-wit:

Salary	\$ 3,600.00
Travel Expense	20,000.00
Telephone, Telegraph, Postage and Premium in Workmen's Compensation Bureau	400.00

Total\$ 24,000.00

Approved February 17, 1925.

CHAPTER 63

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

TUBERCULOSIS SANATORIUM

An Act Making An Appropriation of \$150,000.00 for Maintenance, Improvements and Repairs, Equipment and Miscellaneous for the Tuberculosis Sanatorium at San Haven.

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 \$150,000.00 or so much thereof as may be necessary for paying the general maintenance, improvements and repairs, equipment and miscellaneous items of the Tuberculosis Sanatorium at San Haven, North Dakota for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

Salaries and Wages—Administration	\$ 15,800.00
Other Employees	58,000.00
Fuel (including freight)	30,000.00
Telephone, Telegraph, Postage	700.00
Freight and Express	2,000.00
Insurance, Bonds and etc.	5,000.00
Printing	700.00
Travel Expense	400.00
Office Supplies	1,200.00
Educational Supplies	600.00
Power House Supplies	1,800.00
Janitor's Supplies	2,000.00
Student's (or inmates) Welfare	1,500.00
Food (including meats, etc.)	50,000.00
Clothing	1,500.00
Hospital and Medical Service	2,000.00
Farm and Garden Mtce.	8,000.00
Laundry Supplies	1,200.00
Advertising For Help	300.00
Refunds	2,000.00
Auto and Truck Mtce.	600.00
Total Maintenance	\$185,300.00
Less Estimated I & I Inst. Coll. Etc.	90,000.00
Total Net Maintenance	\$ 95,300.00
New Buildings—Children's Building	40,000.00

Improvements and Repairs:

1. Grounds and Roads	500.00
2. General Repairs	6,500.00
3. Root House Extension	1,500.00
4. New Floor, Infirmary Basement	500.00
Replacement, Old Equipment	5,000.00
Plants, Flowers and etc.	200.00
Interest	500.00

Total for Improvements and Repairs.....	\$ 14,700.00
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Total of all Items	\$150,000.00
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Approved March 7, 1925.

CHAPTER 64

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

UNIVERSITY

An Act Making an Appropriation of \$989,555.00 for the Purpose of Paying the General Maintenance, Improvements and Repairs, New Equipment, Etc., of the State University at Grand Forks, North Dakota.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ I. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury the sum of \$989,555.00 or so much thereof as may be necessary to pay the general maintenance of the several departments together with improvements and repairs, equipment and miscellaneous items for the biennium beginning July 1st, 1925 and ending June 30th, 1927, to-wit:

MAINTENANCE, EDUCATIONAL DEPARTMENT

1. President's Office	\$ 22,500.00
2. Business Office	20,500.00
3. Registrar's Office	18,500.00
4. Stenographic Office	11,400.00
5. Telephone and Telegraph	9,100.00
6. Publications and General Printing	5,000.00
7. Divisional Expense	1,500.00
8. College of Engineering	138,900.00
9. College of Liberal Arts	293,700.00
10. School of Education	137,800.00
11. School of Law	46,500.00

12.	School of Medicine	40,400.00
13.	Military and Physical Training	18,000.00
14.	Summer Sessions	27,700.00
15.	Library	39,800.00
16.	Leaves of Absence	4,000.00
17.	Allowance for Adjustments in Salaries	7,500.00
18.	General Educational Expense	15,500.00
19.	Extension Division	31,000.00
20.	Students' Welfare	4,400.00

PHYSICAL PLANT

1.	Buildings and Grounds	\$101,000.00
2.	Fuel	64,000.00
3.	Janitor & Power House Supplies	47,500.00
Total Maintenance		\$1,106,200.00
Less Estimated Income		257,000.00
Total Net Maintenance		\$849,200.00

IMPROVEMENTS AND REPAIRS

1.	Law Building	410.00
2.	Science Hall	750.00
3.	Macnie Hall	1,000.00
4.	Budge Hall	800.00
5.	Davis Hall	1,500.00
6.	Women's Gymnasium	1,050.00
7.	Mines Building	600.00
8.	Engineering Building	700.00
9.	Entrance Lights, all Buildings	325.00
10.	Storm Water Drainage	5,000.00
11.	Graveling Driveways	500.00
12.	Rebuilding Power House	7,500.00

NEW BUILDINGS

1.	Addition to Armory	20,000.00
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EQUIPMENT

1.	Law Library	1,300.00
2.	Armory	750.00
3.	Power Plant	22,100.00
4.	Pianos	500.00

MISCELLANEOUS

1. Insurance	20,000.00
2. Interest	10,000.00
3. Special Improvement Assessments	4,870.00

PUBLIC SERVICE

1. Lignite Testing and Investigation	6,000.00
2. Public Health Laboratories	36,700.00
3. Clay Testing & Investigations	4,000.00

Total	\$ 46,700.00
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Less Local Income	6,000.00
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Total for Public Service	\$ 40,700.00
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Total for all Purposes	\$989,555.00
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Approved March 10, 1925.

CHAPTER 65

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

VETERINARY MEDICAL EXAMINERS

An Act Making An Appropriation of \$885.00 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 1913 for North Dakota.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury the sum of Eight Hundred Eighty-five Dollars (\$885.00), or so much thereof as may be necessary to pay the expenses of the State Board of Veterinary Examiners for the biennium beginning July 1st, 1925 and ending June 30th, 1927, as authorized under Sections 2711 to 2720, inclusive of the Compiled Laws of 1913, to-wit:

Salary	\$ 360.00
Clerkhire	20.00
Postage	35.00
Office Supplies	25.00
Furniture & Fixtures	15.00
Printing	20.00

Miscellaneous	10.00	
Travel Expense	400.00	
Total		\$ 885.00

Approved January 31, 1925.

CHAPTER 66

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

VOCATIONAL EDUCATION AND REHABILITATION

An Act Making an Appropriation of \$27,150.00 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:

§ I. APPROPRIATION.] There is hereby appropriated of any not otherwise appropriated funds in the State Treasury 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 Sessions Laws of 1921, relative to Vocational Education and Vocational Rehabilitation, for the biennium beginning July 1st, 1925 and ending June 30th, 1927, 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
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Approved February 17, 1925.

CHAPTER 67

(H. B. No. 275—Committee of Delayed Bills.)

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 Allowed in Chapter 144 of Session Laws, 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 \$60,000.00, 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 allowed in Chapter 144 of Session Laws, 1923.

§ 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 10, 1925.

CHAPTER 68

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

WOLF 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 allowed in Chapter 144 of S. L. 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 \$60,000.00, 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 allowed in Chapter 144 of S. L. 1923 for the biennium beginning July 1st, 1925 and ending June 30th, 1927.

Approved February 13, 1925.

CHAPTER 69

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

LEGISLATIVE ASSEMBLY DEFICIT

An Act Making an appropriation of \$4,027.76 to pay an existing deficit in the amount appropriated for the Eighteenth Legislative Assembly per diem and expenses.

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 State Treasury, not otherwise appropriated, the sum of \$4,027.76 to pay an existing deficit in the fund appropriated

by the Seventeenth Legislative Assembly for the payment of per diem and expenses of the Eighteenth Legislative Assembly.

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

Approved January 26, 1925.

CHAPTER 70

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

MINE INSPECTION DEPARTMENT DEFICIT

An Act Making an Appropriation of \$1,525.48 or so much thereof as may be necessary to Pay an Existing Deficit in the Mine Inspection Department.

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

§ 1. APPROPRIATION.] There is hereby appropriated to the Emergency Commission out of any funds in the State Treasury, not otherwise appropriated, the sum of \$1,525.48 or so much thereof as may be necessary to pay an existing deficit in the Mine Inspection Department.

§ 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 4, 1925.

CHAPTER 71

(H. B. No. 24—Committee on Appropriations.)

STATE TRAINING SCHOOL DEFICIT

An Act Making an Appropriation of \$28,000.00 to Provide for the Payment of an Existing 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 \$28,000.00 for the purpose of paying an existing 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 4, 1925.

CHAPTER 72

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

WOLF BOUNTY FUND DEFICIT

An Act Making an appropriation of \$30,000.00 to provide for the payment of an existing deficit in the Wolf Bounty 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 \$30,000.00 for the purpose of paying an existing deficit in the Wolf Bounty Fund.

§ 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 17, 1925.

CHAPTER 73

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

CRUELTY TO ANIMALS

An Act To Repeal Sections 2670 and 2671 of the Compiled Laws of North Dakota for the year 1913, and Chapter 72 of the Session Laws of 1923, Relating to Cruelty to Animals.

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

§ 1. REPEAL.] That Sections 2670 and 2671 of the Compiled Laws of North Dakota for the year 1913, and Chapter 72 of the Session Laws for 1923, relating to cruelty to animals are hereby repealed.

Approved February 3, 1925.

CHAPTER 74

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

ENFORCEMENT DAIRY PRODUCTS ACT

An Act To Repeal Section 2862 of the Compiled Laws of North Dakota for the Year 1913, Relating to Enforcement, Dairy Products Act.

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

§ 1. REPEAL.] That Section 2862 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby repealed.

Approved February 10, 1925.

CHAPTER 75

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

EDUCATIONAL LIBRARY

An Act To Repeal Section 1454 of the Compiled Laws of North Dakota for 1913, Relating to Educational Library.

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

§ 1. REPEAL.] That Section 1454 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby repealed.

Approved February 21, 1925.

CHAPTER 76

(S. B. No. 286—Stevens.)

GRAND ARMY OF THE REPUBLIC

An Act To Repeal Chapter 6 of the Session Laws of North Dakota for the year 1915, Relating to Aid to the Grand Army of the Republic from the Soldiers Home of North Dakota.

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

§ 1. REPEAL.] Chapter 6 of the Session Laws of North Dakota for the year 1915 is hereby repealed.

Approved March 10, 1925.

CHAPTER 77

(H. B. No. 92—Root.)

MILITARY INSTRUCTION—NORMAL AND INDUSTRIAL SCHOOL
—ELLENDALE

An Act To Repeal Sections 1733, 1734, 1735 and 1736 of the Compiled Laws of North Dakota for 1913, Relating to Military Instruction in the State Normal and Industrial School at Ellendale.

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

§ 1. REPEAL.] That Sections 1733, 1734, 1735 and 1736 of the Compiled Laws of North Dakota for 1913 be and the same are hereby repealed.

Approved March 10, 1925.

CHAPTER 78

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

PUBLISHING NOTICES OF SALE OF UNIVERSITY AND ALL
OTHER PUBLIC LANDS

An Act To Repeal Section 335, of Chapter 1 of the Compiled Laws of 1913 for North Dakota, Relating to the Expenses of Publishing Notices of Sale of University and all other Public Lands.

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

§ 1. REPEAL.] That Section 335 of Chapter 1 of the Compiled Laws for North Dakota for the year 1913, relating to the publishing of notices of the sale of University and all other public lands, is hereby repealed.

Approved February 3, 1925.

CHAPTER 79

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

ADVERTISEMENT OF COMMON SCHOOL LANDS FOR LEASE

An Act To Repeal Section 362 of Chapter 1 of the Compiled Laws of 1913 for North Dakota, Relating to Expenses of Advertising the Common School Lands for Lease.

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

§ 1. REPEAL.] That Section 362 of Chapter 1 of the Compiled Laws for North Dakota for the year 1913, relating to the expenses of advertising the common school lands for lease, is hereby repealed.

Approved February 3, 1925.

CHAPTER 80

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

MILLING EXPERIMENTS AGRICULTURAL COLLEGE

An Act To Repeal Section 1626B of the Compiled Laws of North Dakota for the year 1913, Relating to Milling Experiments.

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

§ 1. REPEAL.] That Section 1626B of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby repealed.

Approved March 4, 1925.

CHAPTER 81

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

NATIONAL GUARD

An Act To Repeal Section 2442 of the Compiled Laws of North Dakota for the Year 1913, Relating to National Guard.

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

§ 1. REPEAL.] That Section 2442 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby repealed.

Approved February 17, 1925.

CHAPTER 82

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

SOCIETY FOR THE FRIENDLESS

An Act To Repeal Section 10960 of the Compiled Laws of North Dakota for the Year 1913, Relating to Society for the Friendless.

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

§ 1. REPEAL.] That Section number 10960 of the Compiled Laws of North Dakota for the year 1913, relating to the Society for the Friendless, is hereby repealed.

Approved February 21, 1925.

CHAPTER 83

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

STATE LIBRARY COMMISSION

An Act To Repeal Section 1538 of the Compiled Laws of North Dakota for 1913, Relating to Library Commission.

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

§ 1. REPEAL.] That Section 1538 of the Compiled Laws of North Dakota for 1913 be and the same is hereby repealed.

Approved February 21, 1925.

CHAPTER 84

(S. B. No. 126—Committee on Insurance.)

WORKMEN'S COMPENSATION

An Act To Repeal Section 27 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law.

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

§ 1. REPEAL.] That Section 27 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, be and the same is hereby repealed.

Approved March 3, 1925.

CHAPTER 85

(H. B. No. 130—Committee on Judiciary.)

STATE BAR FUND

An Act Appropriating \$10,000.00 out of the State Bar Fund and Transferring the same to the General Fund of the State.

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

§ 1. THAT WHEREAS, the last legislative assembly, by Chapter 134, Laws 1923, appropriated \$10,000.00 out of moneys then on hand in the State Bar Fund and authorized the same to be expended under the direction of the Supreme Court for the purchase and repair of books in the State Law Library, and

WHEREAS, an action was instituted to enjoin the several State Officers from carrying this Act into effect, the charge being, among others, that said appropriation was violative of Section 62, of the Constitution of this State, and

WHEREAS, such litigation has only recently been terminated and

WHEREAS, on account of the aforesaid facts no part of the appropriation has been used, but remains wholly unexpended.

NOW, THEREFORE, it is hereby provided that all of said sum of \$10,000.00 shall be, and the same hereby, is appropriated and directed to be transferred from the State Bar Fund to the General Fund of the State.

Approved March 10, 1925.

CHAPTER 86

(S. B. No. 54—Committee on Appropriations.)

TRANSFER HOTEL INSPECTION FUND

An Act to authorize the State Treasurer to Transfer the Sum of \$10,-181.24 credited to the Hotel Inspection Fund, to the General Fund of the State of North Dakota.

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

§ 1. That the Treasurer of the State of North Dakota is hereby authorized and directed to transfer the sum of \$10,181.24 now credited to the Hotel Inspection Fund to the General Fund of said State for the reason that said fund has been made unavailable for any purpose by an Act passed by the Legislative Assembly of the State of North Dakota and approved March 8, 1923.

§ 2. EMERGENCY.] An emergency existing by reason that said amount should immediately be placed to the General Fund for the use of said State; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1925.

CHAPTER 87

(S. B. No. 55—Committee on Appropriations.)

TRANSFER OIL INSPECTION FUND

An Act To Authorize the State Treasurer to Transfer the Sum of \$40,981.56 Credited to the Oil Inspection Special Fund to the General Fund of the State of North Dakota.

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

§ 1. That the Treasurer of the State of North Dakota is hereby authorized to transfer the sum of \$40,981.56 now credited to the Oil Inspection Special Fund to the General Fund of said State for the reason that said Fund has been made unavailable for any purpose by an Act passed by the Legislative Assembly of the State of North Dakota and approved March 8, 1923.

§ 2. EMERGENCY.] An emergency existing by reason that said amount should immediately be placed to the General Fund for the use of said State; therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved January 31, 1925.

CHAPTER 88

(S. B. No. 216—Committee on Appropriations.)

WAR HISTORY COMMISSION

An Act To Transfer the Sum of \$400.00 from the Fund Appropriated to the War History Commission for Membership in National Association of War History Organizations to said Commission's Fund for Clerk Hire.

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

§ 1. The Treasurer of the State of North Dakota is hereby authorized and directed to transfer the sum of four hundred dollars (\$400.00) from the fund appropriated by the 18th Legislative Assembly of North Dakota to the North Dakota War History Commission for Membership in National Association of War History Organizations to the fund appropriated for clerk hire for said Commission, and when so transferred the same may be by said War History Commission used for clerk hire.

§ 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 March 6, 1925.

ARTESIAN WELLS

CHAPTER 89

(S. B. No. 63—Carey.)

ARTESIAN WELLS

An Act To Amend and Re-enact Sections 1 and 4 of Chapter 17 of the Session Laws of North Dakota for the year 1921, Relating to the Control of Artesian Wells.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 17 of the Session Laws of North Dakota for the Year 1921, be, and the same is hereby, Amended and Re-enacted to read as follows:

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

§ 2. AMENDMENT.] That Section 4 of Chapter 17 of the Session Laws of 1921, be, and the same is hereby amended and re-enacted to read as follows:

§ 4. The owner or person in control of an artesian or flowing well, who shall allow the same to flow without a valve or sufficient contrivance for checking the flow as required by law, or without proper repair of pipes, valves, etc., or who shall interfere with the same when properly adjusted by the proper authorities, or shall permit the water to waste unnecessary or permit the water to run upon the lands of another or into the ditches along any public road except a regularly established drainage ditch, or shall interfere with

any officer duly authorized to inspect the same or measure its flow or pressure, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than five dollars and not to exceed fifty (\$50.00) dollars, at the discretion of the court. The provisions of this section shall also apply to the officer or board in charge of wells belonging to the state, or any county, township or municipality.

Approved February 13, 1925.

ASSESSORS

CHAPTER 90

(H. B. No. 63—Anderson.)

MILITARY ENROLLMENT BY ASSESSORS

An Act To Repeal Section 2348 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 187 of the Laws of 1915, and to Repeal Section 2349 of the Compiled Laws of North Dakota for the year 1913 Relating to Assessors Duties in Connection with Military Enrollment.

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

§ 1. REPEAL.] Section 2348 of the Compiled Laws of the state of North Dakota for the year 1913 as amended by Section 1 of Chapter 187 of the Laws of 1915 and Section 2349 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.

§ 2. EMERGENCY.] Whereas the military department of our state and nation no longer make use of the military enrollment made under the statutes repealed by this act and are not interested in having the same made but it is nevertheless a criminal offense under the above sections for assessors to fail to make such enrollment, therefore, this act is declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved February 19, 1925.

AUTO TRANSPORTATION

CHAPTER 91

(H. B. No. 155—Hardy of Slope.)

AUTO TRANSPORTATION COMPANIES

An Act To Amend and Re-enact Chapter 136, Laws of North Dakota for the Year 1923, Providing for the Supervision and Regulation of the Transportation of Persons and Property for Compensation Over Any Public Highway by Motor Propelled Vehicles; Defining 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 the Punishment of the Violation Thereof.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. (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 between fixed termini or over a regular route, and not operating exclusively within the incorporated limits of any city or town; 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, in so far as they own, control, operate or manage taxicabs, hotel busses, school busses, motor propelled vehicles operated exclusively in transporting agricultural, horticultural or dairy or other farm products from the point of production to the market, rural mail route maintained by the United States Government, or any other carrier which does not come within the term "auto transportation company" as herein defined.

(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 by 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 or communication between different localities or communities.

(F) The words "between fixed termini or over a regular route," when used in this act, mean the termini or route between or over which any 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" 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 "permit" means the permit authorized to be issued by the Commission under the provisions of this act.

(H) The words "for compensation" mean for remuneration of any kind, paid or promised, either directly or indirectly. An occasional accommodative transportation service by a person not in the transportation business, while on an errand for himself, shall not be construed as a service for compensation, even though the person accommodated shares in or pays the cost of the service.

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

§ 3. 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.

§ 4. 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 as such to fix just, fair, reasonable, sufficient and nondiscriminatory rates, fares, charges, classifications, rules and regulations of

each such auto transportation company, and to alter rates, rules and regulations; to regulate the accounts, service, rates of speed of such auto transportation 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 order, rules or regulations, of any provisions of this act, suspend, revoke, alter or amend any certificate issued under the provisions of this section, but the holder of such certificate shall have all the rights of rehearing, review and appeal as to such order of the Commission as is provided for in Section 10 of this act.

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 other common carriers.

In fixing the tariff 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 necessity therefor, and the effect of such tariff 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 passenger, 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 passengers, and, or property, except such as have been provided for by an order of the Commission.

§ 5. 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, certificate held, owned or obtained by an 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 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.

§ 6. Any auto transportation company making application for a certificate under this act shall file a petition with the Commission, duly verified, and 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 passenger, and, or property, together with a full and complete description of the char-

acter of the vehicle or vehicles to be used, including the seating capacity of any vehicle to be used for passenger traffic and the tonnage 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.

§ 7. 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 10 days before the date of the hearing, and any such railroad or auto transportation company and the State Highway Department is hereby declared to be an interested party of said proceedings and may offer testimony for or against the granting of such certificate.

§ 8. 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 any 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.

§ 9. The Commission shall in the granting of certificate 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 com-

pany 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 so to do shall be cause for the revocation of the certificate.

§ 10. 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, orders 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 under the same terms and conditions as are provided for upon appeals to the District Court from Orders and decisions of the Board of Railroad Commissioners in the State of North Dakota by the provisions of Chapter 192, Session Laws of North Dakota for 1919.

§ 11. 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.

§ 12. Miscellaneous fees shall be as follows :

All applications for certificate of public convenience and necessity or a renewal thereof shall be accompanied by an application fee of not less than \$15 nor more than \$30, to be fixed in each instance by the Commission.

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
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All sums collected hereunder shall be turned over by the Commission to the State Treasurer within thirty days after their receipt and 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.

§ 13. 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."

§ 14. 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 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 50c 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 at the time and in the manner aforesaid; and, if the rated capacity of any such vehicle exceeds three tons, an additional fee computed on the basis of \$2 for each additional rated ton capacity shall be paid.

§ 16. 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.

§ 17. All acts and parts of acts in so far as they conflict with the provisions of this act are hereby repealed.

§ 18. 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 portion of this act.

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

Approved March 7, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.

See Senate Journal, March 3rd, 1925—Page 23.

See House Journal, February 24th, 1925—Page 27.

BANKS AND BANKING

CHAPTER 92

(S. B. No. 210—Ingerson and Page.)

DEFINING AND REGULATING STATE BANKING ASSOCIATIONS

An Act Defining State Banking Associations and Regulating and Limiting the Power of Such Associations to Re-Discount, to Borrow Money, to Pledge Assets, Forbidding Contracts to Re-Purchase Assets. Providing Procedure for the Foreclosure of Pledges with Redemption Therefrom, Declaring Void Pledge Contracts in Violation of the Provisions of the Act, Providing a Penalty for Borrowing Money and Pledging Assets in Violation of the Act and Repealing Laws in Conflict.

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

§ 1. REDISCOUNTS, BORROWING, PLEDGING.] No State banking association, as defined herein, shall, directly or indirectly, either within or without the State, make any re-discount, or contract to borrow, or borrow money, or pledge or hypothecate, or contract to pledge or hypothecate any of its assets, except in accordance with the provisions of this Act.

§ 2. NORMAL AND EMERGENCY BORROWING POWER, LIMITATION.] Any State banking association, as defined herein, shall have power to contract to and borrow money as follows:

1. A sum equal to twenty per centum of its deposits without the prior authorization therefor by the State Examiner.

2. A sum in excess of the preceding limitation only after prior authorization by the State Examiner, granted upon the application of such banking association, for the following purposes only:

- (a) Restoring depleted legal reserve, or in anticipation of such depletion within thirty (30) days,—
- (b) to protect the assets of such bank,—
- (c) to avert any other actual or imminent emergency which, in the judgment of the State Examiner, would be dangerous to the interests of such bank, or its depositors and other creditors.

Such authorization shall be granted by the State Examiner only after examination by him of the affairs of such banking association, and such authorization shall be granted and exercised under rules

and regulations adopted, and orders prescribed by the State Banking Board. This section shall not apply to loans made before this act takes effect, nor to renewals thereof, nor to renewals of loans made hereunder.

§ 3. RATIO, PLEDGE, ASSETS.] It shall be unlawful for any State banking association, as defined herein, to pledge or hypothecate more than one and one-half dollars of the face value of any of its assets for each one dollar of money borrowed, excepting for money borrowed upon authorization of the State Examiner, who shall fix the amount and kind of assets which may be pledged or hypothecated for such purpose.

§ 4. RE-DISCOUNTS, CONTRACTS TO PURCHASE.] In addition to its power to borrow as herein prescribed, any State banking association, as herein defined, shall have power to incur liability in an amount equal to ten per centum of its deposits, upon endorsement of notes and bills re-discounted, but no liability or obligation upon endorsements in excess of such ten per centum of its deposits shall be binding upon such association, and it shall have no power to incur any obligation or liability to re-purchase loans and discounts, bills receivable or other assets disposed of by it. The State Examiner, under rules and regulations prescribed by the State Banking Board, shall have power to increase the limit of liability upon endorsements by such State banking associations upon notes and bills re-discounted as in his judgment seems best. The discount of bills of exchange, drawn in good faith against agricultural products, raw or manufactured, and other commodities of trade, in transit, shall not come within the provisions hereof.

§5. DIRECTORS AUTHORIZE. OFFICERS EXECUTE. RECORD.] Every State Banking association as defined herein, shall, prior to the borrowing of money, or re-discounting bearing endorsement, receive approval by action of its Board of Directors, to be evidenced by resolution recorded upon its minute book, and no banking association shall have power to contract and to pledge or hypothecate any of its assets without resolution of its Board of Directors authorizing the same, spread upon its minute book, and each proposed loan, either with or without security, or re-discount with endorsement, shall be acted upon separately by such Board. Instruments evidencing such loans, pledges and hypothecations and endorsement upon re-discounts, shall be executed by the officer and officers designated in such resolution, and all such loans and re-discounts shall immediately be entered and carried upon the account books and records of the Association as Bills Payable, or re-discounts as the case may be. Copies of such minutes, books and records authenticated by the oath of an officer of such association shall be sufficient to support such loan, rediscount or pledge. A complete record and

description of the pledged assets and re-discounts shall be entered and maintained by such banking associations in a book devoted to the purpose, the form of which shall be prescribed by the State Examiner.

§ 6. PLEDGEE MAY COLLECT, RENEW, ADDITIONALLY SECURE, RELEASE AND ASSIGN. EXPENSE.] Holders of pledged or hypothecated notes or other evidence of indebtedness pledged by State banking associations, as defined herein, shall have the right to collect and enforce payment, and to renew or extend the time of payment thereof, (if no endorser, guarantor or joint maker be, by reason of such renewal, released thereby), and, provided that such extension is for a period of not longer than fifteen (15) months, and to accept from makers of such pledged or hypothecated notes and other evidences of indebtedness, security or additional security for the payment thereof, and upon payment in full by any maker to give and execute discharges and releases of instruments and securities, and shall have the power to sell, assign and transfer any note with the security therefor so pledged, upon payment of the full amount due thereon from the maker. The pledgee shall be entitled to be reimbursed out of the pledged assets, or its proceeds, for his reasonable and necessary expenses incurred and expended in collecting, renewing, securing and otherwise protecting the assets pledged or hypothecated to him.

§ 7. FORECLOSURES.] Other than provided by Section eight (8) thereof no pledge contracts authorized hereby, shall be foreclosed except by an action in equity, brought in the District Court of the County in which the Pledgor association is located, and the Receiver of any such banking association shall have the right to enjoin any foreclosure under Section eight (8) of this Act, of any such pledge contracts, and to require such foreclosure to be by action in equity, where there is a defense or counterclaim to the debt secured, or the pledge contract.

§ 8. FORECLOSURE OF PLEDGE, CLOSED BANKS.] In case of default by the pledgor association, in the hands of a Receiver, after demand for and neglect of payment, the pledgee shall have the right in lieu of foreclosure by the action in equity provided in Section Seven (7) hereof to apply to a Judge of the District Court for the County within which the closed bank is situated for an order authorizing the foreclosure and sale of the pledge. Fifteen days notice of such application shall be given by personal service or registered mail to the State Examiner and to the Receiver of the closed pledgor association.

The State Examiner, or receiver, or any of the depositors or other creditor of such closed bank may contest the granting of such

order. Such order shall not be granted unless it appear by competent evidence that all reasonable efforts for the collection of the pledged paper have been made, and that there is no reasonable probability of further collection thereof within a reasonable period, and at reasonable expense, nor unless it shall appear that it is to the best interest of the pledgee, the said closed bank or its successor, or receiver, and the depositors and creditors thereof that such foreclosure and sale shall be had. The order for foreclosure and sale shall direct the Sheriff of the County to make the sale, and the notice to be given thereof, and the newspaper wherein such notice shall be published, which notice shall not be less than fifteen (15) days, and shall be served personally or by registered mail upon the State Examiner, and the Receiver, and by publication at least for two successive weeks prior to the sale. All sales shall be made at the front door of the Court House of the County within which said Pledgor association is situated, beginning at the hour of two o'clock in the afternoon of the day specified, separately, article by article, for cash, to the highest bidder. Any amount received from said sale in excess of the debt secured shall be paid to the Receiver, upon confirmation of the sale. Within five (5) days after the sale the Sheriff shall report the same in detail to the Clerk of the District Court, and file a copy thereof with the State Examiner and the Receiver. The pledgee may purchase at such sale, and upon confirmation, if the successful bidder, the amount of such bid shall be credited upon the debt secured.

§ 9. REDEMPTION.] The possession of the property sold, and of the proceeds thereof, shall be retained by the Sheriff unless the Court otherwise directs, until the expiration of the Redemption period herein prescribed, whereupon, and upon the confirmation of the sale the same shall be delivered to the persons entitled thereto. At any time within fifteen (15) days after the sale the Receiver may give notice to the Sheriff of his intention to redeem therefrom, and shall have the full period of five (5) days thereafter to redeem by paying to the Sheriff the amount paid by the purchaser; such redemption may be made of any or all of the articles sold. Redemptions may also be made by depositors or other creditors within ten (10) days after such sale by depositing with the Sheriff the amount paid by the purchaser, and by serving notice of such redemption upon the Receiver and the Sheriff, which said notice shall state the amount which such Redemptioner will credit upon his debt for the privilege of redeeming from the purchaser. Notice of Redemption may be given by more than one creditor for any one note or other article, and the creditor offering the largest credit upon his debt shall be awarded the right of redemption. Provided, however, that the Receiver's right of redemption shall be superior to all other redemption rights. A redemption vests in the Redemptioner or Re-

ceiver the title to said notes or other articles upon confirmation of the sale as provided herein. Report of the sale and of the redemptions thereunder shall be made to the Court by the Sheriff within thirty (30) days after the sale, and the Court may order hearing thereon, with such notice as it may deem proper, not exceeding Twenty (20) days and upon such hearing shall have power, either to confirm or set aside the sale, or to order a new sale, or to direct such other proceedings as may seem to the best interests of the pledgee, the banking association, its successor, Receiver, its depositors and creditors, and thereupon all documents arising from proceedings hereunder shall be filed with the Clerk of the District Court. Upon the confirmation of the sale, out of the proceeds thereof the pledgee shall be reimbursed for the costs and disbursements paid and incurred in connection therewith, including a reasonable attorney's fee, not exceeding Fifty dollars (\$50), to be allowed by the Court in the order of confirmation; Sheriff shall receive the same fees and commissions allowed him in the foreclosure of chattel mortgages, not exceeding fifteen dollars (\$15); the remainder of such proceeds shall be applied upon the debt secured, upon which debt interest shall be computed to the date of such payment, and any residue shall be paid to the Receiver. During the period of foreclosure and redemption any debtor may pay upon his debt to the person having custody of such pledged collateral, which person is hereby authorized to receipt to the person paying, and upon full payment to release and discharge such debt and surrender the evidence thereof.

§ 10. PLEDGED CONTRACTS AND SALES VOID.] Any pledge or hypothecation of any of the assets of a State banking association, or the sale of any of the pledged assets of any such state banking association made in violation of this Act shall be null and void, and of no force and effect, and shall not be binding on any of the parties affected thereby.

§ 11. PENALTIES.] Any officer, director, agent or employee of any State banking association, as defined herein, who shall borrow money for, or on behalf, or in the name of any such State banking association, or who shall obligate any such State banking association upon rediscounts, or who shall pledge or hypothecate any of the assets of such State banking association in violation of the provisions of this Act, or make any false statement, report, record or copy thereof provided for in Section five (5) hereof, and any person who shall counsel, aid or abet, or conspire with, or be accessory thereto, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one year, nor more than five years, or a fine of not less than One Hundred dollars nor more than One Thousand dollars, or by both such fine and imprisonment,

§ 12. DEFINING STATE BANKING ASSOCIATIONS.] For the purposes of this Act every corporation organized under the laws of this State for State Banking Association, Savings Banks, Trust Companies, Building & Loan Associations, and all corporations or other associations, excepting National banks, whose business, in whole or in part consists of the taking of money on deposit, shall be held and are hereby declared to be State Banking associations, and as thus defined shall be subject to the provisions of this Act.

§ 13. REPEALED.] All laws and parts of laws in conflict herewith are hereby expressly repealed.

Approved March 6, 1925.

CHAPTER 93

(S. B. No. 117—Rusch.)

PAYMENT OF DEPOSITS IN TWO NAMES

An Act Relative to Payment of Deposits in Two Names.

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

§ 1. When a deposit has been made or shall hereafter be made in any bank, savings bank, or trust company, transacting business in this state in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend thereon, may be paid to either of said persons, whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank, savings bank or trust company, for any payment so made.

Approved March 6, 1925.

CHAPTER 94

(H. B. No. 186—Vogel.)

REPORTS TO STATE EXAMINER BY BANKS AND TRUST COMPANIES

An Act To Amend and Re-enact Section 5167 of the Compiled Laws of 1913 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 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 the official 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 March 10, 1925.

CHAPTER 95

(S. B. No. 236—McLachlin.)

LEGAL RESERVE BANKING CORPORATIONS—BANKING

An Act to Amend and Re-enact Chapter 23, of the Laws of the State of North Dakota of the Special Session of 1919.

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

§ 1. AMENDMENT.] Chapter 23 of the laws of North Dakota of the special session of 1919 is hereby amended and re-enacted to read as follows:

§ 1. From and after January 1st, 1926, and up until January 1st, 1927 each banking corporation or association shall at all times have on hand in available funds an amount which shall equal fifteen per cent of its demand deposits and amounts due to other banks and ten per cent of its time deposits, and from and after January 1st, 1927 such banking corporation or association shall at all times have on hand in available funds an amount which shall equal twenty per cent of its demand deposits and amounts due to other banks and ten per cent of its time deposits; three-fifths of this amount may consist of balances due to the corporation or association from the Bank of North Dakota, or good solvent state or national banks or trust companies, which carry sufficient reserve to entitle them to act as such depository banks, and are located in such commercial centers as will facilitate the purposes of banking exchanges, and which depository banks shall have been first approved by the State Banking Board, and the remaining two-fifths of such reserve shall consist of actual cash on hand; Cash items shall not be included in computing reserve, and no corporation or association shall carry as cash, or cash items, any paper or other matter except legitimate bank exchange which will be cleared on the same or next succeeding day. Provided, however, that any state banking corporation or association with the permission of the state banking board may carry not to exceed one-fourth of its legal reserve in United States Certificates of indebtedness, United States Bonds, North Dakota Land series bonds, North Dakota Bank of North Dakota bonds and North Dakota Mill and Elevator bonds. Whenever the available funds within the meaning of this section, shall be below the requirements hereinbefore stated, such corporation or association shall not increase its liabilities by making any new loans or discounts other than by discounting or purchasing bills of exchange, payable at sight, or make any dividend of its profits until the required proportion between the aggregate amount of the deposits and its lawful money reserve has been restored and the State Banking Board must notify any corporation or association whose lawful money reserve shall be below the amount required to be kept on hand to make good such reserve and if such corporation or association shall fail to do so for a period of thirty days after such notice, the State Banking Board may impose a penalty of not less than one hundred dollars or more than five hundred dollars which shall be collected in the same manner as other penalties prescribed in this chapter.

Approved March 10, 1925.

BONDS

CHAPTER 96

(S. B. No. 121—Committee on Insurance.)

CONTRACTOR'S BONDS

An Act Requiring Bonds of Contractors Doing Contract Work for the State or any Political Subdivision Thereof to Carry a Provision Guaranteeing that the Employees of Such Contractor or any of his Sub-contractors Are Fully Covered under the Provisions of the Workmen's Compensation Law, Being Chapter 162 of the Session 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 shall be inserted in every bond given by a contractor doing work for the State of North Dakota, or for any political sub-division thereof, in addition to the general provisions for the faithful and complete performance of all work required under such contract, a further provision as follows, to-wit: That the said contractor has made or will make, prior to the commencement of any work by himself or any sub-contractor under such contract, full and true report to the Workmen's Compensation Bureau of the payroll expenditures for the employees to be engaged in such work, and has paid or will pay the premium thereon prior to the commencement of such work.

Approved March 3, 1925.

CHAPTER 97

(H. B. No. 267—Erickson of Kidder.)

CANCELLATION OF UNSOLD BONDS OF COUNTIES AND OTHER SUBDIVISIONS

An Act Providing for the Cancellation and Destruction of Unsold Bonds of Counties, Cities, Villages and School Districts, on the Expiration of Three Years from the Date of Their Authorization.

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

§ 1. BONDS UNSOLD, CANCELLATION AND DESTRUCTION.] All county, city, village or school district bonds, the issue of which has

been or shall hereafter be duly authorized, and which are not sold within three years of the date of the authorization of the issue thereof either by vote of the electors of the political subdivision authorizing the same, or otherwise as by law provided; are and shall be, with the expiration of such three-year period, cancelled and of no force and effect. And it shall be the duty of the treasurer of such political subdivision, in the presence of at least two other electors of such political subdivision, to destroy such bonds by the burning thereof, and to himself, with such witnesses, make and file in the records of his office affidavit as to the bonds so destroyed and the time and place of such destruction, and to make a full record thereof in proper book of record in his office.

Approved March 10, 1925.

CHAPTER 98

(H. B. No. 260—O. F. Anderson.)

ELECTION ON BOND ISSUES

An Act Providing that all Bond Issues shall be Authorized by a Vote of the Qualified Electors, and Repealing all Acts and Parts of Acts in Conflict with the provisions of this Act.

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

§ 1. It shall be unlawful for any county, city, school district, township, or other taxing district or the governing board thereof to issue bonds thereof without first being authorized so to do by the vote of a majority of all qualified electors voting upon such proposition. This provision is not intended to apply to bonds issued by the state.

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

Approved March 10, 1925.

CHAPTER 99

(H. B. No. 258—Roberts.)

BONDS OF COUNTIES, CITIES, VILLAGES AND OTHER SUBDIVISIONS

An Act Relating to Bonds Issued by Counties, Cities, Villages, School Districts, Park Districts, and Other Subdivisions Within the State.

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

§ 1. Hereafter bonds, including refunding bonds, issued under lawful authority by any county, city, village, school district, park

district, or any other subdivision within the state, may be serial in form and number from one upward consecutively. The maturities of principal shall be annual and shall commence with the fifth year after the date of issue of such bonds and shall (as nearly as practicable) be in such amounts as will, together with the interest on all outstanding bonds, be met by an equal annual tax levy for the payment of said bonds and interest; Provided, however, that only bond number one of any issue shall be of a denomination other than a multiple of one hundred dollars.

§ 2. The officials now or hereafter charged by law with the duty of levying taxes for the payment of said bonds and interest shall, in the manner provided by law, make an annual levy sufficient to meet the payments of principal and interest on said bonds maturing as herein provided.

Approved March 10, 1925.

CHAPTER 100

(H. B. No. 216—Committee on State Affairs.)

BONDS OF NORTH DAKOTA—REAL ESTATE SERIES

An Act Amending Sections 4, 9 and 12, Chapter 292, Session Laws of 1923, Relating to the Bonds of North Dakota, Real Estate Series.

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

§ 4. 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 denominations of from One Thousand to Ten Thousand Dollars, and shall be payable in not less than ten or more than thirty years from the date of the issue of such bonds; providing, 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 in-

terest 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.

§ 2. AMENDMENT.] That Section 9 of Chapter 292, Session Laws of 1923 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 collection 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 by it of such payments. 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; provided, however, that no Power of Attorney or Attorneys 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 cost, taxes paid, disbursements and expenses of foreclosure including any interest paid to affect 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 for by law, a Sheriff's Deed shall be issued to the "State Treasurer as Trustee of the State of North Dakota." Any taxes then remaining unpaid thereon shall be cancelled and abated by the Board of County Commissioners of the County wherein such land is situated. Any land, title to which is acquired through foreclosure, 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 shall accrue to the Real Estate Bond 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, be amended and re-enacted to read as follows:

§ 12. If at the time of the annual meeting of the State Board of Equalization, the moneys in the Real Estate Bond Payment Fund shall appear to the State Treasurer to be insufficient to meet the payment of interest upon said bonds accruing within a period of one year thereafter, or to meet any deficiency existing in the bond Amortization Surplus Fund, he shall so inform the State Board of Equalization, which shall thereupon proceed to include the annual tax levy, such tax as in its judgment shall be necessary to meet the indicated deficiency, and the proceeds of such tax shall be placed by the State Treasurer in said Fund.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency and shall take effect and be in force from and after its passage and approval by the Governor.

Approved March 10, 1925.

CHAPTER 101

(H. B. No. 82—Johnson of Ransom.)

REGULATING BONDS OF PUBLIC OFFICIALS

An Act To Regulate and Better Safeguard the Bonds of Public Officials and Public Depositories.

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

§ 1. No officer or employee of the State or of any municipality, political subdivision or public corporation shall become a surety upon any bond or undertaking required or permitted of any other Public Officer or employee, or upon any bond or undertaking of any depository of public funds.

§ 2. No officer or board charged by law with the duty of approving such bonds, shall approve any bond made in violation of this Act.

§ 3. The word "officer" as used herein shall be held to include deputy officers, and officers appointed by the Courts. The word "employee" shall be held to include all persons other than officers as defined, who may perform or contract to perform services for a consideration and shall include subcontractors on public works.

§ 4. Any person offending against the provisions of this act shall be held guilty of a misdemeanor, and shall be subject to removal from office.

No bond given or approved in contravention of this act shall be held to be invalid by reason thereof.

Approved March 4, 1925.

CHAPTER 102

(H. B. No. 142—Johnson of Traill.)

RETIRED BOND ISSUES

An Act To Repeal Sections 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289 and 2290 of the Compiled Laws of North Dakota for the year 1913 Relating to Bond Issues Authorized by the Legislative Assembly of the State of North Dakota which have been Retired.

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

§ 1. That Sections 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289 and 2290 of the Compiled Laws of the State of North Dakota for the year 1913 are hereby repealed.

Approved March 10, 1925.

BOVINE TUBERCULOSIS

CHAPTER 103

(H. B. No. 89—Arduser.)

TUBERCULIN TEST OF CATTLE IN TOWNSHIPS

An Act To amend and re-enact Chapter 86 of the Session Laws for the Year 1921, as amended by Chapter 146, Session Laws 1923, relating to application of the Tuberculin Test and Eradication of Bovine Tuberculosis in Townships in Counties in North Dakota under the direction of the State Live Stock Sanitary Board by Petitions of a majority of resident Freeholders or Live Stock Owners in such Townships.

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

§ 1. AMENDMENT.] Chapter 86 of the Session Laws for the year 1921, as amended and re-enacted by Chapter 146, Session Laws for the year 1923, is hereby amended and re-enacted to read as follows:

§ 2. Upon receipt of a petition signed by a majority of the resident freeholders or live stock owners of any township in any county in this state petitioning for the application of tuberculin test to all cattle within such township, the State Live Stock Sanitary

Board is authorized and empowered to enforce the tuberculin testing of all such cattle in such township, in accordance with the laws providing for the eradication of bovine tuberculosis and reimbursement of owners of cattle slaughtered for tuberculosis, and the rules and regulations of the State Live Stock Sanitary Board.

Provided that in any circumscribed area as established by the State Live Stock Sanitary Board, where all the cattle in said area are to be tuberculin tested and said tuberculin test is undertaken under the direction of the State Live Stock Sanitary Board, no other cattle shall enter said area unless tuberculin tested under the direction of the State Live Stock Sanitary Board or are accompanied by a proper tuberculin tested health certificate, except under special permit and restrictions provided by the State Live Stock Sanitary Board.

§ 3. Upon the determination by the State Live Stock Sanitary Board that the cattle in a majority of the townships in any county of this state have been tuberculin tested, the State Live Stock Sanitary Board is authorized and empowered to enforce the tuberculin testing of all cattle in all townships in said County without securing petitions, as provided in Section 2 hereof.

§ 4. Township Boards or County Commissioners are hereby authorized to provide funds to furnish transportation for official inspectors between stations and different herds of cattle to perform service in accordance with Sections 2 and 3 of this Act.

§ 5. PENALTY.] Any person who refuses to assist or endeavors to prevent the State Live Stock Sanitary Board or its agents in carrying out the purposes of, or violates any of the provisions of this Act, shall be guilty of a misdemeanor and be punished by a fine of not less than Twenty-five Dollars nor more than Five Hundred Dollars, or by imprisonment in the County Jail not less than thirty days nor more than ninety days, or both such fine and imprisonment.

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

Approved March 3rd, 1925.

CERTIFICATES OF INDEBTEDNESS

CHAPTER 104

(S. B. No. 255—Van Camp.)

ISSUE OF CERTIFICATES OF INDEBTEDNESS

An Act Amending Section 1 and Section 5 of Chapter 326 of the Session Laws of 1923 Pertaining to Certificates of Indebtedness.

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

§ 1. AMENDMENT.] Section 1 of Chapter 326 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 1. CERTIFICATES OF INDEBTEDNESS.] Counties, cities, villages, townships, school districts, park districts, and irrigation districts shall have power to borrow in anticipation of revenues to be derived from taxes already levied. The aggregate amount of such borrowings shall not at any time exceed the amount of uncollected taxes which have been levied during the year in which the borrowing is made plus uncollected taxes remaining upon the tax lists of four preceding years, exclusive of levies for the purpose of retiring bond issues and the interest thereon. For the purpose of borrowing all such taxing districts may issue certificates of indebtedness. A certificate of indebtedness shall consist of an agreement on the part of the taxing district to pay a stated sum on a specified date or on or before a specified date not more than thirty months in the future, together with interest thereon at a specified rate not exceeding 7% per annum which may be made payable semi-annually, which certificate shall be signed on behalf of the district by its president or chairman and also by its auditor, clerk or secretary. Certificates of indebtedness shall bear the certificate of the county auditor to the effect, that they, together with all other outstanding certificates, are within the amount of uncollected taxes which have been lawfully levied in the then present year plus uncollected taxes of four preceding years. Such certificates of indebtedness shall possess no validity unless they bear such certificates of the county auditor. It shall be the duty of the county auditor to make such certificate according to the facts. When so executed with the prescribed certificate signed by the county auditor, certificates of indebtedness shall be fully negotiable and shall be incontestable except upon the ground of fraud on the part of the holder or original payee, or connivance between the holder or the original payee and officer or officers of the taxing district concerned. In the hands of a holder in due

course, the execution of a certificate of indebtedness by the proper officials shall be conclusive evidence that the issuance thereof was duly authorized by the governing board of the taxing district. A tax shall be deemed to have been levied when it has been voted by the tax levying board and certified to the county auditor.

