

# LAWS

PASSED AT

THE SIXTEENTH SESSION

OF

## Legislative Assembly

OF THE

STATE OF NORTH DAKOTA

---

BEGUN AND HELD AT BISMARCK, THE CAPITAL OF SAID  
STATE, ON TUESDAY, THE SEVENTH DAY OF  
JANUARY, A. D. 1919, AND CONCLUD-  
ING MARCH FIRST, 1919

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BISMARCK TRIBUNE, STATE PRINTERS





**6** \_\_\_\_\_

Page	Line	
2.....	8	Word "to" should be "by".
16.....	2	Word "sum" should be "sums".
18.....	1	of Sec. 1, word "appropriation" should be "appropriations".
18.....	3	of Sec. 2, omit word "in".
23.....	17	of Sub-division No. 11, should read as follows:
		Miscellaneous, (Telephone rentals and tolls, 250 500
		telegrams and 100 200
		express) 50 100
26.....	7	Word ("deficit") should be ("and deficit").
69.....	21	"Bertillion Dept. and Escape" should read "Bertillion Dept. and Escape Expense".
73.....		Last line, Chapter 58, should read "Approved March 6, 1919".
83.....	17	Insert word "and" after word "bar".
86.....	18	Insert word "official" after word "own".
91.....	19	Word "of" should be "to".
92.....	2	of title, Chapter 75, word "Thereof" should be "Therefor".
93.....	3	of title, Chapter 77, should read as follows: "Placing Such Child in a Foster Home or Institution, or to Place, Receive, or Retain Such Child in a Foster Home or Institution, and to"
94.....	17	Word "imprisonment" should be "imprisoned".
138.....	9	First word should be "his".
143.....		Last line, insert word "be" after word "shall".
145.....	31	Should read as follows: "More Counties, Apportionment of Cost.) Whenever it shall be"
145.....	42	Word "are" should be "as".
162.....	25	Insert word "be" after word "to".
166.....	30	Word "exceptions" should be "exemptions".
174.....	15	Word "violated" should be "violation".
183.....	18	Word "of" should be "or".
183.....	33	Word "of" should be "or".
187.....	6	Word "designated" should be "designating".
207.....	1	Word "be" should be "he".
235.....	16	of Sec. 3, "(c)" should be "(d)".
246.....	9	Word "it" should be "is."

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

## AUTHENTICATION

---

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

I, Thomas Hall, Secretary of State, hereby certify that the laws contained in this volume are true and correct copies of the original enrolled bills passed at the Sixteenth Session of the Legislative Assembly of the State of North Dakota, beginning January 7th, 1919, and terminating March 1st, 1919, now on file in this office, with the exception of clerical errors.

In Testimony Whereof, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this twenty-sixth day of May, 1919.

(SEAL)

THOMAS HALL,  
Secretary of State.

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# THE LAWS

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## ACTIONS

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### CHAPTER 1.

(S. B. No. 1—Fraser.)

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#### DISTRICT COURT—CHANGE OF JUDGES IN CIVIL ACTION.

**An Act to Amend and Re-enact Section 7644 of the Compiled Laws of North Dakota for the Year 1913, Relating to Change of Judges in Civil Action in the District Court for Prejudice or Bias of Judge Thereof; Providing for the Calling in of Another Judge of Another Judicial District, and the Payment of His Expenses, and the Discharge of Jurors Therein.**

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

Sec. 1. FOR PREJUDICE OR BIAS.) When either party to a civil action pending in any of the District Courts of the State shall after issue joined and before the opening of any regular, special or adjourned term at which the cause is to be tried file an affidavit stating that he has reason to believe and does believe that he cannot have a fair and impartial trial or hearing before the Judge of the District Court by reason of the prejudice or bias of such Judge, the Court shall proceed no further in the action and shall thereupon be disqualified to do any further act in said cause.

Sec. 2. AFFIDAVIT OF PREJUDICE. BY WHOM MADE.) Such affidavit shall be made by the party to the action desiring such change of Trial Judge or by his attorney.

Sec. 3. AFFIDAVIT TO BE FILED.) Such affidavit with two copies thereof shall be filed with the Clerk of the Court in which the action is pending. Upon the filing of such affidavit the Clerk shall immediately give notice thereof to the Judge so disqualified by delivering to him a copy of such affidavit. Said Clerk shall promptly forward to the Clerk of the State Supreme Court a copy of such affidavit.

Sec. 4. THE SUPREME COURT TO DESIGNATE TRIAL JUDGE.) The Supreme Court shall upon receipt of such affidavit of prejudice from the Clerk of the District Court designate a District Judge to act in the place and stead of the Judge disqualified.

Sec. 5. EXPENSES OF JUDGE.) Any Judge of the District Court designated by the Supreme Court to act in said cause

shall as soon as possible after receiving such notice from the Supreme Court and during said term, unless otherwise agreed by the parties to said action, proceed with the trial of said cause, first giving reasonable notice of the date of trial to the parties to said action or their attorneys, and the actual expenses of such incoming Judge shall upon the furnishing of a voucher therefor by said Judge to the State Auditor be approved for payment and paid to the State Treasurer out of the General Fund.

Sec. 6. JURORS NOT TO BE EXCUSED BY DISQUALIFIED JUDGE.) After the filing of such affidavit of prejudice with the Clerk of the District Court no juror shall be excused except for good cause shown to the incoming judge and by such incoming judge.

Sec. 7. NUMBER OF CHANGES ALLOWED.) Not more than one change shall be granted on the application of either party.

Approved January 27, 1919.

## CHAPTER 2.

(H. B. No. 39—Wog.)

### CERTIFICATION OF QUESTIONS OF LAW TO SUPREME COURT IN CERTAIN CASES.

An Act to Provide for the Certification of Questions of Law to the Supreme Court in Civil and Criminal Cases Where the Determination of Such Questions may Determine the Issues in a Cause at Issue.

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

Sec. 1. Where any cause is at issue, civil or criminal, in any District Court or County Court with increased jurisdiction, in this State and the issue of the same will depend principally or wholly on the construction of the law applicable thereto and such construction or interpretation is in doubt and vital, or of great moment in the cause, the Judge of any such Court may, on the application of the attorney or attorneys for Plaintiff or Defendant in a civil case, and upon the application of the attorney for the Plaintiff and Defendant in a criminal cause, halt all proceedings until such question or questions shall have been certified to the Supreme Court and it or they have been determined.

Sec. 2. In all actions both civil and criminal, the matter of certifying questions shall be in the sound discretion of the Trial Judge, and the Supreme Court may refuse to consider the same if it or they are frivolous, or are merely interlocutory in their nature, or otherwise not of sufficient importance to determine the issues in the cause at bar.

Sec. 3. In all causes certified under this Act so much of the record as may be necessary to a clear understanding of the pending issues shall be sent to the Supreme Court, and briefs as pro-

vided in other matters shall be made and filed and oral arguments, if desired, shall be heard in all cases. In criminal causes the record shall be certified at the expense of the State or County in case of indigent defendants.

Approved February 14, 1919.

### CHAPTER 3.

(H. B. No. 35—J. J. O'Connor.)

#### CIVIL ACTION—PLACE OF TRIAL.

An Act to Amend and Re-enact Section 7415 of the Compiled Laws of North Dakota for the Year 1913, Providing the Place of Trial of Civil Actions.

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

Sec. 1. AMENDMENT.) That Section 7415 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows.

Sec. 7415. WHERE SUBJECT MATTER IS.) Actions for the following causes must be tried in the county in which the subject of the action or some part thereof is situated, **subject to the power** of the Court to change the place of trial in the cases provided by statute.

1. For the recovery of real property, or of an estate or interest therein, or for the determination in any form of such right or interest, and for injuries to real property.

2. For the partition of real property.

3. For the foreclosure of a mortgage of real property.

4. For the recovery of personal property distrained for any cause.

5. All actions brought on a policy of insurance to recover for loss or damage to the property insured shall be tried in the County or Judicial Subdivision where such property is situated at the time of its loss or damage.

6. All actions against any domestic corporation shall be tried in any County or Judicial Subdivision designated in the complaint and in which the Defendant Corporation transacts business.

Approved February 14, 1919.

## ADJUTANT GENERAL

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### CHAPTER 4.

(H. B. No. 104—Committee Military Affairs.)

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#### SALARY AND EXPENSES OF ADJUTANT GENERAL.

**An Act to Amend and Re-enact Sections 2360 and 2360a of the Compiled Laws of North Dakota for the Year 1913, Relating to the Salary and Expenses of the Adjutant-General.**

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

Sec. 1. That Section 2360 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2360. AMENDMENT.) The Adjutant-General shall be in control of the military department of the state. He will perform such duties as pertain to the Adjutant-General and other chiefs of staff departments, under the regulations and customs of the United States Army. He will superintend the preparation of all returns and reports required by the United States from the state and will perform all the duties prescribed for him in this military code.

1. He shall keep a register of all the officers of the militia of the state, and keep in his office all records and papers required to be kept and filed therein, and make a report on or before the thirty-first day of December in each year to the Governor, including a detailed statement of all the expenditures for military purposes during that year.