§ 2. AMENDMENT.] Section 5 of Chapter 326 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 5. PAYMENT, CANCELLATION OR EXTENSION OF CERTIFICATES.] After certificates of indebtedness are paid and cancelled they shall be exhibited to the county auditor who shall note the cancellation thereof upon his bond register and make a notation upon the certificate of indebtedness to the effect that the payment thereof has been noted upon the bond register. When any taxing district has issued certificates of indebtedness pursuant to the terms of this act which certificates remain unpaid after maturity, it shall be the duty of the county auditor, upon presentation to him of such past due certificates, and upon written request of the holder or holders thereof, to set aside all tax collections except those for sinking and interest funds thereafter accruing to the credit of such district and the same shall be held by the county treasurer in a special fund to be used only for the purpose of retiring such certificates of indebtedness and paying interest thereon until sufficient funds shall have been accumulated to retire such past due certificates. Certificates of indebtedness shall cease to bear interest at maturity; providing, however, that certificates not paid upon presentation at or after maturity shall bear interest from maturity until paid at the same rate as before maturity. With the consent of the owner, the maturity of a certificate of indebtedness may be extended by the governing board of the taxing district by a separate instrument in any form acceptable to both parties.

Approved March 6, 1925.

CHAPTER 105

(S. B. No. 276—Storstad.)

ADVERTISING BIDS FOR BONDS AND CERTIFICATES OF INDEBTEDNESS

An Act To Amend Chapter 327 of the Session Laws of 1923, Relating to Advertising for Bids for Bonds or for Certificates of Indebtedness, and Providing that it shall be Unlawful for Certain Public Officials to Accept Commissions from Bidders Upon Sales of Bonds or Certificates of Indebtedness.

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

§ 1. AMENDMENT.] Section 2 of Chapter 327 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 2. ADVERTISEMENT FOR BIDS.] A notice calling for bids for each proposed issue of bonds shall be published at least once in the official newspaper of the county, 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 unenforcible 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 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.

§ 2. AMENDMENT.] Section 3 of Chapter 327 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 3. BIDS, WHERE RECEIVED.] The notice shall specify the time and place at which bids will be received. Except in case of cities of over 2,000 population or school districts of over 2,000 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, the governing board of the taxing district may act upon the same at its convenience, but within five days after the bids have been received, and contract shall be awarded to the bidder who agrees to purchase the bonds upon the terms most favorable to the taxing district unless the board determines to reject all bids. The board shall

have the right to reject any and all bids, and shall not make any sale at less than par.

§ 3. AMENDMENT.] Section 4 of Chapter 327 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 4. PROVISIONS APPLY TO CERTIFICATES OF INDEBTEDNESS.] In case the governing board of any taxing district determines to borrow in excess of \$4,000 upon certificates of indebtedness a similar notice shall be published and similar procedure followed and with like effect and subject to the same provisions as to penalties as in the case of issues of bonds. In case certificates of indebtedness can be sold at par, to bear not more than 5½% interest per annum, the same may be sold without advertising for bids. A district may make successive borrowings, each for less than \$4,000, without advertising for bids, provided that not more than \$6,000 may be borrowed in any fiscal year from July 1 to June 30, without advertising for bids.

§ 4. AMENDMENT.] Section 6 of Chapter 327 of the Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 6. BIDS RECEIVED ELSEWHERE.] When bids are advertised for for bonds or certificates of indebtedness to be issued by cities of over 2,000 population, or by school districts of over 2,000 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 taxing district shall send to the tax commissioner a copy of such notice at the same time and in like manner as is required of other taxing districts.

§ 5. UNLAWFUL FOR CLERK TO ACT AS AGENT.] It shall be unlawful for an auditor, clerk, secretary or other official of a taxing district to accept from a bidder or prospective bidder at a sale of bonds or certificates of indebtedness a commission or any other compensation for his services rendered or to be rendered in connection with issuance, sale, or delivery of such bonds or certificates of indebtedness.

Approved March 6, 1925.

CIGARETTES

CHAPTER 106

(S. B. No. 61—Hamilton.)

SALE ETC. CIGARETTES TO MINORS

An Act To Amend and Re-enact Sections 10184 and 10185 of the Compiled Laws of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 126 of the 1921 Session Laws, Regulating the Sale, Manufacturing, Bartering or Giving Away of Any Cigarettes, Cigarette Papers or Wrappers, to Minors, Providing Penalties and Repealing Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] Section 10184 of the Compiled Laws of North Dakota for 1913, as amended and re-enacted by Chapter 126 of the 1921 Session Laws, is hereby amended and re-enacted to read as follows:

§ 10184. SALE. WHEN UNLAWFUL.] 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 to furnish to, or buy or procure for, any person under the age of twenty-one years any cigarette, cigarette paper or cigarette wrapper, prepared or designed to be used for filling with tobacco for smoking.

§ 2. REVOCATION OF PERMIT.] The Attorney General shall revoke the permit of any person, firm or corporation, authorized to sell cigarettes and cigarette papers in this state, who has violated any of the provisions of this act, and no such permit can again be issued to such person, firm or corporation for a period of two years thereafter.

§ 3. AMENDMENT.] Section 10185 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 126 of the 1921 Session Laws is hereby amended and re-enacted to read as follows:

§ 10185. PENALTY.] Any person violating any of the 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 \$50.00 nor more than \$100.00; and for the second and each subsequent offense, by a fine of not less than \$100.00 nor more than \$300.00, or by imprisonment in the county jail for not less than ten or more than ninety days, or both such fine and imprisonment. The enforcement of the penal provisions of this

act is enjoined upon every officer and official whose duty it is to enforce the laws of this state and any such officer failing to enforce the penal provisions hereof, shall be subject to removal from office in manner by law provided.

§ 4. Any person, firm or corporation violating any of the provisions of this Act, or maintaining a place where cigarettes 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 of cigarettes 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 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, so far as applicable, the same as those now provided by laws of this State for enjoining and abating intoxicating liquors.

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

§ 6. EMERGENCY. This act is hereby declared an emergency measure and shall be in full force and effect on and after April 1st, 1925.

Approved February 20, 1925.

CHAPTER 107

(S. B. No. 62—Hamilton.)

SALE OF CIGARETTES AND CIGARETTE PAPERS

An Act Entitled, An Act 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 Provision 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.

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

§ 1. No person, firm or corporation shall sell cigarettes or cigarette papers in the state of North Dakota without first obtain-

ing 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 or cigarette papers are 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 can 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 said 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. Said bond shall be signed by the obligor as principal, and by a surety company authorized to do 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 \$10.00, license fee. The Attorney General shall receipt for such payments and shall forthwith pay over 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 maintaining a place where such cigarettes or cigarette papers are kept with intent to sell, 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 and cigarette papers or wrappers and tubes sold in North Dakota to consumers the following taxes, to be paid prior to or at the time of sale and delivery 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.

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. Before being delivered to the consumer each package of cigarettes and each package, book or set of papers or of tubes, shall have securely affixed thereto 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.

For any violation of any of the foregoing provisions of this section, the offender, upon conviction thereof, shall be fined not less than \$100 nor more than \$300 and costs of prosecution, and be committed to the county jail until such fine is paid, but not exceeding six months; and all cigarettes, cigarette papers or wrappers, and papers made or prepared for the purpose of making cigarettes in his possession or in his place 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 have in possession any forged, counterfeited, spurious or altered license or stamp, knowing the same to be forged, counterfeited, spurious or altered, and whoever is found guilty of any violation of this provision shall be fined not more than \$1000.00 and be imprisoned in the State Penitentiary 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 Treasurer of the State 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 help 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 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 of cigarettes 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. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after April first, A. D. 1925.

Approved February 17, 1925.

CORN SHOW

CHAPTER 108

(S. B. No. 65—Obert Olson.)

NORTH DAKOTA CORN SHOW

An Act To Establish the North Dakota State Corn Show and Making an Appropriation Therefor.

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

§ 1. For the purpose of promoting and improving the production of corn in the state of North Dakota, a North Dakota State Corn Show shall be held annually, at the City of Bismarck in the State of North Dakota, subject to the conditions hereinafter named;

and the location of the North Dakota State Corn Show as herein provided for is hereby declared to be permanent.

§ 2. The administration of said North Dakota State Corn Show and all matters incident thereto is hereby vested in, and conferred upon, the North Dakota State Corn Show, which is duly organized and incorporated under the laws of this state, and its officers and members and their qualified successors.

§ 3. The said North Dakota State Corn Show shall have a board of directors consisting of fifteen persons and the Governor and Commissioner of Agriculture and Labor of this state shall ex-officio constitute two of such directors, and at least one director shall be selected from each of the judicial districts of the state, and be a resident of the same.

§ 4. The Board of Directors of said North Dakota State Corn Show shall appoint an executive committee which shall keep an accurate account of the expenditures of all moneys appropriated to it by the state, and all other receipts and expenditures, and shall collect, arrange and collate all the information available in relation to the production of corn in this state and all matters incidental thereto and report the same, together with a statement of their doings and such account of their expenditures to the Governor, on or prior to the first day of January of each year following the holding of the fair; such report to be audited by the Governor, Commissioner of Agriculture and Labor and the State Auditor, and by the Governor laid before the Legislative Assembly. All moneys hereby appropriated shall be paid over to the Treasurer of the North Dakota State Corn Show upon an order of the President, attested by the Secretary.

§ 5. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of One Thousand Dollars for the biennium beginning July 1st, 1925 and ending June 30, 1927 to be expended by and under the supervision of the directors of said North Dakota State Corn Show.

§ 6. The provisions of this Act shall not become binding or effective upon the state until the North Dakota State Corn Show shall adopt a By-Law expressly accepted and agreeing to all of the conditions hereof, and file a certified copy of said By-Law with the Secretary of State.

Approved March 10, 1925.

CORPORATIONS

CHAPTER 109

(H. B. No. 65—Carr.)

DIVIDENDS—INDEBTEDNESS—CAPITAL STOCK AND BONDS OF CORPORATIONS

An Act To Amend and Re-enact Section 4543 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Declaration of Dividends and the Creation of Indebtedness by Directors of Corporations, and Increasing or Diminishing of the Capital Stock of Corporations, and the Issuing of Bonds by Corporations and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 4543 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4543. DIVIDENDS ONLY FROM PROFITS. LIMITATIONS OF INDEBTEDNESS. EXCEPTIONS.] The directors of corporations must not make dividends except from the surplus profits arising from the business thereof; nor must they divide, withdraw or pay to the stockholders, or any of them, any part of the capital stock, nor must they create debts beyond the subscribed capital stock, or reduce or increase the capital stock, except as specially provided by law; provided, however, that the above limitation as to the creation of debts shall not apply to the policy risks of insurance companies on which no loss has occurred, or the notes, bonds or debentures of any loan or trust company, or public utility, company or corporation, organized under the provisions of this chapter, when payment of such notes, bonds or debentures shall be secured by the actual transfer of real estate by trust deed or mortgage for the payment of such notes, bonds or debentures, which said real estate so transferred shall be of twice the value of the par value of such notes, bonds and debentures; provided further that the limitation as to the value of property conveyed by trust, deed or mortgage shall not apply to the bonds or debentures of public utility corporations; provided, further, that such limitation shall not apply to any loan or trust company's guarantee of payment after transfer of any note, bond or debenture when the same is secured by trust deed or mortgage as above stated; provided, further that the above limitation as to the creation of debts shall not apply to certificates and debentures issued by investment companies for the creation of an investment fund where

the holder of such certificates or debentures shall by the terms of the same, participate in the earnings of such investment fund.

§ 2. The provisions of this Act shall apply to corporations heretofore and hereafter organized.

§ 3. This Act is hereby declared to be an Emergency Measure and to be in full force and effect immediately after its passage and approval.

Approved February 24, 1925.

CHAPTER 110

(H. B. No. 145—Starke.)

LIMITING PROPERTY, RELIGIOUS AND CHARITABLE INSTITUTIONS

An Act To Amend and Re-enact Section 4503 of the Compiled Laws of North Dakota for the Year 1913; Limiting the Value of Property to be Held by Religious and Charitable Corporations and Associations.

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

§ 1. AMENDMENT.] Section 4503 of the Compiled Laws of North Dakota for the year 1913 is hereby Amended and Re-enacted to read as follows:

§ 4503. RELIGIOUS AND CHARITABLE LIMITED.] No corporation or association for religious or charitable purposes shall acquire or hold real estate in this state of greater value than five hundred thousand dollars.

Approved March 4, 1925.

CHAPTER 111

(S. B. No. 103—Ward.)

POWER OF STOCKHOLDERS AND MANAGEMENT—CO-OP. ENTERPRISES

An Act Relating to the Powers of Stockholders and Management of Co-operative Corporations and Associations.

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

§ 1. That the stockholders of any co-operative corporation or association shall have the power at their annual meeting to amend,

modify, change or make new by-laws for the management and conduct of such corporations or associations, any provision in the by-laws contrary to the provisions of this act notwithstanding; provided, that a quorum at such stockholders' meeting shall consist of at least a majority of the stockholders who shall be present either in person or by proxy.

§ 2. All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] This Act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved February 13, 1925.

CHAPTER 112

(H. B. No. 109—Twichell.)

NUMBER AND POWER—DIRECTORS CORPORATIONS

An Act To Amend and Re-enact Section 4541, Compiled Laws of North Dakota for the Year 1913, Relating to Number and Power of Directors of Corporations.

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

§ 1. AMENDMENT.] Section 4541 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 4541. NUMBER AND POWER OF DIRECTORS.] Unless otherwise expressly provided, the corporate powers, business and property of all corporations formed under this chapter must be exercised, conducted and controlled by a board of not less than three nor more than fifteen directors, to be elected from among the holders of stock; or when there is no capital stock, then, from the members of such corporation, and at least one of such directors must be a resident of this state and the removal of such resident director from the state shall create a vacancy in his office. Directors of corporations for profit must be holders of stock therein in an amount to be fixed by the by-laws of the corporation. Directors of all other corporations must be members thereof. Unless a quorum is present and acting, no business performed, or act done, is valid, as against the corporation. Whenever a vacancy occurs in the office of a director, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the board; pro-

vided, that the trustees or directors of any private corporation created for religious education, or benevolent purposes, may number not less than three nor more than twenty-one, and may be elected at such times, and for such periods, and in such manner, and their qualifications be such as may be provided by the articles of incorporation or by-laws of such corporation.

Approved February 24, 1925.

CHAPTER 113

(S. B. No. 160—Ward.)

By Request

RENEWAL CORPORATE EXISTENCE OF CORPORATIONS

An Act Authorizing the Renewal of the Period of Corporate Existence of Certain Corporations Whose Period of Duration Has Expired Without the Renewal Thereof, and Legalizing Acts and Contracts of Such Corporation Made or Done and Performed Subsequent to the Expiration of the Original Period of Existence of Such Corporation.

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

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

§ 2. 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 proceeding pending in any of the courts in this state for the forfeiture of its charter, nor to any corporation whose directors have acted as trustees under the provisions of Section 4567, Compiled Laws of 1913.

§ 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 4, 1925.

COUNTIES

CHAPTER 114

(S. B. No. 274—Benson.)

ACCOUNTS AND EMPLOYMENT OF COUNTY AGENT

An Act Providing for the Auditing of Expenditures of funds for County Agent work by County Boards of Commissioners; the Supervision of the work and the Employment and Dismissal of the Agent.

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

§ 1. AUDITING ACCOUNTS.] An accurate itemized account of all expenditures incurred by the County Agent in the regular conduct of his duties shall be submitted monthly by him to the Extension Division of the Agricultural College for examination and audit and such account shall be transmitted for audit and recommended for payment to the Board of County Commissioners, who shall have authority to approve or disallow the expense items.

When the Board of County Commissioners is authorized by a majority vote of the people of any county of this state to make a levy for the employment of a County Agent or Agents, it shall be the duty of the Board of County Commissioners to provide a budget which shall stipulate the salary of the Agent, field and office expenses and allowance for clerical hire. After mutually agreeing upon a budget and after deducting the amount of funds contributed from federal funds the commissioners shall proceed to make such levy as will cover the county's share of said budget. Each year thereafter, until discontinued, as hereinafter provided, a similar budget shall be agreed upon and such levy made by the Board of County Commissioners as will meet the County's share of such County Agent

work. In case of a vacancy occurring in the position of Agent, the procedure for the selection of a successor shall be similar to that provided for the selection of an Agent when the work is instituted in the County.

The active direction and supervision of the work of the County Agent shall be carried on by the Extension Division of the State Agricultural College. The Board of County Commissioners, shall, however, have general administrative authority and shall be frequently consulted with reference to the general policy and the work of the Agents. Their suggestions and directions shall be followed when not in conflict with state and federal laws or regulations governing appropriations for County Agent Work.

County Agents shall file with the County Auditor monthly a statement of their work, which report shall in turn be presented by the Auditor to the Board of County Commissioners.

If either the Extension Division of the Agricultural College or the Board of County Commissioners become dissatisfied with a County Agent, a joint meeting shall be arranged at which time detailed information as to the misconduct, negligence or inefficiency of the Agent shall be presented and such joint action taken as is justified by the evidence.

Approved March 6, 1925.

CHAPTER 115

(S. B. No. 275—Benson.)

ELECTION—TAX LEVY FOR COUNTY AGENT WORK

An Act To Amend and Re-enact Section 2263 Compiled Laws of the State of North Dakota for the Year 1913, as Amended and Re-enacted in Chapter 1 of the Session Laws for 1917, as Amended by Chapter 191 of the Session Laws for the Year 1923.

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

§ 1. AMENDMENT.] Section 2263 of the Compiled Laws of the State of North Dakota for the year 1913, as amended and re-enacted in Chapter 1 of the Session Laws for the year 1917, as amended by Chapter 191 of the Session Laws for the year 1923, amended and re-enacted to read as follows:

§ 2263. The Board of County Commissioners of any county in North Dakota upon petition of 20 per cent of the electors of said county, as determined by the votes cast for the office of Governor

at the last preceding election, filed with the County Auditor and worded as hereinafter provided, shall submit to a vote of the people at the next general election the question of providing a tax levy for County Agent work.

PETITION PROVIDING FOR LEVY FOR COUNTY AGENT WORK

We, the undersigned, the electors of..... County, North Dakota, do hereby respectfully petition the Honorable Board of County Commissioners to levy a tax sufficient, and not to exceed, .5 of a mill, to employ County Agent or Agents for the purpose of carrying on County Agent Work in co-operation with the State Agricultural College.

[FORM OF BALLOT.] For an election as hereinbefore provided a separate ballot shall be used and worded as follows:

For County Agent Work ☐

Against County Agent Work ☐

On the first day of July following the election when the majority of the voters cast their ballot for county agent work, it shall be the duty of the Extension Division of the North Dakota Agricultural College to present a candidate or candidates to the board of County Commissioners for their selection and final approval as County Agent. There shall be made available from county funds a sum not less than \$2000.00, but in no case shall the levy made for this purpose exceed .5 of a mill.

[METHOD OF DISCONTINUING LEVY.] The Board of County Commissioners of any county of this state upon petition of 20% of the voters of said county, as determined by the votes cast for the office of Governor at the last preceding election, worded as hereinafter provided, shall cause to be submitted to a vote of the people the question of County Agent Work, provided that a separate ballot is used, worded as hereinbefore provided.

FORM OF PETITION FOR DISCONTINUING LEVY

We, the undersigned electors of..... County, North Dakota, do hereby petition the Honorable Board of County Commissioners to place on the ballot the question of discontinuing County Agent Work at the next general election.

If a majority of the votes cast are against continuing the levy for County Agent Work, the tax levy and the services of the Agent shall be discontinued on the 31st day of December following the date of election, provided that funds accumulated under the provisions of this Act remaining in the treasury may be distributed to any fund

or funds that the county commissioners deem expedient. If the majority of the votes cast are for the support of county agent work it shall be the duty of the County Commissioners to continue said tax levy as provided in this act. It shall be unlawful for any Board of County Commissioners to place the question of County Agent Work on the ballot without having received notification from the County Auditor that petitions as provided for in this Act have been filed at least 30 days before the date of election.

Approved March 6, 1925.

CHAPTER 116

(H. B. No. 108—Rabe.)

COLLECTION OF SEED AND FEED ACCOUNTS

An Act To Amend and Re-enact Section Two (2) of Chapter 188 of the Session Laws of 1923 of the State of North Dakota, Relating to the Collection of Seed Grain and Feed Accounts Owing to Counties.

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

§ 1. AMENDMENT.] Section 2 of Chapter 188 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 2. It shall be the duty of the Board of County Commissioners to enforce the collection of all money due the County for seed grain and feed furnished it, if the same is not paid when due, and it may, when such action is deemed advisable, order the State's Attorney to proceed by legal action to enforce such collection. The Board of County Commissioners may, in their discretion settle and compromise disputed claims or accounts, and take security therefor; and may extend the time of payment thereof.

§ 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 March 7, 1925.

CHAPTER 117

(H. B. No. 269—Committee on Delayed Bills.)

APPOINTMENT AND SALARY OF DEPUTY SHERIFF

An Act To Amend and Re-enact Section 3523, Compiled Laws of 1913, Relating to the Appointment and Fixing the Salary of Deputy Sheriffs.

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

§ 1. That Section 3523, Compiled Laws of 1913, is hereby amended and re-enacted so as to read as follows:

§ 3523. DEPUTIES.] If in the judgment of the board of county commissioners of any county it shall be necessary for the prompt dispatch of business in the sheriff's office they shall by resolution provide for appointment by the sheriff, of a chief deputy, or other deputies, and the time for which they shall be employed, and fix the compensation which they shall receive, which shall be paid monthly in the same manner as the salary of sheriff. Provided that the salary of any deputy or clerk other than the chief deputy shall not be more than one hundred dollars per month. Provided, further, that no such chief deputy shall receive less than seventy-five dollars nor more than one hundred and ten dollars per month, except that in all counties having a population of more than eighteen thousand according to the last census the chief deputy sheriff shall receive a salary of no more than one hundred twenty-five dollars per month. Provided, that the sheriff may appoint in each commissioner district of his county, except in commissioner districts where a salaried deputy is located, at least one deputy, whose compensation shall be such mileage and livery fees only as are now provided by law.

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

Approved March 10, 1925.

CHAPTER 118

(H. B. No. 221—Hardy of Mountrail.)

COUNTY SURVEYOR'S FEES

An Act To Amend and Re-enact Section 3532, Article 13, Chapter 43 of the Compiled Laws of 1913, Relating to the Fees of County Surveyors.

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

§ 1. AMENDMENT.] That Section 3532, Article 13, Chapter 43 of the Compiled Laws of 1913, is hereby Amended and Re-enacted so as to read as follows:

§ 3532. FEES ALLOWED.] County Surveyors shall be allowed to charge and receive the following fees:

1. For time actually employed, five dollars per day and mileage.
2. For each lot laid out and platted in any city or village, twenty-five cents.

3. For each copy of plat and certificate, fifty cents.
4. Recording each survey, twenty-five cents.
5. For each mile actually and necessarily traveled in going to and returning from work, ten cents.
6. For establishing each corner, twenty-five cents.
7. For ascertaining the location of a city or village lot in old survey and measuring and marking the same, two dollars.
8. For surveying county roads, five dollars per day.
9. Expenses for necessary assistance shall in addition be paid by the person requiring the work to be done.

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

Approved March 10, 1925.

CHAPTER 119

(S. B. No. 184—Ettestad.)

COUNTY TREASURER

An Act To Repeal Section 3455 of the Compiled Laws of North Dakota for the year 1913 Relating to Commissions Allowed County Treasurers upon Bond Issues.

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

§ 1. Section 3455 of the Compiled Laws of North Dakota for the year 1913 is hereby repealed.

Approved March 3, 1925.

COURTS

CHAPTER 120

(S. B. No. 167. Committee on Judiciary.)

PROCEDURE IN COUNTY COURTS

An Act Providing General Rules of Procedure in County Courts Relating to Giving Notice to and Obtaining Jurisdiction of all Persons Interested in Estates of Deceased Persons or of Minors or Incompetents; and for Giving Notice to Creditors of and Presentation and Investigation and Allowance or Rejection of Claims Against, Estates of Deceased Persons; and Sales of Real Estate by Executors, Administrators and Guardians; and to Repeal Sections 8549, 8550, 8551, 8552, 8553, 8554, 8555, 8556, 8557, 8558, 8559, 8565, 8734, 8736, 8737, 8740, 8741, 8742, 8743, 8744, 8747, 8748, 8752, 8754, 8771, 8772, 8774, 8775, 8776, 8777, 8780, 8790, 8791, 8833, 8834, 8909, 8911, 8767, 8769, 8770, of the Compiled Laws of North Dakota, 1913, and All Acts and Parts of Acts in Conflict Herewith.

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

ARTICLE I. GENERAL RULES OF PROCEDURE.

§ 1. CITATION GIVES JURISDICTION. HOW ISSUED. CONTENTS AND FORM.] The process by which the Court obtains jurisdiction of the parties in each proceeding, who do not appear therein, is by citation. Before issuing a citation the Court may examine the applicant and other witnesses under oath concerning the name and post-office address of each party to be cited. If he is unable to ascertain such name, the party may be designated by his relation to the decedent as nearly as may be. Each party and each guardian, or attorney, for a party, who appears in any proceedings must be required to give his or her name and postoffice address, which shall be entered in the docket and be taken as true until the Court is notified of a change.

§ 2. CONTENTS AND FORM.] The citation shall contain a brief statement of the matter to be heard, sufficient to fairly inform those interested of the nature of the proposed proceeding and the estate involved; the residence or late residence of the owner of such estate, and the time and place at which such hearing will be held. Any number of different matters may be included in the same citation which may be substantially as follows:

STATE OF NORTH DAKOTA

County of

ss.

IN COUNTY COURT

IN THE MATTER OF THE ESTATE OF.....
 Deceased.

Petitioner.

CITATION HEARING PETITION

FOR.....

vs.

THE STATE OF NORTH DAKOTA TO THE ABOVE
 NAMED RESPONDENTS:

You and each of you are hereby cited and required to appear
 before the County Court of the County of.....
 in said State, at the office of the County Judge of said County, at
 the Court House in the city of.....in said
 County and State, on the.....day of.....

A. D. 19....., at the hour of.....o'clock in the.....
 of that day, to show cause, if any you have why (here give brief
 statement of the matter to be heard, residence or late residence of
 owner of the estate, and any other matter necessary to fairly inform
 the parties interested of the nature of the proceedings).

Let service be made of this citation as required by law.

Dated this.....day of.....A. D.
 19.....

By the Court

SEAL OF COURT.

Judge of the County Court.

§ 3. CITATION ON PETITION, APPLICATION OR REPORT.] Upon
 the filing of a petition for Letters Testamentary, Letters of Ad-
 ministration, Letters of Administration with the Will annexed, Let-
 ters of Guardianship, petition or application for an Order or License
 to do or perform any act in connection with the administration and
 settlement of an estate or guardianship, or requiring any person to

make a report, or do or perform any act or duty to be by him or her performed; or upon the filing of any petition, application or report upon which a hearing is required by law, and not within the discretion of the Court to Order, License or Allow, the Court shall issue a citation fixing the time for hearing such petition, application or report and no other process or order fixing said hearing shall be necessary.

§ 4. SERVICE, HOW MADE.] A copy of the citation shall be served personally upon all respondents within the county, in the same manner as prescribed by the Code of Civil Procedure for the service of summons in civil actions, at least ten days before the day fixed for said hearing and be served on all respondents outside of the county including non-residents by publishing the same, once each week for two successive weeks, in some newspaper printed in the county, if there be one, and if there be none printed in the county, then in a newspaper printed in an adjoining county in the state, and service shall be deemed to be complete with the last publication, and ten days shall elapse thereafter before the day of hearing.

Provided, however, that citation may be served personally upon all respondents within and without the county or on non-residents of the state in the manner above set forth and no service by publication shall, in that case, be necessary.

Provided, further, that, except a citation upon a petition for Letters of Administration, Letters Testamentary, Letters of Administration with the Will Annexed, Petition for Probate of Foreign Will, and Letters of Guardianship, which citation must be served as above set forth, service of every citation required to be made by this code may be made by mailing a copy thereof at least fifteen days before the day fixed therein for hearing, to all respondents, by registered mail; the filing of an affidavit of mailing, accompanied by the registry receipt of the United States Postoffice Department shall be conclusive proof of service upon the respondents to whom said citation was mailed and which service shall be taken in lieu of all other service of such citation.

Service with respect to manner and time of service of all papers of every kind or character and in all proceedings required by this Code shall be governed by this section.

§ 5. SERVICE UPON FOREIGN HEIRS.] The duly accredited representative in the United States of any foreign country may file in any county court in this state the name and address of a representative of such country in the United States, and in any proceeding in such Court, if it shall appear to the Judge thereof that any person interested therein has heirs, devisees or otherwise in any estate, is probab'y a citizen of such foreign country, the County Judge shall

give notice by mail to the representative so designated of the pendency of such proceeding, the name of such person, and his probable citizenship. Provided however a failure to give such notice shall not affect the validity of such proceedings.

§ 6. SERVICE UPON GUARDIAN OR ATTORNEYS.] When a person upon whom service is required is a minor or has been adjudged to be incompetent and has a special or general guardian in the case, service must be made upon the guardian and such service shall be deemed full and sufficient service upon said minor or incompetent person.

Provided, however, that citation upon petition for Letters of Administration, Letters Testamentary, Letters of Administration with the Will annexed, and Letters of Guardianship shall be served upon all persons interested over fourteen years of age;

Provided, further, that when any person upon whom service is required to be made has an attorney of record in the case, service may in all cases be made on such Attorney, and such service shall be full and sufficient service on the person represented by the attorney.

§ 7. SERVICE. HOW WAIVED.] Every party to any proceeding of any kind in the County Court, except actions or proceedings under the increased jurisdiction law in County Courts having increased jurisdiction, who is of full age and has not been declared to be incompetent, may enter his appearance in writing and therein waive service of any and all papers of every kind and character and submit to the jurisdiction of the Court; and he shall not thereafter be entitled to any further service of citation or notice in connection with such proceeding. Such waiver must be signed by the party executing the same in the presence of two witnesses who must sign the same as witnesses thereto, or he must acknowledge the execution of the same before some official qualified to take acknowledgments.

Provided, however, that a guardian, general or special, may not waive service of citation in any proceeding in which his ward is a party respondent.

ARTICLE 2. CLAIMS, PRESENTATION, PROOF AND ALLOWANCE.

§ 8. ORDER FOR NOTICE TO CREDITORS.] Upon granting Letters Testamentary or of Administration the Court shall make an order that notice to creditors be given to present their claims against the estate and fixing the time and place when and where proofs will be heard by the Court, and all such claims examined and adjusted; which time shall not be less than ten days nor more than thirty days

after the time for filing claims has expired. Such order shall designate a newspaper in the County in the state in which such notice shall be published. If there be no newspaper published in the county then the Court shall designate some other newspaper published in an adjoining county in the state to publish such notice.

§ 9. NOTICE TO CREDITORS.] Within fifteen days after making the order referred to in the preceding section, the executor or administrator must cause to be published in the newspaper designated in such order a notice to the creditors of the decedent, requiring all persons having claims against the estate to exhibit them, with the necessary vouchers, to the executor or administrator or County Judge, at a place in the county designated in the notice. Such notice shall also specify the time fixed by the Court for hearing and adjusting such claims. The time specified in the notice for filing claims shall be six months from the first publication of such notice. Such notice must be published once a week for three successive weeks. In case the executor or administrator resigns, dies or is removed before the time for filing claims has expired, claims may thereafter be presented to the County Judge without a new publication.

§ 10. PRESENTATION OF CLAIMS, BARRED.] All claims arising upon contract, whether the same be due, not due, or contingent, must be presented within the time limited in the notice and any claim not so presented is barred forever, provided, however, that nothing in this article contained shall be construed to affect the right or limit the time of foreclosure of mortgages or other liens, except that no balance of the debts secured by such mortgage or other lien and remaining unpaid after the foreclosure shall be a claim against the estate, unless such debts were presented as required by this code.

§ 11. PROOF OF CLAIM. HOW MADE.] Every claim which is due when presented to the executor or administrator must be supported by the affidavit of the claimant or some one in his behalf, that the amount is justly due, that no payments have been made which are not credited, and that there are no offsets to the same, to the knowledge of the claimant or affiant. If the claim be not due when presented or be contingent the particulars of such claims must be stated. When the affidavit is made by a person other than the claimant he must set forth in the affidavit the reason why it is not made by the claimant. The executor or administrator may also require satisfactory vouchers or proof to be produced in support of the claim. If the claim is founded on a bond, bill, note or other instrument, a copy of such instrument must accompany the claim, and the original instrument must be exhibited if demanded, unless it is lost or destroyed, in which case the claimant must accompany his

claim with his affidavit, containing a copy or particular description of such instrument, and stating its loss or destruction. If the claim, or any part thereof, is secured by mortgage or other lien which has been recorded or filed according to law in the office of the register of deeds of the county in which the land or property affected by it is situated, it is sufficient to describe the mortgage or lien, and refer to the date of its filing and volume and page of its record. If, in any case, the claimant has left any original voucher in the hands of the executor or administrator or suffered the same to be filed in the court, he may withdraw the same when a copy thereof has been, or is then, attached to his claim.

§ 12. INVESTIGATION OF CLAIM, HEARING AND ALLOWANCE.] When a claim, accompanied by the affidavit required in this article is presented to the executor or administrator, he must carefully and faithfully investigate the merits of such claim and endorse thereon his approval, or rejection, in whole or in part, and file the same with the County Court before the day set for adjusting claims and the Court may, in its discretion, allow the executor or administrator additional time for further proof, and continue the hearing to a future day. If another day is set for hearing claims, the court must cause ten days notice thereof to be given the claimant, by mail. If the claim be presented to the executor or administrator before the expiration of the time limited for the presentation of claims, the same is presented in time though acted upon by the executor or administrator and by the judge, after the expiration of such time. On the day set for adjusting claims, the executor or administrator shall exhibit the claims of the deceased, if any, in offset to the claims of the creditors, and the court shall ascertain and allow the balance if any against the estate; but no claim barred by the statutes of limitations at the time of death of the decedent shall be allowed by the Court either in favor or against the estate, as a setoff or otherwise.

§ 13. CLAIMS ALLOWED ENTERED IN REGISTER.] Upon the day set for hearing such claims, the court must pass upon and adjudicate the same. All claims adjudicated by the court, whether disputed or not, shall have endorsed thereon by the court the amount allowed, the class to which it belongs, and the date of adjudication, and such claims shall be ranked among the acknowledged debts of the estate to be paid in due course of administration, and shall bear interest at the legal rate. If any claim is rejected in whole or in part, the judge shall forthwith cause notice to be given the claimant, his attorney or agent, by registered mail, of such rejection. A brief description of every claim filed must be entered by the Judge in a register for the purpose, showing the name of the claimant, the amount and character of the claim, rate of interest, and date of allowance.

§ 14. CLAIMS REJECTED, SUITS INSTITUTED. HOW.] When a claim is disallowed by the County Court, the holder must bring suit in the proper court against the executor or administrator within ninety days after the date of the notice by the County Judge of its disallowance, if it be then due, otherwise the claim is barred forever. If the creditor refuses to accept the amount allowed in satisfaction of his claim, he shall recover no costs in an action therefor, brought against the executor or administrator, unless he recover a greater amount than that allowed. No claim against any estate which has been presented is affected by the statute of limitations, pending the proceedings for the settlement of the estate.

§ 15. PENDING ACTIONS PROSECUTED. JUDGMENT. HOW PAID.] All actions which may be pending against a deceased person at the time of his death, may, if the cause of action survive, be prosecuted to final judgment, and the executor or administrator may defend the same. If any judgment shall be rendered against the executor or administrator the court rendering it shall certify the same to the county court, and the amount thereof shall be paid in the same manner as other claims allowed against the estate.

§ 16. EXECUTOR MAY PROSECUTE. SETOFF. JUDGMENT. HOW PAID.] Nothing in this chapter shall be construed to prevent an executor or administrator from commencing and prosecuting any action against any other person or from prosecuting any action commenced by the deceased in his lifetime for the recovery of any debt or claim to final judgment, or from having execution on any judgment. In such case the defendant may set off any claim he may have against the deceased, instead of presenting it to the court, and all mutual claims may be set off in such action. If judgment shall be rendered in favor of the defendant, the same shall be certified by the court rendering it to the county court and be considered the true balance, and paid as other claims allowed against the estate.

§ 17. ESTATE OF JOINT DEBTOR LIABLE FOR WHOLE.] When two or more persons shall be indebted on any joint contract or upon a judgment founded on a joint contract and either of them shall die, his estate shall be liable therefor, and the claim may be allowed by the court as if the contract had been joint and several or as if the judgment had been against him alone, and the other parties to such joint contract may be compelled to contribute or to pay the same if they would have been liable to do so upon payment thereof by the deceased.

§ 18. WHEN EXECUTOR OR ADMINISTRATOR TO ACCOUNT AND PAY DEBTS.] Not less than thirty days after the entry of allowance or disallowance of claims as hereinbefore set forth and within sixty days thereafter every executor or administrator shall proceed to the payment of the debts so allowed and shall thereupon make his final

report and account of his administration of the estate in the manner prescribed by law, unless it shall satisfactorily appear to the court: (1) That the personal assets in the hands of the executor or administrator are insufficient to pay the debts of the deceased and that there is real estate that can be mortgaged leased or sold to pay such debts; (2) That an appeal has been taken from some action of the county court or suit has been instituted against the executor or administrator which is still pending and necessarily delays the settlement of the estate; (3) That collectable debts due the estate have not been collected; (4) That a contingent claim has been allowed against the estate of the deceased, and that the final settlement of the estate is necessarily delayed thereby; (5) That the best interests of the estate will be served by continuing the business of the decedent. In such event the executor or administrator shall be allowed in addition to his fees reasonable compensation for managing the business, or (6) That some other good and sufficient cause for delay exists.

§ 19. TIME TO PAY DEBTS FIXED. EXTENSION OF.] Whenever it shall satisfactorily appear to the county court that any one or more of the causes for delay mentioned in the preceding section exists, such court shall, by order, without notice, fix a time within which the executor or administrator shall pay the debts and legacies and make a final settlement of his account as executor or administrator. But such time shall not exceed twelve months, except when granted upon the petition of the executor or administrator, under oath, setting forth the assets remaining in his possession belonging to the estate of the deceased, the debts and legacies that remain unpaid, the reasons why the delay in the settlement of the estate prayed for is necessary and that an additional time is deemed requisite for a full settlement of such estate, and upon notice to all parties interested of the time and place of hearing such petition by citation in the manner required by law. On such hearing the court may, in its discretion, grant such further time for the payment of the debts and legacies and the settlement of the estate, as the nature of the case may require, and may again extend the time upon like petition and notice, no single extension shall be for a period of more than two years but in no case shall the time be extended beyond six years from the time of granting letters testamentary or of administration.

ARTICLE 3. SALES OF REAL ESTATE

§ 20. EXECUTOR OR ADMINISTRATOR MAY SELL PROPERTY.] When a sale of property of the state is necessary to pay the allowance to the family, or the debts outstanding against the decedent or the debts, expenses or charges of administration, or legacies; or when it appears to the satisfaction of the court that it is for the advantage, benefit and best interest of the estate, and those interested

therein, that the real estate, or some part thereof, be sold, the executor or administrator may sell any real as well as personal property of the estate, upon the order of the court; and an application for the sale of real property, may also embrace the sale of personal property.

§ 21. VERIFIED PETITION FOR SALE. WHAT TO CONTAIN.] To obtain such order for sale of real property, he must present a verified petition to the court, setting forth (1) the amount of the personal estate that has come to his hands, and (2) how much thereof, if any, remains undisposed of; (3) the debts outstanding against the decedent, as far as can be ascertained or estimated; (4) the amount due on the family allowance, or (5) that will be due after the same has been in force for one year; (6) the debts, expenses and charges of administration already accrued; and (7) an estimate of what will or may accrue during the administration; (8) a general description of all the real property of which the decedent died seized, or in which he had any interest or in which the estate has acquired any interest, and (9) the condition and value thereof, and (10) the names of the legatees and devisees, if known to the petitioners; and if such order for sale of real estate is petitioned for on the ground that it is for the advantage, benefit, and best interests of the estate, and those interested therein that a sale be made, the petition, in addition to the foregoing facts, must set forth in what way an advantage or benefit would accrue to the estate, and those interested therein by such a sale. If any of the matters herein enumerated cannot be ascertained it must be so stated in the petition; but a failure to set forth facts hereinbefore enumerated will not invalidate the subsequent proceedings, if the defects be supplied by the proofs at the hearing, or the general facts showing that such sale is necessary or that such sale is for the advantage, benefit and best interests of the estate, and those interested therein, be stated in the decree.

§ 22. NOTICE TO PERSONS INTERESTED.] If it appears to the court, from such petition, that it is necessary or that it would be for the advantage, benefit or best interests of the estate, and those interested therein, to sell the whole or some portion of the real estate, for the purposes and reasons mentioned in the preceding section, or any of them, such petition must be filed and a citation thereupon issued and served as provided in Section 4, hereof.

§ 23. ASSENT GIVEN NO NOTICE NECESSARY.] If all persons interested in the estate including guardians, either general or special, if any, join in the petition for the sale, or signify in writing their assent thereto, the notice may be dispensed with and the hearing may be had at any time.

§ 24. GUARDIAN. NOTICE TO.] If it shall appear to the County Court by the petition or other competent evidence that any

person interested in such estate is a minor or incompetent person and has no general or special guardian residing in the county, the court shall, at or before the time for issuing the citation for hearing the petition, appoint some disinterested freeholder of the county, guardian of such minor or incompetent person or ward for the sole purpose of appearing for him and taking care of his interests in the proceedings, and the service of all citations shall be made on such special guardian.

§ 25. HEARING AFTER PROOF OF SERVICE.] The Court at the time and place appointed in such citation or at such other time to which the hearing may be postponed, upon satisfactory proof of service of a citation as provided in this code, (if the consent in writing to such sale of all the parties interested is not filed) must proceed to hear the petition and hear and examine the allegations and proofs of the petitioner and of all persons interested in the estate who may oppose the application.

§ 26. EXECUTOR, ADMINISTRATOR AND WITNESSES MAY BE EXAMINED.] The executor, administrator and witnesses may be examined on oath by either party, and the process to compel them to attend and testify may be issued by the court or judge, in the same manner and with like effect as in other cases.

§ 27. TO SELL REAL ESTATE OR ANY PART, WHEN.] If it appears to the satisfaction of the Court, that it is necessary or that it is for the advantage, benefit, and best interests of the estate and those interested therein, to sell a part of the real estate and that by sale thereof, the residue of the estate, real and personal, or some specific part thereof, would be greatly injured or diminished in value, or subjected to expense, or rendered unprofitable, or that after any such sale the residue would be so small in quantity or value, or would be of such a character with reference to its future disposition among the heirs or devisees, as clearly to render it for the best interest of all concerned that the same should be sold, the court may authorize the sale of the whole estate, or any part thereof, as in the judgment of the court is necessary, or for the advantage, benefit, and best interests of the estate, and those interested therein.

§ 28. ORDER OF SALE. WHEN TO BE MADE.] If it appears to the satisfaction of the court, after a full hearing upon the petition and examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for any of the causes mentioned in this article, or that a sale of the whole or some portion of the real estate is for the advantage, benefit, and best interests of the estate and those interested therein, or if such sale be assented to by all the persons interested, an order must be made to sell the whole, or so much and such parts

of the real estate described in the petition as the court shall judge necessary, or for the advantage, benefit and best interests of the estate and those interested therein.

§ 29. WHAT THE ORDER OF SALE MUST CONTAIN.] The order of sale must describe the lands to be sold, and the terms of sale, which may be cash, or may be one-third cash and the balance on a credit not exceeding five years, payable in gross or installments with interest, as the court may direct. The land may be sold in one parcel or in subdivisions, as the executor or administrator shall judge most beneficial to the estate, unless the court otherwise specially directs. If it appears that any part of such real estate has been devised and not charged in such devise with the payment of debts or legacies, the court must order the remainder to be sold before that so devised.

§ 30. MAY BE SOLD AT PUBLIC OR PRIVATE SALE. ORDER COMPELLING SALE.] Every such sale must be ordered to be made at public auction, unless, in the opinion of the court, it would benefit the estate to sell the whole or some part of such real estate at private sale. The court may, if the same is asked for in the petition, order or direct such real estate or any part thereof to be sold at either public or private sale, as the executor or administrator shall judge to be most beneficial for the estate. If the executor or administrator neglects or refuses to make a sale under the order, and as directed therein, he may be compelled to sell by order of the court, made on motion, after due notice, by any party interested.

§ 31. NOTICE OF SALE.] When a sale is ordered, and is to be made at public auction, notice of the time and place of sale must be published in a newspaper, if there be one printed in the same county, but if none, then in a paper in an adjoining county in the state as the court may direct, once each week for two successive weeks next before the sale. The lands and tenements to be sold must be described with common certainty in the notice.

§ 32. TIME AND PLACE.] Sales at public auction must be made in the county where the land is situated; but when the land is situated in two or more counties it may be sold in either. The sale must be made between the hours of nine o'clock in the morning and six o'clock in the afternoon of the same day, and must be made at the time named in the notice of sale, unless same is postponed. If at the time appointed for the sale, the executor or administrator deems it for the best interests of the estate that the sale be postponed, he may postpone it from time to time not exceeding in all three months. In case of postponement, notice thereof must be given by a public declaration at the time and place first appointed for the sale, and if the postponement is for more than ten days, further notice must be given by publishing the same once each week for two successive weeks next before the sale.

§ 33. PRIVATE SALE OF REAL ESTATE. HOW MADE. AND NOTICE.] When a sale of real estate is ordered to be made at private sale, notice of the same must be published in a newspaper if there be one printed, in the same county, if none, then in a paper in an adjoining county in the state as the court may direct, once each week for two successive weeks before the day on or after which the sale is to be made in which the lands and tenements to be sold must be described with common certainty. The notice must state a day on or after which the sale will be made, and a place where offers or bids will be received. The last day referred to must be at least ten days from the last publication of notice; and the sale must not be made before that day, but must be made within six months thereafter.

§ 34. BIDS, WHEN AND HOW RECEIVED.] The bids or offers must be in writing and may be left at the place designated in the notice, or delivered to the executor or administrator personally or may be filed in the office of the court to which the return of sale must be made, at any time after the first publication of the notice and before the making of the sale.

§ 35. NINETY PER CENT OF THE APPRAISED VALUE MUST BE OFFERED.] No sale of real estate at private sale shall be confirmed by the court unless the sum offered is at least ninety per cent of the appraised value thereof, nor unless such real estate has been appraised within one year of the time of such sale. If it has not been so appraised, or if the court is satisfied that the appraisement is too high or too low, appraisers must be appointed, and they must make an appraisement thereof in the same manner as in case of the original appraisement of an estate. This may be done at any time before the sale or the confirmation thereof.

§ 36. PURCHASE MONEY ON SALE ON CREDIT. HOW SECURED.] The executor or administrator must, when a sale is made upon a credit, take the notes of the purchaser for the balance of the purchase money with a mortgage on the property to secure their payment.

§ 37. REPORT. CONFIRMATION OR VACATION OF SALE.] The executor or administrator making such sale shall immediately thereafter make a return of his doings upon the order of sale, in pursuance of which it is made, to the county court granting the order. Said court shall thereupon examine the proceedings and may also examine the executor, administrator and any other persons on oath touching the same. If such court shall be of the opinion that the proceedings were unfair or that the sum bid is disproportionate to the value of the land sold and that a sum exceeding such bid, exclusive of the expense of a new sale, may be obtained, said court

may vacate such sale and direct another to be had, of which notice shall be given and the sale shall in all respects be conducted as if no previous sale had taken place. If it shall appear to the county court that the sale was legally made and fairly conducted and that the sum bid thereon was not disproportionate to the value of the property sold, or if disproportionate that a greater sum as above specified cannot be obtained, said court shall make an order forthwith confirming such sale and directing conveyance to be executed.

§ 38. PROCEEDS OF SALE.. USE OF AND LIABILITY FOR.] The proceeds arising from mortgage, lease or sale of real estate or from the sale of the interest of any deceased persons in real estate, held under contract, as provided in this chapter, shall be deemed assets in the hands of the executor or administrator in like manner as if the same had been originally part of the goods and chattels of the deceased; and the executor or administrator and sureties on his administration bond shall be accountable and liable therefor unless otherwise provided by law.

§ 39. SALE TO PAY LEGACY.] When a testator shall have given any legacy by a will that is effectual to pass or charge real estate and his goods, chattels, rights and credits, shall be insufficient to pay such legacy; together with the debts and charges of administration, the executor or administrator with the will annexed may be licensed to sell, mortgage or lease the real estate for that purpose in the same manner and upon the same terms and conditions as are prescribed in this chapter in the case of a sale, mortgage or lease for the payment of debts.

§ 40. MORTGAGING PROPERTY, WHEN.] The County Court may make an order directing an executor or administrator to mortgage any property of a decedent for either of the following purposes: (1) the payment of an existing lien or mortgage; (2) for any other purposes for which a sale may be ordered; (3) to authorize a renewal or extension of an existing mortgage; (4) to mortgage the homestead when the person entitled thereto and the guardian of minors consents, but if the minor is under fourteen years of age then the guardian's consent only shall be sufficient; (5) whenever upon application to sell the court finds it would be for the best interests of the estate to mortgage instead.

§ 41. ORDER FOR MORTGAGE.] Such order must be based upon a verified petition setting forth at least one of the reasons set forth in the foregoing section and further showing the amount of money necessary to be raised, together with such further particulars as are required in a petition for the sale of real property. Upon filing such petition the citation must be issued and served on all persons interested in the estate as required in Section 4 of this act.

§ 42. ORDER FOR MORTGAGING.] The order must fix the amount for which the mortgage may be given, the rate of interest that may be paid thereon, the number of years which the mortgage is to run, and may direct that the whole or any part of the money so secured, be paid from time to time out of the income of the mortgaged property.

§ 43. DUTIES OF AN EXECUTOR. ADMINISTRATOR AND GUARDIAN.] After the making of the order to mortgage the executor, administrator or guardian of a minor or of an incompetent person shall execute and deliver a promissory note or notes for the amount and period specified in the order, and shall execute, acknowledge, and deliver a mortgage of the premises, setting forth in the mortgage that it was made by authority of the court's order, and giving the date of such order. The note or notes and mortgage shall be signed by the executor, administrator, or guardian as such, and shall create no personal liability against the person so signing.

§ 44. EFFECT OF SAID NOTES AND MORTGAGES.] Every note or notes and mortgages so made shall be effectual to mortgage and hypothecate all the right, title, interest and estate which the decedent, minor, or incompetent person had in the premises described therein at the time of the death of such decedent, or at the time of the appointment of the guardian of such minor or of such incompetent person, or prior thereto, and any right, title or interest in said premises acquired by the estate of such deceased, minor or incompetent person, by operation of law or otherwise, since the time of the death of such decedent, or the appointment of such minor or incompetent person, subject however to any unpaid mortgage, previously authorized by the court.

§ 45. REPORT. CONFIRMATION.] The executor, administrator or guardian making such mortgage shall immediately thereafter make a report of his doings upon the order to mortgage in pursuance of which it was made, to the county court. Said court shall thereupon examine the proceedings and if the same are in accordance with the order of license to mortgage, said court shall make an order forthwith confirming such mortgage.

§ 46. SALE OF PERSONAL PROPERTY. HOW MADE.] All personal property of any estate may be sold by the representative without notice and without securing an order of the court, provided, however, that such representative shall not sell any personal property at private sale for less than ninety per cent of its appraised value, except that any personal property having a market value may be sold in any usual market therefor, at any time, in the usual manner and at the market price thereof. A complete and detailed account of all sales of personal property shall be made by the representative in his first report to the Court after such sale or sales,

such report to set forth a description of the property sold, the name and address of the purchaser and the price received.

§ 47. NOTICE OF FINAL SETTLEMENT. HOW SERVED.] Whenever a final report and account and petition for distribution of the estate to the parties entitled thereto are presented by any executor or administrator and the estate be ready for distribution, a citation must be issued thereon directing all persons interested in the estate to appear and show cause, if any there be, why such final report and account should not be allowed and distribution made. Such citation must be served as required in Section 4 of this act and on the confirmation of the final account a final decree of distribution shall be entered immediately and without further notice of the proceedings.

ARTICLE 4. GUARDIAN AND WARD. SALES OF PROPERTY.

§ 48. LAW OF ESTATES GOVERNS GUARDIANS UNLESS OTHERWISE DECLARED.] All the proceedings under petition of guardians for sale or mortgaging of property of their wards, giving notice, and the hearing of such petitions, granting or refusing the order of sale, directing the sale to be made at public or private sale, re-selling the same property, return of sale, confirmation thereof, orders rejecting or confirming such sale, and reports of sale, ordering and making conveyances of property sold, accounting and settlement of accounts must be had and made the same as required by the administrator of an estate unless otherwise herein specially provided.

§ 49. TERMS OF SALE. SECURITY.] All sales of real estate of wards must be for cash, or for part cash and part deferred payments, the credit in no case to exceed five years from date of sale, as in the discretion of the court is most beneficial to the ward. Guardians making sale must demand, and receive, from the purchaser, in case of deferred payments, notes and a mortgage on the real estate sold, with such additional security as the court deems necessary and sufficient to secure the prompt payment of the amounts so deferred with interest thereon.

§ 50. REPEAL.] That Sections 8549, 8550, 8551, 8552, 8553, 8554, 8555, 8556, 8557, 8558, 8559, 8565, 8734, 8736, 8737, 8740, 8741, 8742, 8743, 8744, 8747, 8748, 8752, 8754, 8771, 8772, 8774, 8775, 8776, 8777, 8780, 8790, 8791, 8833, 8834, 8909, 8911, 8767, 8769 and 8770 of the Compiled Laws of North Dakota for 1913, and all acts and parts of acts in conflict herewith be and the same are hereby repealed.

Approved March 10, 1925.

CHAPTER 121

(H. B. No. 111—Carr.)

PRELIMINARY EXAMINATION, CHANGE OF VENUE—COUNTY COURTS

An Act To Amend and Re-enact Section 8964 of the Compiled Laws of North Dakota for 1913, Providing for Preliminary Examination by Judge of the County Court having Increased Jurisdiction, Preliminary Examinations and Change of Venue.

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

§ 1. AMENDMENT.] Section 8964 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 8964. No preliminary examination shall be necessary before trial in criminal actions in the County Court. The Judge of a County Court having increased jurisdiction may act as a committing magistrate, and hold preliminary examinations in any part of his County. Whenever a person accused of a public offense is brought before a Judge of a County Court having increased jurisdiction for preliminary examination, and at any time before such examination is commenced, files with said Judge of the County Court his affidavit stating that by reason of the bias or prejudice of said Judge of the County Court he believes he cannot have a fair and impartial examination before him, such Judge of the County Court, acting as such committing magistrate, must transfer such action and all the papers therein, including a certified copy of his docket entries, to a Justice of the Peace of the same County; provided, that unless the parties agree upon the Justice to whom said action shall be transferred, the same shall be sent for preliminary examination to the nearest Justice of the County. The State's Attorney, or his Assistant, may, in the same manner and for the same reasons as the defendant, obtain a transfer of said action from the Judge of the County Court having increased jurisdiction, and before whom the preliminary hearing was commenced, or from the Justice to whom it has been transferred on application of the defendant. When the preliminary hearing has been once transferred by one party, it shall, on motion of the party as herein provided, be transferred to the nearest qualified Justice of the same County unless the parties agree upon a Justice to whom said action shall be transferred. The place of examination can be changed only once by each party under this section.

§ 2. EMERGENCY.] By reason of the fact that it is now declared to be necessary to call in a County Judge having increased jurisdiction of another County, in case an affidavit for change of

venue is filed, 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, 1925.

CHAPTER 122

(H. B. No. 156—Palms.)

TERMS OF COURT

An Act To Amend and Re-enact Section 2 of Chapter 167, Session Laws of 1919, to Provide for Terms of Court in the State of North Dakota.

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

§ 1. AMENDMENT.] Section 2 of Chapter 167, Session Laws of 1919, is hereby amended and re-enacted to read as follows:

§ 2. TERMS THEREOF. CHAMBERS.] The terms of court to be held in each county in the several judicial districts and the location of the judges' chambers shall be fixed by order of the Supreme Court in such manner that the judges in each judicial district may have a circuit within their district and so that no judge shall hold two consecutive jury terms of court in any county in his district, except in the counties of Cass and Burleigh; and in said county of Cass the terms of court thereof shall be held as follows, until otherwise provided by law, to-wit: terms of the district court shall be held therein at the county seat on the first Tuesday of each month in the year except July and August, but a jury shall only be called for the January, February, March, November and December terms unless, in the opinion of the judge, there is sufficient business to demand a jury for any other term or terms; provided, however, that the court may, if deemed advisable, continue the jury called at the January term as the jury for the February or February and March terms, and the jury called at the November term as the jury for the December term.

Approved March 10, 1925.

CRIMINAL PROCEDURE

CHAPTER 123

(H. B. No. 178—Carr & Starke.)

BAIL

An Act To Amend and Re-enact Sections 11113, 11114 and 11115 of the Compiled Laws of North Dakota for the year 1913, Relating to Bail.
Be It Enacted by The Legislative Assembly of the State of North Dakota:

§ 1. That Section 11113 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 11113. WHEN BAIL MUST BE TAKEN.] Bail by sufficient sureties shall be admitted upon all arrests in criminal actions when the offense is not murder in the first degree, and in such actions it may be taken by any competent court, magistrate or legally authorized officer.

§ 2. That Section 11114 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 11114. BAIL UPON CAPITAL CHARGE.] Bail by sufficient sureties may be admitted upon arrests in criminal actions when the offense is murder in the first degree unless the proof of guilt is evident or the presumption thereof great. In such actions it shall be taken only by the Supreme Court or a judge thereof, or by a district court or a judge thereof, and the taking thereof shall be discretionary, regard being had to the nature and circumstances of the offense and to the evidence and to the usages of law. The filing of an indictment or the filing of an information does not add to the strength of the proof or the presumption to be drawn therefrom. In case the action has been tried by a jury, and the jury have not agreed on a verdict, and had been discharged by reason of inability to agree, then the defendant shall be entitled to bail, unless it shall appear to the court or judge, by proof, that such disagreement was occasioned by the misconduct of the jury or the defendant or his counsel.

§ 3. That Section 11115 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows, to-wit:

§ 11115. BAIL ON APPEAL AFTER CONVICTION.] After a conviction of an offense not punishable with life imprisonment, a defendant who has appealed may be admitted to bail;

1. As a matter of right when the appeal is from a judgment imposing a fine only.
 2. As a matter of discretion in all other cases.
- Approved March 7th, 1925.

CHAPTER 124

(H. B. No. 177—Starke and Carr.)

TIME OF COMMENCING CRIMINAL ACTIONS

An Act To Amend and Re-enact Section 10523 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Time of Commencing Criminal Actions, and Providing Exceptions Therefor.

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

§ 1. AMENDMENT.] That Section 10523 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 10523. TIME OF DEFENDANT'S ABSENCE.] If when the crime or public offense is committed, the defendant is out of the state, or if the defendant is in the state when the crime is committed and subsequently leaves the state, the information may be filed, or the indictment found, within the time herein limited, after his coming within the state, and no time during which the defendant is not an inhabitant of, or usually resident within this state, is part of the limitation.

Approved March 7th, 1925.

CHAPTER 125

(H. B. No. 179—Starke and Carr.)

TIME FOR APPEAL TO SUPREME COURT IN CRIMINAL ACTIONS

An Act To Amend and Re-enact Section 10994 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Time for Appeal to the Supreme Court in Criminal Cases.

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

§ 1. That Section 10994 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows, to-wit:

§ 10994. TIME FOR APPEAL LIMITED.] An appeal from a judgment may be taken within six (6) months after its rendition and from an order within sixty (60) days after it is made.

Approved March 7th, 1925.

CHAPTER 126

(H. B. No. 170—Starke and Carr.)

STATEMENT OF CASE IN CRIMINAL PROCEEDINGS

An Act To Amend and Re-enact Section 10914 of the Compiled Laws of North Dakota for the year 1913, Relating to the Statement of the Case in Criminal Proceedings.

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

§ 1. That Section 10914 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 10914. The statement of the case shall be prepared and settled in the same manner as provided in Section 7655 of Compiled Laws of North Dakota for 1913.

Approved March 10, 1925.

DAIRY PRODUCTS

CHAPTER 127

(S. B. No. 134—Hamilton.)

DISCRIMINATION DAIRY PRODUCTS

An Act To Amend and Re-enact Section 2846 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 104 of the Session Laws of North Dakota for the year 1917.

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

§ 1. AMENDMENT.] Section 2846 of the Compiled Laws of the State of North Dakota for the year 1913 as amended by Chapter 104 of the Session Laws of the State of North Dakota for the year 1917 is hereby amended and re-enacted so as to read as follows:

§ 2. ANNUAL REPORT OF CREAM STATION. PRICE DISCRIMINATION FORBIDDEN. DAIRY PRODUCTS.] The agent or person in charge of any cream station at which cream is purchased for shipment out of the state or for shipment from the place where purchased to a point within the State, shall on July 1st of each year or within thirty days thereafter report to the Dairy Commissioner the name, location and business of his employer, amount of capital stock invested in business, property or assets, liabilities and such other information pertaining to the business and conduct of the cream station of which such agent has charge, as shall be requested in writing by the Dairy Commissioner. Any person, partnership, firm, corporation or association engaged in the business of buying milk,

cream or butterfat, who shall discriminate between different sections, localities, communities, villages or cities of this state by purchasing such commodity at a different price or rate in one locality than is paid for the same commodity by said person, partnership, firm, corporation or association in another locality or section of the state after making due allowance for the difference, if any, in the actual cost of transportation from the locality of purchase to the locality of manufacture, or place of destination, shall be deemed guilty of unfair discrimination and such acts are hereby declared to be unlawful, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars or thirty days' imprisonment in the county jail, or both, for conviction of first offense and not less than two hundred fifty dollars, or ninety days' imprisonment in the county jail, or both, for each additional or subsequent offense.

Provided, however, that the purchase of such commodities at a different price or rate may be made at a particular section, locality, community, village or city, to meet legitimate competition in such section, locality, community, village or city, and legitimate competition as used herein is defined to be the meeting of a price or rate paid for the same commodity by a competitor located in the same section, locality, community, village or city and engaged in the same business under the same conditions and circumstances and operating in the same manner as the person, partnership, firm, corporation or association meeting said price. The meeting of this competition as herein defined shall not be a violation of this act.

Approved March 3rd, 1925.

DANCES

CHAPTER 128

(H. B. No. 239—Watt and Burkhart.)

REGULATING PUBLIC DANCES AND DANCING PLACES

An Act Defining Public Dancing Places, Public Dances, Providing for the Issuing of Permits to Operate the Same, Regulating Public Dances and Public Dancing Places, Providing for the Policing of Public Dances, Providing for Penalties for the Violation of this Act, 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. DEFINITIONS.] A public dancing place, as the term is used in this act, shall be taken to mean a room, place or space open

to public patronage where dancing in which the public may participate is carried on and which admission may be had by the public by payment, either directly or indirectly, of an admission fee or token. A public dance, as the term is used in this act, shall be taken to mean any dance where the public may participate in payment, either directly or indirectly, of an admission fee or price for dancing, and shall include any manner of holding a dance which may be participated in by the public through the payment of money or other token, either directly or indirectly.

§ 2. PERMIT FOR PUBLIC DANCE.] It shall be unlawful for any person, firm, association or corporation to give, hold or conduct a public dance unless the owner or proprietor of the place where the dance is given, or the person, firm, association or corporation giving the same or in charge thereof, shall first have procured a permit to give, hold and conduct such public dance as hereinafter provided.

§ 3. WHO SHALL ISSUE PERMIT.] In all cities, villages and organized townships in this state, a permit must be procured from the governing body of the municipality or organized township. In unorganized townships the permits must be obtained from the county commissioners of the county in which such public dance is to be held or in which the public dancing place is located. Such permits may be issued for one or more public dances, or for a public dancing place for a period of not more than six months at any one time. When the permit is issued to any person, firm, association or corporation to conduct a public dancing place, public dances may be conducted in such place only by the person, firm, association or corporation to whom such permit is issued. Such permit shall not be transferable.

§ 4. MANNER OF OBTAINING PERMIT.] Any person, firm, association or corporation desiring to conduct a public dance or a public dancing place shall make application for a permit to do so to the governing body of the municipality or organized township in which such public dance or public dancing place is to be conducted, when the same is to be conducted within the limits of any city, village or organized township; and in all other cases, to the board of county commissioners of the county in which the same is to be conducted. The application shall set forth the name of the person, firm, association or corporation who is to give, hold or conduct the public dance or public dancing place, the time or period for which the permit is desired, and the place where such public dance is to be conducted or held. The governing body of the municipality, village or organized township to which such application is made shall make such inquiry and investigation as to the propriety of granting or refusing such permit as they may deem necessary; provided,

however, that no permit shall be granted except the same be approved by the state's attorney of the county wherein the public dance or public dancing place is to be held. The application may be acted upon at any regular meeting of the board to whom the application is made, or a special meeting called for that purpose. The governing body of the municipality, organized township or county to whom such application is made shall have the power to grant or deny said application and to provide a schedule of fees, rules and regulations not inconsistent with the provisions of this act, under which permits for holding such public dances or public dancing places will be granted. No permit shall be issued to any person who is not of good moral character nor to any person, firm, association or corporation to conduct a public dance or public dancing place at any place where the same is likely to become a public nuisance or detrimental to public morals.

§ 5. REGULATIONS.] No person, firm, association or corporation to whom a permit has been issued shall permit to be or remain in any public dance or in the vicinity of any public dancing place any intoxicated person, any prostitute or person of known immorality, nor shall any indecent or immodest dancing be permitted. Every public dancing place shall be brightly illuminated while in public use, and dancing therein while the lights are extinguished, dimmed or turned low is prohibited.

§ 6. OFFICER OF LAW TO BE IN ATTENDANCE.] It shall be the duty of the sheriff in any county in which any public dance is held outside of an incorporated city or village, and of the chief peace officer of the city or village where the dance is held within the limits of a city or village to police such dance so that law and order is there maintained; and the person, firm, association or corporation conducting any such dance are hereby required, before any such dance shall be held, to pay to such sheriff or peace officer the expense of any deputy sheriff or special officer required for the proper policing of such dance, and no such dance shall be permitted to proceed unless such officer is present and his fees paid. The holding of such dance without the giving of notice to the sheriff of the county or peace officer of the city or village and in making such provision of the police thereof is hereby declared to be a misdemeanor. No person, directly or indirectly interested or concerned in the giving, holding or conducting of such public dance, or connected with the person, firm association or corporation conducting same, shall be eligible to such appointment as such police officer.

§ 7. REMOVAL AND REVOCATION OF PERMIT.] The governing body or board issuing a permit hereunder may at any time revoke the same for violation of any of the provisions of this act, and shall revoke the same upon conviction of the person to whom the same

has been issued for a violation of any of the laws of this state. The governing body or board to whom application for permit is made or by whom a permit has been issued shall refuse to issue such permit, and shall revoke a permit already issued, where it appears that the place is or is likely to become a public nuisance or detrimental to public morals, or that the provisions of this act are being violated, or intoxicating liquor is being sold or given away or any of the laws of the state are being violated. The governing body or board to whom application is made or by whom permit has been issued shall refuse such application, and shall revoke such permit when it appears that such public dancing place is or will be conducted in a place or community contrary to the wishes of a majority of the people living in such neighborhood or community.

§ 8. POLICE OFFICERS.] The enforcement of the provisions of this act is enjoined upon every officer and official whose duty it is to enforce the laws of this state and any such officer failing to enforce the provisions hereof, shall be subject to removal from office in manner by law provided.

§ 9. PENALTY.] Any person violating any of the provisions of this act shall be guilty of a misdemeanor and subject to a fine of not less than \$25.00 nor more than \$100.00 and costs of prosecution, or imprisonment in the county jail for not less than ten days nor more than thirty days, or by both such fine and imprisonment.

§ 10. REPEAL.] Only such acts or parts of acts which are clearly inconsistent with this act are repealed; it being the intention of this act that this act shall be in addition to and supplemental to already existing laws upon the same subject; and shall in no way interfere with the regulatory authority of the Attorney General over dances and dance halls under the provisions of Chapter 84, Session Laws of 1921 and amendments thereof.

§ 11. 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 10, 1925.

CHAPTER 129

(H. B. No. 246—Burkhart and Watt.)

SUNDAY DANCES

An Act Amending and Re-enacting Chapter 297 of the Session Laws of North Dakota for 1923, Being an Act to Prohibit the Keeping Open, Running or Permitting the Running or use of any Place for Public Dances on the First Day of the Week, Commonly Called the Sabbath, and Prohibiting the Same Prior to Sunrise on Monday Morning, and Providing a Penalty Therefor.

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

§ 1. AMENDMENT.] Section 1 of Chapter 297 of the Session Laws of North Dakota for 1923 is hereby amended and re-enacted to read as follows:

§ 1. It shall be unlawful to keep open or to run or to permit the running of any place or to permit the use of any place for public dancing between the hours of twelve midnight on Saturday and sunrise the following Monday morning. Any person, firm, association or corporation violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

§ 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 10, 1925.

DRAINS

CHAPTER 130

(S. B. No. 92—Van Camp.)

REPAIRING AND KEEPING OPEN OF DRAINS

An Act To Amend and Re-enact Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Drain Kept Open and in Repair. Cost of.

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

§ 1 AMENDMENT.] That Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 2486. DRAIN KEPT OPEN AND IN REPAIR. COST OF.] All drains that may have been constructed under any law of this state, or that may be constructed under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and be by them kept open and in repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and in cases when no assessments of benefits shall have been made, the board of commissioners having charge of or to whose care such drain may be assigned shall make such assessment.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of \$150.00 in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Approved February 9, 1925.

CHAPTER 131

(H. B. No. 73—Tuneberg.)

DRAINS

An Act To Amend and Re-enact Section 2464 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 58 of the Session Laws of 1921, and Amending and Re-enacting Section 2468 of the Compiled Laws of North Dakota for the year 1913, relating to the establishment of Drains and the assessment of benefits subject to review.

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

§ I. AMENDMENT.] Section 2464 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 58 of the Session Laws of 1921, is hereby amended and re-enacted to read as follows:

§ 2464. HOW ESTABLISHED.] A petition for the construction of a drain may be made in writing to the board of drain commissioners which petition shall designate the starting point and ter-

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

Provided, that the board of drain commissioners shall require a bond from the petitioners in a sum sufficient to pay all expenses of the surveys and of the drainage commissioners if it should appear after the surveyor's report is filed, that the proposed drain would cost more than the amount of the benefit to be derived therefrom, or if a majority of the land owners whose lands are subject to assessment for the construction of the proposed drain petition the board of drain commissioners to have further proceedings discontinued, as hereinafter provided. For the purpose of making examinations or surveys the board of drain commissioners, surveyors and their employees may enter upon any land traversed by any such proposed drain or upon other lands when necessary. Such surveyor shall prepare profiles, plans and specifications of the proposed drain, and estimate of the cost thereof and a map or plat of the lands to be drained in duplicate, showing the regular sub-divisions thereof, one copy of which shall be filed in the office of the county auditor in the county in which the drain is proposed to be constructed and the other with the board of drain commissioners, subject to inspection. In locating a drain a board of drain commissioners may, under the advice of the surveyor, vary from the lines described in the petition as it seems best. When the line proposed is along highways already established the drain shall be located at a sufficient distance from the center of such highway to permit a good road along the central line thereof. When the length of the line described in the petition does not give sufficient fall to drain the land sought to be drained, the board of drain commissioners may extend the drain below the outlet named in the petition far enough to obtain a sufficient fall and outlet. Drains shall as far as practicable be located on dividing lines between sections or regular subdivisions thereof, but the general utility of the drain must not be sacrificed to avoid cross-

ing any tract of land in such direction as the board of drain commissioners find advisable. Upon the filing of the surveyor's report the board of drain commissioners shall fix a date and public place for hearing objections to the petitions, and such place for hearing shall be located at some point in the vicinity of the land which will be effected by such drain and that will be the most convenient point for the majority of the land owners affected by the proposed drain to attend. At least ten days' notice of such hearing shall be given by causing five notices to be posted along the line of the proposed drain at such points as will be likely, in the opinion of the board, to secure the greatest publicity, and in addition a notice shall be sent by registered mail to the last known address of each and every owner of land which may be affected by the proposed drain. Notices of this hearing shall contain a copy of the petition and a statement of the date of filing of the surveyor's report and the date when the board will act upon the petition, and must be signed by the members of the board or a majority thereof. All persons, whose land may be affected by any such drain, may appear before the board of drain commissioners and fully express their opinion and offer evidence upon the matters pertaining thereto. Should a majority of the land owners, whose land is subject to assessment for the construction of the proposed drain, believe that the benefits to be derived are not equal to the expense of the construction, they may petition the board of drain commissioners to have further proceedings discontinued, whereupon the said board shall by resolution order further proceedings discontinued.

§ 2. AMENDMENT.] Section 2468 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2468. ASSESSMENT OF BENEFITS SUBJECT TO REVIEW.] The assessments of benefits provided for in this chapter shall be subject to review, and ten days' notice of the time and place, when and where such assessment will be reviewed by the board of drain commissioners, shall be given by publishing in some newspaper of general circulation in the county, and printed notices, not less than five in all and at least one in each township or municipality interested in such drain, shall be posted in such township and municipality at such points as may be likely, in the opinion of the board, to secure the greatest publicity for each notice. Printed notices shall also be sent by registered mail to the last known address of each and every land owner whose land shall be affected by construction of the proposed drain. The place appointed for such hearing shall be located at some point in the vicinity of the land which shall be affected by such drain and that will be the most convenient point for the majority of the land owners affected by the proposed drain to attend. At the time and place appointed such board shall proceed to hear all complaints

relative to such assessment and correct or confirm the same. Should a majority of the land owners, subject to assessment for the construction of the proposed ditch, believe that the assessment had not been fairly or equitably made, or that the drain is not properly located or designed, they may appeal to the state engineer by petition to make a review of such benefits and assessments and to examine the location and design of the proposed drain. Upon the receipt of such petition the state engineer shall proceed to examine the lands assessed and the location and design of the proposed drain, and should it appear to him that such assessments have not been equitably made, he may proceed to correct the same and his correction and adjustment of said assessment shall be final. Should it appear that, in the judgment of the state engineer, the drain has been improperly located or designed, he may order a relocation and design, which location and design shall be followed in the construction of the proposed drain. For his services in making such review of assessments and examination of location and design, the state engineer shall be allowed ten dollars per day and actual and necessary expenses during the time he is engaged upon this work. All moneys received by the state engineer for this work shall be paid into the state treasurer and credited to the general fund.

Approved March 10, 1925.

ELECTIONS

CHAPTER 132

(S. B. No. 77—Ward.)

ASSISTING ELECTOR TO MARK BALLOT

An Act To Amend and Re-enact Section 988, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 201 of the Session Laws of 1923, Relating to the Disability of Electors in Marking Their Ballots.

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

§ 1. AMENDED.] That Section 988, Compiled Laws of the State of North Dakota for the year 1913, as amended and Re-enacted by Chapter 201 of the Session Laws of 1923, be Amended and Re-enacted so as to read as follows:

§ 988. Any Elector, who declares to the Judges of Election that he or she cannot read the English language, that by blindness

or by other disabilities, he or she is unable to mark his or her ballot, shall, upon request, receive the assistance of either his or her father, mother, husband, wife, brother, sister, son or daughter, or by both Judges of Election, in the marking of his or her ballot; and no one, assisting any voter in marking his or her ballot, under this Act, shall give information regarding the same. No Elector other than one who is unable to read the English language or on account of some disability is unable to mark his or her ballot, shall divulge to any one within the polling place the name of any candidate for whom he or she intends to vote, or ask, or receive the assistance of any person within the polling place to mark his or her ballot.

Any person who solicits that he or she be chosen to assist any voter in marking his or her ballot, or who, being chosen, shall request the voter he is assisting to vote for or against any person, or any issue, 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, or by imprisonment in the county jail not to exceed sixty days, or by both such fine and imprisonment.

Approved March 6, 1925.

CHAPTER 133

(S. B. No. 235—Carey.)

ELECTION BALLOTS

An Act To Amend and Re-enact Section 959 Compiled Laws of 1913, as Amended by Chapter 203, Session Laws of 1923, Relating to Election Ballots.

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

§ 1. AMENDMENT.] Section 959, Compiled Laws of 1913, as Amended by Chapter 203, Session Laws of 1923, is hereby amended and re-enacted so as to read as follows:

§ 959. BALLOTS, HOW PREPARED.] All ballots prepared under the provisions of this chapter shall be white and of uniform quality of paper printed in black ink, and of sufficient width to contain all of the tickets to be voted for, under the appropriate party designation for each and of sufficient length to contain all the names of the candidates to be voted for at said election. On the left hand of said ticket shall be a column designating the office to be voted for, and on the same line in the column under the appropriate party designation of each, all of the names of the candidates duly nom-

inated for that office shall be printed. Where there is more than one person to be elected to an office, there shall be printed in plain type immediately under the designation of the office to be voted for, the following words, "Vote for (number) names only; Mark X after name to be voted for."

There shall be left under the name of each candidate sufficient space to write, or paste a name therein, in lieu of the one printed on the ticket, and on the same line with the name of each candidate, and at the end of his name there shall be a space enclosed in a square of black lines, in which the voter may designate by a cross or other mark, his choice for each candidate opposite the name of such candidate. The fact that a name has been written or pasted opposite the office to be voted for shall be deemed sufficient evidence that the person depositing such ballot intended to vote for the person whose name he has written or pasted thereon, and not for the person whose name was originally printed on the ballot whether he shall make a mark or cross opposite such written or pasted name or not. The names of candidates under headings designating each official position shall be alternated on the official ballot in the printing in the manner as provided by the Primary Election Law.

Persons nominated by petition shall be placed in one or more columns under the designation of "Individual Nominations," on the same line with the offices for which they are nominated.

Constitutional amendments duly certified to the auditor by the secretary of state or any question to be voted for aside from the election of public officers, shall be printed on a separate ballot and shall be deposited in a box separate from that provided to receive the ballots of public officers.

A constitutional amendment, initiated or referred measure, or other question shall be stated fully and fairly on such ballot, and the words, "yes" and "no" shall be printed on the ballot at the close of the statement of the question in separate lines with a square formed of black lines after each in which the voter may indicate by cross or other mark how he desires to vote on the question. Where two or more amendments or questions are to be voted on they shall be printed on the same ballot.

Approved March 10, 1925.

CHAPTER 134

(S. B. No. 83—Olson.)

CONDUCT OF ELECTIONS

An Act To Regulate the Conduct of Elections, Repealing Section 1005, Compiled Laws of 1913, and Chapter 212 of Session Laws of 1923, and Providing Penalties for the Violation Thereof.

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

§ 1. POLLS, OPEN WHEN, CANVASS.] That at all elections, General and Primary, the polls shall be opened at nine o'clock A. M. and remain open continuously until seven o'clock P. M. Twenty minutes prior to the hour of closing the Inspector shall proclaim to the electors outside the number of minutes before the polls will be closed. When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count and compare the ballots with the clerk's lists, and should any irregularity appear, they shall proceed as now provided by law. When the ballots compare and are of equal number with the clerk's lists, they shall place those of each political party in separate piles, and shall proceed immediately thereafter to canvass publicly, in the presence of all persons desiring to attend the same, the votes received at such polls and continue without adjournment until the canvass is completed, which canvass shall be conducted in the following manner, to-wit:

As each ballot is counted, the Inspector of Election and both of the Judges of Election shall examine the ballot to ascertain the persons voted for; and one of the members of the board shall announce the votes disclosed by the ballot, which shall be marked in the tally books by the clerks of Election. After all of the votes are counted, the Election Board shall compare the count as disclosed by the clerk's books with the total number of ballots cast, and if there be any mistakes in the books kept by the clerks, they shall be corrected so as to conform exactly to the number of ballots cast. And the Election Board shall then prepare the triplicate reports of the total votes cast for each candidate, or measure, which figures shall agree with the clerk's books and the number of ballots; and under no circumstances shall the ballots be sealed up, nor the election tally books or triplicate reports be signed by the Election Board or Election clerks until the figures and counts in the clerk's books and in the triplicate reports and the number of ballots cast all show the same totals.

IT IS FURTHER PROVIDED that each member of the Election Board shall sign an oath at the conclusion of the canvass of the votes to the effect that the ballots have been counted and the votes

canvassed as provided in this act, and that the returns as disclosed by the tally books of Election, kept by the clerks of same, and the triplicate reports agree with the number of ballots cast and are true and correct of his own knowledge.

The tally of the votes shall be separate for each political designation or principle and so returned by the judges and inspectors of election, giving the full vote for each candidate.

§ 2. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than one year, or by both such fine and imprisonment.

§ 3. REPEAL.] That Section 1005, Compiled Laws of 1913 and Chapter 212, Session Laws of 1923, be and the same is hereby repealed.

Approved March 10, 1925.

CHAPTER 135

(S. B. No. 242—Carey.)

INITIATIVE, REFERENDUM AND RECALL

An Act To Safeguard the Initiative, Referendum and Recall Provisions of the Constitution by Prohibiting Illegal and Fraudulent Signatures to Petitions, Prescribing Form and Manner of Signing and Penalties for Violations.

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

§ 1. No person shall sign any initiative, referendum or recall petition circulated pursuant to the provisions of Articles 26, 28, or 33 of the Constitution, unless he is a qualified elector.

No person shall sign any such petition more than once.

Each signer shall add his residence, post-office address, and date of signing.

Each copy of any such petition before being filed must have attached thereto an affidavit to the effect that each signature to the paper appended is the genuine signature of the person whose name it purports to be, and that each such person is a qualified elector.

§ 2. PENALTY.] Any person convicted of violating any provision of this act shall be deemed to be guilty of a misdemeanor.

§ 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 March 10, 1925.

CHAPTER 136

(S. B. No. 207—Eastgate.)

MINIMUM VOTES FOR NOMINATION—PRIMARY ELECTION

An Act Relating to Primary Elections: Prescribing the Minimum Number of Votes for Nomination.

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

§ 1. At all primary elections no person shall be deemed nominated as candidate for any office unless he receives as many votes as the number of signatures required to be obtained on the petition to have a candidate's name, for such office, placed on the primary ballot.

Approved March 6, 1925.

CHAPTER 137

(S. B. No. 264—Committee on Elections.)

RECOUNT OF TIE VOTE IN ELECTIONS

An Act Relating to Elections; Providing for a Recount in Case of a Tie Vote.

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

§ 1. In case of a tie vote of candidates for either nomination or election, for any county or legislative office, either of such candidates may in lieu of present provisions for determining such tie, demand a recount of the ballots.

After a demand made and upon application to a judge of the district court said court shall issue an order directing that all ballots pertaining to such office shall be forthwith delivered to the canvassing board.

The canvassing board shall recount the ballots in the presence of the court and of the candidates or their representatives. Either

candidate or his representative may object to the counting of any ballot, for reasons inhering in the ballot. All ballots objected to shall be referred to the Judge of the district court for his decision, which shall be rendered at once. If the canvassing board finds that one candidate received the highest number of votes for such office they shall cause to be delivered to him a certificate of nomination or election as the case may be; if the result is a tie then such tie shall be determined by lot.

Approved March 6, 1925.

CHAPTER 138

(H. B. No. 123—Freeman.)

COMPENSATION—MEMBERS BOARD OF REGISTRY

An Act To Amend and Re-enact Section 1100, of the Compiled Laws of North Dakota for the year 1913, Relating to the Compensation of Members of Board of Registry.

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

§ 1. AMENDMENT.] That Section 292 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 1100. COMPENSATION OF MEMBERS OF THE BOARD OF REGISTRY.] The members of the Board of Registry shall receive the same compensation as is now or may hereafter be allowed by law, not to exceed Four Dollars (\$4) per day.

Approved February 24, 1925.

EMINENT DOMAIN

CHAPTER 139

(H. B. No. 127—Hempel.)

RIGHT OF EMINENT DOMAIN OF STATE INSTITUTIONS

An Act Extending the Rights of Eminent Domain as to State Institutions.

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

§ 1. The state may, by the exercise of the right of eminent domain, acquire, for the use of any of the state institutions, any

property necessary to the maintenance or expansion thereof, or to the acquirement of any of the essentials of their existence or necessary to their operation or the health, safety or support of any inmates thereof, or the protection or care of their property.

§ 2. The proceedings for the acquirement of any such property shall be prosecuted by the Attorney General in the name of the state as plaintiff, and shall be governed by the general provisions of law, applicable to condemnation proceedings.

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

Approved March 4, 1925.

ESTRAYS

CHAPTER 140

(H. B. No. 159—Currie.)

ESTRAYS

An Act To Amend and Re-enact Section 2664 of the Compiled Laws of North Dakota for the Year 1913, Having to do With Estrays and the Sale Thereof.

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

§ 1. Section 2664 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2664. MAY BE SOLD, WHEN.] If the appraised value of any estray exceeds twenty-five dollars, and the same is not called for within sixty days after the advertisement in the official estray paper, 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 weekly 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 appraisal 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.

Approved March 10, 1925.

FORECLOSURE

CHAPTER 141

(H. B. No. 69—Carr and Elken.)

FORECLOSURE OF REAL ESTATE MORTGAGES BY AGENT OR ATTORNEY AND VALIDATING PRIOR SALES

An Act To Amend and Re-enact Section 8076 of the Compiled Laws of North Dakota for the year 1913, as Amended and Re-enacted by chapter 250 of the Session Laws of North Dakota for the year 1923 relating to foreclosure of mortgages by agent or attorney, and legalizing and validating sales heretofore made where the power of attorney has been filed for record at or prior to the time fixed for the making of the same.

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

§ 1. AMENDMENT.] That Section 8076 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by chapter 250 of the Session Laws of North Dakota for the year 1923, is amended and re-enacted as follows:

§ 8076. FORECLOSURE OF REAL ESTATE MORTGAGE BY AGENT OR ATTORNEY NOT VALID, WHEN.] No sale of real estate upon a foreclosure made by an agent or attorney by advertisement shall be valid for any purpose, unless such power of attorney as is provided for by law, shall be procured and recorded in the office of the Regis-

ter of Deeds of the county wherein said real estate is located, on or before the day fixed or appointed to make the same; Provided, that any person, firm or corporation not owning such mortgage, but controlling the same shall, in addition to furnishing such power of attorney, furnish such agent or attorney making such foreclosure a copy of the instrument authorizing such control, and a failure to do so shall invalidate the foreclosure.

§ 2. All sales of real estate made prior to the passage and approval of this act under executions issued pursuant to judgments entered in actions for the foreclosure of real estate mortgages, are hereby declared to be legal and valid for all purposes, even though no power of attorney was filed for record in the office of the Register of Deeds of the county wherein said real estate was located prior to the day of sale of said real estate, provided such a power of attorney as is provided for in Section 8075 of the Compiled Laws of North Dakota for 1913 was filed in the office of the Clerk of the District Court of the County in which such judgment was entered, prior to such date of sale.

§ 3. All sales of real estate made under a mortgage foreclosure prior to the passage and approval of this act, are hereby declared legal and valid for all purposes, even though no power of attorney was filed for record in the office of the Register of Deeds of the county wherein said real estate was located, before the day of sale of said real estate, provided said power of attorney as is provided for in section 8075 of the Compiled Laws of North Dakota for 1913 was filed for record in the office of the Register of Deeds of the county wherein said real estate is located, at or prior to the time fixed or appointed to make the sale.

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

Approved February 24, 1925.

CHAPTER 142

(S. B. No. 257—Kaldor.)

FORECLOSURE REAL ESTATE MORTGAGES—NOTICE OF INTENTION

An Act To Amend and Re-Enact Chapter 131 of the Session Laws of 1919 as Amended by Chapter 66 of the Session Laws of 1921, pertaining to the giving of Notices of Intention to Foreclose real Estate Mortgages.

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

§ 1. AMENDMENT.] That Chapter 131 of the Laws of North Dakota for the year 1919 as Amended by Chapter 66 of the Laws

of North Dakota for the year 1921, is hereby amended and re-enacted to read as follows :

§ 2. Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing land, the date and amount of the mortgage, the sum due for principal, interest and taxes respectively, and stating that if the same be not paid within thirty days from the date of the notice, proceedings will be commenced to foreclose the mortgage, shall be served more than thirty days prior to the commencement of such action or proceedings by registered mail addressed to the title owner according to the records in the office of the Register of Deeds Concerning and Affecting the title to the premises described in such notice at his or their post office address as shown by such records, and if such address is not so shown, personal service upon such owner or owners proven by the certificate of the sheriff or by the affidavit of the person serving the same shall be sufficient, or if the sheriff's return shows that after diligent inquiry made for the purpose of serving such notice, he is unable to make service thereof upon the said title owner or owners of record within the county where the said land is situated, then and in such case, such notice shall not be required to be served upon such owner or owners whose post office address is not shown by such records in the office of the Register of Deeds. An affidavit of proof of such service of notice shall be filed with the Clerk of the Court at the time of filing complaint in any action for foreclosure and shall be recorded with the notice and certificate of sale in all other cases. Provided, however, that if said owner shall, before the expiration of thirty days from the service of such notice, perform the conditions or comply with the provisions upon which the default shall have occurred, such mortgage shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein.

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

Approved March 10, 1925.

FROGS

CHAPTER 143

(H. B. No. 212—Game and Fish Committee)

FROGS

An Act Relating to Frogs, Establishing a Closed Season, Regulating the Manner of Taking; Licensing Dealers and Providing Penalties for Violations.

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

§ 1. **CLOSED SEASON.]** No person shall take, catch or kill any frog between the first day of April and the thirty-first day of May, both dates included; nor at any time, except for scientific purposes, any frog that is less than two and one half inches in length from tip of nose to end of spinal column.

§ 2. **MANNER OF TAKING.]** No person shall at any time take, catch or kill any frog by the use of fences, traps, nets or pitfalls.

§ 3. **SHIPPING LIVE FROGS.]** No person shall ship or carry to a point outside of this state any live frog of less than two and one half inches in length from tip of nose to end of spinal column, except for scientific purposes, and upon permit from the Game and Fish Board.

Application for such permit shall state the purpose for which such frogs are to be used, the number proposed to be shipped, and the party to whom they are to be shipped. Application and fee in sum of 50/100 dollars shall be sent to the Secretary of the Game and Fish Board and may be issued or denied in the discretion of the Board.

§ 4. **DEALER'S LICENSE.]** No person shall engage in the business of buying, selling or shipping frogs, or frogs' legs until he has obtained a license therefor from the Game and Fish Board.

Application for such license shall show the residence of the applicant, his place of business and post-office address.

Upon receipt of such application and fee of five dollars if the applicant is a bona fide resident of the state; and a fee of twenty-five dollars if the applicant is a non-resident, the secretary of the board shall issue a license to expire the first day of the following April.

Such license shall have attached a report card showing the number of frogs bought, sold or shipped, the prices paid and the

prices received. Said card shall be filled out by the licensee and returned to the secretary of the board not later than the first day of May.

The Game and Fish Board may refuse to issue license to any dealer who has failed to make such return.

§ 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 one hundred dollars, or by imprisonment in the county jail for a term not to exceed thirty days or by both such fine and imprisonment.

§ 6. 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 10, 1925.

GEOLOGICAL SURVEY

CHAPTER 144

(S. B. No. 189—Fleckten)

COOPERATION U. S. GEOLOGICAL SURVEY

An Act Authorizing the State Engineer to cooperate with the Director of the United States Geological Survey in making topographic surveys and maps to be used in the development of flood protection, domestic water supply, restoration of water areas, irrigation and drainage projects in the State of North Dakota, and making an appropriation therefor.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. In order to continue the execution and speedy completion of a topographic survey and map of this State and assist in the development of flood protection, domestic water supply, restoration of water areas, irrigation and drainage projects, the state engineer is hereby authorized to confer with the Director of the United States Geological Survey and to accept the cooperation of the United States with this State in the execution of topographic surveys and maps of this State, which is hereby authorized to be made; and that said state engineer shall have the power to arrange with said Director or other authorized representative of the United States Geological Survey concerning the details of such work, the method of its execution, and the order in which these surveys and maps of different parts of the State shall be undertaken.