2. He shall, at the expense of the state, when necessary, cause the military law, the general regulations of the state, and Articles of War of the United States, to be printed, indexed and bound in proper and compact form and distributed to the commissioned officers of this state at the rate of one copy to each, and to each commissioned officer and headquarters he shall issue one copy of the necessary text books and of such annual reports concerning the militia as the Governor may direct.

3. He shall cause to be prepared and issued all necessary blank books, blanks, forms and notices required to carry into full effect the provisions of this Chapter. All such books and blanks shall be and remain the property of the state.

4. The seal now used in the office of the Adjutant-General shall be the seal of his office, and shall be delivered by him to his successor.

5. The Adjutant General may have the necessary clerks and

employees and as many laborers as may be required from time to time.

6. In order that the National Guard of the State may receive the benefit of the funds provided by Congress, it shall be the duty of the Adjutant-General of the State to submit a plan of proposed field or camp service of instruction prepared by the commanding officer of the National Guard for the ensuing year, with an estimate of funds required for payment, subsistence and transportation of the portion of the National Guard participating therein, said estimate to furnish the details and to be made out in the form required by instructions from the Secretary of War.

7. He shall make such regulations relating to the preparation of reports and returns, and to the care and preservation of property for military purposes, whether belonging to the State or to the United States, as in his opinion the conditions demand, such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instruction.

8. The Adjutant-General shall, in addition to other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States, establishing their claims, without fee or commission.

9. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall, under the direction of the Governor, be disposed of by the Adjutant-General at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the English language in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the Governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall from time to time, render to the Governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the Governor may direct. He shall be responsible for all the arms, ordnance, accoutrements, equipments, and other military property which may be issued to the state by the Secretary of War in compliance with law; and it shall thereafter be his duty to prepare return of said arms and other property of the United States at the times and in the manner requested by the Secretary of War. He shall, upon the order of the Governor, turn into the Ordnance Department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts and such other necessary accoutrements and equipments, the property of the United States and now in possession of the state, which may be replaced from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped under the instructions from the Secretary



of War, to the designated arsenal or depot at the expense of the United States, and when the National Guard of the State shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accoutrement of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in possession of the state, to be transferred and shipped as above directed.

10. He shall issue and cause to be issued all military property and make purchase for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the Governor. Purchases of property not exceeding one hundred dollars in value shall be made in such manner as the Adjutant-General shall direct. If such purchase requires an expenditure exceeding one hundred dollars, and not exceeding five hundred dollars, he shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder. If such purchase shall require the expenditure of a sum exceeding five hundred dollars he shall publicly advertise, for not less than ten days, for sealed proposals for the furnishing of such property. Such proposals shall be publicly opened by the Adjutant-General at the place, day and hour designated in such advertisement. The Adjutant-General shall, if the Governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the Adjutant-General. The Adjutant-General is authorized and directed whenever, in his opinion, it shall be to the interest of the state, to require a party who shall agree or contract to furnish such property, to give bond to the people of the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case default is made, such bond shall be prosecuted by the Attorney-General and all moneys recovered shall be applied by the Adjutant-General to the benefit of the National Guard. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer detailed for that purpose by the commanding officers of the National Guard, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract. In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger, or other exigency, the Governor may, upon the certificate of the commanding officer of the National Guard, temporarily suspend the operation of this paragraph and direct the Adjutant-General to purchase such military property as may be required in open market. He shall report such action, with the reason therefor, and a statement of the property pur-

chased and the prices paid therefor, to the Legislature at its next session.

11. He shall render annually to the Governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition and other military property on hand or issued.

12. He shall keep in his office a list of the retired officers of the organized militia, showing their age, military experience and training. He shall annually request the commandant of cadets of the agricultural college and state university to furnish him with the names of two graduates qualified to act as officer, and shall request from any other state educational institution that maintains an efficient military department, the name of one graduate similarly qualified. The names of the persons so reported to him, together with any others designated by the War Department of the United States, shall be added to the list of persons eligible for appointment as officers. In case of a call upon the Governor of North Dakota by the President of the United States for volunteers, all regiments organized in addition to the then organized militia of North Dakota, shall be officered above the rank of second lieutenant by officers selected and commissioned by the Governor by and with the advice of the Adjutant-General, from the persons whose names are listed in the Adjutant-General's office under this section, or from the officers and non-commissioned officers of the organized militia; provided, that no person shall be commissioned colonel of a volunteer regiment who has not served at least two years as a field officer in either the organized militia or volunteers or as a captain or field officer in the regular army of the United States, and that no person shall be commissioned major in volunteer regiment who has not served at least two years as either captain or first lieutenant in either the organized militia, volunteers or regular army of the United States.

Sec. 2. That Section 2360a of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2360a. AMENDMENT.) The Adjutant-General shall, in addition to his other duties, organize and conduct a bureau of pensions, for the purpose of assisting ex-soldiers or sailors, residents of the state, who may apply for pensions on account of wounds or disability incurred in the service of the United States, in establishing their claims without fee or commissions. The salary of the Adjutant-General shall be \$2,700 per annum, which, with the necessary expenses incurred in conducting the bureau of pensions, office and clerk hire, furniture, light, fuel, postage and other office expenses, shall be paid from the general fund by warrants drawn by the State Auditor on the State Treasurer, on the order of the Governor.

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

Approved March 5, 1919.

## CHAPTER 5.

(H. B. No. 98—Committee Military Affairs.)

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QUALIFICATIONS OF ADJUTANT GENERAL.

An Act Amending Section 2373, Compiled Laws of North Dakota for 1913, Relating to the Qualifications of the Adjutant General; Providing for His Appointment by the Commander-in-Chief and Providing for the Appointment of Colonels, and Majors of Battalions and the Election of Commissioned Officers of Lower Rank.

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

That Section 2373, Compiled Laws of North Dakota for 1913, be amended and re-enacted to read as follows:

Sec. 1. That the Adjutant-General shall have personal charge of his office at the State Capitol and shall be appointed by the Commander-in-Chief from the commissioned officers of the National Guard of this state and such Generals shall have been a commissioned officer in active service in the Guard of this state for a period of at least three years immediately preceding his appointment, and the Judge Advocate and Pay Master shall be appointed from the commissioned officers of the National Guard of this state, each of whom shall have been a commissioned officer of the National Guard for a period of at least three years immediately preceding the appointment. Colonels and Majors of battalions shall be appointed according to seniority and Captains and Lieutenants of batteries or companies shall be elected by members of those organizations who shall have performed during the period of not more than twelve months immediately preceding the election, if such organization has been in existence for such period, at least sixty per cent of the duties required of them. Provided, that if an organization shall not have been in service for a period of twelve months immediately preceding the date of election, then those voting shall be required to have performed sixty per cent of duty for the time organized.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency and shall be in full force and effect from and after its passage and approval.

Approved March 5th, 1919.

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## AMUSEMENTS

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### CHAPTER 6.

(S. B. No. 74—Miklethun.)

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#### LICENSING AND INSPECTION OF POOL HALLS, THEATRES, ETC.

**An Act to License, Regulate and Supervise the Licensing and Inspection of Pool and Billiard Rooms, Ball and Pin Alleys, Dance Halls, Theatres, Moving Picture Shows, Taxicab Stands, and Places where Soft Drinks are Sold; Providing Fees therefor, Inspectors, Office Help and Supplies thereof; Defining Powers and Duties and Repealing All Acts and Parts of Acts Inconsistent Therewith.**

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

Sec. 1. LICENSE.) No pool hall, billiard room, ball alley or pin alley, dance hall, theatre, moving picture show, taxicab stand, or any place where soft drinks are sold, or public hall, owned privately and used for public purposes, shall be opened, maintained, operated or conducted within this state unless the owner, proprietor or managing agent thereof shall first secure a license so to do in the manner herein prescribed.

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

Sec. 3. DUTIES OF THE ATTORNEY GENERAL.) The Attorney General shall prepare the form of such application, shall furnish

the same upon request to any applicant and shall require every applicant to whom a license is granted to pay the fee prescribed. He shall examine into or cause to be examined into the qualifications of every applicant seeking to be licensed and the fitness and suitability of the place desired to be licensed and shall upon application properly filed and the payment of the license fee prescribed, a license herein mentioned for a period of one year to be conducted as a public place of business for operating a pool hall, billiard room, ball alley or pin alley, theatre, moving picture show, any place where soft drinks are sold, taxi-cab stands, or public hall, and shall cause such place to be inspected and the laws enforced thereon by inspectors appointed by him and shall furnish necessary office equipment and supplies and pay for the same out of the Attorney General Inspector Fund.

Sec. 4. APPOINTMENT OF INSPECTORS.) The Attorney General shall be authorized to appoint a state inspector, two deputy state inspectors and one stenographer, the latter also to be bookkeeper to aid him in carrying out the purposes of this Act, who shall hold office during the pleasure of the Attorney General and such inspectors shall have charge of the Licensing Department herein described in the office of the Attorney General and under the direction and control of the Attorney General and such license inspectors shall each receive a salary in the sum of \$2,500 a year and necessary expenses and shall give bond to the state in the sum of \$5,000.00, such bond to be issued in the State Bonding Fund, conditioned for the faithful performance of their duties and the fees thereof to be paid by the Licensing Department into such Bonding Fund and the stenographer shall receive \$1,200 a year. The said state inspectors shall possess all of the powers of a police officer anywhere in this state, shall have authority to visit and inspect any of the places herein mentioned and as police officer make arrests for violation of any laws of this state and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violations of laws in this state and of places being conducted contrary to law or constitutions of this state.