Provided, that the said Director of the United States Geological Survey shall agree to expend on the part of the United States upon said work a sum equal to that hereby appropriated for this purpose. In arranging details heretofore referred to, the state engineer shall, in addition to such other provisions as he may deem wise, require that the maps resulting from this survey shall show the outlines of all counties, towns, and extensive wooded areas, as existing on the ground at the time of the execution of the survey; the location of all railways, roads, streams, canals, lakes, and rivers, and shall contain contour lines showing the elevation and depression for every twenty feet or oftener in vertical interval of the surface of the country; that the resulting map shall wholly recognize the cooperation of the State of North Dakota, and that as each manuscript sheet of the map is completed the state engineer shall be furnished by the United States Geological Survey with photographic copies of the same, and as the engraving on each sheet is completed the state engineer shall be furnished by said Director with transfers from the copperplates of the same.

§ 2. The sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purposes specified in this act out of any moneys in the treasury not otherwise appropriated.

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

Approved March 10, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.
See Senate Journal, March 6th, 1925—Page 28.
See House Journal, February 24th, 1925—Page 34.

HIGHWAYS

CHAPTER 145

(H. B. No. 182—Johnson of Ransom.)

REGULATION OF ADVERTISING SIGNS ON HIGHWAYS

An Act To Regulate and Restrict Advertising Signs and Devices on Public Highways and on Private Property Where They Obstruct the View of Grade Highway Railroad Crossings.

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

§ 1. Any person who in any manner places, puts or maintains any sign, billboard or advertisement within the limits of a public

highway, or who in any manner paints, prints, places, puts or affixes, or causes to be painted, printed, placed or affixed any advertisement on or to any stone, tree, fence, stump, pole, mileboard, mile-stone, danger sign, danger-signal, guide sign, guide post, billboard, building (or other object within the limits of a public highway, or places, puts or maintains any sign or billboard upon private property within one thousand feet of any grade highway crossing, in such place or manner as to obstruct or interfere with a free and clear view of such crossing from any highway or railroad intersecting thereat, shall be guilty of a misdemeanor;

Provided, however, that none of the provisions of this act shall prohibit the placing of public notices on billboards erected for that purpose by authority of the governing body of a municipality. Any advertisement in or upon a public highway or private property in violation of the provisions of this act may be taken down, removed, or destroyed by direction or authority of the State Highway Commission in the case of state trunk and federal aid highways, by the county board in the case of county roads and by the township board in the case of township roads.

Approved March 3rd, 1925.

HOMESTEAD

CHAPTER 146

(S. B. No. 105—Miklethun.)

HOMESTEAD

An Act To Amend and Re-enact Section 5605 of the Compiled Laws of 1913, as Amended by Chapter 229 of the Session Laws of North Dakota for the Year 1923.

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

§ I. AMENDMENT.] That Section 5605 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 229 of the Session Laws of North Dakota for the year 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 5605. HOMESTEAD DEFINED. EXEMPTIONS.] The homestead of every head of a family residing in this state, and consisting of not to exceed two acres of land and the improvements thereon, if within a town plat, and not exceeding in value Eight Thousand

Dollars, over and above liens or encumbrances, or both, claimed under subdivision 1, 2 and 3 of Section 5607, and if not within a town plat not exceeding in the aggregate more than one hundred sixty acres, and consisting of a dwelling house in which the homestead claimant resides and all of its appurtenances and the land on which same is situated, also all other improvements on said land and regardless of the value of same, shall be exempt from judgment, lien and from execution or forced sale, except as provided in this Chapter.

Approved March 3rd, 1925.

IMMIGRATION

CHAPTER 147

(H. B. No. 113—Judiciary Committee.)

COMMISSIONER OF IMMIGRATION

An Act To Amend and Re-enact Section 1 of Chapter 146 of the Session Laws of 1919, as Amended and Re-enacted and as Purported to be Amended and Re-enacted by Chapter 176 of the Session Laws of 1923; Creating the Office of Commissioner of Immigration, Appointment by the Governor, Term of Office, and Prescribing Salary and Bond.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 146 of the Session Laws of 1919, as amended and re-enacted and as purported to be amended and re-enacted by Section 1 of Chapter 176 of the Session Laws of 1923, be amended and re-enacted to read as follows:

§ 1. COMMISSIONER OF IMMIGRATION, APPOINTMENT, TERM OF OFFICE, SALARY AND BOND.] There is hereby created the office of Commissioner of Immigration of the State of North Dakota. The Governor shall appoint a competent person Commissioner of Immigration of the State for a term of two years, who shall receive a salary of \$2500.00 per annum. He shall furnish bond in the sum of \$2,000.00 for the faithful performance of his duties.

Approved March 10, 1925.

INSURANCE

CHAPTER 148

(S. B. No. 96—Magnuson.)

CONTINGENCY RESERVES LIFE INSURANCE COMPANIES

An Act To Amend and Re-enact Section 4884 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Contingency Reserves of Life Insurance Companies.

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

§ 1.AMENDMENT.] That Section 4884 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 4884. CONTINGENCY RESERVE.] Any life insurance company doing business in this state may accumulate and maintain in addition to the capital and surplus contributed by its stockholders and in addition to an amount equal to the net values of its policies, computed according to the laws of the jurisdiction under which it is organized, a contingency reserve not exceeding the following respective percentages of said net values, to-wit: when said net values are less than one hundred thousand dollars, twenty percentum thereof or the sum of ten thousand dollars, whichever is the greater; when said net values are greater than one hundred thousand dollars, the percentage thereof measuring the contingency reserve shall decrease one-half of one per centum for each one hundred thousand dollars of said net values up to one million dollars; one-half of one per centum for each additional one million dollars up to ten million dollars; and if said net values equal or exceed the last mentioned amount, the contingency reserve shall not exceed ten per centum thereof; provided, that as the net values of said policies increase and the maximum percentage measuring the contingency reserve decreases, such corporation may maintain the contingency reserve already accumulated hereunder, although for the time being it may exceed the maximum percentage herein prescribed, but may not add to the contingency reserve when the addition will bring it beyond the maximum percentage; provided, further, that for cause shown the Commissioner of Insurance may at any time from time to time permit any corporation to accumulate and maintain a contingency reserve in excess of the limit above mentioned for a prescribed period, not exceeding one year under any one permission, by filing in his office a decision stating his reasons thereof and causing the same

to be published in his next annual report. This section shall not apply to any company doing exclusively a non-participating business.

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

Approved February 21, 1925.

CHAPTER 149

(S. B. No. 197—O. H. Olson and Ployhar.)

DISCRIMINATION IN INSURANCE

An Act To Amend and Re-enact Section 4922 of the Compiled Laws of the State of North Dakota for the year 1913, as Amended and Re-enacted by Chapter 165, Session Laws of 1919, Relating to the Revocation of the Certificates of Authority of Insurance and Surety Companies and Providing against Discrimination.

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

§ 1. AMENDMENT.] That Section 4922 of the Compiled Laws of 1913, as Amended and Re-enacted by Chapter 165, Session Laws of 1919, is hereby Amended and Re-enacted so as to read as follows:

§ 4922. AUTHORITY REVOKED, WHEN REVOCATION SET ASIDE.] If the Commissioner of Insurance has or shall have, at any time after examination, reason to believe that any annual statement or other report required or authorized by this article, made or to be made out by an officer or agent of any insurance company, or bonding, surety or indemnity company, is false, or if the Commissioner of Insurance has or shall have, at any time after examination, reason to believe that any insurance company or bonding, surety or indemnity company, is practicing discrimination against individual risks in the issue or cancellation of policies, bonds or other contracts of insurance or corporate suretyship, it shall be the duty of said Commissioner of Insurance immediately to revoke the certificate of authority of such company, and mail a copy of such revocation to such company or the agents thereof in this State, and such company and its agents, after such notice, shall discontinue the issuance of any new policies, bonds or surety contracts or the renewal of any policies, bonds or contracts or the renewal of any policies, bonds or contracts previously issued; and such revocation shall not be set aside nor any new certificates of authority be given until satisfactory evidence shall have been furnished to said Commissioner

of Insurance that such company is in substance and in fact in the condition set forth in such statement or order (or that such discrimination has not been practiced or that such practice of discrimination will immediately cease), and that the requirements of this article have been fully complied with. No action on the grounds of discrimination shall be taken by said Commissioner unless upon a written complaint under oath or information and belief of the person or persons interested, showing in substantial detail the ground for complaint with such data as will reasonably enable the Commissioner to determine whether there is probable cause therefor, and no such action shall be taken, nor shall there be any examination thereon until a copy of said complaint and data shall have been sent by registered mail to the Company concerned and such Company shall have had at least ten (10) days' notice of the date when such examination is to be held.

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

Approved March 6, 1925.

CHAPTER 150

(S. B. No. 209—O. H. Olson.)

DISSOLUTION INSOLVENT DOMESTIC INSURANCE COMPANIES

An Act Designating the Commissioner of Insurance as Receiver of Insolvent Domestic Insurance Companies, Outlining the Procedure in Dissolution of Such Companies, and Defining the Commissioner's Powers and Duties as Such Receiver.

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

§ 1. This Chapter shall apply to all domestic corporations, associations, societies and orders transacting an insurance business under authority of any law of this state, including all corporations, associations, fraternal beneficiary societies and orders which are subject to examination by the commissioner of insurance, or which are doing or attempting to do or representing that they are doing the business of insurance in this state, or which are in process of organization intending to do such business therein, or to become incorporated under any law of this state for the transaction of an insurance business.

§ 2. Whenever any such corporation,

(a) Is insolvent; or

(b) Has refused to submit its books, papers, accounts or affairs to the reasonable inspection of the commissioner of insurance, or his deputy or examiner; or

(c) Has neglected or refused to observe an order of the commissioner of insurance to make good any deficiency within the time prescribed by the commissioner, whenever its capital shall become impaired exceeding fifteen per centum thereof, if it be a stock corporation, or its reserve, if it be a mutual corporation, shall have become impaired; or

(d) Has by contract of reinsurance or otherwise, transferred or attempted to transfer substantially its entire property or business, or entered into any transaction the effect of which is to merge substantially its entire property or business in the property or business of another corporation, association, society or order, without first having obtained the written approval of the commissioner; or

(e) Is found, after an examination, to be in such condition that its further transaction of business will be hazardous to its policy holders, or to its creditors, or to the public; or

(f) Has wilfully violated its charter or any law of the state;

(g) Whenever any officer thereof has refused to be examined under oath touching its affairs; or

(h) If such corporation be found, after examination, to be in such condition that it could not meet the requirements for incorporation and authorization;

The commissioner of insurance may, the attorney general representing him, apply to the district court in the judicial district in which the principal office of such corporation is located, for an order directing such corporation to show cause why the commissioner should not take possession of its property and conduct its business, or for such other relief as the nature of the case and the interests of its policy-holders, creditors, stockholders, or the public may require.

§ 3. On such application, or at any time thereafter, such court may in its discretion, issue an injunction restraining such corporation from the transaction of its business or the disposition of its property until the further order of the court. On the return of such order to show cause, and after a full hearing, the court shall either deny the application or direct the commissioner forthwith to take possession of the property and conduct the business of such corporation and retain such possession and conduct such business until, on the application either of the commissioner, the attorney general representing him, or of such corporation, it shall, after a like hearing,

appear to the court that the ground for such order directing the commissioner to take possession has been removed and that the corporation can properly resume possession of its property and the conduct of its business.

§ 4. If, on like application an order to show cause, and after a full hearing the court shall order a liquidation of the business of such corporation, such liquidation shall be made by and under the direction of the commissioner of insurance who may deal with the property and business of such corporation in his own name as commissioner or in the name of the corporation, as the court may direct, and shall be vested by operation of law with title to all the property, contracts and rights of actions of such corporation as of the date of the order so directing him to liquidate. The filing or recording of such order in any record office of the state, shall impart the same notice that a deed, bill of sale or other evidence of title duly filed or recorded by such corporation would have imparted. The order of liquidation shall, unless otherwise directed by the court, provide that the dissolution of the corporation shall take effect upon the entry of such order in the office of the clerk of the county wherein such corporation had its principal office for the transaction of business.

§ 5. For the purposes of this chapter the commissioner shall have power to appoint, under his hand and official seal, one or more special deputy commissioners of insurance as his agent or agents, and to employ such counsel, clerks and assistants as may by him be deemed necessary, and give each of such persons such power to assist him as he may consider wise. The compensation of such special deputy commissioner, counsel, clerks and assistants, and all expenses of taking possession of and conducting the business of liquidating any such corporation shall be fixed by the commissioner, subject to the approval of the court, and shall, on certificate of the commissioner, be paid out of the funds or assets of such corporation. In any proceedings under this chapter the commissioner, his deputy or any examiner or special deputy shall have all of the powers given to the commissioner, by any law of this state authorizing the commissioner to make or cause to be made examinations of insurance corporations, including the power to examine under oath the officers and employes of such corporation, and to compel the production of books and papers as herein provided.

§ 6. The commissioner shall publish, in his annual report, the names of the corporations so taken possession of, whether the same have resumed business or have been liquidated, and such other facts as shall acquaint the policyholders, creditors, stockholders, and the public with his proceedings under this chapter; and to that end the official in charge of any such corporation shall file annually with the commissioner a report of the affairs of such corporation.

§ 7. The commissioner of insurance or his deputy or special deputy, acting under the provisions of this chapter in any liquidation proceedings, shall have all the powers of a receiver in insolvency proceedings, and may do and perform any act for the protection of the assets or the recovery of the same, and for the settlement or discharge of the obligations of the insurance company, that may be necessary or that may be directed by the court. He shall have the same authority to make assessments upon stockholders or members of the company as the officers thereof are authorized to make under the provisions of this act, and it shall be his duty to make such assessments, ratably in any case where authorized, to any extent that may be necessary to discharge the whole obligations, existing at any time during such receivership or insolvency proceedings. He may bring suit to recover and enforce such assessments in any court of competent jurisdiction against the members or stockholders, as the case may be, or by direction of the court having jurisdiction of the liquidation, may bring such suit or suits in the district court without regard to the amount involved. Such receiver shall be held accountable to the district court of the county having jurisdiction for his actions in the premises.

§ 8. In any case arising under this chapter the commissioner of insurance may file his petition for liquidation or receivership in the district court for the county of Burleigh, and the preliminary steps towards the appointment of a receiver shall be taken and heard in such district, and the district court of Burleigh county may at any time thereafter transfer such case to the district court of the county in which such company may have its principal place of business, for such further steps and action as may be necessary in the premises, as in cases of change of venue. In all other respects proceedings under this chapter shall be conducted according to the procedure prescribed in the judicature act of this state. The district court in the first instance may require the commissioner of insurance or the person acting as his deputy in the liquidation proceedings, to file a bond as in other receiverships. Such receiver shall in no case be permitted to increase the liabilities of any company undergoing liquidation excepting for the purpose of preserving its assets.

§ 9. In any insolvency proceeding brought against any such insurance corporation, either by itself or by some one other than the insurance commissioner, in any court of this state, said court shall upon application of said insurance commissioner after initiation, or at any time, during the pendency of such proceeding appoint said insurance commissioner as receiver of such corporation.

Approved March 10, 1925.

CHAPTER 151

(H. B. No. 86—Hoople, Brown, Martin.)

STATE HAIL INSURANCE

An Act To Amend and Re-enact Sections 6, 7, 13, 26 and 27 of Chapter 160 of the Session Laws of 1919 as Amended by Chapter 38 of the Special Session Laws of the Sixteenth Legislative Assembly of the State of North Dakota, as Amended and Re-enacted by Chapter 77 of the Session Laws of North Dakota for the year 1921, as Amended and Re-enacted by Chapter 232 of the Session Laws of North Dakota for the year 1923, Relating to State Hail Insurance.

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

§ 1. AMENDMENT.] That Sections 6, 7, 13, 26 and 27 of Chapter 160 of the Session Laws of North Dakota for the year 1919 as amended by Chapter 38 of the Special Session Laws of the Sixteenth Legislative Assembly of the State of North Dakota, as amended and re-enacted by Chapter 77 of the Session Laws of the State of North Dakota for the year 1921, as amended and re-enacted by Chapter 232 of the Session Laws of North Dakota for the year 1923, are hereby amended and re-enacted to read as follows:

§ 6. FLAT TAX AND PERMANENT SURPLUS.] There is hereby levied for the year 1925 upon each and every acre of tillable land in the State a flat tax of one cent per annum, which levy shall continue each year thereafter until the permanent surplus reaches the sum of Four Million Dollars, as hereinafter provided, said levy being for the purpose of carrying out the provisions of this Act and creating a permanent surplus in the Hail Insurance Fund to be applied in paying losses more promptly, and for the further purpose of reimbursing the permanent surplus within the fund for the \$900,000.00 or as much thereof as is necessary to pay the 20 per cent of the indemnities for losses suffered by the State Hail Insurance Department during the season of 1923, and unpaid on January 6, 1925. Provided that untillable land and lands used exclusively for public roads, rights of way of common carriers, mining and manufacturing purposes, and land included within the platted portion of any incorporated city, town or village, shall be exempt from such tax. Provided, further, that the Commissioner of Insurance is hereby authorized to use \$900,000.00 or as much thereof as may be necessary out of the surplus within the State Hail Insurance Fund in order to pay the 20 per cent of the indemnities for losses suffered by the State Hail Insurance Department during the season of 1923 and unpaid on January 6, 1925, and such amount as above stated or as much thereof as may be necessary for accomplishing this payment of such 20 per cent is hereby expressly appropriated out of such sur-

plus. Provided further, that all moneys heretofore or hereafter collected under the provisions of Sections 7 and 10 of this Act, over and above that which is required to pay hail losses, also all moneys such as penalties and interest for non-payment of hail taxes and interest on balances already accrued and which may in the future accrue, shall be turned into the permanent surplus as created under the provisions of this section, until such permanent surplus reaches the sum of Four Million Dollars. Provided that any sum in excess of Four Million Dollars accruing in this fund shall be turned back into the State Hail Insurance Fund to pay indemnities for losses for the then present or next succeeding year. All moneys collected from flat taxes under the provisions of this section shall be paid into the State Hail Insurance Fund, but a separate record of such moneys collected from such flat tax shall be kept by the County Treasurer.

§ 7. INDEMNITY TAX.] The Commissioner of Insurance shall on or before the twenty-fifth day of October of each year ascertain the amount which is required for the total payment of all loss caused by hail to crops insured by the Department and a sum sufficient to pay interest on certificates of indebtedness, or for interest at the rate of six per cent on all warrants issued from the first day of December until called for payment by the State Treasurer, if such warrants are not payable in cash when issued, and for any anticipated refunds of taxes, plus a sufficient sum to maintain and operate the Department for the succeeding year, and for the purpose of securing and paying the same, there is hereby levied each and every year an indemnity acreage tax sufficient to cover said amount on all cropped land insured (except hay and meadow land) not withdrawn from the operation of this Act as herein specified and any such tax or imposition, which has been heretofore, or may hereafter be levied, shall be and constitute a first and prior lien upon all lands upon which the same is levied, to the same extent and with like effect, as any general tax, and shall be collected, and payment thereof enforced, in the same manner as any general tax. Provided, that when the \$10.00 insurance is carried, such indemnity tax shall be as much greater than the indemnity tax for \$7.00 per acre protection as 10 is greater than 7. Provided further, that for the purpose of levying the acreage indemnity tax, the State is hereby divided into Four Districts, the composition of which to be determined by the Commissioner of Insurance and the Manager of the Hail Insurance Department at the time levy for such indemnity tax is made. Provided further, that the basis for districting shall be the actual cost of the protection in each County, for the then current year, as determined by the amount of indemnity allowed and the acreage insured within each County. Provided that District No. 1 shall be composed of all such Counties showing for such year an actual cost

of not more than 3% of the risk carried; District No. 2 an actual cost of over three per cent but not more than 5 per cent; District No. 3 an actual cost of over five per cent but not more than seven per cent; District No. 4 an actual cost of over seven per cent. Provided further, that when such levy for Hail Indemnity Tax is made, each of the Four Districts shall be considered a unit, however the rate and actual per acre costs of such indemnity tax levied shall be based on the following proportions or fixed ratios between the Districts; First District 5; Second District 6; Third District 7; and Fourth District 8. Provided further, that if the total amount necessary for indemnity tax for any one year equals more than 10% of the risk carried by the Department for such year, in order that losses may be paid in full, the Commissioner of Insurance may use any moneys in the surplus of the Hail Insurance Fund to pay such difference between the moneys actually obtained by the levy for hail indemnity tax and the amount actually needed to pay all such legal indemnities for each year, and the Commissioner of Insurance shall in the following or any succeeding year or years when the indemnity for hail losses as above provided is not in excess of an average of 10% of the risk carried by the Department, include in the levy for hail indemnity tax such sum or sums that may be necessary to reimburse the surplus fund for such moneys borrowed from such fund. All moneys collected under the provisions of this Section shall be paid into the State Hail Insurance Fund.

§ 13. FILING AFFIDAVITS BY COUNTY AUDITOR.] Each County Auditor shall file and keep one copy of the crop-listing affidavit presented to him by the assessor and shall forward the originals thereof on or before the 10th day of June of each year to the Commissioner of Insurance at Bismarck. Prior to July 15th of each year the County Auditor shall file with the Commissioner of Insurance at Bismarck an itemized and tabulated statement and report on blanks provided by the Hail Insurance Department showing in detail for every description of land in his County subject to listing for State Hail Insurance purposes, acres in crop, acres tillable, acres tillable uncropped, acres withdrawn, acres on which additional \$3.00 per acre is carried and any other information necessary for carrying out the provisions of this Act. Each County shall receive the sum of 50 cents per each 1000 acres of tillable land in such County listed as subject to the flat acreage tax and an additional \$1.00 per each 1000 acres left insured during the season for \$7.00 per acre protection, such amount to be paid out of the State Hail Insurance Fund prior to December 31st of each year on vouchers issued by the Commissioner of Insurance and approved by the State Auditing Board. Provided that any County, where the Auditor shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this Act or shall fail to for-

ward to the Commissioner of Insurance the originals of crop listing affidavits or copies of other affidavits and applications at the time specified in this Act, shall forfeit the sum of \$10.00 per day during such time that the County Auditor neglects to make such returns, statements or reports, and the Commissioner of Insurance is hereby authorized to deduct the amount of such fine to the extent of such compensation above provided for to any County. Provided further, it shall be the duty of the Attorney General to proceed to collect the amount of such penalty for the time of such delinquency in excess of the amount above provided for.

§ 26. LIMITING TIME OF ACTION.] 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 any Acts or part of Acts in conflict with any of the provisions of this Act are hereby expressly repealed.

§ 27. EMERGENCY.] This Act is hereby declared an emergency measure and shall take effect immediately upon its passage and approval.

Approved March 7, 1925.

CHAPTER 152

(S. B. No. 284.—Van Camp.)

ABATEMENT—HAIL INSURANCE TAX

An Act To Amend Section 25 of Chapter 77 of the Session Laws of 1921 Relating to the Abatement of Hail Insurance Taxes.

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

§ 1. AMENDMENT.] Section 25 of Chapter 77 of the Session Laws of 1921 is hereby amended and re-enacted to read as follows:

§ 25. ABATEMENT OF HAIL INSURANCE TAX.] The County Commissioners with the approval of the commissioner of insurance may, in case of error, abate any hail insurance tax wrongfully levied and refund any tax wrongfully collected under the provisions of this act upon presentation to them of a written application for the abatement of such tax.

Approved March 6, 1925.

CHAPTER 153

(H. B. No. 87—Hoople.)

PROTECTION INSURANCE AGENTS

An Act Protecting Insurance Agents Authorized to do Business Within This State From Discrimination by any Fire Insurance Company Authorized to do Business Within This State and Providing Penalty for Such Discrimination.

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

§ 1. It shall be unlawful for any domestic, stock, or mutual fire insurance company, or for any foreign stock, or mutual fire insurance company authorized to do business within this State, to discriminate in any manner whatsoever against any insurance agent authorized and licensed to do business within this state, or to withdraw, cancel or limit its agency with such agent solely upon the ground or for the reason that such agent is also acting as agent for another insurance company authorized to do business within this State.

§ 2 If the Commissioner of Insurance shall become aware of any alleged violation of this Act, or if written complaint is made to him of any alleged violation thereof, he shall forthwith by registered mail cite the insurance company complained against to appear before him at a day to be designated by him not less than ten, nor more than thirty days from the date of such citation to answer said alleged violation hereof. If upon such hearing, it shall appear that there has been a willful and intentional violation of this Act, it shall be the duty of said Commissioner of Insurance forthwith to cancel the certificate authorizing said company to do business within this State; and thereafter it shall be unlawful for said Company to transact any insurance business within this State until said order of cancellation shall be revoked.

Approved February 24, 1925.

CHAPTER 154

(S. B. No. 112—Schlosser and Olson of Burleigh.)

INSURANCE—PUBLIC BUILDINGS

An Act To Amend and Re-enact Sections 2, 5, and 13 of Chapter 159, Session Laws of 1919, relating to Insurance on Public Buildings, Providing for the Classification of All Public Property, Limiting the Amount of Insurance to be carried by the State Fire and Tornado Fund, Providing for the Re-insurance of Certain Risks, and the Collection of the Premiums Therefor.

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

§ 1. That Section 2 of Chapter 159 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

2. REPORT OF STATE BUILDINGS.] On August 1st of each year, each officer, board of administration or agents of the State of any kind having in charge any public buildings or property of any kind whatsoever belonging to the state, shall report to the Commissioner of Insurance of the State the sound, depreciated or insurable value of each building or risk and contents therein, and such other information as may be required by the Commissioner of Insurance on forms provided by him.

§ 2. That Section 5 of Chapter 159 of the Session Laws of North Dakota for the year 1919 be amended and re-enacted to read as follows:

5. REPORT ON OTHER BUILDINGS.] On August 1st of each year, each county auditor, city auditor, town, village and school district clerk, as the case may be, shall report to the Commissioner of Insurance the sound, depreciated or insurable value of each building or risk and contents therein, and such other information as may be required by the Commissioner of Insurance, on forms provided by him.

§ 3. That Section 13 of Chapter 159 of the Session Laws of North Dakota for the year 1919 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 Section 1 and 2 of this Act, into three distinct classifications as hereinafter set forth, and to place re-insurance thereon with some reliable fire and tornado in-

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 percent (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 no risk of Ten Thousand Dollars (\$10,000.00) or less shall be re-insured, but that the State Fire and Tornado Fund shall carry not to exceed twenty-five percent (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 composition roof covering.

§ 4. COLLECTION OF PREMIUM.] The Insurance Commissioner shall collect from the State or the political subdivision thereof, the entire premium for all the insurance and deposit it in the State Fire and Tornado Fund, as herein provided, and shall draw his warrant upon the State Treasurer against the State Fire and Tornado Fund for the amount of premium due upon that portion of the insurance placed with such reliable fire and tornado insurance company or companies.

§ 5. EMERGENCY.] An emergency existing, this Act shall be in full force, and shall take effect immediately upon its passage and approval.

Approved March 4, 1925.

INTEREST

CHAPTER 155

(S. B. No. 2—Miklethun.)

INTEREST RATES AND USURY

An Act To Amend Sections 6072 and 6073 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 176 of the Session Laws of 1915, Prescribing Lawful Rates of Interest for any Legal Indebtedness, and Defining Usury.

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

§ 1. That Section 6072 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 176 of the Session Laws of 1915 be and the same is hereby amended to read as follows:

§ 6072. LEGAL RATE SIX PER CENT.] Interest for any legal indebtedness shall be at the rate of six per cent per annum, unless a different rate not to exceed nine per cent per annum is contracted in writing and all contracts shall bear the same rate of interest after they become due as before.

§ 2. That Section 6073 of the Revised Codes of North Dakota for 1913 as amended by Chapter 176 of the Session Laws of 1915 be and the same is hereby amended 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.

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

Approved March 3, 1925.

LARCENY

CHAPTER 156

(H. B. No. 143—Plath and Tuneberg.)

LARCENY OF POULTRY AND LIVE STOCK

An Act Prescribing the Penalty for Larceny of Poultry and Live Stock.
Be It Enacted by The Legislative Assembly of the State of North Dakota:

§ 1. LARCENY OF POULTRY AND LIVE STOCK. PENALTY.]
When it appears upon the trial on an information or indictment, for either petit larceny or grand larceny, that the larceny alleged consists of the taking of either poultry or other live stock, the offender shall be punished by imprisonment for not less than 6 months in the county jail and not exceeding five years in the penitentiary.

Approved March 10, 1925.

CHAPTER 157

(H. B. No. 171—Carr and Starke.)

PUNISHMENT OF GRAND LARCENY

An Act To Amend and Re-enact Section 9917 of the Compiled Laws of North Dakota for the Year 1913, Relating to Punishment of Grand Larceny.

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

§ 1. That Section 9917 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§9917. PUNISHMENT OF GRAND LARCENY.] Grand larceny is punishable by imprisonment in the county jail not less than three months or in the penitentiary not exceeding ten years.

Approved March 7, 1925.

LAWS OF NORTH DAKOTA

CHAPTER 158

(H. B. No. 131—Judiciary Committee.)

COMPILATION OF LAWS OF 1915, 1917, 1919, 1921, 1923, 1925

An Act To Provide for the Compilation of a Supplement to the Compiled Laws of 1913, to Comprise the Statutes Enacted by the Regular Sessions of 1915, 1917, 1919, 1921, 1923, 1925 and Two Special Sessions Since 1913, and Authorizing the Secretary of State to Contract With The Lawyers Co-operative Publishing Company of Rochester, New York, to Prepare, Annotate, and Publish Such a Supplement; and Making an Appropriation for the Purchase of Copies for the Use of the State.

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

§ 1. The Secretary of State shall enter into a contract with the Lawyers Co-operative Publishing Company of Rochester, New York, a foreign corporation, to prepare, annotate, publish and bind, in compliance with the following proposal, a Supplement to the Compiled Laws of 1913, consisting of all of the statutes enacted at the 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 contract shall require the publisher to include: (a) all statutes enacted since the compilation of 1913, with eliminations of repealed statutes; (b) the legislative history of changes or repeals by accurate reference to chapter and session laws where such repeals or changes may be found; (c) the renumbering of sections, acts and chapters, when necessary; (d) the revising and re-arranging of a complete and correct double column index and table of contents according to the most approved method of indexing statutes. The Supplement shall contain on the fly-leaf thereof, a notice that the same is published by authority of the State of North Dakota, and shall be known as a "Supplement to the Compiled Laws of 1913." There shall also be printed on the fly-leaf, and stamped on the back, the date, "1925." The Supplement shall contain, by appropriate reference, annotations to each section of the Supplement consisting of statutes enacted since 1913, to all decisions of the Supreme Court of the State of North Dakota, as reported in the official reports, in the Northwestern Reporter, and the Annotated Reports System, construing, interpreting or citing such statutes. The offer of the publisher in conformity with which the contract shall be entered into by the Secretary of State, is as follows:

"Bismarck, North Dakota.
January 3, 1925.

We will undertake the editorial work on a compilation to be known as a Supplement to the Compiled Laws of 1913, annotated with references to the North Dakota reports—this material to be furnished by your Court as suggested—we undertake the search for U. S. Supreme Court material and references to the Annotated Reports System, print, publish and bind in Buckram of the style after that of the North Dakota Compiled Laws, paper and binding similar to the A. L. R., and agree to supply the State of North Dakota for State use only—not for sale—500 copies at \$12.00 per copy. That it be further agreed that the Act of 1913, Chapter 197 S. L. requiring municipalities to purchase copies of the Compiled Laws, would be construed by the Administration and Courts as in effect for the Supplement. Further, that the Supplement will be approved by the Secretary of State in such manner as directed by the Court, as in the case of the 1913 compilation.

The Supplement shall be sectioned to correspond with that of the 1913 compilation, and the annotations shall begin at the point where the 1913 compilation ended. If the work shall exceed 2032 pages—that is, two forms above the 2000—proportionate, additional charges would have to be made; and should the work make less than 1768 pages, proportionate reduction would be made. We believe, however, that the publication would be within the estimate of 1800 to 2000 pages, and would make a large effort to keep within that number. Lawyers Co-operative Publishing Company, By G. M. Wood." Provided, that such publisher may sell such Supplements to individuals or municipalities at a price not to exceed \$14.00 per copy.

Upon the completion of the Supplement, it shall be submitted to the Secretary of State, who shall carefully examine the same, and if he finds that it has been prepared in substantial compliance with the offer made by the Lawyers Co-operative Publishing Company, and with this Act, he may purchase the agreed number for the use of the State, for distribution as required by law, and according to the terms of the offer.

§ 2. There is hereby appropriated out of the General fund the sum of \$6,000.00, which money has been transferred from the State Bar Board Fund into the said general fund, for the purpose of procuring the compilation of such Supplement and purchasing five hundred copies of the Supplement, for the use of the legislature and pursuant to the provisions of this Act.

§ 3. EMERGENCY.] Whereas, an emergency exists in this, that several sessions have intervened since the compilation of 1913,

and it is exceeding difficult to find the law, now scattered through seven volumes of Session Laws, this Act shall be in force from and after its passage and approval.

Approved March 3, 1925.

CHAPTER 159

(H. B. No. 184—Olafson and Morton.)

PRINTING OF POPULAR EDITION OF SESSION LAWS

An Act To Amend and Re-enact Section 69 of the Compiled Laws of North Dakota for 1913, Relating to the Printing of the Popular Edition of the Session Laws; Fixing the Specifications for the Unauthenticated Edition of the Session Laws of the State of North Dakota, and Repealing all Acts and Parts of Acts in Conflict Therewith.

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

§ 1. AMENDMENT.] Section 69 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 69. In addition to the official and authenticated edition of the Session Laws to be published, the Secretary of State shall cause to be printed a popular edition of the Session Laws of each session in the following form: Type to be of ten point size set solid twenty-five ems pica wide, title to be set eight point solid twenty-five ems pica wide. Same to be printed on first grade print paper of the basis of twenty-four by thirty-six inches and thirty-five pounds to the ream, with proper heading, size to be five and three-fourths by eight and three-fourth inches, wire stitched with paper covers of the grade and weight now used and specified for departmental reports. There shall be three thousand copies of said popular edition so printed.

The official and authenticated edition of the Session Laws shall be printed and published from the same matter and from the same type as for the popular edition thereof, to be properly edited, revised and authenticated. The same shall be printed on first grade machine finished paper twenty-five by thirty-eight inches of fifty pounds to the ream, page to be six by nine inches, said volume to be bound in library buckram and properly titled. The popular edition and the authenticated edition of the session laws so printed shall be a part of the fourth class of state printing.

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

Approved March 10, 1925.

LIENS

CHAPTER 160

(S. B. No. 265—Page.)

THRESHING LIEN

An Act To Amend and Re-enact Sections 6854, 6855 and 6856, Compiled Laws of 1913, Relating to Threshing Lien.

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

§ 1. AMENDMENT.] That Section 6854, Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 6854. WHO MAY HAVE.] Any owner or lessee of a threshing machine who threshes grain therewith shall, upon filing the statement provided for in the next section, have a lien upon such grain for the value of his services in threshing the same from the date of the commencement of the threshing.

§ 2. AMENDMENT.] That Section 6855, Compiled Laws of 1913 is hereby Amended and re-enacted so as to read as follows:

§ 6855. PROCEDURE TO OBTAIN LIEN.] Any person entitled to a lien under this chapter shall within fifteen days after the threshing is completed, file in the office of the register of deeds of the county in which the grain was grown a statement in writing, verified by oath, showing the kind and quantity of grain threshed, the price agreed upon for threshing the same, either by the bushel, the hour, or the day; or if no price has been agreed upon then the reasonable value, the name of the person for whom the threshing was done and a description of the land upon which the grain was grown. Unless the person entitled to the lien shall file such statement within the time aforesaid he shall be deemed to have waived his right thereto.

§ 3. AMENDMENT.] That Section 6856, Compiled Laws of 1913 is hereby amended and re-enacted so as to read as follows:

§ 6856. PRIORITY.] Such lien shall have priority over all other liens and incumbrances, including a mortgage upon the crop or grain given by the person claiming the lien, and such lien shall not inure to such mortgagee.

Approved March 6, 1925.

CHAPTER 161

(H. B. No. 183—Morton.)

INJURY, DESTRUCTION, REMOVAL OF CHATTELS SUBJECT TO LIEN

An Act To Amend and Re-enact Section 10248 of the Compiled Laws of North Dakota for the Year 1913, Forbidding the Injury, Destruction or Removal of Encumbered Chattel Property from the State, and Prescribing Penalties Therefor.

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

§ 1. AMENDMENT.] That Section 10248 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 10248. REMOVING, CONCEALING, SELLING OF DISPOSING OF CHATTELS SUBJECT TO LIEN.] Every person having in his possession, or under his control any personal property upon which there is known to him to be a subsisting lien, either by operation of law or by contract or conditional sale contract, who wilfully destroys or removes from the County, conceals, sells or in any manner disposes of, otherwise than as prescribed by law, or materially injures such property or any part thereof, without the written consent of the holder of such lien, is guilty of:

1. A crime, and punishable by a fine not to exceed one hundred dollars or by imprisonment in the county jail not to exceed thirty days or by both such fine and imprisonment; if the value of the property does not exceed one hundred dollars; or,

2. A felony, if the value of the property exceeds one hundred dollars.

Approved March 10, 1925.

MARRIAGES

CHAPTER 162

(H. B. No. 68—Sagen.)

REGISTRATION OF MARRIAGES

An Act To Provide for the Registration of All Marriages with the State Registrar of Vital Statistics, and to Provide Fees for the Same.

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

§ 1. That in addition to being recorded in the office of the Judge of the County Court, all marriages hereafter occurring with-

in the State shall be registered with the State Registrar of Vital Statistics at the State Capitol as hereinafter provided.

§ 2. That the Judge of the County Court as soon as he has recorded a marriage license by him issued and the certificate of the person performing the marriage ceremony thereunder, shall transmit such license together with such certificate to the Registrar of Vital Statistics at the State Capitol.

§ 3. As soon as received by him the State Registrar shall record all marriage licenses together with the certificate of the person performing the marriage ceremony thereunder in a book of record in his office kept for that purpose, and as soon as the same has been recorded he shall return said license and certificate to the said County Judge. He shall index all records by him kept and when applied to shall issue a certified copy of the same which shall be prima facie evidence in all Courts and places of the facts stated therein, and for which he shall receive a fee of one dollar. He shall keep an accurate account of all fees received, and turn the same over to the State Treasurer not later than the 15th day of each month; the fees thus collected and turned over to the State Treasurer shall be credited to the State Department of Health to be used by the said Department in addition to all appropriations made by the Legislature for any and all purposes of such Department.

Approved March 10, 1925.

MILL AND ELEVATOR ASSOCIATION

CHAPTER 163

(H. B. No. 94. Hoople and Thatcher)

NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION

An Act Re-establishing the North Dakota Mill and Elevator Association Defining Its Powers and Duties, Providing for Funds for the Conduct of Its Business, Providing for the Control, Management, and Operation of State Owned Grain Warehouses, Elevators and Flour Mills and the Conduct of All Business Relating Thereto, Especially as Relates to the State Owned Mill and Elevator at Grand Forks, North Dakota, and Repealing Chapter 295, Laws of North Dakota of 1923, and other Statutes in Conflict Herewith.

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

§ 1. ESTABLISHING NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION.] For the purpose of encouraging and promoting agri-

culture, the State of North Dakota shall engage in the handling of grain and in the manufacture and sale of flour and its by-products, and for that purpose shall operate and conduct the system of state owned elevators and flour mills now established and heretofore created by law under the name of "North Dakota Mill and Elevator Association," hereinafter for convenience called the Association.

§. 2. CONTRACTS RECOGNIZED.] All valid contracts entered into by the North Dakota Mill and Elevator Association, as provided for in Chapter 152 of the Session Laws of North Dakota for the year 1919, and Chapter 295 of the Session Laws of North Dakota for the year 1923, known as the North Dakota Mill and Elevator Association Act, are hereby expressly recognized, and any rights or liabilities accrued in favor of, or against, said North Dakota Mill and Elevator Association, as provided for in Chapter 152 of the Laws of 1919; and Chapter 295 of the Laws of 1923, aforesaid, shall be deemed the acts of the North Dakota Mill and Elevator Association, as created by this act, and the title to all property acquired in the name of the State of North Dakota, doing business as the North Dakota Mill and Elevator Association as provided for in Chapter 152 of the Laws of 1919, and Chapter 295 of the Laws of 1923, aforesaid, shall remain vested in the State of North Dakota, doing business as the North Dakota Mill and Elevator Association under this act.

§ 3. POWERS AND DUTIES.] Except as otherwise provided by law, the Association, acting by and through the Governor, as hereinafter provided, shall have the power to make contracts, to sue and be sued, to purchase, sell and convey real and personal property as may be necessary to carry out the purpose of this Act; to locate and maintain the places of business of the Association; and to make and enforce orders, rules and regulations and by-laws for the transaction of its business. The business of the Association, in addition to other matters herein specified, may include anything that any private individual or corporation may lawfully do in conducting a similar business, except as herein restricted.

The Association may by purchase, lease or the exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, acquire all necessary property and property rights, and may purchase, lease or repair all necessary buildings or other structures and may purchase, lease, construct or otherwise acquire offices, machinery, equipment and all things necessary, convenient or incidental to the manufacture of flour, and its by-products, and for the storage, sale, and disposal of grains, flour and its by-products, and may dispose of the same; Provided, that, until otherwise provided by law, the Association shall

not lease, sell or convey to any person or persons the Mill and Elevator now located near the City of Grand Forks, North Dakota.

The Association shall have power to purchase grain and to resell such part thereof as may not be needed in the operation of the mill, and to act as agent for any party who buys or sells grain or farm products; Provided, it shall purchase grain from outside the state only when such grain can be purchased, milled and marketed at a cost less than grain of like quality available within the state may be purchased, milled and marketed; and Provided, further, that the Association shall not import grain from any foreign country, in bond for milling purposes, or mill any grain so imported, in bond, or any grain from any foreign country for the purpose of milling and exporting the products thereof under the drawback provision of the United States Tariff Act, except when necessary, in the opinion of the Governor, to insure the efficient operation of its mill.

All grain, flour, feed, millstuffs and produce belonging to the Association, or for which the Association is responsible to the owners, and all buildings, and machinery belonging to the Association, shall be fully insured against loss by fire in the Fire and Tornado Fund of the State of North Dakota, or in Fire Insurance companies authorized to do business in this state.

Except as hereinafter provided, the business of the Association shall be limited to the operation and management of the Mill and Elevator now owned by said Association and located at the City of Grand Forks, North Dakota, but it shall have power to establish and maintain purchasing and selling agencies in this and other states, and in Canada and in foreign countries.

§ 4. SALE OF DRAKE MILL AND OTHER PROPERTY.] It shall be the duty of the Industrial Commission to take steps upon taking office to obtain bids in response to ninety days public notice of intention to sell the Drake Mill and Elevator. Such property shall be sold as soon thereafter as is consistent with proper prices and terms. No sale of any such property shall be made without the written approval of the Governor. Power is hereby expressly granted to the Industrial Commission to execute and deliver any conveyances necessary to carry out the purposes of this section. Such conveyances shall be made in the name of the North Dakota Mill and Elevator Association by the Industrial Commission, and must bear the signature of the Governor, signifying his approval. All funds derived from such sales shall be paid forthwith to the State Treasurer, to be credited by him to the Sinking Fund for the payment of interest upon and the retirement of outstanding bonds of the North Dakota Mill and Elevator Series, or shall

be retained for use as working capital as may be determined by the Governor. Until said Mill and Elevator located at Drake, is disposed of, the Industrial Commission shall exercise its discretion with reference to operating the same.

§ 5. MANNER OF CONDUCTING BUSINESS.] All business of the Association shall be conducted under the name of the North Dakota Mill and Elevator Association. Title to property pertaining to the operation of the Association shall be obtained and conveyed in the name of the State of North Dakota, doing business as the North Dakota Mill and Elevator Association. Deeds and other instruments conveying or affecting real property shall be executed under the authority of the Industrial Commission and shall be signed by two members of the Industrial Commission, of whom the Governor shall be one, and the seal of the Association shall be affixed thereto. The Governor may delegate to any managing agent he shall see fit, the authority to execute all other classes of instruments.

§ 6. ACTIVE MANAGEMENT, EMPLOYEES, DUTIES, COMPENSATION, BONDS.] From and after the taking effect of this act, the Industrial Commission, as established and existing under the laws of the State, and the Board of Managers of the North Dakota Mill and Elevator Association, as created and provided for in Chapter 295 of the Laws of 1923, shall be dispossessed of all power and authority to manage or control the mill and elevator of the Association, at Grand Forks, and of all authority over the management and operation of the Association's business affairs in connection therewith, and of all authority over the management and operation thereof. Such authority heretofore possessed by the said Industrial Commission and the said Board of Managers, or both, is hereby divested and the same and all thereof is hereby transferred to and vested in the Governor of the State of North Dakota. The Governor shall have the sole authority to manage and operate the said Mill and Elevator and to manage, direct and control its business affairs. He shall have authority to make and enforce orders, rules and regulations for the transaction of the business of such Association, and to employ or appoint, at his sole discretion, such person or persons as he shall see fit, to assist him in exercising the power and authority hereby vested in him, and shall have full authority to fix the compensation of, and discharge or dismiss any and all agents, managers or employees now or hereafter engaged, with or without cause, and shall have full authority to delegate such power or any part thereof to any agent or employee he shall see fit.

A. It is hereby declared to be the purpose and intention of this Act, to make and constitute the Governor of the State of North Dakota, the absolute and sole manager and director of the business affairs of the said Mill and Elevator Association, as far as relates

to the management, operation and conduct of the business of the mill and elevator at Grand Forks, with all the power and authority of both the Board of Directors and the general managing officer of a business corporation, and this act shall be liberally construed to effectuate that purpose.