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

Sec. 6. LICENSE FEE. HOW DISPOSED OF. HOW DISBURSED.) All license fees herein prescribed shall be paid to the state inspector under the direction and supervision of the Attorney General and by him paid promptly to the State Treasurer who shall keep all such moneys in a special fund to be known as the Attorney General Inspector License Fund. Out of this fund shall be paid all salaries and expenses of the Attorney General incurred in carrying out, maintaining and enforcing the provisions of this Act, all of which shall be paid monthly upon warrant and voucher drawn and audited by the auditing board as now provided by law; provided, however, that such salary and expenses shall be payable only out of such fund and shall not be in excess thereof and provided further that any money of such fund unexpended on July 1, 1921, and every two years thereafter, shall be turned into the General Fund of the state.

Sec. 7. LICENSE FEES.) The annual license fees for such places herein described, are as follows: Any owner, manager or proprietor of a taxicab stand, \$50 per year; for pool and billiard rooms \$5 per table per year; for ball alleys and pin alleys, \$5 per alley per year; for dance halls, \$25 per year; for public hall privately owned, \$25 per year; for theatres and moving picture shows, \$50 per year; for any place where soft drinks are sold, \$5 per year; provided, that where a taxicab stand, pool or billiard room, ball or pin alley, dance hall, public hall privately owned, theatre or moving picture show is not located in any incorporated city, but is operated in a village or rural district, the license fee shall be for a taxicab stand, \$15 per year; for pool and billiard room \$5 per table per year; for ball and pin alleys, \$5 per alley per year; for dance halls, \$10 per year; for public hall privately owned, \$10 per year; for theatres or moving picture shows, \$10 per year; for any place where soft drinks are sold, \$5 per year; provided, that where a dance hall, theatre, or moving picture show are operated in one building under the same management, one license shall be sufficient.

Sec. 8. OFFICERS.) This Act shall not be construed to relieve any state, county, city, village or township officer from any duty now or hereinafter enjoined upon him by law; nor from the keeping of the peace in all public places named in this Act.

Sec. 9. REPEAL.) All Acts and parts of Acts vesting power to license, regulate, control and supervise the licensing and inspecting of all such public places named in this Act and in conflict therewith are hereby repealed.

Sec. 10. PENALTY.) Any person who shall violate this Act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100 or be confined in the County Jail not to exceed ninety days, or by both such fine and imprisonment.

Sec. 11. EMERGENCY.) Whereas, an emergency exists in this that it is necessary for the immediate preservation of the public

peace, health and safety that this law shall become effective without delay for the reason that at the present time there exists no law providing for adequate regulation and inspection of public places named herein resulting in wide-spread lawlessness and danger to life and limb; therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1919.

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## APPEALS

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### CHAPTER 7.

(H. B. No. 108—Patterson.)

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#### ABSTRACTS AND BRIEFS UPON REPEAL.

An Act to Amend and Re-enact Section 7847 of the Compiled Laws of North Dakota for the Year 1913, Relating to Abstracts and Briefs Upon Appeal to the Supreme Court, and Repealing Acts or Parts of Acts in Conflict Therewith.

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

Sec. 1. AMENDMENT.) That Section 7847 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted so as to read as follows:

Sec. 7847. PRINTING OF ABSTRACTS NOT REQUIRED. PREPARATION OF BRIEF, FILING THEREOF.) Upon any appeal to the Supreme Court it shall not be necessary to file or use any printed abstract or statement of the case, but in lieu thereof, the Appellant shall cause to be filed in the Lower Court and returned to the Supreme Court, with the other record, two copies in addition to the original, of the statement of the case as settled and certified. The Supreme Court shall prescribe by rule or regulation the manner in which, and the time within which, briefs shall be prepared and filed, and for the allowance of costs in respect to the same.

Sec. 2. REPEAL.) All Acts and parts of Acts in conflict therewith are hereby repealed.

Approved February 18, 1919.

## CHAPTER 8.

(H. B. No. 38—Hardt.)

## SUPREME COURT.

An Act to Amend and Re-enact Section 7846 of the Compiled Laws of North Dakota for the Year 1913, Providing that the Supreme Court May Secure Additional Evidence in Cases Tried Without a Jury.

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

1. AMENDMENT.) That Section 7846 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 7846. APPEALS IN CASES TRIED WITHOUT JURY.) On appeal in the Supreme Court in any action tried by the Court, but without a jury, if it appear to the Court that any material evidence was excluded, the Court may issue a mandate to the Trial Court to take such evidence without delay and to certify and return it to the Supreme Court, and all proceedings in the Supreme Court shall be stayed pending the return of such evidence. A party desiring to appeal from a judgment in any such action, shall cause a statement of the case to be settled within the time and in the manner prescribed by Article 8 of Chapter 11 of the Compiled Laws of North Dakota for the year 1913, and shall specify therein the questions of fact that he desires the Supreme Court to review, and all questions of fact not so specified shall be deemed on appeal to have been properly decided by the Trial Court. Only such evidence as relates to the questions of fact to be reviewed shall be embodied in this statement. But if the appellant shall specify in the statement that he desires to review the entire case, all the evidence and proceedings shall be embodied in the statement. The Supreme Court shall try anew the question of fact specified in the statement or in the entire case, if the appellant demands a retrial of the entire case, and shall finally dispose of the same whenever justice can be done without a new trial, and either affirm or modify the judgment or direct a new judgment to be entered in the District Court; the Supreme Court may, however, if it deem such course necessary to the accomplishment of justice, order a new trial of the action. In actions tried under the provisions of this Section, failure of the Court to make findings upon all the issues in the case shall not constitute a ground for granting a new trial or reversing the judgment; provided that the provisions of this Section shall not apply to actions or proceedings properly triable with a jury.

Approved February 26, 1919.



## APPROPRIATIONS

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### CHAPTER 9.

(S. B. No. 16—Haggart.)

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#### APPROPRIATION—STUDENT SOLDIER BARRACKS.

An Act Appropriating Moneys for Student Soldier Barracks and Quarters at the North Dakota Agricultural College, and for Transforming the Said Building to be Further Utilized as Herein Set Out.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated to the North Dakota Agricultural College at Fargo, out of any moneys in the State Treasury not otherwise appropriated the sum of Eighteen Thousand Five Hundred (\$18,500.00) dollars, for the purpose of paying the deficiency in the erection of the barracks, mess hall, kitchen and other facilities and in equipping the same for soldier's training and for the necessary remodeling of the said buildings to permit of their use as classrooms, stockjudging pavilions, abattoir, farm machinery, laboratory, for shop work and to provide rooms suitable as a boy's dormitory.

Sec. 2. EMERGENCY.) An Emergency existing in that the said building was essential for the welfare of the state while our nation was at war, and the necessity for protecting the building and preparing it for maintaining the health of students, therefore, this Act shall take effect and be in full force from and after its passage and approval.

Approved March 6, 1919.

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### CHAPTER 10.

H. B. No. 145—Committee Appropriations.)

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#### APPROPRIATIONS—EDUCATIONAL WORK OF ANTI-TUBERCULOSIS ASSOCIATION.

An Act to appropriate \$8,000 to Aid in the Educational Work Being Carried on by the North Dakota Anti-Tuberculosis Association, and the Prevention of the Spread of Tuberculosis More Definitely Prescribed in Chapter 7 of the Session Laws of North Dakota for 1915 for the Salary and Traveling Expenses.

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

Sec. 1. APPROPRIATION TO AID IN THE EDUCATIONAL WORK BY THE NORTH DAKOTA ANTI-TUBERCULOSIS ASSOCIATION. WORK TO BE

DONE IN CONNECTION WITH ANTI-TUBERCULOSIS ASSOCIATION.) There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury, the sum of \$8,000 or so much thereof as may be necessary, to aid in the educational work now being carried on by the Anti-Tuberculosis Association and to aid in the prevention of the spread of tuberculosis as prescribed by Chapter 7 of the Session Laws of North Dakota for 1915, such work to be done in connection with the Anti-Tuberculosis Association for salary and traveling expenses and this appropriation is made available to that association for that purpose for the biennial period from June 30th, 1919 to July 1st, 1921, as follows:

Salary of nurse and assistants at \$2,500 .....	\$5,000.00
Traveling expenses at \$1,500 .....	3,000.00

Total .....	\$8,000.00
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Approved March 15, 1919.

CHAPTER 11.

(H. B. No. 76—Committee Appropriations.)

APPROPRIATION—EXPENSES OF APPRAISERS OF INHERITANCES, ETC.

An Act to appropriate \$1200.00 for the Purpose of Paying the Expenses of Appraisers of Inheritances, Devices, Bequests and Legacies Under the Provisions of Chapter 231 of the Session Laws of North Dakota, 1917.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$1,200.00 to pay the expenses of the appraisers of inheritances, devices, bequests and legacies, according to the provisions of Chapter 231 of the Session Laws of North Dakota, 1917.