B. Provided, however, notwithstanding the foregoing grant of authority to the Governor, the Industrial Commission shall have, and it is hereby expressly given authority, and it is made its duty, to direct the Bank of North Dakota to loan to the Association from time to time moneys sufficient for the efficient conduct of its business upon the security of warehouse receipts, bills of lading and other usual forms of security, but the total amount of such moneys so loaned the Association shall at no time exceed the sum of \$500,000.00 over and above the amount due the Bank of North Dakota from the said Association at the time of the passage and approval of this Act. It shall also be the duty of the Industrial Commission to employ an Auditor for such Mill and Elevator Association, who shall, at all times, keep himself possessed of and be ready to give to the Governor, the Legislature or its Committees, or the Industrial Commission or its Members, any data pertaining to the affairs of the Association, and it shall be his duty, whenever called upon by any such authorities, to furnish an audit of such affairs, disclosing the true financial and business condition of such Association. And without demand, it shall be the duty of such Auditor, immediately following the last day of each month, to furnish to the Governor, and to the Industrial Commission, a summary of the business condition of the affairs of such Association.

C. For the purpose of enabling such Auditor to perform his duties, he shall have free access to and the use of any and every record and file of the Association. He shall have an office in the accounting Department of the Association, and devote his entire time to the duties of his office, and shall be paid a salary of \$3000.00 per year, payable monthly.

D. Until the employment of the present Auditor of the Mill and Elevator Association shall cease, under the terms of his present contract, or his office shall, for any cause, become vacant, he shall continue in such employment, and hold the position of Auditor, under this Act. Such Auditor shall have no authority with reference to the conduct or management of the affairs of the Association, or the business conducted by or for the Mill and Elevator, but shall be an auditing officer only. It shall be his duty, at any time he may be called upon, to render to the Governor or the Members of the Industrial Commission, friendly advice and counsel with regard to the affairs of the Association.

E. All officers and employees of the Association, charged with the performance of any duties in connection with its financial affairs, shall, before entering upon the performance of their duties, each respectively, furnish a sufficient bond to the State, in such amount and upon such conditions as the Governor may require and approve, such bonds to be approved, as to form, by the Attorney General, and when so approved, to be filed with the Secretary of State. Provided, however, the bond of the general managing officer or agent in connection with the financial affairs of the Mill and Elevator shall be not less than \$50,000.00 in amount.

§ 7. BOOKS, RECORDS, STATEMENTS.] All books, records, files, receipts, contracts, bills payable, bills receivable, papers and property of every kind and description belonging to the said Association, and in possession of the Board of Managers or members thereof, appointed under the Provisions of Chapter 295 of the Laws of 1923, or in the possession of any other person, shall be immediately delivered by such parties to the Governor, or such employee or agent as he shall direct.

The Governor, as Manager of the affairs of the Association, shall cause a complete record to be kept of all its transactions, and such records shall show, at all times, all the liabilities and assets of such Association, and the current value, of all land and other property owned. It shall also show purchases made for the plant account, or money received from the sale of plant equipment and property, all disbursements for expenses and for the purchase of supplies of every kind, and all receipts from sales. An inventory, showing current costs and values shall be taken during June and December of each year, and on the first day of July and January of each year, a statement shall be prepared, under the direction of the Governor, and filed with the Industrial Commission, showing in a detailed and itemized manner, the condition of the business and the results of operation during the preceding six months period, and in the making and procuring of such statements, the Governor may demand the services of the Auditor, or may entirely disregard him, and cause such statement to be otherwise made. The governor, as Manager of the Association, shall also make a detailed report of its transactions, with inventories as of December 31st of each year, and shall file the same with the Industrial Commission not later than the first day of the following February, which report shall be printed and copies thereof be delivered to the State Board of Audit and all Members of the Legislature.

§ 8. ACTIONS MAY BE BROUGHT.] Civil Actions may be brought against the State of North Dakota, on account of any cause of action claimed to have arisen out of transactions connected with the operation of the Association, upon condition that the provisions

of this section are complied with. In such actions, the State, as Plaintiff, shall be designated as "The State of North Dakota doing business as the North Dakota Mill and Elevator Association" and the service of Process therein shall be made upon the Governor or the Attorney General, or in case of their absence from the State, upon the managing agent in charge of the operation of the Mill and Elevator. 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 Code of Civil Procedure. Such actions shall be brought, however, in the county where the Association shall have its principal place of business, except as provided in Sections 7415, 7416 and 7418, Compiled Laws of North Dakota of 1913. The provisions of Sections 375 and 657, of the Compiled Laws of 1913 shall not apply to claims against the state affected by the Provisions of this Act.

§ 9. DEPOSIT OF FUNDS.] All funds of the Association shall be deposited in the Bank of North Dakota.

§ 10. REPEAL.] Chapter 295 of the Session Laws of the State of North Dakota for the year 1923, and all other acts and parts of acts in conflict herewith, are hereby repealed.

§ 11. EMERGENCY.] This Act is hereby declared to be an Emergency Measure and shall be in full force and effect from and after its passage and approval.

Approved February 24, 1925.

MINES

CHAPTER 164

(H. B. No. 266—Committee on Delayed Bills.)

SURVEY OF MINES

An Act To Amend and Re-enact Section 31, Chapter 168, Session Laws of 1919 Relating to the Survey of Mines.

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

§ 1. AMENDMENT.] That Section 31, Chapter 168, Session Laws of 1919, is hereby amended and re-enacted so as to read as follows:

§ 31. ANNUAL SURVEYS.] An extension of the last preceding survey of every mine in active operation shall be made once in every twelve months, prior to July 1st of every year, and the result of said survey, with the date thereon, shall be promptly and accurately entered upon the original maps so as to show all changes in plat or new work in the mine and all extensions of the workings to the most advanced face or boundary of said workings which have been made since the preceding survey. The said changes and extensions shall be entered upon the copies of the maps in the hands of the State Coal Mine Inspector, or new copies thereof be furnished him within thirty days after the last survey is made. Whenever the operator of any mine shall neglect or refuse, or for any cause not satisfactory to the State Coal Mine Inspector fail, for a period of three months, to furnish to the said State Coal Mine Inspector the map or plan of such mine, or a copy thereof, or of the extension thereto, as provided for in this Act, the said State Coal Mine Inspector is hereby authorized to make or cause to be made an accurate map or plan of such mine at the expense of the owner or lessee thereof, and the cost of the same may be recovered by law from said owner, lessee or operator in the same manner as other debts, by suit in the name of the State. Provided, that in making such survey the State Coal Mine Inspector shall engage the services of a surveyor, resident of the county in which such mine is located. Provided, however, if said county has no surveyor then said inspector shall secure the nearest surveyor to the county in which such mine is located, and such surveyor shall not receive a greater compensation than \$15.00 per day, consisting of eight hours, and five cents per mile in going to and returning from said mine, which said compensation shall include the making of all necessary plats of said survey.

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

Approved March 10, 1925.

MOTHERS' PENSION

CHAPTER 165

(H. B. No. 163—Loudenbeck.)

MOTHERS PENSION

An Act To Amend and Re-enact Section 185 of the Session Laws of North Dakota for 1915 as Amended and Re-enacted by Chapter 156 of the Session Laws of North Dakota of 1923; Relating to the Support of Needy Women who are the Mothers of and who are Compelled to Support one or More Children.

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

§ 1. Chapter 185 of the Session Laws of North Dakota for 1915 as amended and re-enacted by Chapter 156 of the Session Laws of North Dakota for 1923 is hereby amended and re-enacted to read as follows:

§ 1. ALLOWANCE TO MOTHERS.] In every county in the State of North Dakota any mother who has one or more children under the age of fifteen years, who are dependent upon her for support, shall receive an allowance not to exceed fifteen dollars a month for each such child, or such portion of it as becomes necessary for the support of each such child, such sum to be paid out of the county treasury as hereinafter provided. Said dependency of child or children must be due to death of father or his inability or unfitness to support them by reason of physical or mental ailment or to his confinement in a penal institution, when such inability extends over a period of at least six months.

§ 2. CONDITIONS OF ALLOWANCE.] Such allowances shall be made by the County Commissioners and only upon the following conditions:

(1) The child or children for whose benefit the allowance is made must be living with the mother;

(2) The allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children;

(3) The mother must in the judgment of the County Commissioners be a proper person morally, physically and mentally for the bringing up of her children;

(4) When the allowance shall be necessary in the judgment of the County Commissioners to save the child or children from neglect;

(5) When the mother has been a resident of the county in which the application is made at least one year previous to the making of such application;

(6) When the mother is a citizen of the United States, or has legally declared her intention to become a citizen;

(7) When it appears that any mother, whose children are dependent by reason of the non-support, abandonment or desertion of her husband for six months or longer, has made criminal complaint against such husband, or father of the children, and has assisted and will continue to assist in all reasonable efforts to locate and to prosecute him;

(8) When it appears that the father of the dependent children is physically or mentally unable or unfit to support them, he must be under proper and reasonable treatment for the possible removal of such defect.

(9) Each applicant under this act shall make a full disclosure of all of her real and personal property, if any, and shall not be eligible for an allowance when in the opinion of the Commissioners she has sufficient real and personal property to provide for the needs of her children.

(10) If the County Commissioners find that the funds allowed under this act are not judiciously used it may order the allowance made in supplies and provisions in which case it shall be administered by the county child welfare board, if there be one, or by some proper person appointed by the Commissioners.

§ 3. WHEN ALLOWANCE SHALL CEASE.] When any child shall reach the age of fifteen years any allowance made to such mother for the benefit of such child shall cease.

§ 4. INVESTIGATION.] Before making any order of allowance under this act it shall be the duty of the Commissioners to make inquiry as to all the points necessary to establish the right to such allowance, and particularly to inquire whether the surroundings of the household, including its members, are such as to make for the good character of children growing up therein, to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support, and if need be to urge upon such members, their proper contributions; to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of

other relatives to assist the family, and to interview individual societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the Commissioners at least once in three months, and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance.

§ 5. DUTIES OF COUNTY OFFICERS.] In each case where an allowance is made under the provisions of this act an entry to that effect shall be made upon the records of the County Commissioners making such allowance, and the County Commissioners shall notify the county auditor and county treasurer that such allowance will be made, and it shall be the duty of such officers to make provisions for paying such allowance monthly until notified by the Commissioners that it shall be discontinued.

§ 6. APPLICATION—HEARING.] Applications 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. The hearing shall not be less than fifteen days from the date of such notice. 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.

§ 7. DUTIES OF BOARD OF ADMINISTRATION.] It shall be the duty of the board of administration to promote efficiency and uniformity in the administration of this act.

§ 8. PURPOSE OF ACT.] The purpose of this act is hereby declared to be to enable the state and its several counties to co-operate with the responsible mothers in rearing future citizens. The Commissioners may at any time alter, modify or discontinue any allowance granted whenever it shall appear that such purpose is not being fulfilled. It is the further purpose of this act to provide permanent aid to such mothers and their children as come within its provisions. All temporary aid shall be granted under such laws as exist for that purpose.

§ 9. All mothers' pensions granted prior to the time of the taking effect of this article, under the laws now enforced, are by this act cancelled and no further payments shall be made thereunder.

§ 10. PENALTY FOR VIOLATION.] Any person fraudulently procuring or attempting to procure an allowance under this act shall be guilty of a misdemeanor, unless the fraudulent act constitute a felony under the laws of the state.

Approved March 4, 1925.

MOTOR FUEL

CHAPTER 166

(S. B. No. 185—Ployhar.)

SALE OF MIXED OR COMPOUNDED MOTOR FUEL

An Act Making It Unlawful to Sell or Offer for Sale in This State Motor Fuel Which Has Been Mixed or Compounded. Unless the Compound Shall be Colored to Distinguish the Same from Ordinary Motor Fuel; Making Such Prohibited Sale a Misdemeanor and Providing the Penalty Therefor.

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

§ 1. It shall be unlawful to sell or offer for sale in the State of North Dakota any gasoline or motor fuel which has been mixed or compounded with any other chemical, substance or solution calculated or intended to improve such motor fuel, unless the compound so made shall be colored by the addition of harmless coloring matter, so as to distinguish the same from ordinary gasoline or motor fuel.

§ 2. Any person selling or offering such motor fuel without distinctive coloring matter as provided in the foregoing section, 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).

§ 3. Nothing in this Act shall be construed to prevent or interfere with the inspection and approval of such compounds as described in Section 1 of this Act, by the State Chemist, or with the enforcement of Chapter 223 of the Session Laws of North Dakota for 1923.

§ 4. This Act is hereby declared to be an emergency measure, and shall become effective immediately upon its passage and approval.

Approved March 6, 1925.

MOTOR VEHICLES

CHAPTER 167

(H. B. No. 3—Rasmussen.)

MOTOR VEHICLE REGISTRATION

An Act To Amend and Re-enact Sections 6 and 11, Chapter 44 of the Special Session Laws of North Dakota, for the Year 1919, Relating to the Registration and Licensing of Motor Vehicles, the Creation of a State Highway Fund, and the Distribution of Such Fund and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] That section 6, Chapter 44, of the Special Session Laws of the State of North Dakota for the year 1919, be amended and re-enacted to read as follows:

§ 6. AMENDMENT.] (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 1, 1926. The fee to be paid on all motor vehicles except motorcycles and those used for commercial purposes for registration, re-registration and operation shall be based on the factory selling price in force January 1, each year to which the registration applies. The net weight and 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 portion thereof of the net weight of vehicle and 10 cents per horsepower as above determined, except electrics, which shall be charged two (\$2.00) dollars in lieu of such horsepower fee. The registration fee for motor vehicle except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be 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 basic fee as above determined less a 10 per cent reduction for second year, a twenty-five per cent reduction for the third year and thereafter a forty per cent reduction from the above basic fee, provided that the fee shall at no time be less than five dollars. On motor vehicles of foreign make or of obsolete models or make, regarding which it is difficult to secure information and on models not on the market January 1, 1919, the Registrar shall set the valuation in a manner as nearly as possible consistent with the prices prevailing January 1, of the year to which the registration applies. For motor trucks, 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 \$130.00; 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.

(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, at the rate of \$10.00 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.

§ 2. AMENDMENT.] Section II, Chapter 44 of the Special Session Laws of the State of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ II. AMENDMENT.] A State Highway Fund is hereby created and all moneys hereafter collected by, or paid to, the State Treasurer as tax upon gasoline, other than the first Two Hundred Thousand Dollars collected from such tax in each year hereafter, are hereby appropriated from the General Fund of the State and converted into such State Highway Fund, to be expended by the State Highway Commission in the construction, reconstruction and maintenance of Federal Aid and State Aid Highways and in compliance with the provisions of the Act of Congress approved July 11th, A. D. 1916, entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads and for Other Purposes." In addition to the moneys so received by the State Treasurer and hereby above appropriated to the State Highway Fund, all moneys received into the State Treasury under the provisions of this act or of any other act; or any provisions of law, for Highway purposes, shall be expended under the supervision and direction of the State Highway Commission and the Motor Vehicle Registration Department. All moneys received into the State Treasury as motor vehicle license fees under the provisions of this act shall be expended in the following manner:

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

(c) A further sum not to exceed \$130,000.00 annually shall be set aside to meet the State's obligations as provided in Chapter 73, Session Laws 1919.

(d) Fifty per cent of the balance, following the above deductions from the above gross receipts, shall be paid by the State Treasurer out of such funds upon certificates from the Motor Vehicle Registration Department, approved by the State Auditing Board, to the several county treasurers, to the account of the county road funds, such funds to be used in the construction and maintenance of highways within the county, other than state highways. The Registrar in behalf of the Commission shall file with the State Treasurer and the State Auditor verified quarterly statements of the amounts and sources of all moneys received into the State Treasury under this Act, and the amounts to which the several counties are entitled, which funds shall be prorated among the counties in the same proportion as that in which the moneys were received. Such fund shall be expended under the direction of the county commissioners for the construction and maintenance of highways within the county and townships.

(e) The remaining fifty per cent shall remain in the State highway fund, to be expended by the Commission in the various counties of the State, in the construction, reconstruction and maintenance of Federal aid and State aid roads, and in compliance with the provisions of the Act of Congress approved July 11, 1916, entitled "An Act to Provide that the United States shall aid the States in the Construction of Rural Post Roads and for other Purposes."

Approved March 7, 1925.

CHAPTER 168

(H. B. No. 194—Swett.)

MOTOR VEHICLES OF STATE DEPARTMENTS AND INSTITUTIONS

An Act Providing for the painting of a sign in a conspicuous place on each side of all motor vehicles owned and operated on the public highways by state departments, institutions or industries, showing the name of the department, institution or industry, and providing penalty for violation.

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

§ 1. That all motor vehicles owned and operated on the public highways by any State Department, Institution or Industry shall

have painted on both sides of the body of such vehicle in a conspicuous place and manner, the name of said Department, Institution or Industry, and the name of the State indicated by proper words, initials or abbreviations.

§ 2. That any state official or employee of any State Department, Institution or Industry who operates or permits the operation of any motor vehicle owned by the Department, Institution or Industry without such sign painted thereon shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than one hundred dollars, or be confined in the county jail not to exceed thirty days, or both such fine and imprisonment in the discretion of the court.

§ 3. This act is hereby declared to be an emergency and shall be in full force and effect from and after April 1, 1925.

Approved March 7, 1925.

MUNICIPAL CORPORATIONS

CHAPTER 169

(S. B. No. 116—Storstad.)

FINANCING OF MUNICIPAL CORPORATIONS

An Act Relating to the Finances of Cities, Towns and Villages; Providing for the Time of Beginning and Ending of the Fiscal Year; Providing that the Council, Commission, Board or Manager of All Cities, Towns and Villages Shall Annually Prepare a Budget; Providing for Publicity of such Budget; Providing for Public Hearings in Regard to Proposed Expenditures; Providing for Tax Levies; and Providing that All Expenditures Must Conform to the Budget as Adopted.

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

§ 1. This Act shall be known and cited as the City Budget Law.

§ 2. DEFINITIONS.] The word "Council" as used in this act shall be construed to mean the City Council, Board of Trustees, Commission, Manager, or other governing body of any city, town or village in the state; and the word "Municipality" shall be construed to mean any city, town or village in the State.

§ 3. The council of each municipality shall make annually, between July first and July fifteenth of each year, on suitable blanks prescribed by the state tax commissioner, an itemized statement (to be known as the preliminary budget statement) of the amounts of money which, in the opinion of such council, shall be required for the proper maintenance, expansion or improvement of the municipality, during the current fiscal year.

§ 4. The fiscal year for all municipalities shall, beginning with the year 1925, commence on the first day of July and terminate on the thirtieth day of June of the next year.

§ 5. The preliminary budget statement provided for in section three hereof shall specifically set forth:

(1) The detailed expenses of the municipality for the last fiscal year.

(2) Estimated expenditures for the current fiscal year, which expenditures must be segregated and itemized under three groups as follows:

Group A. Maintenance and Operation. This group shall cover all wages and salaries, and other items which comprise the current expenses of the municipality, provided that although in the budget statement the whole amount paid for wages and salaries, may be stated in one sum, there must be on file with the council and open to public inspection a detailed statement showing the names of all persons receiving salaries or wages, and the annual amount paid to each such persons.

Group B. Capital and Betterment Expenditures. This group shall cover new construction, major repairs and all other items which go toward adding to the permanent improvement and value of the municipal property.

Group C. Debt Retirement. This group shall cover all amounts required to retire floating indebtedness, bond indebtedness, and to pay interest thereon during the current fiscal year; and also a statement showing the amounts and terms of bond issues, certificates of indebtedness, and warrants or other debts to be taken care of by the levies for debt retirement.

(3) The cash balance standing to the debit or credit of the municipality at the end of the last fiscal year.

(4) An estimate of the probable amounts that may be received during the current fiscal year from sources other than direct property taxes, and a statement of all uncollected taxes due to the municipality.

§ 6. That as soon as the council has prepared such preliminary budget statement, the clerk or auditor of the municipality shall publish in a newspaper having a general circulation in his municipality a notice that the preliminary budget statement is on file with him, and that a copy thereof may be had by anyone applying therefor; and that on the fourth Wednesday in July at 2 o'clock P. M. the council will hold a public session, at a place to be designated in said notice, at which any taxpayer may appear and discuss with the council any item of proposed expenditure, or object to any such item, or the amount thereof. And the clerk or auditor of the municipality shall also post in three conspicuous places in his municipality a copy of the aforesaid notice and of the preliminary budget statement; and said clerk or auditor shall also, not later than July twentieth, 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.

§ 7. That the council shall meet at the time and place specified in said notice, and shall hear any and all protests or objections to the items or amounts set forth in the preliminary budget statement. That at such hearing the council shall make any changes it may deem advisable in the items or amounts shown on the preliminary budget estimate, and shall prepare the final budget, which shall consist of the preliminary budget, to which will be added further columns showing: (1) the final appropriations made on account of the various items of expenditure hereinbefore specified, which shall not as to any group total, exceed the amount specified in the preliminary budget estimate; (2) The amount of cash on hand; (3) The amount of uncollected taxes standing to the credit of the municipality; (4) The estimated income that may be received during the ensuing year from other sources than direct property taxes; (5) The net amount which it will be necessary to raise by taxation to meet said appropriations, which shall be found by deducting the total of items (2), (3), and (4) from item (1); (6) The amount of levy estimated to be necessary to provide such net amount of revenue during the fiscal year.

§ 8. Having completed the final budget, the board shall proceed to make the annual tax levy which shall not exceed the amounts estimated to be necessary under the completed final budget, and the clerk or secretary shall immediately thereafter send a certified copy thereof, together with a certified copy of the completed 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.

§ 9. No municipal expenditure shall be made or liability incurred, nor shall a bill be paid, for any purpose in excess of the appropriation made therefor in the final budget, except as provided for in sections 10 and 11 of this act. Expenditures made, liabilities incurred or warrants issued in excess of said appropriations shall be a joint and several liability of the members of the council who authorized the making, incurring or issuing thereof or who were present when they were authorized and did not vote against authorizing the same, and it is hereby made the duty of the state's attorney of the county in which the municipality lies, to bring suit, upon good and sufficient information laid before him by any taxpayer in the district or obtained from any other source, to recover from the members of the council, jointly and severally, the amount of expenditures, payments or warrants in excess of the amount shown in any group of the final budget.

§ 10. If the appropriation for any particular purpose is later found insufficient to meet the necessary expenditures for that purpose, the clerk or auditor of the municipality shall, by the order of the council, make a transfer of the required amount from any item of appropriation within the same group; that is to say, that a fund within group A can be transferred only to another fund within that group; and so as to groups B and C, except as otherwise provided in Section 11 of this act.

§ 11. Upon the happening of any emergency caused by the destruction or impairment of any municipal property necessary for the conduct of the affairs of the municipality, or by epidemic or threatened epidemic, or by the entering by a court of competent jurisdiction of judgment for damages against the municipality, the council may meet any such emergency in the following manner:

If there is a sufficient unexpended balance in any fund or funds embraced within groups A and B to provide for the emergency, the council may, by a resolution of two-thirds of the members present at any meeting, or, if the council consists of less than three members, then by a unanimous vote, take the amount necessary to meet the emergency from any such fund or funds, provided, however, that the resolution authorizing such expenditure so adopted by the council must recite the facts showing the existence of an emergency of the kind specified in this section.

§ 12. After July 1st and before the regular appropriations have been made by the Council of any municipality, such board

and other officials who are authorized to incur liabilities payable by the municipality may incur liability at a rate of expenditure not in excess of that authorized for the same purpose of the preceding year. Payments therefor may be made from any unappropriated balance in the treasury to be charged to the regular annual appropriation when made. No new or unusual expense shall be incurred or permanent contract made or salary increased until an appropriation therefor has been made by the council of the municipality.

§ 13. At the end of the fiscal year on June 30, the balance to the credit of each annual appropriation shall become a part of the general unappropriated balance in the municipal treasury, but no special appropriation shall lapse until the work for which it was made has been completed, the bills paid, and the accounts closed.

§ 14. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 6, 1925.

NEGOTIABLE INSTRUMENTS

CHAPTER 170

(S. B. No. 115—Page and Fleckten.)

COLLECTION OF NEGOTIABLE INSTRUMENTS

An Act Relating to the Collection of Checks, Drafts, Notes or Other Negotiable Instruments by Banks or Trust Companies.

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

§ 1. Any bank, banker or trust company, hereinafter called bank, organized under the laws of, or doing business in, this State, receiving for collection, or deposit, any check, draft, note or other negotiable instrument drawn upon or payable at any other bank located in another city or town whether within or without this State, may forward such instrument for collection directly to the bank on which it is drawn or at which it is made payable, and such method of forwarding direct to the payer shall be deemed due diligence, and the failure of such payer bank, because of its insolvency or other default, to account for the proceeds thereof, shall not render the forwarding bank liable therefor, provided, however, that such forwarding bank shall have used due diligence in other respects in connection with the collection of such instrument.

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

§ 3. EMERGENCY.] Whereas there is now no relief provided by law, this Act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 6, 1925.

CHAPTER 171

(S. B. No. 95—Lynch.)

RENEWAL NOTES

An Act To Amend and Re-enact Chapter 91 of the Session Laws of 1921 of the State of North Dakota relating to the taking of promissory notes in renewal of notes already held by banks, other corporations or individuals and affecting their legality.

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

§ 1. AMENDMENT.] Chapter 91 of the Laws of North Dakota for the year 1921 is hereby amended and re-enacted to read as follows:

§ 2. That it shall be illegal hereafter for any person or corporation, State or National Bank, doing business in the State of North Dakota, to take from any debtor or other person obligated upon a promissory note, any renewal note, therefor without returning the promissory note renewed unless there be written or printed across the renewed note the words "Renewed note" or words of like import and effect.

§ 3. Any note so renewed, whether so marked or not, shall be uncollectable by any person or corporation, unless such person or corporation shall be in possession of and offer to surrender the new note so taken, or shall indemnify the maker thereof, by good and sufficient bond, as in the case of a lost instrument, against liability thereon.

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

§ 5. Whereas Chapter 91 of the laws of North Dakota for the year 1921 is uncertain and confusing, and doubt is thereby being cast upon the integrity of all promissory notes executed in this state, an emergency is hereby declared to exist and this act shall take effect and be in force from and after its approval.

Approved March 6, 1925.

NEWSPAPERS

CHAPTER 172

(H. B. No. 93—Morton and Borman.)

OFFICIAL NEWSPAPER

An Act To Amend and Re-enact Section 3 of Chapter 187 of the Session Laws of North Dakota for the Year of 1919 as Amended by Chapter 211 of the Session Laws of North Dakota for 1923, Relating to the Qualifications of Official and Legal Newspapers and Providing for the Election of Such Newspapers.

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

§ 1. AMENDMENT.] Section 3 of Chapter 187 of the Session Laws of North Dakota for 1919 as amended by Chapter 211 of the Session Laws of North Dakota for 1923, relating to official and legal newspapers is hereby amended and re-enacted to read as follows, to-wit:

§ 3. At least thirty days prior to any primary election held throughout the state, any person, persons, co-partnership or corporation owning or operating a non-sectarian newspaper within the county, printed at least three quarters in English, which has been established for at least one year and has been admitted to the United States mails and has complied with the requirements of federal laws governing second class mail matter for at least a period of one year, and at least one page of which newspaper is actually printed at the place designated in the date line thereof, and has been in regular and continuous circulation during said period of one year with a bona fide subscription list of at least 150 regular subscribers within the county of its location may apply in writing to the county auditor of the county in which such newspaper is located for the placing of the name of such newspaper upon the ballot to be voted upon for nomination as official newspaper of said county at said primary election. Such application shall be filed with the county auditor and by him endorsed showing the name of the newspaper for which application is made and the date said application is presented to his office. The names of all newspapers for which application is so made shall be placed by the county auditor at the bottom of the ballot upon which appears the names of candidates for county offices, the names of such newspapers to be rotated as is now required by law for the names of candidates on the primary election ballots.

The names of the two newspapers receiving the highest number of votes at the primary election as determined by the general provisions of law relating to the canvass of votes at the primary election shall be placed upon the ballot at the general election by the county auditor on the ballot used in said election and upon which appear the names of candidates for county offices in the same place and in the same manner as at the primary election. The newspaper receiving the highest number of votes as determined by the official canvass according to the general provisions of law relating to the canvass of votes at general elections, shall be declared elected the official newspaper until the next biennial election or until a successor is chosen, and the county auditor shall issue a certificate of election to such newspaper receiving the highest number of votes cast at said election, and said newspaper shall thereupon become the official newspaper beginning on the first Monday in January following said election. In the event any newspaper so elected shall suspend publication or for any reason cease to possess the qualifications herein prescribed, a vacancy shall be deemed to exist, and the county commissioners shall at once designate another newspaper having the required qualifications as the official newspaper of the county until the election of another such newspaper as provided by law, and until the first Monday in January following said election.

Approved March 7, 1925.

NORMAL AND INDUSTRIAL SCHOOL ELLENDALE

CHAPTER 173

(S. B. No. 277—Marshall.)

NORMAL AND INDUSTRIAL SCHOOL, ELLENDALE

An Act To Amend and Re-enact Section 1725 of the Compiled Laws of North Dakota for the year 1913, relative to the Industrial School at Ellendale, North Dakota.

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

§ 1. AMENDMENT.] That Section 1725 of the Compiled Laws of North Dakota for the year 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 1725. NAME AND OBJECTS.] That the institution known as the Industrial School and School for Manual Training, located at Ellendale, Dickey County, North Dakota, be henceforth designated the State Normal and Industrial School, the object of such school being to provide instruction in a comprehensive way in wood and iron work and the various other branches of manual training, cooking, sewing, modeling, art work, and the various other branches of domestic economy as a co-ordinate branch of education, together with mathematics, drawing and other necessary school studies, and to prepare teachers in the science of education and the art of teaching in the public schools, with special reference to manual training; provided that the Board of Administration and the faculty of such school may grant the BACHELOR OF SCIENCE DEGREE IN INDUSTRIAL EDUCATION and issue diplomas of appropriate grade to all persons completing any of the courses of study relating thereto, known to possess good moral character and having met all other requirements made by the Board and faculty. All diplomas and degrees issued by this institution shall be accredited in this state as teachers' licenses, according to the provisions of the certification law of the State for diplomas and degrees of even grade.

Approved March 10, 1925.

PISTOLS AND REVOLVERS

CHAPTER 174

(H. B. No. 67—Carr.)

POSSESSION PISTOLS AND REVOLVERS WHEN COMMITTING CRIME

An Act To Amend and Re-enact Section 2 of Chapter 266 of the Session Laws of 1923 Relating to the Possession of Pistols and Revolvers and Declaring an Emergency.

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

§ 1. AMENDMENT.] That Section 2, of Chapter 266 of the Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 2. COMMITTING CRIME WHEN ARMED.] If any person shall commit, or attempt to commit, a crime when armed with a pistol or revolver, and has no permit to carry the same, he may be pun-

ished by imprisonment for not more than ten years, in addition to the punishment provided for the crime. Such imprisonment, if not exceeding one year, to be in the County jail, and if exceeding one year to be in the State Penitentiary.

§ 3. 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 February 24, 1925.

PROHIBITION

CHAPTER 175

(H. B. No. 180—Carr and Starke.)

DEFINING INTOXICATING LIQUORS

An Act To Amend and Re-enact Section 1 of Chapter 97 of the Session Laws of 1921, As Amended and Re-enacted by Section 1, of Chapter 268 of the Session Laws of 1923, Defining Intoxicating Liquors.

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

§ 1. That Section 1 of Chapter 268 of the 1923 Session Laws, is hereby amended and re-enacted to read as follows:

§ 1. DEFINING INTOXICATING LIQUORS.] The following liquors are hereby declared to be intoxicating and their intoxicating quality shall, by the Courts, be presumed, viz: alcohol, brandy, whisky, rum, gin, beer, ale, porter and wine and in addition thereto any spirituous, vinous, malt or fermented liquor, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit or intended for use for beverage purposes; Provided, that the foregoing definition shall not extend to sweet fruit juices or dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced if it contains less than one-half of 1 per centum of alcohol by volume and is otherwise denominated than as beer, ale, or porter.

Approved March 10, 1925.

CHAPTER 176

(H. B. No. 173—Carr and Starke.)

INTOXICATION IN A PUBLIC PLACE

An Act To Amend and Re-enact Section 10141 of the Compiled Laws of North Dakota for the Year 1913, Relating to Being Intoxicated in a Public Place.

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

§ 1. That Section 10141 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 10141. BEING INTOXICATED IN PUBLIC PLACE.] Every person being or found intoxicated in any public place is punishable upon conviction before a Justice of the Peace by a fine of not more than Fifty Dollars (\$50.00) nor less than Five Dollars (\$5.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

Approved March 7, 1925.

PUBLIC LANDS

CHAPTER 177

(S. B. No. 176—Hjelmstad.)

By Request.

LEASING AND SALE OF SCHOOL AND OTHER PUBLIC LANDS

An Act To Amend and Re-enact Section 336, Compiled Laws of 1913, Relating to the Leasing and Sale of School and Other Public Lands of the State.

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

§ 1. AMENDMENT.] That Section 336, Compiled Laws of 1913, is hereby amended and re-enacted so as to read as follows:

§ 336. LANDS SUBJECT TO LEASE.] All the common school lands and all other public lands of the State that are not of such

value as will admit of appraisal at ten dollars or more per acre, at the time of any regular appraisal, may be leased; provided, that no leases can be granted for a period longer than five years, and only for pasturage and meadow purposes, and at public auction after notice as hereinafter provided; provided, further, that all of such school and public lands now under cultivation may be leased at the discretion and under the control of the Board of University and School Lands for other than pasturage and meadow purposes until sold; provided, further, that in case of a sale of the lands so leased during the term of the lease, the lessee shall be given ninety days' notice; provided, further, that at the expiration of said lease or within ninety days of the date of receiving the aforesaid notice, the said lessee may remove from said lands so leased, all fences, sheds, water tanks, windmills, etc., used upon said lands by said lessee. All rents shall be paid annually in advance and in the event such land is leased or sold to any person, other than the lessee at the time of such sale or lease, the party purchasing or leasing such land shall, in addition to purchase price or rental of said land, pay to the prior lessee the fair and reasonable value of all permanent improvements placed on said land by such prior lessee with the written consent and permission of the Commissioner of University and School Lands, and in the event of the parties being unable to agree, the value of such improvements to be fixed and determined by a board composed of such Commissioner, or some one designated by him, and a member appointed by each of said parties.

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

§ 3. 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 6, 1925.

CHAPTER 178

(H. B. No. 53—Brown.)

MORTGAGE LOANS, PUBLIC LANDS, FORECLOSURE, ETC.

An Act To Amend and Re-enact Section 292 of the Compiled Laws of North Dakota for the year 1913, Relating to the Foreclosure of Mortgages Held by the Board of University and School Lands, Assignments Thereof, and Conveyance of Interests in Lands Acquired Thereunder:

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

§ 1. AMENDMENT.] That Section 292 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 292. MORTGAGE LOANS, FORECLOSURE, ASSIGNMENTS, RE-SALE AND CONVEYANCE TO MORTGAGORS.] Mortgage loans made under the provisions of this chapter may be foreclosed either by action or advertisement, in the same manner and upon the same notice as required in other real estate foreclosures. When foreclosure is made by action, said action shall be brought and prosecuted in the name of the state; provided, that the board of university and school lands may, and it is hereby authorized and empowered to assign any or all of said mortgages, whenever in the judgment of said board it shall be for the best interests of the state so to do; provided, however, that said board shall not accept as a consideration for said assignment any amount less than the principal and interest due upon said mortgage or mortgages. Such assignments when made shall be executed by the governor and attested by the secretary of state with the great seal of the State of North Dakota attached. Provided, further; that whenever a mortgage loan made under the provisions of this chapter has been foreclosed and a sheriff's deed to the mortgaged premises issued to the State, the board of university and school lands, may at any time before sale of state lands by said board to any other purchaser, sell and convey the said land to the person, or to the heirs of the person, who at the time of such foreclosure sale was the record owner thereof; provided, however, that such sale be subject to any then existing lease of such land and premises, and such land must be so sold for cash and for not less than the amount for which the land was sold to the State on mortgage foreclosure sale, with interest on such sums at eight percent per annum, and the amount of all taxes and recording fees paid by the State, with interest at eight percent thereon to the date of such reconveyance to such mortgagor. The board of university and school lands shall issue to such purchaser a quit claim deed conveying the right of the State in and to such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignments of mortgages.

Approved February 24, 1925.

CHAPTER 179
(S. B. No. 84—Bond.)

REDEMPTION OF LAND CONTRACTS BEFORE RE-SALE

An Act To Amend and Re-enact Section 319 of the Compiled Laws of North Dakota for 1913, Relating to Redemption of State and School Lands, on which the Contracts have been cancelled.

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

§ 1. AMENDMENT.] That Section 319 of the Compiled Laws of North Dakota for 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 319. REDEMPTION BEFORE RE-SALE.] In all cases where the rights of a purchaser, his heirs or assigns, become forfeited under the provisions of this article, by failing to pay the amounts required, such purchaser, his heirs, or assigns, may, before the re-sale at public auction of the lands described in such contract, pay to the County Treasurer the amount of interest due and payable on such contract, and all costs which have been incurred in addition thereto, together with interest at the rate of six per cent per annum on the interest and costs so due from the date of delinquency to the date of payment, and such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns, and such contract from the time of such payment shall be in full force and effect, as if no forfeiture had occurred; provided, that after the rights of a purchaser, his heirs or assigns, shall have become forfeited under the provisions of this article, the Board of University and School Lands shall have the power, and it is hereby made their duty, to provide for the re-sale of said lands so forfeited if in their opinion a re-sale of said land shall be most advantageous to the state, otherwise the said Board shall provide for the leasing of said land from year to year as herein provided, and after a lease of said land shall be made by said Board, the lessee, his heirs and assigns shall be entitled to the full and absolute possession of all said lands and premises so leased.

§ 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 9, 1925.

RAILROADS

CHAPTER 180

(S. B. No. 98—Benson.)

MAXIMUM LIGNITE RATE WITHIN NORTH DAKOTA

An Act Fixing the Maximum Rate that Railroad Companies may Charge for the Transportation of Lignite within the State of North Dakota.

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

§ 1. MAXIMUM RATES.] All railroad companies doing business as common carriers within the State of North Dakota shall charge for the transportation in carload lots within the State of North Dakota of Lignite not more per ton of two thousand pounds than the following rates, to-wit:

§ 2. The rates herein fixed and established shall apply only to the transportation of lignite, and shall in no manner be construed as

applying to rates to be charged for the transportation of coal within the State of North Dakota.

Distances	Rates in cents per Ton of 2,000 lbs.	
	For Application on single line hauls.	For Application on hauls over two or more lines
30 miles and under	\$.61	.73
40 miles and over 30 .....	.61	.85
50 miles and over 40 .....	.73	.97
60 miles and over 50 .....	.73	.97
70 miles and over 60 .....	.73	.97
80 miles and over 70 .....	.85	1.09
90 miles and over 80 .....	.97	1.09
100 miles and over 90 .....	.97	1.22
110 miles and over 100 .....	.97	1.22
120 miles and over 110	1.09	1.22
130 miles and over 120	1.09	1.22
140 miles and over 130	1.09	1.34
150 miles and over 140	1.22	1.34
160 miles and over 150	1.22	1.34
170 miles and over 160	1.22	1.46
180 miles and over 170	1.34	1.58
190 miles and over 180	1.34	1.58
200 miles and over 190	1.34	1.70
210 miles and over 200	1.46	1.70
220 miles and over 210	1.46	1.70
230 miles and over 220	1.58	1.82
240 miles and over 230	1.58	1.82
250 miles and over 240	1.70	1.82
260 miles and over 250	1.70	1.94
270 miles and over 260	1.70	1.94
280 miles and over 270	1.82	1.94
290 miles and over 280	1.82	2.07
300 miles and over 290	1.82	2.07
310 miles and over 300	1.94	2.07
320 miles and over 310	1.94	2.07
330 miles and over 320	1.94	2.19
340 miles and over 330	2.07	2.19
350 miles and over 340	2.07	2.19
360 miles and over 350	2.07	2.19
370 miles and over 360	2.19	2.31
380 miles and over 370	2.19	2.31
390 miles and over 380	2.19	2.31
400 miles and over 390	2.19	2.31

§ 3. Joint rates shall be based on continuous mileage via shortest available routes where there are track connections.

§ 4. PENALTY FOR FAILURE TO COMPLY WITH ACT.] Any railroad company violating any of the provisions of this act shall be subject to a fine of not less than twenty-five dollars per day for each and every day during which such violation shall continue, to be recovered by any person prejudiced or suffering loss or damage by such violation.

§ 5. DUTY OF ATTORNEY GENERAL.] It shall be the duty of the Attorney General or of the State's Attorney of any county in which an action arises against any railroad company for a violation of any of the provisions of this act, upon demand of the Board of Railroad Commissioners, to commence and prosecute all actions necessary for the enforcement of the provisions of this act.

§ 6. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

Approved February 17th, 1925.

CHAPTER 181

(H. B. No. 144—Oberg.)

SIGNS FOR RAILROAD CROSSINGS, STREETS AND PUBLIC HIGHWAYS

An Act Providing for the Manner of Constructing Crossings, and For the Construction and Maintenance of Certain Signs at the Crossings of Railroads, Streets and Public Highways, and Regulating the Use of Such Crossings by the Public, and For the Establishment, Vacation and Re-location of Such Crossings and For the Protection of Dangerous Railroad Grade Crossings.

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

§ 1. When the term "grade crossing" is used in this act it shall mean the intersection of a public highway and of the track or tracks of any railroad, however operated, on the same plane or level, except street railways within city or village limits. When the term "commission" is used in this act it shall mean the Board of Railway Commissioners of the State of North Dakota.

§ 2. The commission is hereby authorized and required to adopt and prescribe uniform warning signs for use at grade crossings in this state which will furnish adequate warning of the existence and nature of such grade crossings and to make regulations as

to the place of installation. There shall be at least three distinct types of such warning signs, to-wit: a home crossing sign, for use in the immediate vicinity of the crossing, and approach crossing sign, to indicate the approach to a grade crossing, and a stop sign, which shall have the word "stop" plainly appearing thereon, to indicate the necessity to persons on the highway approaching the crossing, whether in vehicles or otherwise, to come to a stop before proceeding over the grade crossing, according to the provisions of this act.

§ 3. At each grade crossing in this state hereafter established and at each grade crossing where and when the existing crossing signs are replaced the railway company operating the railroad thereat shall erect and maintain on the highway on each side of the railroad track or tracks and within a distance of 75 feet from the nearest rail, one or more of such uniform home crossing signs.

§ 4. At each grade crossing where, because of the conditions surrounding the same, the reasonable protection to life and property makes it necessary for additional warning signs to be placed on the highway at a greater distance from the crossing than the home signs, such approach warning signs shall be installed. The commission is hereby authorized to designate any such grade crossings requiring such additional signs on either or both sides of said crossing. When any such crossing is designated by the commission as requiring such additional protection it shall notify the railway company operating the railroad thereat and the public authorities having the care of the highway. Such railway company shall, within 30 days after such notification, furnish such uniform signs to such public authorities, and such public authorities shall erect said signs in conspicuous places on said highway on either or both sides of such grade crossing, as the case may be, not less than 200 feet from said crossing and shall thereafter maintain the same.

§ 5. At each grade crossing where, because of the dangers attendant upon its use, the reasonable protection to life and property makes it necessary for all persons approaching the same to stop before crossing the railroad tracks thereat, such stop signs shall be installed. The commission is hereby authorized to designate any such crossing requiring such additional protection as a stop crossing, and shall notify the railway company operating the railroad thereat of such designation. Within 30 days after such notification it shall be the duty of such railway company to erect such uniform stop crossing signs in conspicuous places on each side of said crossing.

§ 6. Whenever any vehicle carrying school children, explosives or inflammable liquids, or passengers for hire, or any trucks or any vehicle having in tow any other vehicle or equipment, or any vehicle

of the tractor or caterpillar type, approaches any grade crossing, it shall be the duty of the driver thereof to bring the same to a complete stop before reaching the railroad track and before crossing said track to ascertain when such crossing can be made in safety.

§ 7. It shall be the duty of any person controlling the movement of any other vehicle than those mentioned in Section 6 hereof, upon approaching any grade crossing to reduce the speed of such vehicle to such a rate that it can be brought to a full stop in case of necessity before reaching the nearest rail of the railroad track and to cautiously proceed over said crossing at a speed not to exceed ten miles per hour.

§ 8. The commission, upon written application made to it by the State Highway Commission, the Board of County Commissioners of any county, the Board of Supervisors of any township, or upon its own motion, shall investigate and determine whether any railroad grade crossing over any state, county or township highway in the state is dangerous to life and property and needs further protection than above set out, and may order the same protected in any manner it may find reasonable and proper, including requiring the railroad company to separate the grades. In such cases, the Board of Railway Commissioners shall give the railroad company interested such notice of said investigation as it deems reasonable and an opportunity to be heard before any order is made. The railroad company interested may, within thirty days after the service of a copy of such order upon it, appeal to the District Court of the county within which such crossing is situated.

§ 9. It shall be the duty of the commission, so far as practicable, to secure uniformity in the devices used to protect grade crossings. No such devices shall be hereafter installed until the same have been approved by the commission. All such devices which are now in use or which may be hereafter installed, which, in the opinion of the commission, conflict with the devices approved by the commission, either in their design or method of operation, so as to create a hazardous condition to travel at such crossing, shall be immediately modified by the railway company controlling the same so as to conform to those approved by the commission.

§ 10. Whenever it is desired, either by the public officials having the necessary authority or by the railway company operating the railroad, to 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 such vacation or re-location or separation of grades, as to the place, manner of construction, or a reasonable division of expense in the case of a re-location or separation 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 a vacation or re-location of the crossing in question or a separation of grades, and dividing the expense of such vacation, re-location or separation of grades.

§ 11. The commission may require any railroad company to construct overhead and maintain underground crossings and separate grades when, in its opinion, the interests and safety of the public require, and apportion the cost therefor in such manner as the commission may deem proper, and no overhead or underground crossing, nor separation of grades, shall be made except upon petition therefor to the commission, and with the approval of the commission.

§ 12. No person, firm or corporation shall place or maintain any advertising sign or other similar obstruction upon, over or adjacent to any highway between any such approach sign and the grade crossing which it marks, nor shall any person, firm or corporation place or maintain, upon, over or adjacent to any public highway in this state any sign or symbol in any manner resembling the signs provided for in this act.

§ 13. It shall be unlawful for any person to maliciously injure, remove, displace, deface or destroy any of the signs or signals provided for in this act.

§ 14. The violation of the duties imposed under sections 6 and 7 of this act shall not affect the right of any person to recover damages for an injury; provided such person was exercising due care at the time of such injury, but such person shall be liable to a fine of not to exceed ten dollars (\$10.00) for each such violation.