Approved March 5, 1919.

CHAPTER 12.

(S. B. No. 60—Mees.)

APPROPRIATION—EMERGENCY, ATTORNEY GENERAL.

An Act Appropriating Six Hundred Eighty Dollars (\$680.00) for the Immediate Use of the Office of the Attorney General.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out

of any money in the State Treasury not otherwise appropriated the sum hereinafter named, or so much thereof as may be necessary for the office of Attorney General and for his use for the following specified purposes:

Postage .....	\$150.00
Office Supplies .....	50.00
Furniture and Fixtures .....	225.00
MISCELLANEOUS	
Telephone .....	210.00
Telegrams .....	45.00
Total .....	\$680.00

Sec. 2. EMERGENCY.) Whereas it is necessary for the immediate preservation of the public peace, health and safety that this Act shall become effective without delay for the following reasons, to-wit: That there are no moneys now available for the purposes herein specified due to the fact that there has been a marked increase in the cost of the items herein specified since the appropriation for the office of the Attorney General was made, therefore this Act shall become and be in effect and in force immediately upon its passage and approval by the Governor.

Approved March 6, 1919.

### CHAPTER 13.

(H. B. No. 139—Strain and Koller.)

#### APPROPRIATION—ALPHONSO BOLEY.

An Act to appropriate the Sum of Two Hundred Eighty Dollars Out of Any Money in the State Treasury not Otherwise Appropriated to Reimburse Alphonso Boley, of Mandan, North Dakota.

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

Sec. 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Two Hundred Eighty Dollars (\$280.00) to reimburse Alphonso Boley, of Mandan, North Dakota, for buildings removed from the West One-half of the Southwest One-quarter and the Northeast One-quarter of the Southwest One-quarter, the Southwest One-quarter of the Northwest One-quarter Section 10, Township 139 North, Range 81 West from the Fifth Principal Meridian on account of the failure of the State heretofore to reimburse said Alphonso Boley for said buildings removed from said premises; said appropriation of Two Hundred Eighty Dollars (\$280.00) being the value of the buildings removed and sold by the State of North Dakota from the premises before described.

Approved March 7, 1919.

CHAPTER 14.

(H. B. No. 71—Appropriations Committee.)

APPROPRIATION—PREMIUMS ON STATE OFFICIAL BONDS

**An Act to appropriate \$4000.00 Out of Any Money in the State Treasury not Otherwise Appropriated for the Purpose of Paying Premiums on State Officials' Bonds as Provided by Chapter 175 of the Session Laws of North Dakota, 1917.**

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

Sec. 1. There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$4,000.00 to pay premiums on bonds of State Officers bonded under the provisions of Chapter 175 of the Session Laws of North Dakota, 1917.

Approved March 5, 1919.

CHAPTER 15.

(S. B. No. 102—Committee on Appropriations.)

APPROPRIATION—INDEMNIFYING OWNERS OF ANIMALS CONDEMNED FOR TUBERCULOSIS.

**An Act Appropriating Funds to Indemnify Owners of Animals Condemned for Tuberculosis and Providing for Payment of Deficit Now Existing in the Bovine Tuberculosis Funds.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Forty Thousand (\$40,000.00) Dollars for the biennium of 1919-1921 or so much thereof as may be necessary for the purpose of indemnifying the owners of animals infected with Bovine Tuberculosis for the destruction of such animals as provided in Sections 2679 to 2710 inclusive, of the Compiled Laws of North Dakota for the year 1913 and amendments thereto and providing the payment of deficit now existing in the Bovine Tuberculosis Funds.

Approved March 7, 1919.

## CHAPTER 16

(Senate Bill No. 64—Appropriation Committee.)

## APPROPRIATION—GENERAL BUDGET.

An Act to appropriate money for the expenses of the Executive Legislative and Judicial Departments of the State Government, and for Public Schools, Specifying the Amount and Time for which Such Appropriations shall be Available, and Repealing Sections 1416-1418- and 1419 of the Compiled Laws of 1913, as Amended by Chapter 34 of the Session Laws of 1915, and All Other Acts or Parts of Acts in so far as the Same Relate to Appropriations Conflicting Herewith or the Appropriations for the Same Matters or Purposes Provided for Herein.

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

Sec. 1. APPROPRIATION FOR THE EXECUTIVE LEGISLATIVE AND JUDICIAL DEPARTMENTS OF THE STATE GOVERNMENT AND FOR PUBLIC SCHOOLS.) The sum of \$4,101,527.50 in sums hereinafter more specifically named only, or so much thereof as may be necessary is and are hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purposes specified in the following Sections or Sub-divisions of this Act.

Sec. 2. THE PERIOD DURING WHICH THE APPROPRIATIONS MADE HEREIN SHALL BE AVAILABLE.) Unless otherwise specifically stated in the appropriations herein or hereafter made shall be available for the expenses to be incurred in and for the several purposes herein set forth during the fiscal period of two years, beginning July 1st, 1919 and ending July 1st, 1921.

## Sub-division No. 1.

## EXECUTIVE OFFICE

	Per Annum	Per Biennium
Salary of Governor .....	\$ 5,000	\$ 10,000
Clerkhire—		
Secretary .....	2,800	5,600
Stenographer and Clerk..	1,500	3,000
Postage .....	250	500
Office Supplies .....	75	150
Furniture and Fixtures .....	100	200
Printing .....	100	200
Miscellaneous, (Telephone, telegrams, express and freight) .....	250	500
Contingent .....	625	1,250

\$ 21,400

## Sub-division No. 2.

## LIEUTENANT GOVERNOR

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

## SUPREME COURT

Salary and expenses (five judges at \$5,500 per annum) .....	\$ 27,500	\$ 55,000	
Salary, Clerk of Court .....	2,500	5,000	
Salary deficit to July 1, 1919..	250	250	
Clerkhire—			
Combination deputy clerk of court and Stenographer to Mr. Justice Robinson, \$100.00 per month .....	1,200	2,400	
Four stenographers for Judges of Supreme Court .....	4,800	9,600	
Postage, (office of Clerk and Justices) .....	500	1,000	
Office Supplies .....	200	400	
Furniture and Fixtures .....	150	300	
Printing .....	350	700	
Miscellaneous, (freight, express, telegraph and telephone) .....	175	350	
Traveling expenses .....	75	150	
			\$ 75,150

## Sub-division No. 4.

## JUDGES DISTRICT COURT

Salary (twelve Judges at \$4,000 per annum) .....	\$ 48,000	\$ 96,000	\$ 96,000
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## Sub-division No. 5.

## DEPARTMENT OF STATE LAW LIBRARY

Salary of Supreme Court Reporter, Law Librarian and Reference Librarian .....	\$ 2,500	\$ 5,000	
New Books and Reports .....	1,750	3,500	
Postage .....	12.50	25.00	
Office Supplies .....	37.50	75.00	
Furniture and Fixtures—			
New Bookcases, filing devices and typewriter..	150	300	

Printing .....	50	100
Miscellaneous, (express and freight) .....	25	50
Items not included above (amount appropriated for purchase of new books and reports for past biennial period was inadequate, and by the end of such period there will be a deficiency of approximately \$900.00 and request is made for a deficiency appropriation to that amount, to be available upon the passage of the appropriation bill) .....		900
		<hr/>
		\$ 9,950

Sub-division No. 6.

## DEPARTMENT OF SECRETARY OF STATE

Salary, Secretary of State.....\$	3,000	6,000
Salary of Deputy .....	2,500	5,000
Clerkhire—		
Chief Clerk .....	1,800	3,600
State Printer and Document Clerk .....	2,200	4,400
One Recording Clerk .....	1,500	3,000
One Recording Clerk .....	1,200	2,400
Three Stenographers .....	3,600	7,200
One Stenographer, half time .....	600	1,200
Postage .....	2,750	5,500
Office Supplies .....	625	1,250
Furniture and Fixtures .....	250	500
Printing and Lithographing..	2,500	5,000
Miscellaneous—		
Record Books .....	800	1,600
Freight and Drayage.....	250	500
Telephone .....	200	400
Telegrams .....	75	150
Express .....	400	800
Traveling Expenses .....	250	500
Items not included above, (Extra clerk hire and Stenographers during		

# APPROPRIATIONS

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the Legislative Session and immediately fol- lowing) .....	250	500
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\$ 49,500

Sub-division No. 7.

## DEPARTMENT OF STATE AUDITOR

Salary of State Auditor.....\$	3,000	\$ 6,000
Deputy Auditor .....	2,800	5,600
Clerkhire—		
Chief Audit Clerk and		
Bookkeeper .....	1,800	3,600
Bookkeeper .....	1,800	3,600
Bookkeeper and Warrant		
Writer .....	1,500	3,000
Stenographer .....	1,500	3,000
Field Clerk and Account-		
ant when needed .....		2,400
Postage .....	750	1,500
Office Supplies .....	350	700
Furniture and Fixtures .....	400	800
Printing (office use) .....	800	1,600
For supplies furnished de-		
partments and counties	500	1,000
Miscellaneous, (Telephone,		
telegrams, freight and ex-		
press) .....	250	500
Traveling Expenses .....	900	1,800
Items not included above,		
(Expense for printing and		
compiling reports of		
the State Board of		
Equalization) .....	600	1,200
Expense for obtaining lists		
of new taxable lands	300	600
Contingent Fund, to be used		
only in complying with		
the new laws, other than		
the regular budget .....		35,000

\$ 71,900

Sub-division No. 8.

## DEPARTMENT OF STATE TREASURER

Salary of Treasurer .....	\$ 3,000	\$ 6,000
Salary of Deputy Treasurer.....	2,800	5,600
Clerkhire—		
Bookkeeper .....	1,800	3,600



Bookkeeper .....	1,500	3,000
Stenographer and Bond Clerk .....	1,200	2,400
Postage .....	750	1,500
Office Supplies .....	100	200
Furniture and Fixtures .....	75	150
Printing .....	800	1,600
Miscellaneous, (Telephone, telegrams, express) .....	75	150
Contingency Fund, to be used only in complying with the new laws, other than the regular budget .....		40,000

\$ 64,200

## Sub-division No. 9.

## DEPARTMENT OF INSURANCE

Salary of Insurance Commissioner .....	\$ 3,000	\$ 6,000
Salary of Deputy Clerkhire— .....	2,500	5,000
Chief Clerk .....	1,500	3,000
Bookkeeper .....	1,200	2,400
Special Clerk when needed .....	900	1,800
Postage .....	400	800
Office Supplies .....	150	300
Furniture and Fixtures .....	150	300
Printing .....	1,250	2,500
Miscellaneous, (Telegrams, telephone, freight and express) .....	250	500
Traveling expenses .....	150	300

\$ 22,900

## Sub-division No. 10.

## DEPARTMENT OF STATE FIRE MARSHAL

Salary Fire Marshal .....	\$ 2,500	\$ 5,000
Salary Chief Assistant .....	1,800	3,600
Salary Deputy .....	1,200	2,400
Postage .....	150	300
Office Supplies .....	50	100
Furniture and Fixtures .....	50	100
Printing .....	100	200
Miscellaneous, (Freight, telephone, express and telegrams) .....		235
Traveling Expenses .....	2,400	4,800

**APPROPRIATIONS**

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Items not included above:		
Fees paid to Fire Chiefs...	400	800
Investigation of suspicious fires .....	250	500
Deficit:		
Fees paid to Fire Chiefs for the year ending June 30th, 1918.....		85.50
Estimated deficit for the year ending June 30, 1919 .....		400
		<hr/>
		\$18,520.50

Sub-division No. 11.

**ATTORNEY GENERAL**

Salary Attorney General .....	\$ 3,600	\$ 7,200
Salary five Assistant Attorney Generals .....	13,000	26,000
Clerkhire and Stenographers..	8,100	16,200
Postage .....	500	1,000
Office Supplies .....	250	500
Furniture and Fixtures .....	100	200
Printing .....	1,000	2,000
Emergency appropriation to defray the expenses of the Railroad Tax Cases, to become effective immediately upon the passage and approval of this Act .....	2,000	2,000
Miscellaneous, (Telephone, rentals, tolls, telegrams and express) .....	400	800
Balance on one typewriter .....	35.53	35.53
Traveling expenses .....	2,000	4,000
Items not included above:		
Legal .....	15,000	30,000
Legal Fund, to become available upon the passage and approval of this Act .....	10,000	10,000
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		\$99,935.53

Sub-division No. 12.

**DEPARTMENT OF EDUCATION**

Salary Superintendent of Public Instruction .....	\$ 3,000	\$ 6,000
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## Clerkhire—

Deputy .....	2,500	5,000
Assistant .....	2,000	4,000
Chief Clerk .....	1,500	3,000
Two Stenographers .....	2,400	4,800
Postage .....	1,000	2,000
Office Supplies .....	225	450
Furniture and Fixtures .....	125	250
Printing (Reports, bulletins, blanks, etc.) .....	5,500	11,000
Telephone, telegraph and ex- press .....	250	500
Traveling expense .....	1,000	2,000
Postage to July 1, 1919.....	400	400

\$ 39,400

## Sub-division No. 13.

## DEPARTMENT OF AGRICULTURE AND LABOR

Salary of Commissioner.....\$ 3,000 \$ 6,000

## Clerkhire—

Deputy Commissioner .....	2,500	5,000
Office Deputy .....	2,000	4,000
Chief Clerk .....	1,800	3,600
Chief Stenographer .....	1,500	3,000
Assistant Stenographer .....	1,200	2,400
Postage .....	500	1,000
Office Supplies .....	200	400
Furniture and Fixtures .....	100	200
Printing .....	1,250	2,500
Maps .....	300	600
Miscellaneous, (Telephone, telegrams, freight and express) .....	200	400
Traveling expense .....	1,250	2,500

\$ 31,600

## Sub-division No. 14.

## DAIRY COMMISSIONER

Salary Dairy Commissioner.....\$ 2,500 \$ 5,000

## Clerk Hire:

One Assistant Dairy Commissioner .....	1,800	3,600
One Assistant Dairy Commissioner .....	1,800	3,600
One Secretary .....	1,200	2,400
One Stenographer .....	1,200	2,400
Postage .....		750
Office Supplies .....		150

# APPROPRIATIONS

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Furniture and Fixtures .....		200
Printing .....	500	1,000
Miscellaneous, (Telephone, telegraph, freight and express) .....	125	250
Traveling expenses .....	3,500	7,000
Items not included above:		
Dairy Production Contest .....	75	150
Deficit for postage required up to July 1, 1919 .....		100

\$ 26,600

Sub-division No. 15.

## RAILROAD COMMISSIONER

Salary, three Commissioners, \$2,000 each .....	\$ 6,000	\$ 12,000
Clerkhire—		
Secretary .....	2,500	5,000
Clerk .....	1,800	3,600
Rate Expert and Statistician .....	2,400	4,800
Reporter and Stenographer .....	1,500	3,000
Postage .....	500	1,000
Office Supplies .....		300
Furniture and Fixtures .....		200
Printing and Advertising .....	900	1,800
Miscellaneous, (freight, express, telephone, telegraph and drayage) .....	300	600
Traveling Expense .....	3,000	6,000
Items not included above:		
Expenses incurred as Members of National Association of Railroad Commissioner .....	375	750

\$ 39,050

Sub-division No. 16.

## LAND DEPARTMENT

Salary Commissioner .....	\$ 3,000	\$ 6,000
Clerkhire—		
Deputy Commissioner .....	2,500	5,000
Chief Clerk .....	1,800	3,600
Bond and Mortgage Clerk .....	1,800	3,600
Lease Clerk .....	1,500	3,000

## APPROPRIATIONS

Patent Clerk .....	1,500	3,000
Site Clerk .....	1,200	2,400
Two Stenographers .....	2,400	4,800
Postage and deficit .....	1,250	2,500
Office Supplies .....	300	600
Furniture and Fixtures, (deficit) .....	75	150
Printing .....	1,100	2,200
Miscellaneous (Telephone, tel- egrams, freight and ex- press) .....	137.50	275
Traveling expenses .....	900	1,800
Items not included above:		
Coal mine fires .....	50	100
Filing selection lists .....	50	100
Expense, leasing and deficit .....	1,750	3,500
Deficit, appraisal and sale		8,500

\$ 51,125

Sub-division No. 17.

## DEPARTMENT OF BANKING

Salary, Examiner .....	\$ 3,000	\$ 6,000
Clerkhire—		
Chief Deputy .....	2,800	5,600
Eight Bank Examiners.....	16,000	32,000
Two County Examiners.....	4,000	8,000
One City Examiner .....	2,000	4,000
One Institution Examiner .....	2,000	4,000
One Chief Clerk .....	1,800	3,600
One Assistant Clerk .....	1,500	3,000
Two stenographers .....	2,400	4,800
One Office Examiner .....	2,000	4,000
Postage .....	2,000	4,000
Office Supplies .....	350	700
Furniture and Fixtures .....	200	400
Printing .....	2,000	4,000
Miscellaneous—		
Telephone and tolls.....	300	600
Telegrams .....	75	150
Freight, express and dray- age .....	75	150
Traveling expenses (Fif- teen Examiners, including State Examiner) .....	12,500	25,000

\$ 110,000

# APPROPRIATIONS

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## Sub-division No. 18.