Approved March 7th, 1925.

CHAPTER 182
(H. B. No. 84—Fine.)

SPECIAL FREIGHT RATES

An Act Empowering the Board of Railroad Commissioners to Order, Authorize and Permit Common Carriers to Publish and Charge Special Freight Rates, Classifications, Rules and Regulations, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

§ 1. The Board of Railroad Commissioners shall have the power to order, authorize and permit any railroad, railroad cor-

poration or common carrier to publish, apply and charge in connection with the transportation of commodities from or to certain points within the state, different rates, classifications, rules and regulations than are published, applied and charged in connection with the same commodities from or to other points within the state. This chapter shall apply to rates, classifications, rules and regulations in connection with one or more common carriers either singly or jointly.

§ 2. Provided, however, before any existing rate as contemplated by this act is changed, or new rate established, reasonable notice shall be given by the Board of Railroad Commissioners to the carrier or carriers affected, to the public and any industries liable to be affected, and to the people of the communities in which such industries are located and reasonable time and opportunity shall be given all such interests to appear and present facts bearing upon the propriety of making any proposed change or establishing any new rate.

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

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

Approved March 7th, 1925.

CHAPTER 183

(H. B. No. 91—Loudenbeck.)

STOCK YARDS

An Act To Amend and Re-enact Section 1, Chapter 204, Session Laws of 1915, Being an Act to Compel Railroad Companies to Maintain Suitable Stock Yards.

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

§ 1. That Section 1 of Chapter 204, Session Laws of 1915 is hereby amended and re-enacted so as to read, as follows:

§ 1. Every railroad company operating in the State of North Dakota shall, when ordered by the Railroad Commissioners, erect and maintain at all stations, stock yards for the loading of livestock to be shipped over their line, and shall provide said yards with enclosed and suitable sheds, feed racks, watering troughs and scales,

and shall provide a supply of water, connected directly with such watering troughs in said yards.

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

Approved March 10, 1925.

REGISTRARS

CHAPTER 184

(H. B. No. 268—Arduser-Sagen.)

FEES OF LOCAL REGISTRARS

An Act To Amend and Re-enact Section 453 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Fees of Local Registrars to Read as Follows:

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

§ 1. AMENDMENT.] That Section 453, Compiled Laws of North Dakota for the year 1913, be, and the same is hereby, amended and re-enacted to read as follows:

§ 453. FEES OF REGISTRARS.] Each local registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate properly and completely made out and registered with him, and correctly copied and duly returned by him to the State Registrar, as required by this act; provided, that in cities in which the City Clerk or Health Officer, acting as Registrar, receives a fixed salary of \$100.00 per month or more in lieu of fees, no further compensation shall be paid for the duties required by this act. In case no births or no deaths were registered during any month, the local registrar shall be entitled to be paid the sum of twenty-five cents for each report to that effect promptly made in accordance with the directions of the State Registrar. All amounts payable to registrars under provisions of this section shall be paid by the county in which the registration districts are located upon certification by the State Registrar, and the State Registrar shall annually certify to the auditors of the several counties the number of births and deaths registered with the names of local registrars and the amounts due each at the rates fixed herein. (1907, Ch. 270, Sec. 20.)

Approved March 10, 1925.

REAL ESTATE

CHAPTER 185

(S. B. No. 102—Bakken.)

CONFIRMING TITLE TO REAL ESTATE

An Act To Confirm Title to Real Estate sold by Decedents in their Lifetime under Contract, conveyed pursuant to Article 8 of Chapter 6 of the Probate Code of North Dakota, in Estates now closed, and not approved by the County Judge.

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

§ 1. That all sales of real estate made by any administrator or executor, where his testator or intestate had contracted in writing for the sale thereof in his lifetime, and conveyance of which had been made pursuant to a decree of any county court of this State as provided by Article 8 of 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 North Dakota, 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.

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

Approved February 21st, 1925.

RED RIVER OF THE NORTH

CHAPTER 186

(S. B. No. 57—Schlosser.)

APPOINTMENT REPRESENTATIVES TO NEGOTIATE COMPACT

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, South Dakota and Minnesota, and Between said States and the United States of America, Respecting the Use, Control, Utilization and Disposition of the Waters of the Red River of the North and the Rights of said States and the United States Thereto.

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

§ 1. 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, South Dakota, and Minnesota, and a duly authorized representative of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said states, and between said states and the United States, with the consent of Congress, respecting the further control, utilization and disposition of the waters of the Red River of the North and streams tributary thereto, and fixing and determining the rights of the said states and the rights of the United States concerning the control, utilization and disposition 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 and the United 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 and by the Congress of the United States.

§ 2. The Governor of North Dakota shall notify the respective Governors of the States of South Dakota and Minnesota 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 of the said states 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 Red River of the North 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 states concerned or of the representative of the United States of America.

§ 3. 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 Red River of the North 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 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 February 9th, 1925.

CHAPTER 187

(S. B. No. 60—Whitman.)

PERMITTING MUNICIPAL CORPORATIONS TO DAM RED RIVER
OF THE NORTH

An Act Permitting Municipal Corporations to dam that portion of the Red River of the North that forms the boundary common to the State of North Dakota, and the State of Minnesota, subject to conditions therein expressed.

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

§ 1. Any Municipality owning or permanently controlling land upon which a proposed dam is to be constructed, may construct a dam thereon and across that portion of the Red River of the North that forms a part of the boundary common to the State of North Dakota and the State of Minnesota, for the purpose of conserving water for Municipal, Commercial and Domestic use, constructing in connection therewith such appliances, fish ways, race ways, sluice ways and waste ways as may be necessary or convenient for the proper construction and utility of such dam and as may be required by law.

§ 2. Provided, that if required by law or treaty, the consent of the United States and of the State of Minnesota shall be first obtained.

Approved February 9th, 1925.

RIGHT OF WAY

CHAPTER 188

(H. B. No. 284—Watt.)

RIGHT OF WAY—TELEPHONE AND ELECTRIC LIGHT SYSTEMS

An Act To Amend and Re-enact Section 5144 of the Compiled Laws of North Dakota for the year 1913 Relating to Right of Way for Telephone Lines and Electric Light Systems.

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

§ 1. AMENDMENT.] Section 5144 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 5144. Right of Way for Telephone Lines and Electric Light Systems. The board of county commissioners of any county, board of supervisors of any township, board of aldermen of any incorporated city, or board of trustees of any town or village in this state, may, when deemed for the best interest of their respective municipal corporations, grant to any person, who is a resident of this state, or to 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 light system over or upon any public grounds, streets, alleys or highways under the care or supervision of such board granting such right of way. Such right of way shall be granted subject to such conditions, restrictions and regulations as may be prescribed by the board granting the same, as to what grounds, streets, alleys or highways said lines shall run upon, over or across, and as to the places where the poles to support the wires shall be located, and all grants of right of way for the construction of telephone lines or electric light systems heretofore made, in accordance herewith, by any board above mentioned, are hereby made valid.

Approved March 10, 1925.

SCHOOLS

CHAPTER 189

(S. B. No. 230—Schlosser.)

AID CONSOLIDATED, GRADED AND RURAL SCHOOLS

An Act To Amend and Re-enact Section 1440 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 212 of the Session Laws for the year 1917, Relating to Consolidated, Graded, and Rural Schools May Receive State Aid.

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

§ 1. AMENDMENT.] That Section 1440 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 212 of the Session Laws of 1917, is hereby amended and re-enacted to read as follows:

§ 1440. CONSOLIDATED, GRADED, AND RURAL SCHOOLS MAY OBTAIN STATE AID.] Any public school in any common school district in the state, or any public school in any city, town or village,

or any graded consolidated school in the state, not entitled to aid as a state high school, but fully complying with the conditions of this Act relating to state graded and state graded consolidated schools, and any rural (country) school in any school district in the state not entitled to aid in any other class, but fully complying with the conditions of this Act relating to state rural schools, may receive aid as hereinafter provided for state graded consolidated schools, state graded schools, and state rural schools; Provided, that no school charging tuition for high school pupils under Chapter 107 of the Session Laws of North Dakota for 1921 shall be entitled to receive aid as herein provided if any other or greater charge is made for tuition of such pupil than those provided in said Chapter 107 Laws of 1921 and acts amendatory thereto.

Approved March 10, 1925.

CHAPTER 190

(H. B. No. 289—Erickson of Kidder.)

MOVING SCHOOLHOUSES

An Act Providing for the Moving of School Houses to Other Places Within School Districts Under Certain Conditions.

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

§ 1. SCHOOL HOUSES MOVED ON PETITION. WHEN.] An act providing for the moving of school houses to other places within school districts under certain conditions whenever petitioned by a majority of the electors within any common school district, for the removal to another place within such district, such place to be designated in such petition, of a school house not exceeding three thousand dollars in value and in which school house the conducting of a public school has been discontinued for at least one year; it shall be the duty of the school board of such district, provided that the expense of moving such building shall not exceed one-half of the value thereof, to proceed forthwith to have such school so moved and school established therein at such new location.

This act shall not be construed as amending or repealing the existing acts governing the removal of school houses, but the proceedings hereby authorized shall be cumulative and in addition thereto.

Approved March 10, 1925.

CHAPTER 191

(S. B. No. 270—McLachlin.)

TEACHERS CERTIFICATES

An Act To Amend and Re-enact Section 1369, Compiled Laws of North Dakota for 1913, as Amended by Chapter 130, Session Laws of 1915, Relating to Teachers' Certificates.

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

§ 1. AMENDMENT.] That Section 1369, Compiled Laws of North Dakota for 1913, as amended by Chapter 130, Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 1369. HIGH SCHOOL DIPLOMAS.] Diplomas from North Dakota high schools doing four years' work, granted to graduates who are at least eighteen years of age and who have had psychology, school management and methods of instruction and three senior-review subjects, shall be recognized for second grade elementary certificates, valid for two years from date of issuance; if within two years from the date of the diploma the holder has had at least eight months' successful experience in teaching, he shall be entitled to a first grade elementary certificate. After July 1, 1926, a second grade elementary certificate shall be granted those graduates of North Dakota high schools doing four years' standard work, including three senior-review subjects, who have completed six weeks' work at a state Normal School, such work amounting to twelve quarter-hour credits to be designed by the head of such Normal. After July 1st, 1927, twelve weeks of work at a State Normal School shall be required as above provided.

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

Approved March 10, 1925.

SEEDS

CHAPTER 192

(H. B. No. 125—Committee on Appropriations.)

ANALYSIS AND TESTING OF SEEDS BY AGRICULTURAL COLLEGE

An Act To Amend and Re-enact Sections 2905, 2906, 2910 Compiled Laws of the State of North Dakota for 1913, Relating to the Analysis and Testing of Seeds by the Agricultural College Experiment Station, and the Certification Thereof, and Repealing Section 2910 and All Acts in Conflict Herewith.

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

§ 1. AMENDMENT.] Section 2905 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2905. EXAMINATION, ANALYSIS AND TEST OF SEEDS FOR CERTIFICATION.] Any citizen, firm or corporation of the State of North Dakota, may, in accordance with regulations prescribed by the State Seed Commissioner, prepaying the transportation charges, send a sample or samples, not exceeding ten per year, of seed to said experiment station for examination, analysis or test, and such sample or samples shall be examined, analyzed or tested and reported upon free of charge. For all samples submitted by any citizen, firm or corporation in excess of ten in number per year, a charge of 50 cents shall be paid for each purity analysis and for each germination test. Any grower of seeds of the state desiring examination, analysis or test of seeds which require for proper certification and listing an examination of the growing crops or fields or stocks of seeds held for sale, may, in accordance with regulation prescribed by the State Seed Commissioner, have such examination made upon payment to the State Seed Commissioner, the sum of \$5.00 to defray the expenses of such examination. To complete the certification of any stock of seed so examined the applicant shall pay to the State Seed Commissioner a certificate fee which shall be fixed upon the following itemized scale:

For potatoes, corn, wheat, rye, oats, barley, flax, millet or other small grain or bulky seeds, 1 cent per bushel;

For alfalfa, red clover, alsike, 1/2 cent per pound;

For brome grass, sweet clover, timothy, wheat grass and other grass seed, 1/4 cent per pound.

A minimum fee of \$1.00 shall be paid regardless of the number of bushels or pounds and the maximum fee to be paid shall be \$10.00.

The registration shipping tags including lead seals and wires shall be sold to the applicant at 3c each.

§ 2. AMENDMENT.] Section 2906 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 2906. Upon the completion of the examination, analysis or test of seeds provided in Section 2905 of this Article, the State Seed Commissioner shall issue his certificate showing the kind and variety, grade of purity and viability of the seeds examined together with such other facts as shall have been developed by such examination, analysis or test, upon the payment to him of the sum of \$2.00, which certificate shall be accepted as presumptive evidence of the facts therein stated.

§ 3. REPEAL.] Section 2910, Compiled Laws of the State of North Dakota for 1913 providing an appropriation for the purpose of carrying out the provisions of this Article is hereby repealed.

§ 4. Section 2910 of the Compiled Laws of North Dakota for 1913 is hereby re-enacted to read as follows:

§ 2910. DISPOSITION OF FUNDS COLLECTED.] All funds collected under Sections 2900, 2905, 2906 of this Article shall be paid to the Secretary of the Agricultural College and accounted for as are other institutional collections and funds. All funds so collected shall be used to carry out the provisions and purposes of this Article.

Approved March 3rd, 1925.

SLEDS

CHAPTER 193

(H. B. No. 16—Cart.)

SLEDS

An Act To Repeal Chapter No. 116 of the Session Laws of 1921.

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

That Chapter No. 116 of the Session Laws for the year 1921 be and the same is hereby repealed.

Approved Feb. 17th, 1925.

SOW THISTLE

CHAPTER 194

(H. B. No. 287—Committee on Delayed Bills.)

ERADICATION OF SOW THISTLE

An Act To Amend and Re-enact Section 4, Chapter 140, Session Laws of 1921, Relating to Sow Thistles, and Providing Penalty for Violation Thereof.

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

§ 1. AMENDMENT.] That Section 4, Chapter 140, Session Laws of 1921, is hereby amended and re-enacted so as to read as follows:

§ 4. 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 not be 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 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 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 the cost and expense of such service shall be paid by the county in which such state road is situated.

§ 2. PENALTY.] Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10.00 nor more than \$25.00.

§ 3. An emergency is hereby declared to exist, and this Act shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1925.

STATE EXAMINER

CHAPTER 195 (H. B. No. 88—Rulon.)

DUTIES STATE EXAMINER

An Act To Amend and Re-enact Section 225 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 127 of the Session Laws of North Dakota for the Year 1919, Relating to the Duties of the State Examiner.

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

§ 1. AMENDMENT.] Section 225 of the Compiled Laws of 1913, as amended by Chapter 127 of the Session Laws of North Dakota for the year 1919, is hereby amended and re-enacted to read as follows:

§ 225. DUTIES.] It shall be the duty of the State Examiner to examine at least once a year, and as much oftener as he in his discretion may deem advisable, the books and accounts of the Secretary of State, State Auditor, State Treasurer, Clerk of the Supreme Court, Commissioner of Insurance, Commissioner of Agriculture and Labor, Department of University and School Lands, Supply Department of the National Guard, Board of Administration, State Tax Commissioner, County Treasurers, County Clerks, County Judges, Registers of Deeds, County Superintendents of Schools, Sheriffs and County Auditors. Fees for such examinations to be charged by the State Examiner only for the examination of books and accounts of City Auditors, City Treasurers, County Treasurers, County Clerks, County Judges, Registers of Deeds, County Superintendents of Schools, Sheriffs and County Auditors at the rate of ten dollars a day for the time actually employed by himself or his deputies, in such examination. Such fees to be paid into the State Treasury as provided by law for other fees collected by his office; provided, that on petition of thirty-five per cent of the electors of any school district, as determined by the number of votes cast at the last general election held therein, or at the request of the Mayor or President of the Board of City Commissioners of cities, it shall be the duty of the State Examiner to examine and audit personally, or by a duly qualified deputy, within thirty days after receipt of such petition or request, the books, records and accounts of the Treasurer and Clerk of any school district, or of any City Auditor and City Treasurer, as the case may be. Fees for such services shall be paid by such district or city at the rate of ten dollars per day for the time actually employed in making said examination and audit, and said fees shall be paid into the State Treasury as provided by law for other fees collected by the State Examiner.

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

Approved February 24th, 1925.

STATE TRAINING SCHOOL

CHAPTER 196

(S. B. No. 192—Lynch.)

By Request

STATE TRAINING SCHOOL—OFFICERS, PAROLES, ETC.

An Act To Amend and Re-enact Sections 11275, 11276, 11278, 11279, 11280, 11281, 11288, 11289 and 11291 of the Compiled Laws of 1913, and Acts Amendatory Thereof, Relating to the Officers and Employees of the State Training School, Their Duties and Salary; Those who may be Committed to said School and for What Time, Regulating the Conditions Under Which the Students in said School may be Paroled, and Fixing Penalty for Violation of Parole or Assisting Escapes from said School.

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

§ 1. AMENDMENT.] That Sections 11275, 11276, 11278, 11279, 11280, 11281, 11288, 11289 and 11291 of the Compiled Laws of 1913, and Acts Amendatory Thereof, be amended and re-enacted to read as follows:

§ 11275. OFFICERS OF THE STATE TRAINING SCHOOL.] The officers of the State Training School shall be: One Superintendent, and such teachers and assistants as may be deemed necessary and recommended by the Superintendent of the State Training School and approved by the Board of Administration.

§ 11276. APPOINTMENT OF SUPERINTENDENT. OTHER OFFICERS.] The Board of Administration shall appoint a superintendent. The term of office of the superintendent, unless sooner removed by the Board of Administration for cause, shall be four (4) years, and until his successor is appointed and qualified. All other officers and employees shall be appointed by the superintendent subject to the approval of the Board of Administration, and shall hold office during the pleasure of the superintendent.

§ 11278. SALARY OF SUPERINTENDENT. EMPLOYEES.] The Superintendent and all other officers and employees shall receive a salary to be fixed by the Board of Administration, subject to the approval of the Governor.

§ 11279. DUTIES OF SUPERINTENDENT. RECORDS.] The superintendent shall, under the direction of the Board of Administration, have the charge, custody and control of such State Training

School, and the persons committed thereto or detained thereat, together with all the lands, buildings, furniture, and tools, implements, stock and provisions and every other species of property pertaining thereto or within the precincts thereof, and shall superintend, and be responsible for the police of such State Training School, and the government, discipline, instruction and control of those committed to said institution; he may make such rules and regulations for the admission of visitors, subject to the approval of the Board of Administration, and may designate days for the admission of visitors. Such superintendent shall cause to be kept a correct record of all transactions of his office and a correct account of all his doings; and shall cause to be kept a memorandum of every complaint made by those in the institution, of cruel and unjust treatment of any officer or other person, or the want of proper clothing or food, and also any infraction of the rules and regulations of the school by any of the persons committed to said school, naming him, and specifying the offense and the punishment, if any, inflicted therefor, and said memorandum shall be laid before the Board of Administration from time to time as requested.

§ 11280. DUTIES OF SUBORDINATES. TEACHERS.] All officers, teachers, and persons employed about the State Training School shall perform such duties in the oversight and charge thereof, the use and care of the property belonging thereto and the custody, government, instruction, discipline and employment of the persons committed to said institution, as shall be required of them by the superintendent in conformity with law and the rules and regulations of the school.

§ 11281. WHO MAY BE SENT TO THE STATE TRAINING SCHOOL. PROCEDURE.] Whenever any person under the age of twenty-one years shall, in any district court or county court having increased jurisdiction of this state, be found guilty of a crime or public offense other than murder, such court may, if in its judgment the accused is a proper subject therefor, instead of entering judgment against such person, direct by an order to be entered in the minutes of the court that such person be committed to the State Training School until such person attains the age of twenty-one years, except that as to those persons who may be between the ages of twenty and twenty-one years, at the time of being found guilty and the passing of sentence, such persons may be committed to the said State Training School for a period of not less than one year nor more than two years.

§ 11288. DISCHARGE FOR GOOD CONDUCT. REFRACTORY INMATES.] The Board of Administration of the State Training School may at any time, upon satisfactory evidence of reformation and as a reward for good conduct and diligence in study, discharge any

student therefrom, but if such student has no parent, guardian or other person to whom to return, such board shall first arrange for and procure some suitable person to receive, employ and care for the person so discharged, without charge to the state. If any person convicted of a felony and committed to such school shall be or become incorrigible and manifestly or persistently dangerous to the good order, government and welfare of such school or the students thereof, the Board of Administration must order such person returned and delivered to the parent or guardian or to the jailer of the county from which committed, as the case may be, and the proceedings against such person shall thereafter be resumed and continued as though no order or warrant of commitment to the State Training School had been made.

§ 11289. AIDING INMATES TO ESCAPE. PENALTY.] Every person who unlawfully aids or assists any person committed to the State Training School in escaping or attempting to escape therefrom or from any officer thereof, or knowingly concealed such person after escaping, and every person who having been committed to said institution and who is thereafter paroled, and who during the time of his parole violates the conditions of such parole, is guilty of a misdemeanor.

§ 11291. PAROLE PERMITTED.] The Board of Administration of the State Training School is hereby empowered to parole persons committed to the State Training School and may establish rules and regulations under which such persons may go upon parole.

Approved March 6th, 1925.

TAXATION

CHAPTER 197

(S. B. No. 58—Rusch.)

PLACING TAXING DISTRICTS UPON CASH BASIS AND INCLUDING PARK DISTRICTS

An Act To Amend and Re-enact Sections 8 and 12 of Chapter 326 of the Session Laws of North Dakota for the year 1923, relating to Placing Taxing Districts upon a Cash Basis, and classing Park Districts having Population over Four Thousand with Cities and School Districts of Like Size.

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

§ 1. That Section 8 of Chapter 326 of the Session Laws of North Dakota for the year 1923 is hereby amended and re-enacted to read as follows:

§ 8. The County Treasurer shall hereafter be custodian of all sinking funds levied by all taxing districts within the county excepting cities having a population of over four thousand, and school districts having a population of over four thousand, and park districts having a population of over four thousand, and, whether such sinking funds be for the purpose of retiring bonds issued pursuant to the terms of this act or bonds issued pursuant to the provisions of any law now in effect, or hereinafter enacted. As tax collections are made of taxes levied for the purpose of paying the interest on or retiring the principal of bond issues, such funds shall not be remitted to the treasurers of the taxing districts but shall be retained by the County Treasurer in a separate special fund maintained as a sinking and interest fund for the bonds of each of such taxing districts, and as such bonds mature the County Treasurer shall upon warrant drawn upon him by the County Auditor apply such sinking funds in retirement thereof, and also in payment of the interest thereon as it becomes payable. It shall be the duty of the County Auditor to draw such warrants so as to pay the interest and retire the warrants at as early a date as possible. It shall be the duty of the County Treasurer to keep the sinking funds of each taxing district on deposit in such public depository as may have furnished proper bond therefor and as may be designated by the governing board of the taxing district, and when so deposited in such duly qualified public depository the County Treasurer shall be relieved of personal responsibility for their safe keeping.

§ 2. That Section 12 of Chapter 326 of the Session Laws of North Dakota for the year 1923 is hereby amended and re-enacted to read as follows:

§ 12. Cities having a population of over four thousand, school districts having a population of over four thousand, and park districts having a population of over four thousand, may issue certificates of indebtedness in any amount not in excess of uncollected taxes of the current year plus uncollected taxes of prior years standing to the credit of the district in such form and manner and subject to such terms and conditions as the governing board may prescribe, and need not comply with or conform to any of the other provisions of this act pertaining to the issuance of certificates of indebtedness unless they choose to avail themselves of such other provisions of this act.

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

Approved March 6th, 1925.

CHAPTER 198

(H. B. No. 101—Cart.)

By Request

CORRECTIONS OF ASSESSMENTS OF PROPERTY

An Act To Provide for the Correction of Errors in the Assessment of Property; For the Placing of Omitted Property or Property Which has Escaped Taxation Upon the Tax Lists; For the Re-Assessment of Property which has been Undervalued; and to Repeal Sections 2137, 2216, 2217, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304 of the Compiled Laws of the State of North Dakota for the Year 1913.

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

§ 1. Whenever the county auditor shall discover that taxable real or personal property has been omitted in whole or in part in the assessment of any year or years, or that any person has given to the assessor a false statement of his personal property, or that the assessor has not returned the full amount of all property required to be listed in his district, or has omitted property subject to taxation, he shall proceed to correct the assessment books and add such property and assess it at its full and true value.

§ 2. The county auditor shall give notice by mail to the person owning such property or in possession thereof, or his agent, of his action in adding property to the assessment books and shall describe the property in general terms and notify such person to appear before him at his office at a specified time within fifteen (15) days after the date of such notice, to show cause, if any, why such property should not be added to the assessment rolls.

If the party so notified does not appear, or if he appears and fails to give a good and sufficient reason why such assessment should not be made, the same shall be made; and, the county auditor is hereby invested with all the powers of an assessor in discharging the duties assigned to him by the provisions of this act.

§ 3. The board of county commissioners, at its next regular meeting after the assessment of such omitted property shall hear all grievances and complaints thereon and shall proceed to review and equalize such assessments.

§ 4. The county auditor shall enter the valuation of such property as equalized by the county board and shall extend the taxes thereon, and upon completing such assessment and extending the taxes thereon, shall correct the current year's tax list in accord-

ance with such assessment if the current year's tax list has not been certified to the treasurer for collection. In case the current year's tax list has been certified to the treasurer for collection, the county auditor shall certify to the county treasurer a tax list covering omitted property which has been added to the tax list for the current year. The county treasurer shall correct the current year's tax list in accordance therewith without obliterating any name, description or figure in the original tax list as delivered. The county auditor shall always have the power to correct clerical errors occurring in the making up of tax lists so as to make them conform to the assessment books; and in case the tax list has been delivered to the county treasurer, shall certify such corrections to the treasurer and the treasurer shall make the indicated corrections in the tax lists.

The county auditor of each county shall keep a book to be called "Assessment Roll of Property which has Escaped Taxation," in which he shall enter from time to time all property, real or personal, which shall have been omitted in the assessment of any previous year or years, or the assessment of which shall have been set aside by the judgment of any court, such property having thereby escaped taxation. If omitted property is assessed for a prior year or years, the county auditor shall enter the assessment of such property in the assessment roll of property which has escaped taxation at the rate and in the amount for which such omitted property should have been assessed in said year or years. Omitted property shall be assessed for each year during which it escaped assessment and taxation.

After review by the county board, the taxes against such escaped property for prior years shall be entered upon the tax list. In the case of personal property, such taxes shall be entered upon the most recent delinquent personal property tax list. If such list is, at the time, in the hands of the treasurer, the auditor shall certify such taxes to the treasurer, and the treasurer shall enter them upon such delinquent tax list. If the most recent delinquent personal property tax list is at the time in the hands of the sheriff, the auditor shall certify such taxes to the sheriff, and the sheriff shall enter them upon such tax list. In the case of escaped real property, such taxes shall, if entered between the first day of March and the date of the first publication of the tax sale list, be entered upon the most recent delinquent real property tax list; if entered between that date and March first, following such taxes shall be entered upon the current real property tax list. In either case, such real property taxes shall be certified to the treasurer by the auditor and entered in the tax list by the treasurer. Taxes upon escaped property for prior years, whether upon real or personal property, shall be subject to the same penalties and collection thereof shall be forced

at the same time and by the same method as other taxes upon the lists upon which they are entered.

§ 5. Nothing in this act contained shall deprive the tax commissioner of the power to require county auditors to place upon the assessment rolls omitted property which may be discovered to have escaped taxation in whole or in part in the current or previous years as provided in chapter 213, section 5, subdivision m, Laws of 1919.

§ 6. MONEYS—HOW APPROPRIATED.] All taxes collected by the county treasurer under the provisions of this act shall be apportioned in like manner as taxes on other property in such taxing district. Taxes for a year in which the property escaped taxation shall be apportioned as were the taxes of such prior year.

§ 7. REASSESSMENT OF PROPERTY. WHEN MADE.] The board of county commissioners, upon the filing of a petition signed by not less than ten (10) freeholders in any political subdivision, or by the governing board of any such subdivision, requesting a reassessment of property in such subdivision may, in its discretion, order a reassessment of any class of property or all property located in such subdivision, if, in its opinion, taxable property located within such subdivision has escaped assessment in whole or in part or has been unfairly assessed or has not been assessed in accordance with law.

For the purpose of reassessment of property as herein provided, the board of county commissioners is hereby authorized to appoint some competent citizen as a special assessor who shall make a reassessment of the property specified by the board. Such special assessor shall proceed in accordance with the provisions of law now governing local assessors, and shall be allowed for his services and expenses, a sum not to exceed six dollars (\$6.00) per day.

Whenever a reassessment is made pursuant to law, the assessors compensation and expenses shall be audited and allowed by the board by which such reassessment was ordered and paid out of the county treasury upon the warrant of the county auditor. If such reassessment was ordered by the tax commissioner, the expenses thereof shall be audited and allowed by the tax commissioner and certified to the county auditor of the county in which such reassessment was ordered, and the expenses thereof shall be paid out of the county treasury upon warrant of the county auditor. The compensation so paid shall in all cases be charged to the township, city or village in which such reassessment is made and shall be deducted by the county treasurer from funds coming into the county treasury apportionable to such township, city or village.

Upon the completion of such reassessment, the assessor shall certify the same to the county auditor, and it shall be the duty of

the county auditor to forthwith notify each county commissioner of his county of such completion, and call a special meeting of the board of county commissioners to be held at the time and place designated in such call, but not more than thirty (30) days from the time of the making of such call. A notice of such special meeting and the purpose thereof shall be published at least once in an official paper of the county not less than one week prior to such meeting.

The board of county commissioners shall meet at the time and place appointed therefor in such call, and shall proceed to equalize the property reassessed. The board of county commissioners shall hear all grievances and complaints in regard to such reassessment.

§ 8. The board of county commissioners or the tax commissioner shall not order a general reassessment of any class of property in any taxing district in any year after October first of such year.

§ 9. Sections 2137, 2216, 2217, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303 and 2304 of the Compiled Laws of the State of North Dakota for the year 1913 are hereby repealed.

§ 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 10, 1925.

CHAPTER 199

(S. B. No. 1—Rusch)

DELINQUENT TAXES; TAX SALES AND REDEMPTION THEREFROM

AN ACT

For an Act to Amend and Re-enact Section 2185 of the Compiled Laws of North Dakota for the Year 1913, as amended by Chapter 320, Laws of 1923, also Sections 2191, 2192, 2197, 2202, 2203, 3733, 3735, and 3736 of the Compiled Laws of North Dakota for the Year 1913, Providing for Penalties on Delinquent Real Estate Taxes and Special Assessments; for the Sale of Land for Taxes and Special Assessments; Issuance of Certificates of Sale and Assignments Thereof; for Redemption of Land sold at Tax Sale; for the Issuance of Tax Deeds on Land Not Redeemed From Sale for Taxes and for the Disposition or Conveyance of Land Bid in by the County and Not Redeemed or Purchased; and to Repeal All Acts in Anywise Contravening Provisions of this Act.

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

§ 1. AMENDMENT.] Section 2185 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 320, Laws of 1923, is hereby amended and re-enacted to read as follows:

"Section 2185. All real estate taxes including hail insurance taxes, both flat and indemnity, and yearly installments of special assessment taxes on real estate, shall become due on the first day of December of the year for which the taxes are levied. One-half of the real estate taxes and all hail insurance taxes both flat and indemnity and all yearly installments of special assessment taxes shall become delinquent on the first day of March following, and if not paid before that date they shall be subject to a penalty of five per cent (5%), and on the first day of November following to an additional penalty of three per cent (3%); provided, that general taxes on real estate, but not hail insurance taxes nor special assessments, may be paid in two equal installments. The second half may be paid at any time up to and including the fifteenth day of October without penalty and if not paid on or before that date a penalty of five per cent (5%) shall be added thereto. Mortgagees and other lien holders, excepting owners of tax sale certificates, shall have the same right as the land owner to pay taxes in installments at any time after they become due. Owners of tax sale certificates shall not be permitted to pay taxes in installments but may pay the entire tax at any time after the first installment becomes delinquent. During the first fifteen days of delinquency, from March first to fifteenth, inclusive, owners of tax sale certificates and also other lien holders or the owner of the land may pay taxes without penalty upon any portion thereof provided the entire tax is paid. If the first installment has been paid, but the second installment remains unpaid after October 15th, the tax sale certificate owner may pay it but he must pay also the penalty of five per cent (5%). The penalties prescribed in this section shall be cumulative and shall be charged and collected accordingly without being specially added or noted on the tax list."

§ 2. AMENDMENT.] That Section 2191 of the Compiled Laws of the State of North Dakota for the year 1913 be 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 installments of special assessments, hail insurance taxes and 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.

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 the 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 10 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 of land 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 shall be struck off and become forfeited to the county in which the sale takes place, such county acquiring all the 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 such subsequent taxes unless the county has made an assignment of the certificate of sale.

Whenever any real property shall be sold to the county, the county auditor shall make out certificate of sale to the county in the same manner as if 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 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 shall bear interest at the rate of nine per cent (9%) per annum.

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, shall amount in the aggregate to the sum of five dollars or such lesser sum as the board may 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 each parcel. It shall not be necessary for the notice of sale to contain anything to indicate that such amount includes taxes of 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. AMENDMENT.] That Section 2192 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and be re-enacted to read as follows:

§ 2192. CERTIFICATE OF SALE. ASSIGNMENTS FILED. SUB-] SEQUENT 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 for 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 costs 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 so 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.....

.....
Auditor.

(SEAL)

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 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."

§ 4. AMENDMENT.] That Section 2197 of the Compiled Laws of the State of North Dakota for the year 1913 be 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, the same may be redeemed at any time 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 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 payment of such subsequent taxes, which date of payment shall not be prior to the day upon which such subsequent 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 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 the purpose of 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 must 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.

(2) PARTIAL REDEMPTION OF REAL ESTATE.] The owner of any piece or parcel of land which has been sold at tax sale may pay the taxes for which the land was originally sold at tax sale together with accrued interest and penalty thereon at any time without making payment of any subsequent taxes and may also pay the subsequent taxes for the next succeeding year or years. In making

such partial redemption the owner shall be required to first pay the taxes for which the land was originally sold and in making payment of any subsequent taxes shall be required to pay such taxes in the order in which such taxes were levied. Upon payment of any such taxes with accrued interest and penalty into the county treasury, the county auditor shall recall the original tax sale certificate and in case the holder of such original tax sale certificate has paid taxes as subsequent to such certificate the county auditor shall issue to him a new certificate which shall be known as A Subsequent Tax Sale Certificate. Such subsequent tax sale certificate shall describe the premises originally sold at tax sale, shall state the amount for which they were originally sold and shall set forth the 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, and may be in substantially the following form:

SUBSEQUENT 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.....
held on 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.....

(P. O. Address)

dollars (\$.....) and there was issued to such purchaser tax sale certificate No.....: that thereafter the owner of said tax sale certificate paid subsequent 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 therefore 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 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 that unless redemption be made from said taxes within three years from the date hereof, 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 ofCounty, N. Dak., this.....day of , 19.....

.....
County Auditor of.....County

Subsequent tax sale certificates shall have the effect of conveying all the rights, interest, privileges and title conveyed by an original certificate of tax sale issued pursuant to the regular annual auditor's tax sale. The owner of a subsequent tax sale certificate shall be entitled to a tax deed three years from the date of issuance of such subsequent tax sale certificate upon the giving of the statutory notice of expiration of the period of redemption. The procedure prescribed in Section 2223, Compiled Laws of North Dakota for the year 1913, as amended by Chapter 63 of the Special Session Laws of 1919 and acts amendatory thereof 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 taxes covered by a subsequent tax sale certificate may be made in the same manner as par-

tial 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. 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.

§ 5. AMENDMENT.] That Section 2202 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

“§ 2202. TAX DEED TO BE ISSUED TO THE COUNTY UPON EXPIRATION OF PERIOD OF REDEMPTION UPON DUE NOTICE. TRANSFER BY COUNTY OF PROPERTY ACQUIRED BY TAX DEED.] (1) 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 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 redemption become the absolute property of the county and the county auditor shall issue a tax deed therefor to the county in the same manner as to individual purchasers. The lien of any special assessment taxes included in the tax sale certificate or of subsequent special assessment installments delinquent at the time of issuance of tax deed shall be extinguished and void but such property shall be subject to installments of special assessments becoming delinquent after date of issuance of tax deed.

(2) The county auditor shall on or before February 1st of each year 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. He 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 sales within ninety 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 of
.....County, this.....day of.....,
19.....

.....
Signature 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 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 notices hereinafter 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 at least as large as eighteen point type.

It shall be the duty of the register of deeds upon request of 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, 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. It shall be the duty of the county auditor to prepare a notice of the expiration of the period of redemption to be served either personally, or by mail as hereinafter specified, upon the record title owner of such real estate and the person in possession thereof, and by mail upon mortgagees and other lien holders. There shall be a separate notice for each person

who appears from the records in the office of the register of deeds to be interested as record title owner of such real estate, but each notice may contain any number of parcels of real estate which stand in the name of the same record title owner. Such notice shall contain the information indicated in the following form and may be in substantially 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 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 descriptions 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.

(Descriptions 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.

Such 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 the register of deeds, except the record title owner and the person in possession thereof. Such notice shall be served personally upon the person, if any, in possession of said real estate, and upon the owner, if he resides within the county, 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, mileage and livery hire as for serving a summons in a civil action in district court, provided that he shall be required to serve all such notices in each portion of the county in a single trip and shall be entitled to but one charge for mileage and livery 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. 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. If the owner does not reside in this state, service may be made upon him by registered mail addressed to him at his postoffice address as ascertained by the county auditor from such information as he is able to obtain by reasonably diligent inquiry, but need not be served upon him personally. If the assessed valuation of the property included in the notice is less than \$100 in any of the above cases, notice may be served upon the owner and the person in possession thereof by registered mail, addressed to them at their last known postoffice addresses.

(3) 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 sale. Any number of tracts may be included in a single notice. Such sale shall take place at the county seat on the second Tuesday in June of each year and shall continue from day to day until completed. The county board before holding the sale may, at its discretion, place a minimum sales value on each tract. The county auditor, with the approval of the board of county commissioners, may reject any or all bids. In case no bids are received on any parcel of real property and such property is retained by the county, the county shall not be liable to any city or other subdivision for any special assessment taxes levied on such property. The purchaser shall, upon complying with the requirements, 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 the property acquired by the county through the tax proceeding, which deed may be substantially in the following form:

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 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:

.....
.....
.....

(4) 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, shall 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 dis-

trict. If the balance is insufficient to satisfy all delinquent installments of special assessment taxes, 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. Any person having an interest in, or lien upon any piece or parcel of forfeited land may redeem the same at any time after the forfeiture and before the sale thereof by paying the amount due thereon.

§ 6. AMENDMENT.] That Section 2203 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

“§ 2203. PROPERTY BID IN FOR THE COUNTY. ASSIGNMENT FORM.] At any time after any piece or parcel of land shall have been bid in for the county, and before such piece or parcel of land shall become forfeited to the county, and while such tract or parcel of land shall remain unredeemed, the county auditor may assign and convey the same and all the rights of the county in such piece or parcel of land acquired at such sale, to any person, (except the county auditor, county treasurer, their deputies and clerks) who shall pay the amount for which the same shall have been bid in together with interest thereon from the date of the tax sale at the rate of three-fourths of one per cent per month, and the amount of all subsequent delinquent taxes and penalties together with interest thereon at the rate of three-fourths of one per cent per month from December first of the respective years in which such taxes became delinquent, and shall execute to him an assignment which may be in substantially the following form:

I, auditor of the county of.....
 State of North Dakota, do hereby certify
 that at the sale of real estate for the delinquent taxes thereon for
 the county of..... and state aforesaid, which
 sale was held at the..... in said county of.....
on the.....day of.....
 A. D. 19....., for the taxes of the year..... the following
 described piece or parcel of land situated in said county of.....
 State of North Dakota, to-wit: (insert descrip-
 tion) was offered for sale to the best bidder; and no one bidding
 upon such offer the same was then bid in for the county for the
 sum of.....and the same still remaining unredeemed
 and on this day.....having paid into the

treasury of said county the amount for which the same was bid in with interest thereon together with subsequent taxes, penalties and interest, amounting in all to.....dollars; therefore, in consideration thereof, and pursuant to law, I do hereby assign and convey all the right, title and interest of said county to said piece or parcel of land acquired therein at said sale to the said, his heirs and assigns, subject to redemption as provided by law.

And I further certify that unless redemption is made of said real estate in the manner provided by law, the said.....or assigns, will be entitled to a deed therefor on and after the expiration of the time for redemption, as provided by law, and upon the surrender of this certificate. In witness whereof I have hereunto set my hand and seal this.....day of.....19.....

.....
County Auditor of.....
County, North Dakota.

§ 7. AMENDMENT.] That Section 3733 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

“§ 3733 DELINQUENT SPECIAL ASSESSMENT TAXES.] Real property shall be sold to enforce collection of special assessments, or installments of special assessments, which have become delinquent, at the same time and in the same manner as for general taxes. The sale shall be made by the same officer and upon like notice and subject to the same provisions in relation to redemption and the same record thereof shall be kept by the officer making the sale as in the case of sale of real property for delinquent general taxes. If any real property is subject to sale at the same time for delinquent general taxes and also for delinquent special assessments, they shall be advertised and sold together in one sum and one certificate shall be issued therefor. In case there is no delinquent general tax against any parcel of real estate and it is sold for special assessments alone, the certificate of tax sale shall contain a statement to the effect that the sale was for special assessments. The rights of owners of tax sale certificates issued before the enactment of this amendment shall not be affected by its enactment except as provided in Section 4 of this act. In case of sale for special assessments only assessed by cities, villages, or any taxing district other than the county, the county auditor shall

declare the property sold to the city, village or taxing district which assessed such special assessments in case there are no private bidders and tax certificate and tax deed shall, in the usual course of procedure, be issued to such city, village or taxing district."

§ 8. AMENDMENT.] That Section 3735 of the Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

"§ 3735. RIGHT OF THE CITY TO PURCHASE ASSIGNMENTS WHEN TAXES HAVE BEEN BID IN BY THE COUNTY TREASURER AND NOT ASSIGNED TO PRIVATE PURCHASERS.] The city treasurer may, subject to the direction of the governing board of the city, purchase from the county, tax sale certificates covering any property, bid in by the county treasurer at tax sales, and not assigned, against which there are special assessment tax liens in favor of such city. The assignment shall be made on the same terms as is provided for assignments by the county to individuals, except that amounts of special assessment liens, assessed by the city shall not be collected by the county treasurer from said city. If no redemption is made from such tax sale, the real estate covered by such certificate shall become the absolute property of the city at the expiration of three years from the date of the tax sale, and may be disposed of by the city at public or private sale as may be provided by the city council."

§ 9. AMENDMENT.] Section 3736 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

"§ 3736. TAX DEED.] In case such lands are not redeemed from such tax sale and the city shall have purchased assignment of general taxes from the county, the county auditor shall, at the expiration of the period of redemption, issue a deed therefor to such city, provided that no deed shall be issued until notice of expiration of the period of redemption has been given as provided for sales for general taxes."

§ 10. All acts and parts of acts in conflict with the provisions of this act are hereby repealed and in case any provision of this act shall be held to be invalid, the validity of other provisions shall not thereby be impaired.

§ 11. 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 9th, 1925.

CHAPTER 200

(H. B. No. 242—Committee on Tax and Tax Laws.)

By Request.

JURISDICTION DISTRICT COURT IN FORECLOSURE OF TAX
LIENS

An Act Providing that District Courts shall have Jurisdiction in the Foreclosure of Tax Liens in Cases of Irregular Tax Sales, Prescribing the Procedure in such Cases; and Providing that such Remedy shall be Cumulative.

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

§ 1. JURISDICTION OF DISTRICT COURT.] In all cases in which real estate has been sold at tax sale and in which such tax sales were irregular or of doubtful validity, the district court of the proper county shall have jurisdiction in an action in equity brought for that purpose to foreclose the lien of the delinquent taxes for which such land was sold and to enter judgment foreclosing the same and decreeing that the same shall be sold under special execution in a manner similar to that prescribed in case of the foreclosure by action of a mortgage or other lien upon real estate. The ordinary procedure in equity cases shall apply to such actions, but in cases of real estate sold at the tax sale held in 1923 or subsequent years, it shall be the duty of the court to include in its decree such provision as will permit such period of redemption from execution sale as may be necessary to give to those entitled to redeem at least as long as a period of redemption as they would have had if the tax sale in question had been valid in all respects and tax deed thereunder had been applied for at the earliest date permitted under statutes with reference to procuring tax deeds under tax sales. The provisions of this act shall apply both to tax sales heretofore held and those which may be held in the future. The remedy provided by this act shall be cumulative and in addition to all other remedies already existing or which may be provided at the present session of the legislature and shall not be held to impair or detract from any other remedy provided by any other statute or statutes.

§ 2. ACTION BROUGHT BY WHOM.] Such action may be brought by the purchaser at tax sale or his successor in interest and such irregular tax sale shall be held to have assigned, transferred, and conveyed to the purchaser and his successors in interest the lien of the taxes included therein and all subsequent taxes paid by the purchaser or his successors in interest. In case such land was, at such tax sale, struck off to the county, such action shall be brought in the name of the county in which such real estate is situated as

plaintiff, and may be instituted by the attorney general or by the states attorney of such county. In case of the refusal or failure of both such officials to institute such action or in case the board of county commissioners of the county interested or the governing board of any city or school district interested in such taxes shall desire to be represented by additional counsel, the district court may, upon application, enter an order appointing special counsel to represent such county, city or school district.

§ 3. COUNTY TREASURER TO BID AT EXECUTION SALE.] It shall be the duty of the county treasurer to attend the execution sale held pursuant to the decree in any such action in which the county is plaintiff; and if there are no other bidders offering the amount of the judgment plus interest and accrued and accruing costs, the county treasurer shall bid such amount in the name of the county and the sheriff shall sell the same to the county, but the county shall not be required to pay any cash upon such sale. If redemption be not made from such sale, sheriff's deed shall at the expiration of such period of redemption be issued to the county, and it shall be the duty of the county board to dispose of such land by sale as in other cases and out of the proceeds of such sale, after paying the costs of such action and of the sale, there shall be paid all general taxes, or if the sum realized is not sufficient to pay all general taxes, then the county auditor shall apportion the amount realized ratably among the state and the several interested taxing districts. Hail insurance taxes shall be considered as general taxes in making such apportionment. After paying all general taxes, such portion of the balance as may be necessary shall be applied in payment of special assessments, or if the amount is not sufficient to pay special assessments in full, then the amount available shall be apportioned ratably among the special assessment funds entitled to share therein. Any balance remaining after the payment of all costs, general taxes, hail insurance taxes and special assessments shall be paid into the general fund of the county. If, however, the real estate is sold by the sheriff at execution sale to a cash purchaser, he shall pay over to the clerk of the district court the proceeds of the sale to be disposed of in accordance with the order of the court.