### TAX COMMISSION

Salary 1 Commissioner .....	\$ 4,000	\$ 8,000
Clerkhire—		
Chief Clerk .....	2,000	4,000
Field Agents .....	1,800	3,600
Stenographer .....	1,500	3,000
Office Supplies .....	350	700
Postage .....	500	1,000
Furniture and Fixtures .....	250	500
Printing .....	750	1,500
Miscellaneous (Telephone, tel- egrams, freight and ex- press) .....	150	300
Traveling expenses .....	2,000	4,000
Emergency Fund, to be used only in complying with the new laws, other than the regular budget.....	35,000	35,000

\$ 61,600

## Sub-division No. 19.

### BOARD OF CONTROL

Salary (three Members) .....	\$ 9,000	\$ 18,000
Clerkhire—		
Secretary .....	2,500	5,000
Chief Clerk .....	1,800	3,600
Stenographer .....	1,200	2,400
Supply Clerk .....	1,200	2,400
Postage .....	350	700
Office Supplies .....	150	300
Furniture and Fixtures .....	150	300
Printing .....	800	1,600
Miscellaneous (Includes prem- iums on officer's bonds, tel- ephone, telegrams, freight, express and drayage).....	600	1,200
Traveling expense .....	1,000	2,000
Items not included above:		
Deficit in postage .....		100
Deficit in traveling ex- pense .....		500
Deficit in miscellaneous.....		500

\$ 38,600

## Sub-division No. 20.

LIBRARY COMMISSION		
Salary, Librarian .....	\$ 2,000	\$ 4,000
Clerkhire—		
Deputy and Librarian .....	1,500	3,000
Chief Traveling Library		
System .....	1,380	2,760
Stenographer .....	1,200	2,400
Clerk when needed .....		500
Postage .....		800
Office Supplies .....		500
Furniture and Fixtures .....		200
Printing .....		500
Miscellaneous (Telephone, tel-		
egrams, freight and ex-		
press) .....		800
Traveling Expense .....		700
Items not included above:		
Traveling Library Cases ..		50
Aids to Libraries .....		150
Books .....		3,000
Preparation of Books .....		300

\$ 19,660

## Sub-division No. 21.

STATE ENGINEER		
Salary, State Engineer .....	\$ 2,500	\$ 5,000
Clerkhire—		
Assistant State Engineer	2,400	4,800
Assistant State Engineer		
and Mine Inspector .....	1,800	3,600
Stenographer .....	1,200	2,400
Additional Field and Of-		
fice help .....	960	1,920
Postage .....		300
Office Supplies .....		900
Furniture and Fixtures .....		200
Printing .....		700
Miscellaneous—		
Telephone and tolls .....		100
Telegrams .....		20
Freight, express, drayage		80
Traveling Expense .....		1,950
Items not included above:		
School Land Examinations		2,000
Hydrographic Work .....		800

\$ 24,770

# APPROPRIATIONS

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## Sub-division No. 22.

### ADJUTANT GENERAL

Salary, Adjutant General .....	\$ 2,700	\$ 5,400
Clerkhire—		
One Assistant .....	1,500	3,000

\$ 8,400

## Sub-division No. 23.

### HISTORICAL SOCIETY

Salary of Curator .....	\$ 2,500	\$ 5,000
Salary of Librarian .....	1,500	3,000
Clerkhire—		
Assistants in Museum and Library .....	1,200	2,400
Assistants in office of Secretary .....	150	300
Miscellaneous Assistance in reading proof, copying documents at Washington, etc. ....		85
Service of Editor of Collections .....		225
Postage .....		325
Office Supplies .....		238
Furniture and Fixtures .....		380
Printing and binding, stationery cards, bulletins, etc. ....		
Volume VI Collections, binding newspapers and pamphlets .....	800	1,600
Miscellaneous, (telephone, telegrams, freight and express) .....		350
Traveling expense .....	612.50	1,225
(Directors of Historical Society, Directors of Park Boards, Secretary, Curator and Librarian) .....		
Items not included above:		
Field Work .....	225	450
Museum .....	280	560
Books .....	300	600

\$ 16,738



## Sub-division No. 24.

## STATE BOARD OF HEALTH

Salary of Secretary .....	\$ 1,200	\$ 2,400
Clerkhire—		
One Stenographer .....	960	1,920
One Clerk .....	600	1,200
Postage .....	250	500
Office Supplies (and deficit).....	300	600
Furniture and Fixtures .....	100	200
Printing .....	1,000	2,000
Miscellaneous and deficit .....	150	300
Traveling Expense .....	800	1,600

\$ 10,720

## Sub-division No. 25.

## LIVE STOCK SANITARY BOARD

Salary of Executive Officer and State Veterinarian.....	3,000	6,000
Clerkhire—		
One Stenographer and Clerk .....	1,500	3,000
Postage .....	225	450
Office Supplies .....	50	100
Furniture and Fixtures and deficit .....		225
Printing .....	300	600
Miscellaneous:		
Telephone .....	100	200
Telegrams .....	50	100
Freight .....		10
Traveling Expense—		
Services and Expenses of Agents of Live Stock Sanitary Board .....	9,000	18,000

\$ 28,685

## Sub-division No. 26.

## STATE BOARD OF REGENTS

Salary (per diem) .....	\$ 2,500	\$ 5,000
Clerkhire—		
Secretary .....	2,500	5,000
Chief Clerk and Book- keeper .....	1,800	3,600
Postage .....	300	600
Office Supplies .....	200	400

**APPROPRIATIONS**

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<b>Furniture and Fixtures</b> .....	100	200
<b>Printing</b> .....	500	1,000
<b>Miscellaneous, (telegraph, telephone, freight, express)...</b>	500	1,000
<b>Traveling Expense</b> .....	2,000	4,000
<b>Deficit, to become available upon the passage and approval of this Act</b> .....		1,500

\$ 22,300

Sub-division No. 27.

**DEPARTMENT OF OIL INSPECTION**

<b>Salary, Chief Deputy Oil Inspector</b> .....	\$ 2,200	\$ 4,400
<b>Three (3) Deputy Inspectors at \$125</b> .....	4,500	9,000
<b>Two (2) Oil Inspectors at \$100</b> .....	2,400	4,800
<b>One Clerk and Stenographer</b> .....	1,200	2,400
<b>One Auditor (one-fourth time)</b> .....	375	750
<b>Chemist</b> .....	3,000	6,000
<b>Postage and stationery</b> .....	300	600
<b>Office Supplies</b> .....	300	600
<b>Printing bulletins and circulars</b> .....	550	1,100
<b>Miscellaneous—</b>		
<b>Apparatus, telephone, toll charges, telegrams, freight, drayage, express</b> .....	500	1,000
<b>Traveling Expenses—</b>		
<b>Field inspectors expenses collecting samples, travel, hotel, etc.</b> .....	4,000	8,000
<b>Office rent at Agricultural College—</b>		
<b>Office Chief Deputy Inspector, heat, light and janitor service</b> .....	300	600
<b>Chemical apparatus and chemicals</b> .....	1,200	2,400
<b>Court expenses</b> .....	300	600
<b>Contingent Fund—</b>		
<b>Incidental and miscellaneous expense</b> .....	250	500

\$42,750

## Sub-division No. 28.

## UNIVERSITY OF NORTH DAKOTA AND SCHOOL OF MINES

General maintenance .....	\$ 211,000	\$ 422,000
Library maintenance .....	3,000	6,000
Summer Session .....	4,000	8,000
Maintenance of Museum .....	500	1,000
Extension Work .....	7,500	15,000
Improvements and Repairs—		
New walks, trees, shrubs, and care of grounds.....	1,000	2,000
General repairs to roofs and interiors, fire es- capes for chemistry building, kalsomining, and replastering in dor- mitories and recitation rooms of buildings.....	2,500	5,000
New boiler, coal convey- ors and equipment, and addition to power plant building for coal storage .....	9,250	18,500
Repairs to roof, new par- titions and changes in Mechanical Engineer- ing building .....	1,000	2,000
Changes in School of Mines building and new laboratory tables	1,400	2,800
New Buildings—		
Drill Hall and Armory.....	17,500	35,000
Equipment—		
Library Books .....	1,500	3,000
Equipment for Engineer- ing Departments .....	4,641.50	9,283
Equipment laboratory tables, hoods, shelving and furniture for chem- istry building .....	15,000	30,000
Equipment for Commons building .....	4,000	8,000
Clay testing .....	3,000	6,000
(Experimental and develop- ment work)		
General Fund Deficit .....		18,500
This amount to become avail- able upon the passage and approval of this Act.		

APPROPRIATIONS

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Insurance on building and contents (two years) .....	8,693	8,693
Associated Activities, School of Mines at the University and Mining Sub-station at Hebron .....	19,000	38,000
Biological Station .....		6,000
Public Health Laboratories .....		24,000
Geological Survey .....		6,000

674,776

Sub-division No. 29.

DEPARTMENT OF HOTEL INSPECTION

Clerkhire—

Inspectors, Secretary and Clerk .....	1,200	2,400
Postage .....		150
Office Supplies .....		150
Printing .....		950
Traveling expenses .....		1,200

4,850

Sub-division No. 30.

DEPARTMENT OF PUBLIC HEALTH BUREAU—VENEREAL DISEASE

1. Salary .....	1,500	3,000
2. Clerkhire .....	750	1,500
3. Office Supplies .....	200	400
4. Furniture and Fixtures .....	300	600
5. Printing .....	600	1,200
6. Miscellaneous .....	124.24	248.48
7. Traveling expense.....	300	600

Items not included above:

Salaries and Fee Physicians and hospital attendants in venereal cases .....	1,200	2,400
Drugs and supplies.....	1,000	2,000
Educational and publicity .....	300	600

12,548.48

Sub-division No. 32.

STATE HUMANE OFFICE

Postage .....	18	36
Office Supplies .....		4

Printing .....	10	20
Miscellaneous—		
Phone rent .....	30	60
Office rent .....	240	480
Traveling expense .....	200	400
	<hr/>	<hr/>
		1,000

Sub-division No. 33.

NORTH DAKOTA AGRICULTURAL COLLEGE

Maintenance for teaching staff		25,000
Maintenance due to increased cost of coal, freight and all supplies .....		50,000
Improvements and Repairs—		
Repairs on building .....	2,000	4,000
Walks and Drives .....	1,000	2,000
Care of grounds and campus .....	1,000	2,000
Repairs of steam and water mains .....	2,000	4,000
Equipment—		
Equipment for Science Hall .....	2,500	5,000
New Agricultural Building, one unit to be made available in 1920		150,000
Library books and Journal	1,000	2,000
Lighting Plant .....		12,000
Miscellaneous—		
Insurance (including new buildings) .....	5,000	10,000

REGULATORY DEPARTMENT

Beverage Fund—		
For the enforcement of the laws covering Feeding Stuffs, Fertilizers, Beverages and Sanitary Inspection. (Sec. 1624-2883 C. L. 1913) .....	\$ 12,000	\$ 24,000
Pure Food Fund—		
For the enforcement of the Pure Food and Drug Laws (Sec. 1622, 2879, 2883 C. L. 1913) .....	10,000	20,000

Pure Seed Laboratory, maintenance, salaries based on present payroll .....	8,500	
Special emergency stenographer for one-half time, student labor and special aid in seed analysis and seed testing in spring months .....	1,000	
Improvements and Repairs—		
Removal of partition walls, modification of seed analyst's laboratory, plumbing, etc., to properly adjust the germination chambers .....	75	150
Equipment—		
Laboratory supplies—metal seed containers, germination and testing apparatus, seed papers, seed mailing envelopes, etc. ....	350	700
Miscellaneous—		
Inspection expenses, seed house and field crop inspection, including necessary travel, hotel, etc. ....	400	800
Publication — Bulletins, circulars and seed lists.....	100	200

## EXPERIMENT STATION

To provide funds for the continuation of the work of the Agricultural College Experiment Station, (Section 1619, 2911, Session Laws 1913 C. L.) .....		50,000
For repairs and improvements on farm .....	1,000	2,000
Repainting farm buildings .....	500	1,000
To provide funds for the Agricultural College to conduct a department in marketing, rural finances and organization and for the publication of information derived from research along the above mentioned lines .....	4,500	9,000

## EXTENSION DIVISION

## Salaries—

An. Disease Control .....	2,000	4,000
Horticulture ½ .....	1,000	2,000
An. Improvement .....	2,000	4,000
Farm Management .....	2,000	4,000
Insect Control ½ .....	1,000	2,000
Rodent Control ½ .....	1,200	2,400
Dairying .....	2,000	4,000
Farm Crops .....	2,000	4,000
Agri. Engineering .....	2,400	4,800
Expenses same .....	7,500	15,000
Printing .....	1,900	3,800
Smith-Lever Offset, 1920...		32,277
Smith-Lever Offset 1921...		42,277

## DEMONSTRATION FARMS

For the maintenance of demonstration farms and for the establishment of new demonstration farms as provided for by Sec. 1623

C. L. 1913 .....	12,000	24,000
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## VETERINARY SCIENCE

Salary .....	925	1,850
Clerkhire .....	750	1,500
Unskilled labor .....	300	600
Postage .....	150	300
Miscellaneous—		
Maintenance and repairs...	200	400
Items not included above:		
(A) Animals .....	250	500
(B) Apparatus .....	100	200
(C) Chemicals .....	175	350
(D) Feed .....	200	400

## MILLING EXPERIMENTS

For the maintenance of a plant at the Agricultural College in which shall be conducted experiments to determine the comparative milling values of different grades of wheat (Sec. 1625

C. L. 1913) .....	500	1,000
Investigation of Cereals .....	2,500	5,000

## AGRICULTURAL AND GEOLOGICAL SURVEY

Salary .....	500	1,000
Postage .....	5	10
Office Supplies .....	20	40
Miscellaneous .....	25	50
Traveling expense .....	450	900

## SUB-EXPERIMENT STATION

To provide funds for the support and maintenance of the five Agricultural College sub-stations under the supervision of the Agricultural College, located at Edgeley, Dickinson, Langdon, Williston and Hettinger, (Sec. 1629-1627, 1633, 1643 C. L. 1913) .....

25,000      50,000

Mill Tax ..... 123,600

Total for Agricultural College  
Sub-division No. 34.

719,604

## BOARD OF PARDONS

Per diem and expense ..... 300      600

600

Sub-division No. 35.

## STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Salary, three members .....	200	400
Clerkhire .....	62.50	125
Postage .....	52.50	105
Office Supplies .....	95	190
Printing .....	40	80
Miscellaneous, telephone, telegrams, freight, express, etc. ....	25	50
Traveling expense .....	270	540

1,490

Sub-division No. 36.

## DEPARTMENT OF SOCIETY FOR THE FRIENDLESS

Salary ..... 520      1,040

1,040



## Sub-division No. 37.

## BOARD OF EXPERTS

1. Salary—		
Field Office .....	900	1,800
2. Per diem and expense—		
Members Board of Experts	75	150
3. Field Officers—		
Expenses .....	600	1,200
4. Postage—		
Covering correspondence		
with paroled and sus-		
pended sentence cases		
only and to paid to the		
Penitentiary .....	25	50

3,200

## Sub-division No. 38.

## VALLEY CITY NORMAL SCHOOL

1. Maintenance .....	91,200	182,400
2. Improvements & Repairs—		
Repairing foot bridge .....		1,000
Repairs to building .....	500	1,000
New cement walks and old		
ones repaired .....		1,500
Brick smokestack .....		3,500
Recording Watt Meter.....		150
Boiler feed regulator.....		400
Water meter on boiler		
feed line .....		75
Feed water heater .....		600
Platform scales .....		30
Radiator traps .....		150
4. Equipment—		
Library .....	2,000	4,000
Furniture, apparatus and		
machinery .....	2,000	4,000
5. Miscellaneous—		
Insurance .....		4,068.08
Interest .....		1,772.91
Deficit .....		8,000.00
Lease of Platon Hospital		
for use as additional		
dormitory .....		2,400.00

215,045.99

Sub-division No. 39.

MINOT STATE NORMAL SCHOOL

1. Maintenance—		
Advertising .....	100	200
Drayage .....	600	1,200
Expense:		
a. Traveling .....	300	600
b. Fuel .....	9,850	19,700
Freight, express .....	300	600
c. Library .....	250	500
Light and power, electric .....	1,050	2,100
Office supplies .....	250	500
Postage .....	600	1,200
Printing and publication .....	750	1,500
Salaries and wages .....	55,000	110,000
School amusements .....	150	300
d. Supplies .....	4,000	8,000
Water .....	500	1,000
2. Improvements & Repairs—		
Building-f .....		1,000
Grounds-g .....		1,000
Repairs-h .....		1,000
Lighting equipment .....		6,000
New well and water .....		5,000
3. Equipment:		
Books .....	1,000	2,000
Furniture-1 .....	1,000	2,000
Instruments for departments .....	600	1,200
Laboratory and gymnasium .....	1,000	2,000
4. Miscellaneous—		
Incidentals .....	500	1,000
Insurance .....	750	1,500
Interest .....	1,060	2,120
Due on land purchase .....	4,000	8,000
Special services .....		500
Deficit in Dormitory Maintenance .....		1,600
Taxes .....	2,982	5,964

189,284

Sub-division No. 40.

MAYVILLE NORMAL SCHOOL

Maintenance—

Faculty Salaries .....	12,000	24,180
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Janitors, Engineer and Teamsters' salaries .....	7,500	15,000
Labor—extra drayage students' help .....	750	1,500
Fuel .....	7,500	15,000
Supplies for Departments of Instruction .....	1,750	3,500
Supplies for janitors, engineers and teamsters .....	1,800	3,600
Printing and Stationery, (including postage) .....	750	1,500
Advertising .....	50	100
Entertainment Course .....	400	800
Hospital maintenance .....	50	100
Freight and express, (col. and Prep.) local except fuel .....	350	700
Telephone .....	200	400
Traveling .....	200	400
Commencement week .....	100	200
City Board of Education..	2,000	4,000
Equipment—		
Books, periodicals and binding for general library .....	300	600
Two pianos .....	350	700
Lighting equipment .....		8,000
Water System .....		3,000
Miscellaneous—		
Insurance .....	1,500	3,000

86,280

## Sub-division No. 41.

## STATE NORMAL AND INDUSTRIAL SCHOOL AT ELLENDALE

Maintenance .....	26,600	53,200
Improvements and Repairs—		
Resetting boilers and repairs .....		500
Relaying water mains .....		500
New ceiling on Armory.....		500
Equipment—		
Library, new books .....	500	1,000
Gymnasium apparatus .....		250
Miscellaneous—		
Carnegie Interest .....	1,400	2,800
Insurance .....		1,800
Purchase of land .....		800

61 350

## Sub-division No. 42.

## STATE SCHOOL OF SCIENCE AT WAHPETON

Maintenance .....	6,250	12,500
Fuel and Light .....	6,000	12,000
Improvement and Repairs—		
To main building .....	7,500	15,000
To heating plant and steam pipes .....	1,250	2,500
Miscellaneous—		
Insurance .....		1,500