Approved March 7th, 1925.

CHAPTER 201

(S. B. No. 85—Kaldor.)

INCOME TAX

An Act To Amend Chapter 312, Laws of 1923, Relating to the State Income Tax Imposed on Incomes of Individuals, Fiduciaries, Corporations, Joint Stock Companies or Associations and Insurance Companies in the State of North Dakota.

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

§ 1. AMENDMENT.] Subdivision 3 of Paragraph (c) of Subsection 2 of Section 7 of Chapter 312, Session Laws of 1923 is hereby amended and re-enacted to read as follows:

(3) "Where the income is derived from the conduct of a public utility, the portion thereof attributable to business within the state shall be taken to be such percentage of the total of such income as the tangible property and business within the state bear to the total tangible property and total business, the percentages of tangible property and of business being separately determined as hereinafter provided, and the two percentages averaged.

"For the purposes of the foregoing computation, the value of the tangible property shall be taken to be the average value of the tangible property held and owned by the corporation in connection with such business during the year for which the income is returned, excluding any property the income of which is not taxable or is separately allocated under the foregoing provisions of this act."

The term "tangible property" wherever it occurs in this act shall mean real property and corporeal personal property and shall not mean money, bank deposits, shares of stock, bonds, notes, credits, evidences of debt, choses in action, or evidence of interests in property. In determining the tangible property located within this state of a railroad company operating both within and without the state, the valuation of rolling stock and equipment within the state shall be found by applying to the total valuation of the entire rolling stock and equipment of such company that proportion or percentage which the car and locomotive mileage within the state during the income year bears to the total car and locomotive mileage of such company's cars and locomotives used in the conduct of its business both within and without the state for that year.

The business of the public utility shall be measured by the amount which the utility has paid out during the year for which the income is returned for wages, salaries, or other compensation to employees plus the amount of receipts from the carrying on of

the business. Receipts in North Dakota shall be held to include in addition to all receipts from business commencing and terminating within this state such portion of receipts from all interstate business passing through or into or out of the state as is determined by applying to gross receipts from all such business that percentage which the mileage within the state over which such business was carried bears to the entire mileage over which it was carried.

Accounts payable for compensation and accounts receivable from services rendered and other sources arising from business during the year shall be included in the formula if the corporation's return is made on the accrued basis.

For the purposes of this subsection, payments for wages, salaries, and other compensation shall be assigned to the office, agency or place of business of the corporation at which the employee chiefly works or from which he is sent out or with which he is chiefly concerned.

§ 2. AMENDMENT.] Section 23 of Chapter 312, Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 23. INFORMATION AT THE SOURCE.] (1) Every individual, partnership, corporation, joint stock company or association or insurance company, being a resident of or having a place of business in this state in whatever capacity acting, including lessees and mortgagors of real or personal property, fiduciaries, employers and all officers and employees of the state or of any state institution, or of any political subdivision within the state, having the control, receipt, custody, disposal or payment of interest (other than interest coupons payable to bearer), rent, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits and income, amounting to \$1,000 or over in salaries or wages and \$600 or over of other payments mentioned herein, whether paid or payable during any year to any taxpayer, shall make complete return thereof under oath to the tax commissioner, under such regulations and in such form and manner and to such extent as may be prescribed by the said tax commissioner.

(2) Every partnership, having a place of business in the state, shall make a return, stating specifically the items of its gross income and the deductions allowed by this act, and shall include in the return the names and addresses of the individuals who would be entitled to share in the net income if distributed, and the amount of the distributive share of each individual. The return shall be sworn to by any one of the partners.

(3) All returns required under this section shall be made on or before the fifteenth day of the third month following the close

of the fiscal year of the person required to make such return, or if the return is made on the basis of a calendar year, then the return shall be made on or before the fifteenth day of March.

§ 3. AMENDMENT.] Section 19 of Chapter 312, Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 19. In computing net income, there shall be allowed as deductions:

(1) "All the ordinary and necessary expenses paid during the income year in the carrying on of any trade or business including a reasonable allowance for salaries or other compensation for personal services actually rendered, and including rentals or other payments required to be made as a condition to the continued use or possession for the purposes of the trade or business of property to which the taxpayer has not taken or is not taking title, or in which he has no equity.

(2) "Interest paid or accrued within the year on taxpayer's indebtedness.

(3) "Taxes paid or accrued within the income year upon property or business, but not including those assessed against local benefits of a kind tending to increase the value of the property assessed. Federal income taxes may be deducted to the extent such taxes represent a tax paid on income taxable under this act.

(4) "All losses sustained during the income year and not compensated for by insurance or otherwise.

(5) "Debts ascertained to be worthless and charged off during the taxable year, if the amount has previously been included in gross income in a return under this act.

(6) "A reasonable allowance for necessary repairs and a reasonable allowance for depreciation by use, wear and tear of property used in business or trade, and in case of mines, oil and gas wells or other natural deposits, a reasonable allowance for depletion of ores and other natural deposits on the basis of their actual original cost in cash or in the equivalent of cash, and including cost of development, and in case of property acquired prior to January 1, 1919, the fair market value on that date shall be taken in lieu of cost up to that date.

(7) "Dividends or income received by any person from stock or interest in any corporation, the income of which shall have been assessed under this act; provided, that when only a part of the income of any corporation shall have been assessed under this act, only a corresponding part of the dividends or income received therefrom shall be deducted. Income tax paid at the source shall be deducted from the amount of tax due.

(8) "Contributions or gifts made within the income year to (a) the state of North Dakota, or any political subdivision thereof, exclusively for public purposes, or (b) to any community chest, corporation, association or trust, or fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual; or (c) to posts or organizations of war veterans or auxiliary units or societies of such posts or organizations, if such posts, organizations, units, or societies are within North Dakota and if no part of their net income inures to the benefit of any private shareholder or individual; provided, that such contributions or gifts may be deducted only to an amount which in all the above cases combined does not exceed fifteen per cent (15%) of the taxpayer's net income as computed without the benefit of this subsection."

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 6th, 1925.

CHAPTER 202

(S. B. No. 152—Rusch.)

INCOME TAX REFUNDS

An Act Making an Appropriation to Provide for the Payment of Income Tax Refunds in Connection with Taxes Assessed and Paid Under the 1919 Income Tax Law for the Years 1919, 1920, 1921 and 1922.

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

§ 1. APPROPRIATION.] There is hereby appropriated out of any money in the state treasury, not otherwise appropriated, the sum of Twelve Thousand Dollars (\$12,000) for the purpose of paying claims arising from overpayment of income taxes assessed under the 1919 income tax law for the years 1919, 1920, 1921 and 1922.

§ 2. EMERGENCY.] Whereas, the attorney general of the state ruled that the appropriation of Ten Thousand Dollars (\$10,000) per annum, provided in Chapter 312, Laws of 1923, cannot be used to pay any refunds to which taxpayers shall be entitled in connection with overpayment of taxes assessed under the 1919 Income Tax Law (Chapter 224, Laws of 1919, as amended by Chapter 60

of the Special Session Laws of 1919, as amended by Chapter 123 of the Laws of 1921);

And, whereas, there are approved claims amounting to \$9,-675.90 due taxpayers under the 1919 income tax law and acts amendatory thereto which cannot be paid for lack of funds, 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 6, 1925.

CHAPTER 203

(H. B. No. 110—Twichell.)

IRREGULARITIES OF LAND TO BE PLATTED

An Act To Amend and Re-enact Section 2214 of the Compiled Laws of North Dakota for 1913, relating to irregularities of land to be platted into lots if required.

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

§ I. AMENDMENT.] That Section 2214 of the Compiled Laws of 1913 be amended and re-enacted to read as follows:

§ 2214. IRREGULARITIES OF LAND TO BE PLATTED INTO LOTS IF REQUIRED.] In all cases where any tract or lot of said land is divided into irregular shapes that cannot be described except by metes and bounds, also any town addition or subdivision that has already been platted into blocks and lots and subsequently sold into parts of blocks or lots which cannot be described only by metes and bounds, or that the courses, distances and sizes of each lot and fractional lot is not given or marked upon said plat so that the precise location of each and every lot and fractional lot can be accurately ascertained, surveyed or laid out, it shall be the duty of the owner of such tract or tracts upon the request of the county auditor to have such land platted or replatted, as the case may be, into lots or blocks as per deeds on record, if such plat cannot be made without actual survey of the land then they shall have the same surveyed, platted and the plat thereof recorded. If the owners of any such tract shall refuse or neglect to cause such plat and survey when necessary to be made and recorded within thirty days after such request, the county surveyor shall, or some other competent surveyor may, upon the request of the county auditor, make out such plat from the records of the register of deeds if practicable; but if it cannot be made from such records then he shall make the necessary survey and plat thereof, and the said auditor shall have the same

recorded; provided, that no plat as aforesaid shall be recorded until approved by the City Engineer of the City affected by said plat, in case there be no City Engineer, then by the County Surveyor. A certificate of such acknowledgement shall be by the officer taking the same, endorsed on the plat or map, which certificate, or survey and acknowledgment, shall also be recorded and form a part of the record, such plat being duly certified and recorded and description of the property in accordance with the number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described; provided, that no such plat or description as herein provided for shall bear the same name or number that has already been applied to any plat or description previously made and recorded as a part of any such town, village or city. When the owners of such land shall fail to comply with the provisions of this section the costs of surveying, platting and recording shall be paid by the county, upon allowance by the county commissioners, and the amount thereof shall be added to the tax upon such tracts or lots the ensuing year, which tax, when collected, shall be credited to the county fund. Such county surveyor or other surveyor shall be entitled to receive for his services in making such survey or plat the same compensation as is now allowed by law for doing other county surveying or platting, and such fees shall become a legal charge upon such tracts of land as herein provided for.

Approved March 7, 1925.

CHAPTER 204

(H. B. No. 263—Committee on Tax and Tax Laws.)

By Request

IRREGULAR TAX SALES

An Act Providing that Real Estate which has been Sold at Tax Sale Which Sale is Invalid or of Doubtful Validity because not Conducted in Accordance with Section 3733 of the Compiled Laws of 1913, or for Other Reasons, May Again be Sold at Future Tax Sales for the Taxes of the Years Included in Such Irregular Tax Sales.

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

§ 1. IRREGULAR TAX SALES. REAL ESTATE MAY BE AGAIN SOLD.] Real estate which has heretofore been offered for sale at tax sale under proceedings which were irregular by reason of non-observance of provisions of Section 3733 of the Compiled Laws of North Dakota for the year 1913, or were irregular, invalid or of doubtful validity for any other reason and which was struck off

to the county may be again sold at tax sale for the taxes of any year included in such irregular sales or sales of doubtful validity. The several amounts of taxes and installments of special assessments for the year or years involved may be all included together in one lump sum and may be combined in one lump sum with the delinquent tax or installment of special assessment of 1924 or whatever other year is, in the usual course of procedure, included in the particular tax sale to be held, the purpose being to state a single amount against each tract to include not only taxes and installments of special assessments for all years in which the tax sales are considered to be irregular, but also taxes and installments of special assessments for the year which, in the usual course of procedure, would be included in the notice of tax sale. In such cases the notice of tax sale shall include a statement to the effect that the land is being offered for taxes of such prior years and there shall appear after each numerical description of real estate the years for which taxes or special assessments or taxes and special assessments are included. In computing the amount of taxes for such prior years the auditor shall compute interest upon each year's taxes and upon accrued penalties at the rate of six per cent (6%) per annum from December first of the year in which said taxes or installments of special assessments became delinquent.

Re-sales held under the provisions of this act shall have the same validity, force and effect as tax sales conducted in accordance with the law providing for the regular annual tax sale and in case redemption be not made therefrom, tax deed shall issue the same as in cases of sales under the regular annual tax sale and with the same validity, force and effect. In case, at such resale, real estate is struck off to the county, tax deed shall, if the same is not redeemed, be issued to the county in the same manner as to a private purchaser.

In case, upon such resale, the county acquires real estate upon which there are, in addition to general taxes, either special assessments or hail insurance taxes or both, the county shall, after acquiring tax deed for such property, sell it under the same procedure as in case of property acquired by ordinary tax deed, and out of funds realized upon such sale shall retain first all amounts due for delinquent general taxes, and out of the balance shall pay delinquent hail insurance taxes and delinquent installments of special assessments; and in case there are both hail insurance taxes and delinquent installments of special assessments included in such resale and the amount realized is not sufficient to pay all such amounts in full, then whatever sum is available for such purposes shall be pro-rated among delinquent hail insurance taxes and delinquent installments of special assessments in the proportion which each such delinquent tax or installment bears to the aggregate of all such de-

linquent hail insurance taxes and delinquent installments of special assessments combined. Sales held under the provisions of this Act shall have the effect of cancelling any prior sales covering taxes of the same year or years.

Approved March 10, 1925.

CHAPTER 205

(S. B. No. 79—Storstad.)

LISTING PROPERTY FOR TAXATION PURPOSES

An Act To Amend and Re-enact Section 2093 of the Compiled Laws of North Dakota for the Year 1913 as Amended and Re-enacted by Chapter 228, Laws of 1917, Relating to the Matter of Listing Property for Taxation Purposes.

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

§ 1. AMENDMENT.] Section 2093, Compiled Laws of North Dakota for the year 1913 as amended and re-enacted by Chapter 228, Laws of 1917, be amended and re-enacted to read as follows:

§ 2093. LISTING OF PROPERTY.] All real property subject to taxation shall be listed and assessed every odd numbered year with reference to its value on April first of that year and shall not be reassessed in the following year, except by order of the board of county commissioners or tax commissioner. Property assessed in odd numbered years shall be taxed upon the assessed valuation as equalized by the state board of equalization in such year and in the following year except as herein otherwise provided. All real property becoming taxable in any intervening year shall be listed and assessed with reference to its value on April first of that year.

Personal property shall be listed and assessed annually with reference to its value on April first. In every even numbered year at the time of assessing personal property, the assessor shall also assess all real property that may have become subject to taxation since the last previous assessment, and all buildings or other structures of any kind, whether completed or in process of completion, or improvements on any structures of over one hundred dollars (\$100) in value, the value of which has not been previously added to or included in the valuation of the land or lots on which they have been erected.

Whenever after the first day of April and before the first day of June in any year, it is made to appear to the assessor by the oath

of the owner or owners, that any building, structure or other improvement or tangible personal property, which is listed for taxation for the current year has been destroyed or injured by fire, flood or tornado, he shall investigate the matter and deduct from the valuation of the property of the owner of such destroyed property, an amount which, in his judgment, fairly represents such deduction as should be made; no deduction shall be made on account of damages covered by insurance, or damages amounting to less than one hundred dollars (\$100). In case of an abatement by the board of county commissioners and tax commissioner of the valuation of any parcel of real estate as assessed in an odd numbered year pursuant to Chapter 227, Session Laws of 1917 or acts amendatory thereof, the valuation as abated shall be the assessed valuation in the even numbered year next following, except as otherwise herein provided.

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

Approved March 4, 1925.

CHAPTER 206

(S. B. No. 86—Kaldor.)

TAXATION PERSONAL PROPERTY

An Act To Amend and Re-enact Section 2094 and Section 2122 of the Compiled Laws of 1913, Relating to the Manner of Listing and Assessing Personal Property; to Repeal Sections 2102 and 2103. Compiled Laws of 1913, and Chapter 232, Session Laws of 1915; to Amend and Re-enact Chapter 68, Special Session Laws of 1919 Relating to the Situs of Property for Taxation; to Amend and Re-enact Section 2101, Compiled Laws of 1913, Relating to Time and Place of Listing Taxable Property; and to Repeal all Acts and Parts of Acts in Conflict with this Act.

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

§ 1. AMENDMENT.] Section 2094 of the Compiled Laws of the state of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2094. MANNER OF LISTING PERSONAL PROPERTY.] (1) Every person of full age and sound mind shall list all taxable personal property of which he is the owner or which is in his possession or under his control as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or corporation official.

(2) Every person required by this Chapter to list property shall, when called upon by the assessor, make out and deliver to the

assessor a statement verified by oath, of all the personal property in his possession or under his control, and which by the provisions of this chapter, he is required to list for taxation, either as owner or holder thereof or as a guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent, or corporation official. Such sworn statement shall be in such form and contain such classifications of property as the tax commissioner may prescribe, subject to the supervision of the state board of equalization.

(3) It shall be the duty of the assessor to determine the true and full value of each item of personal property listed for taxation and to add omitted property so that when completed the assessment shall include all the personal property of the taxpayer subject to taxation in his district. In case any person whose duty it is to list property with the assessor shall refuse to list property which it is his duty to list for taxation or shall omit from his statement to the assessor taxable property which it is his duty to list, the assessor shall as a penalty for such refusal or omission, assess such property at an amount twenty-five per cent (25%) in excess of its true valuation. In such cases he shall report to the local board of review the name of the taxpayer, the property with respect to which he has made such additional assessments by way of penalty, and the amounts of such assessments in excess of actual value.

§ 2. AMENDMENT.] Section 2122 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

“§ 2122. ALL PROPERTY TO BE ASSESSED AT FULL VALUE. VALUE, HOW DETERMINED.] All property subject to taxation shall be assessed at its true and full value in money. In determining the true and full value of real and personal property the assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price at which said property would sell at auction or at forced sale or in the aggregate with all the property in the town or district, but he shall value each article or description of property by itself and at such sum or price as he believes the same to be fairly worth in money. In assessing any tract or lot of real property the value of the land, exclusive of improvements, shall be determined; also the value of all taxable improvements and structures thereon, and the aggregate value of the property, including all taxable structures and other improvements, excluding the value of crops growing upon cultivated lands. In valuing any real property upon which there is a coal or other mine or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair voluntary sale for cash.

This section shall not apply to mineral reserves included within the provisions of Chapter 319 of the Session Laws of 1923, and shall not be construed to repeal, amend or in anywise impair the force and effect of Chapter 298, Session Laws of 1923.

§ 3. AMENDMENT.] Chapter 68 of the Special Session Laws of 1919 is hereby amended and re-enacted to read as follows:

“§ 2095. WHERE ASSESSED.] Except as otherwise provided by statute or by the constitution of this state, all taxable tangible personal property shall be assessed in the county, city, township, village or district in which it is situated. ‘Moneyed capital’ within the meaning of Section 5219 of the Revised Statutes of the United States and such other moneys and credits as may hereafter be made taxable by the legislature, including stocks and bonds, other than bank stock, shall be listed and assessed against the owner thereof at his place of business, and if a corporation, at its principal place of business, and if there be no principal office or place of business in this state, then such personal property shall be listed in the assessment district in which the business of the corporation or person is carried on.”

§ 4. AMENDMENT.] Section 2101 of the Compiled Laws of the state of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

“§ 2101. PLACE OF LISTING. HOW DECIDED IN CASE OF DOUBT.] All taxable personal property wherever and whenever found between the first day of April and the first day of June shall be listed by the assessor, and in all questions that may arise under this chapter as to the proper place to list personal property or where the same cannot be listed as stated in this chapter, if between several places in the same county, the place for listing and assessing shall be determined and fixed by the county board; and when between different counties, or places in different counties, by the tax commissioner of the state; and when so fixed shall have the same effect and be as binding as if fixed hereby.”

§ 5. REPEAL.] Sections 2102 and 2103 of the Compiled Laws of the State of North Dakota for the year 1913, and Chapter 232 of the Session Laws of 1915, together with all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved March 3, 1925.

CHAPTER 207

(S. B. No. 151—Tofsrud.)

DELINQUENT PERSONAL PROPERTY TAXES

An Act To Amend and Re-enact Section 2166 of the Compiled Laws of North Dakota for the Year 1913 Relating to Delinquent Personal Property Taxes.

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

§ 1. AMENDMENT.] Section 2166 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2166. DELINQUENT PERSONAL PROPERTY TAXES. WHEN DUE. PENALTY. DISTRESS.] All personal property taxes shall become due on the first day of December in each and every year for which the tax was levied, and become delinquent on the first day of March next after they become due, and thereupon a penalty of five per cent shall attach and be charged upon all delinquent taxes, and thenceforth there shall be a charged interest at the rate of three-fourths of one per cent per month on the original amount of the tax until the same is paid. The county treasurer shall, during the month of January preceding the time when such tax shall become delinquent, give notice of the fact by mailing to each person, firm or corporation, a written notice stating the amount of tax due from each person, firm or corporation, and the date when the same shall become delinquent. On or before the first day of September in each year the county treasurer shall make out a list of the unpaid delinquent personal property taxes, in the same order as they appear on the tax list, and shall, on or before the fifteenth day of September thereafter, notify by mail each of the delinquents that unless such taxes are paid on or before the fifteenth day of October, such taxes will be placed in the hands of the sheriff for collection, and the county treasurer shall on said fifteenth day of October deliver such list of delinquent taxes to the sheriff of his county, who shall immediately proceed to collect all such delinquent personal property taxes, and if such taxes are not paid upon demand he shall distrain sufficient goods and chattels belonging to the person, firm or corporation charged with such taxes if found within the county, to pay the same, with the said penalty of five per cent and all accruing interest and costs, and shall immediately proceed to advertise the same by posting notices in three public places in the town or district where such property is taken, stating the time when, and the place where, such property shall be sold, and the amount of said delinquent tax, together with the penalty and accruing interest, which place of sale shall be at the residence or place of business of the person, firm or

corporation whose goods have been distrained, or in case such person, firm or corporation has no residence or place of business within the town or district where such goods have been distrained then at the place of sale of mortgaged chattel property within such town or district and no personal property shall be exempt from distraint and sale except personal property consisting of household furniture, wearing apparel and necessary provisions belonging to the head of a family to the value of six hundred dollars; and if the tax for which said property is distrained, together with penalty and accrued interest and costs is not paid before the day appointed for such sale, which shall not be less than ten days after the taking of such property, such sheriff or his deputy shall proceed to sell such property at public vendue, or so much thereof as shall be sufficient to pay such taxes, penalty and costs of such distress and sale, and any surplus arising from said sale shall be disposed of as in case of sale of mortgaged personal property. On the first day of each month after receiving such list from the county treasurer such sheriff shall make out and file with the county treasurer a statement of the personal property tax collected by him since the date of his last preceding statement, giving the name, town or district and post office address of each person, firm or corporation from whom collected, and the amount of the tax, including the penalty and interest collected from each, and at the same time turn over to the county treasurer the moneys collected as shown by such statement, and the treasurer shall issue receipts for the same as provided in Section 2157 of the Compiled Laws of North Dakota for the year 1913, mailing such receipt to the person, firm or corporation entitled thereto. Such sheriff shall, at the time of filing such statement with the county treasurer, file a duplicate thereof with the county auditor, and shall on or before the first day of January next after receiving such list from the county treasurer file his annual statement of taxes collected as herein provided, together with the list of uncollected taxes as provided in Section 2169, Compiled Laws of North Dakota for the year 1913; provided that all personal property taxes shall be a lien upon the property assessed from and after the date upon which assessment is made and it shall be the duty of the sheriff when any person to whom personal property shall have been assessed is, in his opinion, about to sell, barter or remove said property from the county, to collect such taxes at any time after the property shall have been assessed. The sheriff shall retain in his office the original delinquent tax list furnished him by the county treasurer, and it shall be his duty to collect at any time any taxes remaining uncanceled, unabated or unpaid, and on sending his notice for each succeeding year he shall include any unpaid balances together with interest, penalties and costs, with the new delinquent amount, and they shall be collected in the same manner as the current delinquent tax.

Approved March 6, 1925.

CHAPTER 208

(S. B. No. 150—Tofsrud.)

TAXATION PUBLIC UTILITIES

An Act To Repeal Sections 2147, 2245, 2252 of the Compiled Laws of the State of North Dakota for the year 1913 Relating to Taxation of Public Utility Property in Unorganized Counties.

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

§ 1. Sections 2147, 2245, and 2252 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.

Approved March 3, 1925.

CHAPTER 209

(H. B. No. 181—Quade.)

TAXATION OF TRANSFERS OF PROPERTY BY WILL, GIFT, INT-
ESTATE LAW

An Act To Amend and Re-enact Section 21 of Chapter 231 of the Session Laws of 1917 as Amended and Re-enacted by Section 21 of Chapter 225 of the Session Laws of 1919 Relating to the Taxation of Transfers of Property by Will, Gift or by Intestate Law.

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

§ 1. AMENDMENT.] That Section 21 of Chapter 231 of the Session Laws of 1917 as amended and re-enacted by Section 21 of Chapter 225 of the Session Laws of 1919 is hereby amended and re-enacted to read as follows:

§ 21. Every petition for ancillary letters testamentary or of administration shall include a true and correct statement of all the decedent's property in this State, with the value thereof.

Approved March 10, 1925.

CHAPTER 210

(H. B. No. 61—Martin.)

REDEMPTION OF REAL ESTATE SOLD FOR TAXES

An Act Providing for a Reduced Rate of Interest Upon Redemption of Real Estate Sold to the County for the Taxes of 1923 or any Prior Year and Still Held by the County, Provided Such Redemption is made on or Before November First, 1925.

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

§ 1. RATE OF INTEREST UPON REDEMPTION.] Real Estate sold to the County for taxes of 1923 or any prior year and still held by the county at the time this act takes effect may be redeemed upon payment of the amount for which it was sold at tax sale together with interest thereon at six per cent (6%) per annum from the date of sale plus the amount of all subsequent taxes held by the county with interest thereon at six per cent (6%) per annum from the date upon which such subsequent taxes became due. No penalty shall, in such cases, be charged either upon the amount for which the land was sold at tax sale nor upon such subsequent taxes. It shall not be required that the 1924 taxes be paid at the time of making such redemption, but, in order to be entitled to redeem at the low rate specified herein, such redemption must be made not later than November first, 1925. The right of redemption given herein shall apply to all real estate purchased by the county and still held by it at the time this act takes effect including cases in which the county may have sold and assigned its tax lien subsequent to the taking effect of this act.

§ 2. REPEAL.] All acts and 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 March 3, 1925.

CHAPTER 211

(S. B. No. 114—Kaldor.)

TRANSFER OF REAL PROPERTY—DUTY OF CO. AUDITOR

An Act To Amend and Re-enact Section 2212 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Session Laws of 1915, relating to the duty of the County Auditor and the requirements of the Transfer of Real Property as to Taxes, Deeds and Other Instruments of Conveyance.

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

§ 1. AMENDMENT.] That Section 2212 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 252 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

§ 2212. When any deed, patent or Final Decree of Distribution 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 and for any other 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, "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, patent or Final Decree of Distribution, 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.] Whereas, an emergency exists in that at the present time it is impossible for a deed or patent to be recorded when taxes on land described therein are due, even though the same are not delinquent, therefore this Act shall be in force and effect from and after its passage and approval.

Approved March 6, 1925.

NOTE: When S. B. No. 114 was under consideration in the Senate, Senator Kaldor on February 7th moved that the word "delinquent" be inserted before the word "taxes" appearing in the certificate by the County Auditor mentioned in the bill. Said motion was carried but the engrossed bill sent to the House did not embody Senator Kaldor's amendment. Hence it appears that the House did not act thereon, and the law as finally passed does not show the word "delinquent" in the County Auditor's certificate as the Senate intended.

CHAPTER 212

(S. B. No. 269—Storstad.)

By Request

SPECIAL ASSESSMENTS

An Act To Amend and Re-enact Section 3704 of the Compiled Laws of North Dakota for 1913 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 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 Sewers) 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 petitions and if after such hearing has been had the city council or city commission shall find such petitions 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 protests and petitions 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 shall not in its resolution declaring such improvement necessary 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 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 a 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 6, 1925.

TRAVEL EXPENSE

CHAPTER 213

(S. B. No. 180—Rusch.)

TRAVEL EXPENSES BOARD OF ADMINISTRATION AND STATE DEPARTMENTS

An Act Regulating the Expenditure of Money for Travel Expenses of Members, Officers and Employees of the Board of Administration and the Institutions Under Its Control, and Certain Departments of the State, and Requiring the Approval of the Board and Governor Therefor.

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

§ 1. Every member, officer and employee of the Board of Administration, who shall necessarily travel on official business, shall be paid the actual expenses thereof by the nearest practicable route, but no expenditure of money for travel expenses to other States, except when authorized by law, shall be made by the said Board, or by any officer, employee thereof, or by any officer, employee or agent of any institution under its control, unless authority therefor shall first be granted by a resolution of the Board, stating the reasons and purposes of such trip, on which the Governor has endorsed his approval.

§ 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, unless authority therefor shall first be granted in writing by the Governor.

Approved March 10, 1925.

TUBERCULOSIS SANITARIUM, DUNSEITH

CHAPTER 214

(S. B. No. 213—Benson.)

LIGHTING PLANT, TUBERCULOSIS SANITARIUM

An Act To Empower and Authorize the Board of Administration to furnish Current from its Lighting Plant at the State Tuberculosis Sanitarium at Dunseith, North Dakota, to the City of Dunseith, North Dakota and the Inhabitants thereof.

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

§ 1. The Board of Administration is hereby empowered and authorized to furnish the City of Dunseith, North Dakota, and the inhabitants thereof electric current for the purpose of light, heat and power, from the electric plant maintained and operated by the State of North Dakota in connection with the State Tuberculosis Sanitarium maintained and operated at said city of Dunseith. Such electric current shall be furnished on such a basis as will in no case result in a loss to the State of North Dakota; provided, that the City of Dunseith will pay for all wiring, make all collections, do all necessary bookkeeping and make payments to the Board of Administration, or its authorized agent, for all current furnished or used by the City of Dunseith or the inhabitants thereof.

Approved March 3, 1925.

WAREHOUSES

CHAPTER 215

(H. B. No. 271—Sanford.)

WAREHOUSE RECEIPTS—PUBLIC TERMINAL ELEVATORS

An Act Requiring all Public Terminal Grain Elevators to Issue Warehouse Receipts for Grain or Other Produce Received, and Prescribing What Such Warehouse Receipts Shall Contain.

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

§ 1. Every public terminal grain elevator shall, on receipt of any grain or other produce, issue a warehouse receipt therefor and

deliver it to the owner, or according to his order. Such receipt shall, in the case of grain, state the following:

- (1) The license number of the terminal grain elevator.
- (2) The name of the terminal grain elevator and its location.
- (3) The name of the licensee and its post office address.
- (4) Whether the receipt is negotiable or non-negotiable.
- (5) That the public terminal grain elevator is licensed and by whom.
- (6) A number which corresponds with the number assigned to the particular lot of the commodity in storage.
- (7) The extent to which the commodity is insured.
- (8) The period for which the commodity is accepted for storage and the terms and conditions under which a new receipt may be issued.
- (9) The marks, if any, the weight or quantity, the grade and condition of the commodity at the time it entered storage.
- (10) If the owner shall request, the receipt shall also show any peculiar value of such grain, or produce, for commercial purposes, such as gluten and protein content.
- (11) That the weight, grade and condition of such grain or produce were determined by inspectors licensed under law.
- (12) The standards according to which the grades were determined.
- (13) The amount of liens and the charges claimed by the public terminal grain elevator.
- (14) If such public terminal grain elevator has an interest in the commodity represented by such receipt, the extent of that interest to be shown on the face of that receipt.
- (15) The date of issuance of the receipt and signatures of the manager of such public terminal grain elevator.

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

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

Approved March 7, 1925.

CHAPTER 216

(H. B. No. 148—Butt.)

STORAGE CHARGES AND INSURANCE ON GRAIN

An Act To Amend and Re-enact Section 3116 of the Compiled Laws of 1913, as Amended by Chapter 342, Session Laws of 1923, Relating to Storage Charges and Insurance on Grain and Prohibiting the Transferring or Assigning of Insurance on Grain and Giving Ticket Holders the First Lien on Proceeds of Insurance and Also Amending and Re-enacting Section 3114, Compiled Laws of 1913, Giving the Owners of Storage Tickets a Prior Lien on all Grain on Hand in Case of Insolvency.

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

§ 1. AMENDMENT.] Section 3116 of the Compiled Laws of North Dakota for 1913 as amended and re-enacted by Chapter 342 of the Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 3116. RATES OF STORAGE.] The charges for storage and handling of grain shall not exceed the following rates: For receiving, elevating, insuring, delivering and twenty days' storage, two cents per bushel. Storage rates after the first twenty days, one-half cent per bushel for each fifteen days or fraction thereof, and not exceeding five cents per bushel for six months.

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, elevator or flour mill shall be transferred or assigned, except insofar as the same shall cover grain not stored, to any person for any purpose whatsoever, and the owners of storage tickets, issued by any elevator, public warehouse or flour mill shall have a first and prior lien and claim to 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.

§ 2. AMENDMENT.] Section 3114 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 3114. BAILMENT NOT A SALE. INSOLVENCY.] Whenever any grain shall be delivered to any person, association, firm or corporation doing a grain, warehouse or grain elevator business 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 first be applied to the satisfaction of receipts issued by such warehouse.

Approved March 10, 1925.

CHAPTER 217
(H. B. No. 166—Vogel.)

PUBLIC TERMINAL GRAIN ELEVATOR

An Act Defining and Establishing the State Mill and Elevator, Located at or near the City of Grand Forks, North Dakota, as a Public Terminal Grain Elevator.

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

§ 1. PUBLIC TERMINAL GRAIN ELEVATOR. DEFINITION.] The State owned Mill and Elevator, located at or near the City of Grand Forks, North Dakota, is hereby declared to be a Public Terminal Grain Elevator and subject to regulation as such.

§ 2. The Board of Railroad Commissioners is hereby authorized, empowered and required to determine and fix the intrastate rates for the transportation of all grain and grain products moving to or from such Public Terminal Grain Elevator within the State of North Dakota as defined in this act. All such rates shall be just and reasonable, and made with a view of recognizing such Public Terminal Grain Elevator as a Public Terminal Market. No rates shall be established until notice has been given and an opportunity afforded all interested parties to appear and be heard.

§ 3. REPEAL.] All acts and 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 March 4, 1925.

NOTE: This chapter carries emergency clause but did not receive the two-thirds vote of the members present in each house as required by law.

See Senate Journal, February 27th, 1925—Page 34.

See House Journal, February 10th, 1925—Page 29.

WILLIAMS COUNTY

CHAPTER 218

(S. B. No. 162—Bakken.)

CONVEYANCE OF CERTAIN LANDS TO WILLIAMS COUNTY

An Act Authorizing the Conveyance of Certain Lands.

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

§ 1. That the Board of Administration of the State of North Dakota is hereby, authorized and directed to convey by quit-claim deed the following described lands and premises, including all buildings, improvements and rights appertaining thereto, and also including all personal property and equipment situate on said premises belonging to the State of North Dakota, save and except such portions of said personal property and equipment as may be selected by the Agricultural College of this State, to-wit: The South Half ($S\frac{1}{2}$) of the Southeast Quarter of the Northwest Quarter ($SE\frac{1}{4}$ - $NW\frac{1}{4}$), the Northeast Quarter of the Southwest Quarter ($NE\frac{1}{4}$ - $SW\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ $SW\frac{1}{4}$), the North Half ($N\frac{1}{2}$) of the Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ $SE\frac{1}{4}$), the Northwest Quarter of the Southeast Quarter ($NW\frac{1}{4}$ $SE\frac{1}{4}$), and the West Half ($W\frac{1}{2}$) of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ $SE\frac{1}{4}$), all in Section Thirteen (13), Township One Hundred Fifty-four (154) North, Range One Hundred and One (101), West of the Fifth Principal Meridian, situated and being in Williams County, North Dakota, to Williams County, North Dakota, a public corporation, said property to be used by said County for the purposes of a county poor farm.

Approved March 6, 1925.

WORKMEN'S COMPENSATION

CHAPTER 219

(H. B. No. 152—Jacobson.)

HOURS OF LABOR FOR FEMALES

An Act To Enact and Re-enact Chapter 170 of the Session Laws of North Dakota for the Year 1919, as Amended by Chapter 346 of the Session Laws of North Dakota for the Year 1923, Being an Act Regulating and Fixing the Hours of Labor of Females and Providing Penalties for the Violation Thereof.

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

§ 1. AMENDMENT.] Chapter 170 of the Session Laws of North Dakota for the year 1919, as amended by Chapter 346 of the Session Laws of 1923, is hereby amended and re-enacted to read as follows:

§ 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment, or an office, or in any express or transportation company, in the State of North Dakota more than eight and one-half ($8\frac{1}{2}$) 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 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 case 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. In case such an emergency exists the Workmen's Compensation Bureau must be at once notified in writing or by telegraph, such notice to

state the full particulars thereof and the probable duration of such emergency and permission must be obtained from such Bureau as soon as practical, who shall determine the duration of such emergency.

§ 2. Any person violating any provisions 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 7, 1925.

CHAPTER 220

(S. B. No. 120—Committee on Insurance.)

WORKMEN'S COMPENSATION BUREAU

An Act To Amend and Re-enact Section 4 of Chapter 162 of the Laws of North Dakota for the year 1919, as Amended by Chapter 145 of the Session Laws of 1921.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 162 of the Session Laws of North Dakota for the year 1919, as amended by chapter 145 of the Session Laws of North Dakota for the year 1921, be and the same is hereby amended and re-enacted to read as follows, to-wit:

§ 4. PARAGRAPH A.] A Workmen's Compensation Bureau is hereby created in the Department of Agriculture and Labor, consisting of the State Commissioner of Agriculture and Labor, the State Insurance Commissioner and three (3) Workmen's Compensation Commissioners to be appointed by the Governor, and the three commissioners so appointed shall devote their entire time to the duties of the Bureau. At the expiration of each of the terms of the members of the bureau as legally constituted, their successors shall be appointed for a term of 5 years. One of the appointees of the said Bureau shall be a representative of labor, and one of the appointees of the said Bureau shall be a representative of the public; 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 other members of the Bureau shall receive a salary of Two Thousand Five Hundred Dollars (\$2,500.00) a year.

PARAGRAPH C.] The Bureau shall be provided with offices in the capitol, or in some other suitable building in the City of Bismarck, at the expense of the Bureau, in which its records shall be kept, and it shall also be provided with necessary office furniture stationery and other supplies. The Bureau shall have a seal for the authentication of its orders, awards and proceedings, upon which shall be inscribed the words, "Workmen's Compensation Bureau, North Dakota, Seal." It shall employ such assistants and clerical help as it may deem necessary, and fix the compensation of all persons so employed; provided, that all such clerical assistants shall be subject to existing laws regulating the selection, grading and compensation of department clerks. The members of the Bureau and its assistants shall be entitled to receive from the fund their actual and necessary expenses while traveling on the business of the Bureau, but such expenses shall be sworn to by the persons who incurred the same, and shall be approved by the Chairman of the Bureau before payment is made.

PARAGRAPH D.] The Bureau may make necessary expenditures to obtain statistical and other information required for the enforcement of this act. The salaries and compensation of the members of the Bureau, of the Secretary and all actuaries, accountants, inspectors, examiners, experts, clerks, physicians, stenographers and other assistants, and all other expenses of the Bureau herein authorized, including rent for offices of the Bureau, and the premium to be paid by the State Treasurer for the bond to be furnished by him, shall be audited and paid out of the Workmen's Compensation Fund and the appropriation herein made in the manner prescribed for similar expenditures in other departments or branches of the state service, provided, however, the same shall not exceed in any one year the sum of Fifty-Five Thousand Dollars (\$55,000.00).

PARAGRAPH E.] The Bureau may make rules not inconsistent with this act for carrying out the provisions of this act. Process and procedure under this act shall be as summary and simple as reasonably may be. The Bureau shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure other than as herein provided; but may make investigation in such manner as in its own judgment is best calculated to ascertain the substantial rights of the parties and to carry out justly the spirit of this act. The Bureau, or any member thereof, shall have the power to subpoena witnesses, administer oaths and to examine such of the books and records of the parties to a proceeding as relate to the questions in dispute, and shall file a report of the same in their office. The Bureau shall cause to be printed and furnished free of charge to any employer or employee such blank forms as it shall deem requisite to facilitate or promote the efficient administration of this Act.

PARAGRAPH F.] A majority of the Bureau shall constitute a quorum for the transaction of business, and a vacancy created by the 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 laws and regulations requiring such employment and place of employment to be safe, and shall issue safety regulations whenever necessary.

PARAGRAPH H.] It is hereby declared to be the intent of this act to restore to industry those injured in the course of employment. The Bureau shall accordingly assist industrial cripples to obtain appropriate training, education and employment, and may cooperate with the Federal Board of Vocational Education for this purpose.

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

Approved March 4, 1925.

CHAPTER 221

(S. B. No. 123—Committee on Insurance.)

CLASSIFICATION OF RISKS WORKMEN'S COMPENSATION

An Act To Amend and Re-enact Section 7 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 It Enacted by The Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 7 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:

§ 7. The Workmen's Compensation Bureau shall classify employments with respect to their degrees of hazard, and shall determine the risks of different classifications, and shall fix the rates of premium for each of said classifications sufficiently high to provide for the payment of the expenditures of the Bureau, the payment of compensation according to the schedules established by this act, and for the maintenance of adequate reserves and surplus by the North Dakota Workmen's Compensation Fund, to the end that such Fund may be kept at all times in an entirely solvent condition.

The Bureau may establish a system of merit rating within any class which will tend to equitable treatment of individual employers.

It shall be the duty of the Workmen's Compensation Bureau, in the exercise of the powers and discretion conferred upon it, ultimately to fix and maintain, for each class of occupation, the lowest possible rates of premium consistent with the payment of compensation according to schedule, the payment of expenditures of the Bureau, the maintenance of a solvent Compensation Fund, and the creation and maintenance of a reasonable surplus after the payment of legitimate claims for injury and death that it may authorize to be paid from the Workmen's Compensation Fund for the benefit of the injured and the dependents of deceased employees, and in order that said object may be accomplished, the Bureau shall observe the following requirements in classifying occupations and fixing the rates of premium for the risks of the same.

It shall keep an accurate account of the moneys paid in premiums by each of the several classes of occupations or industries and the disbursements on account of injuries and death of employees thereof, and it shall also keep an account of the moneys received from each individual employer and the amount disbursed from the Workmen's Compensation Fund on account of injuries and death of the employees of each employer.

Ten (10) per cent of the money that is paid into the Workmen's Compensation Fund shall be set aside for the creation of a surplus until such surplus shall amount to the sum of Fifty Thousand Dollars (\$50,000.00), after which time the sum of five (5) per cent of all the moneys paid into such Workmen's Compensation Fund shall be credited to such surplus fund, until such time as, in the judgment of the Bureau, such surplus shall be sufficiently large to guarantee the Workmen's Compensation Fund from year to year.

Every employer subject to this act shall pay, annually, into the Workmen's Compensation Fund the amount of premium determin-

ed and fixed by the Bureau for the employment or occupation of such employer, the amount of which premium to be so paid by such employer to be determined by the classification, rules and rates made and published by the Bureau; and a receipt or certificate specifying that such payment has been made shall immediately be mailed to such employer by the Bureau, which receipt or certificate, attested by the seal of the Bureau, shall be prima facie evidence of the payment of such premium. The Bureau may make provision so that premiums fall due on different dates to the end that the business of the Bureau may be distributed as evenly as possible throughout the year.

In the event that the amount of premium collected from any employer at the beginning of any premium period is ascertained and calculated by using the estimated expenditures for wages for the period of time covered by such premium payments, as a basis, an adjustment of the amount of such premiums shall be made at the end of said period, the actual amount of such premium to be determined from the actual expenditure of wages for said period.

Whenever a subsequent injury occurs to an employee who has been injured previously in a different employment, the risk of the employer for whom such injured person was working at the time of such subsequent injury shall be charged only with the amount of the awards resulting from such subsequent injury; and whenever such subsequent injury, in connection with a previous injury, results in a permanent total disability, the compensation which is in excess of the amount to which the injured employee would have been entitled solely by the subsequent injury shall be charged to the surplus fund and not to the classification or the risk to which the subsequent injury is charged.

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

Approved March 3, 1925.

CHAPTER 222
(S. B. No. 133—Fleckten.)

DEFINED WORDS AND PHRASES, WORKMEN'S
COMPENSATION ACT

An Act To Amend and Re-enact Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, as Amended by Chapter 142 of the Session Laws of 1921, Defining Certain Words and Phrases Contained in Said Chapter.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 162 of the Laws of North Dakota for the year 1919, as amended by Chapter

142 of the Session Laws of 1921, defining certain words and phrases contained in said chapter, is hereby amended and re-enacted to read as follows:

§ 2. Whenever used in this act: "Employment" includes employment by the state and all political subdivisions thereof, and all public and quasi-public corporations therein, and all private employments.

"Hazardous employment" means any employment in which one or more employees are regularly employed in the same business, or in or about the same establishment, except agriculture and domestic service, and except also any employment of a common carrier by steam railroad.

"Employee" means every person engaged in a hazardous employment under any appointment, or contract of hire, or apprenticeship express or implied, oral or written, including aliens, and also including minors, whether lawfully or unlawfully employed, but excluding any person whose employment is both casual and not in the course of the trade, business, profession or occupation of his employer, and excluding also any executive officer of a business concern who receives a salary of more than twenty-four hundred dollars (\$2,400.00) per year.

"Employer" means the state and all political subdivisions thereof, all public and quasi-public corporations therein, and every person, partnership, association, and private corporation, including any public service corporations, and the legal representative of any deceased employer, or the receiver or trustee of a person, partnership, association or corporation, carrying on a hazardous employment.

"Injury" means only an injury arising in the course of employment, including an injury caused by the wilful act of a third person directed against an employee because of his employment, but shall not include injuries caused by the employee's wilful intention to injure himself or to injure another. The term "injury" includes in addition to an injury by accident, any disease proximately caused by the employment. If the employer claims an exemption or forfeiture under this section, the burden of proof shall be upon him.

"Partial Disability" includes disfigurement resulting from an injury such as to diminish ability to obtain employment.

"Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration.

"Weekly Wages" shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman

during the twelve months preceding his injury; provided that where, by reason of the shortness of the time during which the workman has been in the employment or the terms of the employment, it is impracticable to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade of employment at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district. If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with a large regular wage, only such larger wages shall be taken in consideration in computing his average weekly wages.

"Child" includes step-children, adopted children, posthumous children, and acknowledged illegitimate children but does not include married children unless dependent. "Brother" and "Sister" include step-brothers and step-sisters, half-brothers and half-sisters, and brothers and sisters by adoption, but do not include married brothers nor married sisters unless dependent. All of the above terms and the term "grandchild" include only persons who at the time of the death of the deceased employee are under eighteen years of age or over that age and incapable of self-support. "Parent" includes step-parents and parents by adoption. "Widow" includes only decedent's wife living with or dependent for support upon him at the time of his injury. "Widower" includes only the decedent's husband dependent for support upon her at the time of her injury. "Adopted" and "adoption" includes only legal adoption prior to the time of the injury.

Any term shall include the singular and plural and both sexes where the context so requires.

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

Approved March 4, 1925.

CHAPTER 223

(S. B. No. 122—Committee on Insurance.)

WORKMEN'S COMPENSATION

An Act To Amend and Re-enact Section 3 of Chapter 162 of the Session Laws of North Dakota for the year 1919, Known as the Workmen's Compensation Law, as Amended by Chapter 141 of the Session Laws of North Dakota for the Year 1921.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the

Workmen's Compensation Law, as amended by Chapter 141 of the Session Laws of North Dakota for the year 1921, 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 total disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages.

D. If the injury cause temporary partial disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined, and the North Dakota Workmen's Compensation Fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages for the following periods:

For a one per cent disability.....	5.2 weeks
For a ten per cent disability.....	52. weeks
For a twenty per cent disability.....	104. weeks
For a thirty per cent disability.....	156. weeks
For a forty per cent disability.....	208. weeks
For a fifty per cent disability.....	260. weeks
For a sixty per cent disability.....	312. weeks
For a seventy per cent disability.....	364. weeks
For a eighty per cent disability.....	416. weeks
For a ninety per cent disability.....	468. weeks

and the Bureau shall immediately fix and file its schedule of specific benefits to be allowed for specific injuries; but such schedule shall not be changed more than once in each year. The Bureau shall not decrease, but may, in any case, and for cause shown, increase such specific benefits.

F. The weekly compensation for total disability shall not be more than Twenty Dollars (\$20.00) nor less than Six Dollars (\$6.00), unless the 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 was 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.

(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 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, twenty-five per cent; if both are wholly dependent, twenty per cent to each; if one or both are partly 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 widow, widower 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.

(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, ten 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 per cent.

(g) The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death of the employee, unless before that time, he, if a grandparent, dies, marries or ceases to be dependent, or, if a brother, sister, or grandchild, 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 grandchild 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 per-

sons 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 of 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.

H. In case of death or of permanent total or if permanent partial disability, and if the Bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 week's compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

I. If death results from the injury within six years, the North Dakota Workmen's Compensation Fund shall pay to the personal representative of the deceased employee burial expenses not to exceed One Hundred Fifty Dollars (\$150.00).

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

Approved March 3, 1925.

CHAPTER 224

(S. B. No. 127—Committee on Insurance.)

REPORTS OF NAMES OF SCHOOL DISTRICT CLERKS TO WORKMEN'S COMPENSATION BUREAU

An Act To Amend and Re-enact Chapter 353 of the Session Laws of North Dakota for Year 1923, Requiring Reporting of Names of School District Clerks to the Workmen's Compensation Bureau.

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

§ 1. AMENDMENT.] That Chapter 353 of the Session Laws of North Dakota for the year 1923 be and the same is hereby amended and re-enacted to read as follows:

§ 1. Between the dates of September 1st and September 15th of each and every year the County Superintendent of Schools shall report to the Workmen's Compensation Bureau of North Dakota the name and address of the clerk of each school district within said county, together with the name and number of the school district of which such person is the clerk.

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

Approved March 3, 1925.

CHAPTER 225

(S. B. No. 132—Committee on Insurance.)

LIABILITY UNINSURED EMPLOYERS

An Act To Amend and Re-enact Section 11 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law.

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

§ 1. AMENDMENT.] That Section 11 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workman's Compensation Law, be and the same is hereby amended and re-enacted to read as follows:

§ 11. Employers subject to this act who shall fail to comply with the provisions of Sections Six (6) and Seven (7) hereof, shall not be entitled to the benefits of this act during the period of such

noncompliance, but shall be liable to their employees for damages suffered by reason of injuries sustained in the course of employment, and also to the personal representatives of such employees where death results from such injuries, and in such action the employer shall not avail himself or itself of the following common law defenses: The defense of the fellow-servant rule, the defense of the assumption of risk, and the defense of contributory negligence.

Such employer shall also be subject to the provisions of Section Eight (8).

Any employee, whose employer has failed to comply with the provisions of Sections Six (6) and Seven (7) hereof, who has been injured in the course of his employment, wheresoever such injury has occurred, or his dependents, in case death has ensued, may, in lieu of proceeding against his employer by civil action in Court, file his application with the Workmen's Compensation Bureau for an award of compensation in accordance with the terms of this act, and the Bureau shall hear and determine such application for compensation in like manner as in other claims before the Bureau; but the amount of the compensation which said Bureau may ascertain and determine to be due to such injured employee, or to his dependents in case death has ensued, together with reasonable costs and attorneys fees allowed by the Bureau, shall be paid by such employer to the person or persons entitled thereto within thirty days after receiving notice of the amount thereof as fixed and determined by the Bureau. In the event of the neglect, failure or refusal of the employer to pay such award within said thirty days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed, which, together with such further costs and attorney fees as may be allowed by the Court, may be recovered in an action in the name of the State for the benefit of the person or persons entitled thereto; and no exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

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

Approved March 3, 1925.

CHAPTER 226

(S. B. No. 124—Committee on Insurance.)

PAYMENT WORKMEN'S COMPENSATION PREMIUM AND COLLECTION ON DEFAULT

An Act To Amend and Re-enact Section 8 of Chapter 162 of the Session Laws of North Dakota for the Year 1919, Known as the Workmen's Compensation Law, as Amended by Chapter 144 of the Session Laws of North Dakota for the Year 1921, and as Further Amended by the Session Laws of North Dakota for the Year 1923.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 162 of the Session Laws of North Dakota for the year 1919, known as the Workmen's Compensation Law, as amended by Chapter 144 of the Session Laws of North Dakota for the year 1921, and as further amended by the Session Laws of North Dakota for the year 1923, be and the same is hereby amended and re-enacted to read as follows:

§ 8. The Bureau shall determine the amount of premium due from every employer subject to the provisions of this act for the twelve months next succeeding the date of expiration of a previous period of insurance or next succeeding the date at which the Bureau receives information that an employer is subject to the act. The Bureau shall then order such premium to be paid into the fund, and shall mail a copy of such order to the employer. Such mailing shall constitute notice to the employer of the amount due.

If the total amount of premium specified in such order amounts to more than One Hundred Dollars (\$100.00), the employer may have the option of paying the same in two or four installments. If he elects to pay in semi-annual installments, no payment shall be less than Fifty Per Cent (50%) nor less than Fifty Dollars (\$50.00); if he elects to pay in quarterly installments, no payment shall be less than Twenty-five per cent (25%) nor less than Fifty Dollars (\$50.00); and interest shall be added to all deferred payments at the rate of Five (5) per cent per annum.

Whether paid in full, or in installments, the first payment shall be in default one (1) month from the date of the Pay-in-order. Subsequent installment payments shall be in default, respectively; in semi-annual payments, six months from the date of the Pay-in-order, and in quarterly payments, three months, six months and nine months from the date of the Pay-in-order.

In all cases of installment payment the employer shall file, within Thirty (30) days after the date of the Pay-in-order, a satisfac-

tory bond, guaranteeing the payment of all deferred installments prior to the date of default, and guaranteeing, further, the payment of penalties and court costs in the event that such installments are not paid prior to date of default.

In case any employer defaults in the payment of any premium, or any installment thereof, or in the filing of any bond, as herein required, penalties shall attach as follows: One (1) per cent for the first Fifteen (15) days of default, but not less than Three Dollars (\$3.00); Two (2) per cent for the next Fifteen (15) days of default, but not less than Five Dollars (\$5.00); and Three (3) per cent for the next Thirty (30) days of default not less than \$10.00 and 3% for each 30 days of default thereafter.

Within ten (10) days after any such default the Bureau shall cause to be certified to the Attorney General of North Dakota the name and place of business of the employer so in default, together with the amount of premium and penalties accrued, and it shall be the duty of the Attorney General forthwith to bring, or cause to be brought, suit for the collection of said premium and penalties, together with further accruing penalties, in the Courts of Burleigh County, North Dakota, or in the Courts of any County in which such employer is engaged in business; and, in such suits, it shall be unnecessary to comply with the provisions of Chapter 38 of the Session Laws of North Dakota for the year 1921, and acts amendatory thereof, known as the Conciliation Law.

The payment of any judgment rendered in any such action, or the voluntary payment of the amount of premium, penalties and costs prior to judgment, shall entitle the employer, and the employees of such employer, to the benefits of the act from the date of such Pay-in-order. If the judgment cannot be paid in full, the Bureau shall determine the date upon which the right of the employees to participate in the fund shall cease.

Any judgment obtained in any action under this act shall be a prior lien over all other judgments and liens, except those now in existence and cases arising under this Section shall have precedence over all other civil actions.

This act shall not operate retrospectively, and all rights and liabilities and causes of action that have accrued to the date on which this law becomes effective shall be governed by the law in force at the time the rights or obligations in controversy arose.

If the defendant is a non-resident of North Dakota, or a foreign corporation doing business in this State, service of summons may be made upon any agent, representative or foreman of said defendant within the state, or service may be made in any other manner designated by statute.

In any action the remedies of garnishment or attachment, or both, shall be available, and no exemptions except absolute exemptions shall be allowed against any levy under execution pursuant to judgment recovered in such action.

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

Approved March 6, 1925.

CONCURRENT AND JOINT RESOLUTIONS

JOINT RESOLUTION

(Joint Committee on Agriculture.)

CONGRESSIONAL AID FOR PROTECTION OF AMERICAN FARMER

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

WHEREAS, Congress, has through special legislation, in the form of protective tariff, protected the product of labor and industry from the competition of foreign peoples and has so saved the American market for the products of American labor and American industry, and made possible the American standard of prices, which is far in excess of the standard of world markets, and

WHEREAS, Congress has, through special legislation, known as restricted immigration, protected the American laborer from the disastrous competition of foreign peoples and has so saved the American job for the American laborer, and made possible the maintenance of the American Standard of wages, and

WHEREAS, the said special classes of legislation have afforded such ample and effective protection to the American Laborer and the American manufacturer as to, quoting our President in his message to Congress, "enable them to live according to a better standard and receive a better rate of compensation than any people, any time, anywhere on earth have ever enjoyed,"

WHEREAS, the protection so afforded to American labor and American manufacturers, supporting for them an American standard of prices for their products, has forced upon the American

farmer an American standard of prices for the things he must buy, the taxes he must pay and the labor he must hire,

WHEREAS, protective tariffs for agricultural products are almost wholly ineffective, where the product is produced in excess of demand for home consumption,

WHEREAS, American Agriculture does produce an exportable surplus of all of the major products of agriculture and the American farmer, therefore, finds himself almost wholly unprotected from that disastrous competition of foreign peoples,

WHEREAS, The American farmer, is therefore, forced to sell his product on the low standard of world prices in open competition with the South American Indian, the peon of India, the peasant of Russia, whose overhead represents the lowest standards of living in the world, and is at the same time forced to buy his necessities from a protected market, at an American standard of prices, bolstered up and sustained behind the protective tariff and restricted immigration walls,

WHEREAS, this unbalanced condition is chiefly responsible for the distressed condition of Agriculture, a condition which has now continued for over four years, and has brought actual bankruptcy upon thousands of farmers and upon business enterprises, wholly dependent upon the farmers' prosperity, having in countless instances swept away the accumulated savings of a lifetime,

WHEREAS, The present better prices of some farm commodities represent only a temporary and local condition, and the fundamental cause of the distress has not been removed,

WHEREAS, the direct cause of this unbalanced condition was, and is, the effect of the two protective measures above referred to, in that they have protected and made possible the maintenance of the high American standard of prices, of the products of American labor, and of the American manufacturer, which constitute the necessities the farmer must buy, while he is afforded no effective protection from foreign competition and, therefore, must accept the low world standard of prices for the things he has to sell,

WHEREAS, this condition is unwarranted, unfair, and un-American, wherein two of the basic branches of American industry have and maintain, through the direct effect of legislation, an advantage over the third,

WHEREAS, we believe the protective policy is sound in principle and if fairly administered, destined to greatly increase the public welfare,

WHEREAS, the farmer is forced, for the preservation of his home and his inalienable right to justice as an American citizen, to

demand the abandonment of the policy or its adaption to existing conditions,

BE IT RESOLVED, by the House of Representatives, the Senate Concurring:

THAT, we respectfully urge that Congress, during its present Session, pass and place upon our Statute books, such legislation as will effectively give to agriculture the same protection as is now afforded to industry and labor and

WHEREAS, the protective tariff does not protect Agricultural products because of the exportable surplus, that Congress devise some effective method of segregating the exportable surplus, or some means whereby the Agricultural industry may itself segregate its surplus, to the end that the protection may be made effective on, and that the American market be saved for the product of the American farmer, and an American standard of agricultural commodity prices made possible,

THAT, the Secretary of State transmit this Memorial to the President of the United States, to both Houses of Congress and to the Senators and Representatives therein, and to the Legislatures of all the Agricultural states.

Filed March 7, 1925.

(O. H. Olson and Magnuson.)

FEDERAL AID TO COOPERATIVE ENTERPRISES
A JOINT RESOLUTION

A Joint Resolution Requesting Congress to Enact Suitable Legislation to Protect the Farmer's Market and Reduce his Marketing Cost.

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

WHEREAS, Agriculture is entitled to equal protection with industry and labor, and the export surplus should not be allowed to fix the domestic price and nullify tariff provisions ostensibly enacted for the benefit of agriculture,

AND WHEREAS, it is essential to successful co-operation that the local and terminal marketing machinery be co-operatively owned and operated by the producers,

BE IT RESOLVED, by the Legislative Assembly of the State of North Dakota, that Congress be requested to enact suitable legisla-

tion, for the immediate benefit of agriculture, providing a practical method of segregating and disposing of the surplus in order that the American farmer may sell at an American price and share with industry and labor equal protection against foreign prices.

BE IT FURTHER RESOLVED, that Federal aid be directed to the acquisition and operation by co-operatives of the local and terminal facilities essential to co-operative marketing, and that the market places of the great staples be opened to all buyers and sellers without discrimination and subject only to legal restrictions.

AND BE IT FURTHER RESOLVED, that a duly authenticated copy of this resolution be transmitted 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 March 2, 1925.

(Concurrent Resolution—G. W. Morton.)

FEDERAL AID TO HIGHWAYS

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

WHEREAS, a condition exists in the United States and in every State in the Union, which is causing great hardship upon the taxpayers and the citizens of the United States, and has its foundation in the Federal Aid for the building of highways, through moneys appropriated by the Congress of the United States, and that it is resulting in extravagant mismanagement and heavy taxation upon citizens and property owners, who are not financially able to bear the burden; and

WHEREAS, since such Federal aid is given only when managed through a State and is given only when heavy appropriations are made by a State, which can only be given when heavy appropriations are made by a County, that a vicious chain is created, because each state feels that it must maintain a costly and extravagant State Highway Commission in order to obtain the benefits of the Federal aid. Each County feels that in order to obtain the benefits of the Federal and State aid it must maintain an expensive, costly and extravagant machinery for the administration of such road building, and must appropriate large sums of money which its citizens are

financially unable to meet, and that since the Federal aid is given, the State feels that it is going to be a heavy loser in comparison with other States unless it maintains the Highway Commission and makes the appropriation, and each County in the State feels that it will be a heavy loser as compared with other Counties unless it makes heavy appropriations, and the result is that the United States is extravagant, and is laying a burden upon its citizens; each state is extravagant, laying a burden upon its citizens; each county is extravagant, laying a burden upon its citizens; and that the result is that as long as the United States Government continues to give Federal aid there can be no lasting relief from the excessive burden of taxation imposed, and the extravagant expenditure of public moneys, and the burden of taxation upon its people without adequate return, and the expenditure of money beyond the means of the people to meet the burden in the payment of taxes;

NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Legislative Assembly of the State of North Dakota, the Senate Concurring; that we do hereby memorialize the Congress of the United States and respectfully urge that Congress take immediate action towards a repeal of the Federal aid for State Highways, to the end that the extravagant mismanagement and ill advised expenditure of moneys by each State and County in the United States be eliminated, and that a more rational and sane and more carefully supervised expenditure of money be worked out by each local community.

BE IT FURTHER RESOLVED; that the Secretary of State of North Dakota send a copy of this resolution to the President of the Senate and the Speaker of the House of Representatives in Congress and to the Speaker of the House and the President of the Senate in each and every state in the union and also to the members of Congress and Senators from North Dakota.

Filed March 3, 1925.

(Concurrent Resolution—W. E. Martin.)

NORTH DAKOTA GRAIN GRADING CASE

Calling upon the Supreme Court of the United States to expedite and hand down its decision in the action of The Farmers Grain Company of Embden, a corporation, et al, against Geo. F. Shafer, as Attorney General of the State of North Dakota, involving The North Dakota Grain Grading Act, initiated and enacted by the people of the State of North Dakota on November 7, 1922 and which became a law on December 7, 1922.

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

WHEREAS, the people of the State of North Dakota initiated and enacted An Act declaring the purpose of the State of North Dakota to supervise and regulate the marketing of farm products; preventing unjust discrimination, fraud and extortion in the marketing of same; establishing a system of grading, weighing and measuring farm products; defining the scope and manner of such supervision and the powers and duties of the persons charged with same; providing for licensing buyers, solicitors, and warehouses handling such farm products; and making an appropriation therefor on November 7, 1922, and which became a law on December 7, 1922, and known as "The North Dakota Grain Grading Act," set forth at page 549 of the Laws of N. D., 1923; and,

WHEREAS, the State of North Dakota and its officials were enjoined from enforcing said Grain Grading Act by the service of papers upon them on December 9, 1922, issued out of the United States District Court, at Fargo, North Dakota, in the action entitled The Farmers Grain Company of Embden, North Dakota, a corporation, et al, vs. Geo. F. Shafer, as Attorney General of the State of North Dakota, et al; and that at the hearing thereof on January 5, 1923, at Fargo, North Dakota, a decision was rendered by the said United States District Court permanently enjoining the State of North Dakota and its officials from enforcing said Grain Grading Act, and,

WHEREAS, the State of North Dakota and its officials took an appeal from the said decision direct to The Supreme Court of the United States immediately after the same was rendered; and that thereafter and on the 5th day of May, 1924, was advanced on the calendar of that Court, argued and fully submitted for that Court's decision to finally determine whether or not said Act was unconstitutional or any of the provisions thereof invalid; and that no decision has yet been rendered by said Court; and,

WHEREAS, it has been a great detriment and a great loss to the grain growers of the State of North Dakota in the loss of adequate protection for the balance of the unmarketed crop during the year 1922, and all of the crop and grain for the years 1923-24; and that during this period the farmers and grain growers of this state, who produce an enormous amount of grain, have lost millions of dollars through unjust regulations and discriminations through inadequate protection in the marketing and selling of their grain; and,

WHEREAS, we are assembled in the Nineteenth Session of the Legislative Assembly of the State of North Dakota and will be in session for a period of only sixty days, from the sixth day of January, 1925; and that another session of this Legislature will not convene again for two years; and that the great body of grain growers of our state will be without adequate protection in the marketing and selling of their grain for another two years if the United States Supreme Court should hold that the said Grain Grading Act is unconstitutional in any of its provisions and not render its decision while this Legislative Assembly is still in session, so as to enable it to pass any remedial laws to meet the requirements of said decision; if it should be so held, that the whole law is unconstitutional or any of its provisions,

NOW, THEREFORE, BE IT RESOLVED, that the Senate of the Nineteenth Legislative Assembly of the State of North Dakota, the House of Representatives concurring, that we do hereby memorialize the Supreme Court of the United States and respectfully petition the said Supreme Court and all of the Judges thereof to render an immediate decision in the aforesaid action now pending before it for final determination, so that this Legislative Assembly may be enabled at once to pass any remedial legislation which may be required to meet the provisions of said decision, if any, and to give the grain growers of this state the protection which they are entitled to.

BE IT FURTHER RESOLVED, that the Secretary of the Senate send at once a copy of this resolution, by registered mail, to the Chief Justice of the Supreme Court of the United States, and the Clerk of the United States Supreme Court.

(Rusch.)

INTERSTATE BRIDGES—Joint Resolution

Relating to Inter-state Bridges across Rivers Forming Boundary Lines Between North Dakota, Minnesota, Wisconsin and South Dakota.

WHEREAS, The State of North Dakota is engaged in constructing a system of highways connecting the principal cities and villages

of this state with others and connecting at the boundary lines of this state with the main highways of states adjoining North Dakota, and the states of Minnesota, Wisconsin, and South Dakota are likewise engaged in constructing a system of highways in such states for similar purposes; and

WHEREAS, The Red River forms a part of the boundary between North Dakota and Minnesota and many of the main highways of this state are connected with the highway system of Minnesota by inter-state bridges; and

WHEREAS, One of the great objects of the improvement of the highway systems of this and other states is to provide for safe and rapid communication, trade and travel between the several states, and the federal government has extended aid to the several states, in the construction of good roads therein for the purpose of promoting inter-state travel and commerce, and it is therefore essential to such inter-state travel and commerce between states that such inter-state bridges be constructed and maintained and kept in repair; and

WHEREAS, It appears to be necessary and proper that inter-state bridges should be constructed and maintained in part at least by the several states whose highway systems are connected thereby; and

WHEREAS, It is desirable that substantially similar legislation be enacted, if practicable, by the State of North Dakota, Minnesota, South Dakota, and Wisconsin, touching the construction and maintenance of such inter-state bridges; and

WHEREAS, The state of Minnesota has passed a joint resolution favoring the appointment of five members from their legislature to act with a like committee from North Dakota, South Dakota and Wisconsin, to enact legislation touching upon the construction and maintenance of such interstate bridges.

NOW, THEREFORE, BE IT RESOLVED, by the Senate, the House of Representatives concurring, that a committee consisting of five, three to be appointed by the Speaker of the House of Representatives and two by the President of the Senate, consider and report such legislation as should be enacted touching upon the subject of inter-state bridges in conjunction with a like committee from Minnesota, South Dakota and Wisconsin, they to report to the legislatures of their respective states such legislation in relation to such inter-state bridges as may be deemed necessary and proper.

BE IT FURTHER RESOLVED, That a duly authenticated copy of this resolution be forwarded to the legislatures of the states of Minnesota, South Dakota and Wisconsin.

Filed February 9, 1925.

(Concurrent Resolution—A. A. Peck.)

CONSTITUTIONAL AMENDMENT—COMPENSATION AND PER
DIEM 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 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.

Filed March 6, 1925.

(Joint Resolution—Root.)

LIVE STOCK SHIPPERS

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

We respectfully ask that the Honorable Board of Interstate Commerce Commission order the railroads doing business in the State of North Dakota to issue return transportation to all shippers of live stock who ship one or more cars of livestock to any livestock market in the United States.

Filed March 11, 1925.

(Joint Resolution—Ettestad.)

CONSTITUTIONAL AMENDMENT—ELECTION OF STATE
OFFICIALS

A Joint Resolution to Amend and Re-enact Section 82 of Article 3 of the Constitution of the State of North Dakota, Providing for the Election of State Officials.

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

That the following amendment to Section 82 of Article 3 of the Constitution of the State of North Dakota be agreed to and submitted to the qualified electors of the State for approval or rejection in accordance with the provisions of Section 202 as amended, of the Constitution of the State of North Dakota.

[AMENDMENT.] That Section 82 of the Constitution of the State of North Dakota be amended to read as follows:

§ 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.

Filed February 19, 1925.

(Concurrent Resolution—Boyd and Twichell.)

HOSPITAL FOR TUBERCULAR VETERANS

We, the 19th Legislative Assembly of the State of North Dakota, beg leave to report to General Frank T. Hines, Director of the United States Veterans' Bureau and Chairman of the Hospital Board thereof that;

WHEREAS, the said 19th Legislative Assembly of the State of North Dakota is advised that the Tenth District Hospital Location Committee having considered the matter of the location of hospital accommodations for tubercular veterans within the Tenth District, has recommended to the Hospital Board of the United States Veterans' Bureau that a 200-bed hospital be located at Fargo, North Dakota,

THEREFORE, Be it resolved by the House of Representatives of the 19th Legislative Assembly of the State of North Dakota, the Senate concurring, that this Legislative Assembly express their appreciation of this recommendation and recognition of the need, welfare and rights of veterans of the World's War afflicted with tuberculosis and residing within the State of North Dakota and the territory most convenient to a hospital so located; and this Assembly does most earnestly and respectfully petition General Frank T. Hines, Director of such Veterans' Bureau and Chairman of the Hospital Board thereof, that such recommendation be approved and complied with, and a hospital for tubercular veterans residing in this State and in the extensive territory convenient to the said city of Fargo, be located at said City of Fargo, and that the same be constructed and opened for the care of such patients at as early a date as is practical; that a copy of this concurrent resolution be properly engrossed, signed by the Speaker of the House and the President of the Senate, and be mailed to General Hines.

Filed January 27th, 1925.

(Concurrent Resolution—Swett.)

REPORTS INDUSTRIAL COMMISSION AND STATE EXAMINER

Be It Resolved by The House of Representatives of the State of North Dakota, The Senate Concurring Therein, That

WHEREAS, Section 6 of Chapter 151 of the Session Laws of 1919, provide as follows:

"The Industrial Commission shall prepare an annual report and file it in the office of the Secretary of State not later than the first day of February of each year. The report shall contain an itemized account of its expenditures, and a complete and detailed financial statement of each utility, industry, enterprise and business project under its control, showing fully all items of income and disbursements and liabilities of every nature for the calendar year ending December 31st next preceding. The report shall also set forth a list of all persons in the employ of the Commission, with the name of each person drawing a salary under its authority, the amount of the salary and all other emoluments received, and the fund from which drawn." And

WHEREAS, Section 23 of Chapter 147 of the Session Laws of 1919, provides as follows :

"The State Examiner shall personally or through deputy examiners visit the Bank of North Dakota at least twice annually, and shall inspect and verify the assets in its possession and under its control, with sufficient thoroughness of investigation to ascertain with reasonable certainty whether the valuations are correctly carried on its books. He shall investigate its methods of operation and accounting. He shall report the results of each such examination and investigation to the Industrial Commission as soon as practicable, and to the Legislative Assembly at its next ensuing session, and as provided in paragraph numbered 5, of Section 5146 of the Civil Code, Compiled Laws of 1913, to the State Banking Board." And

WHEREAS, The State Examiner and the Industrial Commission have failed or neglected to make the reports required to be made by them to this Legislative Assembly in accordance with Section 6 of Chapter 151, Section 23 of Chapter 147; And

WHEREAS, It is of vital importance that the members of this Legislative Assembly and the people of this State should know the financial condition of our industrial institutions; Therefore

BE IT RESOLVED, That the State Examiner and the Industrial Commission are requested to forthwith submit to the Legislative Assembly the reports required of them by the above mentioned sections of the Industrial Commission, Bank of North Dakota and Mill and Elevator Acts, or inform this Legislative Assembly why the provisions of these Acts have not been complied with.

Filed March 11, 1925.

(Concurrent Resolution—Hamilton.)

ROOSEVELT NATIONAL PARK

Memorializing the Congress of the United States to Take Steps Toward the Establishment of a National Park in Billings County, North Dakota, Embracing the Wonderful Petrified Forest There Located, to be Called Roosevelt Park.

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

We, the Nineteenth Legislative Assembly of the State of North Dakota, beg leave to represent to your honorable bodies:

FIRST: That there is in the western part of North Dakota, lying within the boundaries of Billings, Golden Valley, Slope and McKenzie counties, a tract of land bordering the Little Missouri River, that is marvelous in its geological formation and configuration as the result of subterranean coal fires, sinking in of the surface, and the washings and slides of the ages, the whole forming a scenic beauty alike weird and attractive. Here are seen the stratas in many colors, of the world's progressive deposits, among which many prehistoric animal remains have been found, together with the fossils of periods long before the time of man, the peaks, precipices, slides and washouts presenting a picture even now attracting tourists from all over the country.

SECOND: That in this section is found a petrified forest, the like of which, we are informed, does not exist upon the American continent, in fact that all over this region are found the remains, in petrified and crystallized form, of two distinct forests that thrived in periods probably millions of years apart, and brought to view as the surfaces are uncovered by the washings of the ages. This petrified forest lies in a region of superb, though rugged beauty, and is unlike others in that respect. Thousands of stumps are found here, some of the stumps being as large as 14 feet in diameter, and many rest on tall columns of clay, resembling the pillars of a ruined temple. It is a veritable wonderland of growths that existed in the time of the huge animal and vegetable life of the early world periods, and much of these remains will be destroyed or carried away by visitors unless properly protected.

THIRD: That here can even now be seen Nature continuing her work of transforming prairie land into "Bad Lands" through the burning of the coal far beneath the surface, and the dropping of the upper earth crust hundreds of feet into the great caverns created by the fires, leaving a weird and awesome landscape. The

smoke from these hidden fires creeps up through crevasas and in places, far down, a dropped cartridge can be heard exploding, while everywhere great piles of red scoria tell of clay burned to a brick-like substance and furnishing a splendid roadmaking material.

FOURTH: That in the valleys of this region are frequent groves of pine, quaking aspens, cedars, ash, cottonwood and box elder trees, and an abundance of wild fruits, together with a flora undiscovered elsewhere in the Northwest. The region contains many springs of fine water from which rivulets are formed that flow down the swales and valleys to the river, thus affording a good water supply for livestock or wild animals, there being deer and antelope now in that region, with capacity for feeding thousands more of these or other wild game. Flowing artesian wells can be had for the digging.

FIFTH: That it was here that Theodore Roosevelt had his cattle ranches in the early days of the territory of Dakota, and where undoubtedly he imbibed many of the characteristics of those who lived in the great open spaces and which gave him the broad outlook that ever characterized his later life. And it is partly in memory of him and because this region presents itself as a great natural outing place or playground for those who love Nature or seek its fantastic wonders that we respectfully memorialize you, the Congress, to set aside so much of this region as may be deemed necessary for the creation by act of Congress a national park and to make an appropriation of a sum sufficient for its purchase, and we would respectfully suggest that such park, if created, be called the Roosevelt Bad Lands National Park. And we would call attention to the fact that less than five per cent of this land is susceptible to cultivation, that considerable of it is still in government ownership and that the balance can be acquired at a very small expense.

SIXTH: And we further call your attention to the fact that the Yellowstone Trail, a great transcontinental highway, touches this region at its southern end; that the National Parks Highway, another great transcontinental highway, passes through it, and that the Roosevelt Highway passes by its Northern end, making it easy of access by the thousands of tourists who travel back and forth through North Dakota each year. And we also call your attention to the fact that in 1924 over 100,000 tourists in about 25,000 cars passed over the National Parks Highway alone, hundreds of whom made the necessary detour through the proposed park region to view its beauties and the petrified forest, even taking saddle horses to reach its more inaccessible beauties. And we still further call your attention to the fact that between the Park Region of Northern Minnesota and the Yellowstone Park there is no other place of national park standard where tourists may vary their journey by a glimpse of one of Nature's most peculiar achievements.

NOW, THEREFORE, BE IT RESOLVED, That a copy of this memorial be sent by the Secretary of State of North Dakota to the President of the United States, to the Secretary of the Interior, to each house of Congress, to the North Dakota senators and congressmen and to the Director of the National Parks Service, all of Washington, D. C., and that we request our congressional delegation to use their every effort to secure passage of a bill creating said national park.

Filed March 10, 1925.

(Concurrent Resolution—Stevens.)

SALARIES DEPUTIES, ETC. STATE DEPT'S. AND BOARDS

WHEREAS, There are certain deputies and other subordinate officers and employees in the employ of the State Departments, Boards and Commissions, whose salaries are fixed and determined and the number of whom are limited by statute, and

WHEREAS, the appropriations made for the salaries of such deputies, employees and subordinate officers by the Nineteenth Session of the Legislative Assembly of the State of North Dakota, in various instances, increased the amount of such salaries as well as the number of such deputies, employees and subordinate officers for the biennium commencing July 1, 1925, and

WHEREAS, the action of the Legislature in so doing may be confusing to the disbursing officers of the State.

NOW THEREFORE, BE IT RESOLVED, by the Senate of the State of North Dakota, the House of Representatives concurring:

That, it is the intention of the said Legislative Assembly that where and when in its appropriations it has varied from the statutes of the State relative to the salaries and the number of deputies, employees and subordinate officers of State Departments, Boards and Commissions that the number thereof and the salary of each shall be as fixed in the appropriations provided for the biennium commencing July 1, 1925.

Filed March 10, 1925.

(Concurrent Resolution—Yeater.)

LOCATION OF STATE OFFICES IN CITY OF BISMARCK

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

WHEREAS, A number of state offices and state institutions are now located at various places in the city of Bismarck, and the State is paying a large rental for such offices;

WHEREAS, The State of North Dakota now has a lease upon the four-story brick building occupied by the Bank of North Dakota, and office space in said building is available for all state offices in the City of Bismarck outside of the capitol building on a basis that would save the state a large amount of money;

THEREFORE, BE IT RESOLVED by the House of Representatives, the Senate concurring, that the Industrial Commission, the Workmen's Compensation Bureau and the Board of Administration be, and they are hereby requested and directed to forthwith cause all the departments of the state government located in the City of Bismarck outside of the capitol grounds, to be moved to the building now occupied by the Bank of North Dakota, if the same can be done to advantage and if suitable arrangements cannot be made with the owners of the said building that steps be taken to arrange for other permanent quarters for all of said departments including the Bank of North Dakota.

Filed March 11, 1925.

(Concurrent Resolution—Fine, Jones, Arduser.)

ERADICATION OF SOW THISTLE

WHEREAS, The weed known as perennial Sow Thistle has been by the laws of this State declared a noxious weed and a common nuisance and statutes have been enacted looking to and requiring the eradication thereof;

AND, WHEREAS, Proper steps have not been, and are not now being, taken to eradicate this Sow Thistle by any owner of premises infested therewith; and whereas, railroad companies traversing territory where Sow Thistle has appeared have failed to eradicate

the same from their right-of-way and other lands; the Federal authorities having control of Indian lands, have neglected and failed to take steps to destroy this menace to the agricultural interests of a considerable portion of the State; county commissioners, weed commissioners and township officials, and others having the enforcement of these laws are not properly enforcing the same or taking steps to eradicate Sow Thistle.

NOW, THEREFORE, Be it resolved by the House of Representatives of the Nineteenth Legislative Assembly of the State of North Dakota, the Senate Concurring:

That these provisions of law and the necessity of the eradication of Sow Thistle, be and they are hereby called to the attention of the railroad companies operating within the State, of the Federal authorities having the care and control of all Indian and public lands within the State, of the several boards of county commissioners, of weed commissioners and township boards; that these owners and custodians of land infested with Sow Thistle, and these public officials above referred to, together with the officials of the Agricultural College of North Dakota, all county agents, and all others engaged in agricultural extension work, be and they are, hereby requested and solicited to take any and all steps necessary to the eradication of such Sow Thistle upon the premises owned by them or under their custody and control, or within the county or township of which they may be respectively officials; and this legislative body would by this concurrent resolution call the attention to all such persons and to all parties interested in agriculture in the State of North Dakota, to the serious menace of perennial Sow Thistle and to the fact that in case of its encroachment upon agricultural land not being halted, and proper and timely steps made for its eradication, thousands upon thousands of acres of the best farming land in the State will be rendered unfit for the purposes of agriculture.

BE IT FURTHER RESOLVED that copies of this concurrent resolution be properly engrossed and enrolled in sufficient numbers, and furnished to the Secretary of State to be by him mailed promptly to the president of every railroad company owning land or right-of-way within the State, to the Secretary of Agriculture and the Commissioner of Indian Affairs at Washington, D. C., and to the chairman of the board of county commissioners of each county in the State.

Filed March 7th, 1925.

VETOES

(H. B. No. 241.)

(Watt.)

BUDGET

An Act To Amend and Re-enact Section 3 of Chapter 61 of the 1915 Session Laws, Relating to the Filing of Itemized Statements Required by the State Budget Board.

VETO

March 11th, 1925.

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith file House Bill No. 241, being an act to amend and re-enact Section 3 of Chapter 61, of the 1915 Session Laws relating to the filing of itemized statements required by the State Budget Board, without my approval, for the following reasons:

This bill would work a special hardship on the State Hail Insurance Department, which is not a clerical department but a business institution, with risks and expenditures varying greatly from year to year. It is impossible to estimate the cost of operating this department not being able to foresee the expenses involved in the adjustment of losses and the cost of operating the department, because the number of claims vary from year to year. This is true, also, regarding the other departments affected by 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 3 of Chapter 61 of the 1915 Session Laws be amended and re-enacted to read as follows:

§ 3. STATEMENT OF DESIRED APPROPRIATIONS TO BE FILED WITH THE STATE AUDITOR.] Not later than August first of each year next preceding the session of the legislative assembly, the State Auditor shall send to the head of each department of this state government, the State Hail Insurance Department, the State Highway Department, The Workmen's Compensation Bureau, and to each

officer, board or commission, in charge of any educational, charitable, penal or other institution or undertaking, supported wholly or in part by appropriations from the State Treasury, a suitable blank form to be filled out by such head of state department, officer, board or commission, with an itemized statement of the amount of money which such head of state department, officer, board or commission considers necessary for the proper maintenance, extension or improvement of the department, institution or undertaking in his or their charge, during the two fiscal years next ensuing. Such head of state department, officer, board or commission, shall return said blanks, properly filled out, on or before the first day of October of each year next preceding the session of the legislative assembly, to the State Auditor, together with such data and statements as may be necessary to fully and clearly explain the purposes and need of any appropriation which is requested by such head of state department, officer, board or commission.

Vetoed March 11, 1925.

(H. B. No. 280.)

(Butt.)

OPEN SEASON FOR GAME BIRDS.

An Act To Amend and Re-enact Section 33, Chapter 161, Session Laws of 1915, as Amended by Chapter 122, Session Laws of 1917, as Amended by Section 4, Chapter 134, Session Laws of 1919, Relating to Game Birds and Fixing the Open Season for Killing Same.

VETO

March 11th, 1925

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith file House Bill No. 280, being an act to amend and re-enact Section 33 of Chapter 161, Session Laws of 1915, as amended by Chapter 122, Session Laws 1917, as amended by Section 4, Chapter 134, Session Laws of 1919, relating to Game Birds and fixing the open season for killing same, without my approval for the following reasons:

The changing of the hunting season to the late date shown by this bill is disapproved by the majority of the sportsmen of the state. Such change in date will eliminate to a large extent the first

duck hunt of the season because of the change in weather conditions which usually takes place at the end of the month of September.

Very truly yours,

A. G. SORLIE,
Governor.

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. That Section 4, Chapter 134, Session Laws of 1919 is hereby amended and re-enacted so as to read as follows:

§ 4. GAME BIRDS, SEASON FOR KILLING.] No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to anyone, have in possession with intent to sell, or have in possession or under control at any time, any turtle dove, snipe, prairie chicken, pinnated, white-breasted or sharp-tailed grouse, quail, partridge, Chinese ring neck or English Pheasant, Hungarian partridges, wild duck of any variety, wild goose of any variety, brant of any variety, or aquatic fowl, or any part thereof, except: First, that any snipe, wood cock or golden plover may be killed or had in possession between the 24th day of September and the 1st day of November, both inclusive following: Second, that any prairie chicken or grouse may be killed or had in possession between the 24th day of September and the 1st day of November, both inclusive following; provided, however, that no snipe, prairie chicken, grouse, wood cock or golden plover shall be placed in cold storage; Third, that any wild duck, wild goose or brant of any variety may be killed or had in possession between the 24th day of September and the 31st day of December, both inclusive, following. Any person violating the provisions of this section shall be punished by fine of not less than \$25.00 or more than \$50.00 and cost of prosecution or by imprisonment in the county jail for not less than twenty days or by both such fine and imprisonment, in the discretion of the court, for each and every bird killed or destroyed contrary to the provisions of this section.

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

Vetoed March 11, 1925.

(H. B. No. 281.)
(Committee on Game and Fish)

HUNTING WITH DOGS

An Act To Amend and Re-enact Section 27 of Chapter 161, Session Laws of 1915, as Amended by Chapter 134, Session Laws of 1919, as Amended by Chapter 224, Session Laws of 1923, Relating to Hunting with Dogs.

VETO

March 11th, 1925

TO THE HONORABLE THE SECRETARY OF STATE:

I herewith file House Bill No. 281 being an act to amend and re-enact Section 27 of Chapter 161, Session Laws of 1915, as amended by Chapter 134, Session Laws of 1919, as amended by Chapter 224, Session Laws of 1923, relating to hunting with dogs, without my approval for the following reason:

In my opinion the present game laws relating to hunting with dogs are sufficient to protect the game of the state, and that to prohibit the use of a dog simply for the purpose of retrieving is unwise.

Very truly yours,

A. G. SORLIE,
Governor

Be It Enacted By The Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] Section 27 of Chapter 161, Session Laws of 1915, as amended by Chapter 134, Session Laws of 1919, as amended by Chapter 224, Session Laws of 1923 is hereby amended and re-enacted to read as follows:

§ 27. DOGS, USE OF.] No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs.

No person shall hunt, pursue, train, run or retrieve with any dog or dogs, the pinnated, sharp-tailed, sage or ruffled grouse, ring-necked pheasant, Hungarian partridges, quail, or other upland game birds.

Provided, that this section shall not be construed as prohibiting the use of dogs for retrieving water birds, including any or all of the several species of ducks and geese which it is lawful to hunt and kill.

Any person violating this section shall upon conviction be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or by imprisonment in the county jail for not less than fifteen days nor more than ninety days, or by both such fine and imprisonment, for first conviction, for any subsequent violation and conviction the penalty to be imposed shall be double that for the first conviction.

Vetoed March 11, 1925.

REFERRED MEASURES

CHAPTER 204

PARTISAN ELECTIONS.

(H. B. No. 285—Session Laws of 1923)

An Act to Provide for the Nomination and Election of Candidates for the Offices of Presidential Electors, United States Senator, and Members of Congress; For Electing Delegates to National Party Conventions, National Committeeman and for the Apportionment and term of Office and the Nomination and Election of Party Precinct Committeemen; To provide for Forms of Ballots and Requirements of new parties with Reference thereto; And to Repeal Sections 501 of the Revised Code of 1899, Section 601 of the Revised Code of 1905 and Sections 857, 859, 889, 901a, 910, 912, 917, 918, 919, and 971a, of the Compiled laws of North Dakota for the year 1913, and All Other Acts or Parts of Acts that are in Conflict with the Provisions Hereof.

Disapproved, March 18th, 1924. 54867 to 65747.

CHAPTER 205

NONPARTISAN ELECTIONS

(S. B. No. 233—Session Laws of 1923)

An Act to amend and Re-enact Chapter 117 of the Laws of North Dakota for the year 1919, Relating to the Nomination and Election of all Elective County Officers, Judges of the Supreme and District Courts, State Superintendent of Public Instruction, and County Superintendent of Schools, Without Requiring a Declaration as to Party Affiliation, and a Separate Ballot for County Officials;

Extending the Law so as to Apply to all State Officials and Members of the Legislature and County Official Newspaper; Changing Petition Requirement; Providing for filing of Vacancies and for Designation of Principles supported by candidates for State and Legislative Office, and repealing Sections 904, 905, 906, 907, 908, 909, 917, 918 and 919 of the Compiled Laws of 1913 and Chapter 117 of the Session Laws of 1919.

Disapproved, March 18th, 1924. 53914 to 66621.

CHAPTER 208

PARTY CENTRAL COMMITTEES

(H. B. No. 282—Session Laws of 1923)

An Act to Amend and Re-enact Section 890 of the Compiled Laws of North Dakota for 1913 Relating to Selection, Organization, Time and Place of Meeting of County and State Central Committees of Political Parties.

Disapproved, March 18th, 1924. 53449 to 64093.

CHAPTER 300

BANK STOCK TAXES

(S. B. No. 375—Session Laws of 1923)

An Act validating taxes assessed against bank stock in the years 1919, 1920, 1921 and 1922, authorizing boards of county commissioners and the tax commissioner to compromise such taxes upon bank stock for 1919, 1920 and 1921, as have not been paid, and confirming and ratifying such settlements as have been made.

Said section two of said act reads as follows: "Section 2. Boards of County Commissioners and the tax commissioner are hereby authorized to compromise and settle taxes assessed upon bank stock for the years 1919, 1920, 1921, which have not already been compromised, settled and paid upon the same basis of settlement upon which nearly all of the banks of the state have paid taxes for such years. The settlement of the taxes upon bank stock for the years 1919, 1920 and 1921, heretofore made by the tax commissioner and carried into effect by boards of County Commissioners is in all things hereby ratified and confirmed."

Disapproved, March 18th, 1924. 56717 to 64189.

CONSTITUTIONAL AMENDMENTS

CHAPTER 177

(Session Laws 1923)

ARTICLE 41

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

Adopted March 18, 1924—70447 to 49762.

CHAPTER 178

(Session Laws 1923)

ARTICLE 42

§ 182. The State may issue or guarantee the payment of bonds, provided that all bonds in excess of two million dollars shall be secured by first mortgage upon real estate in amounts not to exceed one-half of its value; or upon real and personal property of state owned utilities, enterprises or industries, in amounts not exceeding its value, and provided further, that the state shall not issue or guarantee bonds upon property of state owned utilities, enterprises or industries in excess of ten million dollars.

No further indebtedness shall be incurred by the state unless evidenced by a bond-issue, which shall be authorized by law for certain purposes, to be clearly defined. Every law authorizing a bond issue shall provide for levying an annual tax, or make other provision, sufficient to pay the interest semi-annually, and the principal within thirty years from the date of the issue of such bonds and

shall specially appropriate the proceeds of such tax, or of such other provisions to the payment of said principal and interest, and such appropriation shall not be repealed nor the tax or other provisions discontinued until such debt, both principal and interest, shall have been paid. No debt in excess of the limit named herein shall be incurred except for the purpose of repelling invasion, suppressing insurrection, defending the state in time of war or to provide for the public defense in case of threatened hostilities.

Adopted March 18, 1924—64996 to 57345.

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