43,500

## Sub-division No. 43.

NORTH DAKOTA STATE SCHOOL OF AGRICULTURE AND FORESTRY AT  
BOTTINEAU**Maintenance—**

Salaries .....	18,555	37,110
Labor .....	1,500	3,000
Fuel (including dormitory)	1,500	3,000
Light (including dormi- tory) .....	175	350
Water (including dormi- tory and grounds .....	225	450
Stationery .....	100	200
Printing .....	250	500
Advertising .....	75	150
Postage .....	75	150
School Amusements .....	50	100
Expense Head of Institu- tion .....	200	400
Library, books and maga- zines for teachers train- ing work .....	300	600

**Laboratories—**

Agriculture .....	75	150
Chemistry .....	50	100
Forestry .....	100	200
Household Arts .....	150	300
Manual Training .....	50	100
Music .....	25	50
Physics .....	35	70
Blacksmithing .....		25
Athletics .....	25	50
Nursery Stock and Green- house supplies .....	150	300
Repairs .....	100	200

Feed Shed .....	200	400
Improvements and Repairs.....		
Adding Machine .....		75
Blacksmith Shop .....	75	150
Farm Machinery .....	250	500
Manual Training .....	200	400
Edison Dick Mimeoscope .		50
Dormitory .....		10,000
To reimburse Bottineau Commercial Club		
Typewriter .....		75
Miscellaneous—		
Insurance .....	125	250
Janitor Supplies .....	150	300
Live Stock and Feed.....	250	500
Taxes .....		800
New Well .....		500

61,555

Sub-division No. 44.

## DICKINSON STATE NORMAL SCHOOL

## Maintenance—

Salaries of Teachers and Officers .....	20,000	40,000
Stenographer .....	1,000	2,000
Rent .....	2,500	5,000
Heating .....	1,500	3,000
Lighting .....	150	300
Water .....	45	90
Janitor .....	800	1,600
Stationery .....	80	160
Postage .....	150	300
Printing .....	200	400
Advertising .....	150	300
Expense of Officers .....	250	500
Equipment—		
Furniture .....	350	700
Apparatus .....	1,500	3,000
Library .....	600	1,200
Dormitory .....		55,000
This amount to become available 1920.		
Heating Plant .....		35,000
This amount to become available 1920.		

148,550

Sub-division No. 45.

STATE TRANSPORTATION OFFICER

Salary .....	2,000	4,000
Miscellaneous—		
Telephone, telegraph and		
postage .....		200
Traveling expense .....	12,500	25,000

29,200

Sub-division No. 46.

LEGISLATIVE ASSEMBLY

Mileage and per diem .....	57,000	
Per diem of officers and em-		
ployees .....	25,000	
Printing .....	25,000	
Miscellaneous expenses and		
supplies .....	7,000	

114,000

Sub-division No. 47.

BUDGET

Reward for Apprehension of		
Criminals .....		1,000

1,000

Sub-division No. 48.

NORTH DAKOTA BUDGET BOARD

Per diem and other expenses		
of every kind incurred by		
the North Dakota Budget		
Board, under the provi-		
sions of Chapter 61, Ses-		
sion Laws of 1915. ....		2,000

2,000

Sub-division No. 49.

BUDGET

State Aid to Rural Schools as  
represented by the one-  
room rural graded and  
consolidated graded  
schools, including ex-  
penses of administration,

but not including salaries and expenses of inspectors .....	212,550	425,000	
			<b>425,000</b>
Sub-division No. 50.			
BUDGET			
Salary and traveling expenses of three state inspectors of rural and consolidated schools—			
Salary (three) .....	6,600	13,200	
Expenses (three) .....	3,000	6,000	
			<b>19,200</b>
Sub-division No. 51.			
BUDGET			
Salary and expenses of State High School Inspector—			
Salary .....	2,200	4,400	
Traveling expense .....	1,000	2,000	
			<b>6,400</b>
Sub-division No. 52.			
BUDGET			
Teachers' Institutes .....	5,300	10,600	
Sub-division No. 53.			
BUDGET			
State Aid to High Schools, including expenses of ad- ministration but not in- cluding salary and travel- ing expenses of high school inspector .....	85,000	170,000	
Grand Total .....			<b>4,101,527.50</b>

Sec. 3. INTENT, REPEAL, PURPOSE AND CONSTRUCTION.) Secs. 1416, 1418 and 1419 of the Compiled Laws of 1913, as amended by Chapter 34 of the Session Laws of 1915, are hereby repealed, and all Acts and parts of Acts that may be in conflict herewith, for the periods of time herein specified, and if for any reason or cause any specific appropriation for any item or set of items should be held by the court or courts to be unconstitutional or illegal or otherwise unavailable for any cause, such

holding shall not effect or be construed to apply to the remaining items or appropriation herein or purposes provided for herein.

Sec. 4. **EMERGENCY.**) This Act is necessary for 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, without the means provided by this Act the functions of the State Government will be suspended. This Act will therefore in its entirety go into instant operation upon its approval by the Governor.

Approved March 15, 1919.

## CHAPTER 17.

(H. B. No. 69—Committee on Appropriations.)

### APPROPRIATION—BURIAL OF HONORABLY DISCHARGED SOLDIERS, SAILORS AND MARINES.

**An Act to appropriate \$350.00 to Provide Funds for the Burial of Honorably Discharged Sailors, Soldiers and Marines of the United States War of the Rebellion and Erection of Headstones therefor, as Authorized by Sections 3181, 3182, 3183 and 3184 of the Compiled Laws of North Dakota for 1913, and for Deficit \$13.00.**

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

Sec. 1. **APPROPRIATION.**) There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated the sum of \$363 or so much thereof as may be necessary to pay for the burial of honorably discharged sailors, soldiers and marines of the United States War of Rebellion, and the erection of headstones therefor, as authorized under Sections 3181, 3182, 3183 and 3184 of the Compiled Laws of North Dakota for 1913.

From July 1st, 1919, to June 31st, 1921 .....	\$350.00
Deficit .....	13.00

\$363.00

Approved March 5th, 1919.



## CHAPTER 18.

(H. B. No. 74—Committee on Appropriations.)

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APPROPRIATION—BURIAL OF INMATES OF PENITENTIARY  
AND REFORM SCHOOL.

**An Act to appropriate the Sum of \$400.00 out of Any Money in the State Treasury not Otherwise Appropriated for the Purpose of Defraying the Burial Expenses of Inmates of the Penitentiary and Reform School According to the Provisions of Section 11302 of the Compiled Laws of North Dakota, 1913.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of \$400.00 or so much thereof as may be necessary to pay the expenses of burial of inmates of the State Reform School or the State Penitentiary, according to the provisions of Section 11302 of the Compiled Laws of North Dakota, 1913.

Approved March 3, 1919.

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## CHAPTER 19.

(S. B. No. 87—McNair.)

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## APPROPRIATIONS—W. J. BURNS DETECTIVE AGENCY.

**An Act Appropriating Fifteen Hundred Fifty-three and 11-100 Dollars (\$1553.11) to Pay a Claim Against the State in Favor of the William J. Burns International Detective Agency, Incurred by Former Attorney General Henry J. Linde, in the Months of October, November and December, 1916.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Fifteen Hundred Fifty-three and 11/100 Dollars (\$1,553.11), or so much thereof as may be necessary, to pay the claim against the State in favor of the William J. Burns International Detective Agency, incurred by former Attorney General Henry J. Linde, in the months of October, November and December, 1916.

Approved March 15, 1919.

## CHAPTER 20.

(S. B. No. 93—Appropriations Committee.)

**An Act Making Appropriations for the Maintenance, Improvements and Repairs of the State Capitol.***Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$81,884.00 or so much thereof as may be necessary for the maintenance, improvements and repairs of the State Capitol, for the biennial period from June 30, 1919 to July 1st, 1921, as follows:

Salary Chief Janitor .....	\$ 1,500	\$ 3,000
Salary Second Janitor .....	1,116	2,232
Salary Third Janitor .....	1,116	2,232
Salary Fourth Janitor .....	1,116	2,232
Salary Elevator Man .....	1,116	2,232
Salary Chief Engineer .....	1,500	3,000
Salary Chief Assistant Engineer .....	1,320	2,640
Salary Second Assistant Engineer .....	1,140	2,280
Other Assistant Engineer, six months .....	570	1,140
Salary two trackmen .....	2,232	4,464
Salary Carpenter .....	1,500	3,000
Salary Assistant Carpenter .....	700	1,400
Salary Caretaker, Executive Mansion .....	1,116	2,232
Salary Motorman .....	1,344	2,688
Salary Motorman's Assistant .....		180
Day Labor and Grading and all work not covered by Salary Appropriation, trolley line .....	500	1,000
Night Watchman .....	1,116	2,232
Coal for Capitol Power House, Mansion for heating and lighting .....	8,500	17,000
Improvements and repairs, replacing and laying ties, repair line, car and motor House and Equipment .....	1,000	2,000
Maintenance of grounds, walk and roads .....	1,000	2,000
Repair of Boiler House .....	250	500
Repair, material, lumber, plaster, flags, cement and general repairs of upkeep of Capitol Building .....	100	200
Insurance Capitol Building, Executive Mansion and contents .....	3,000	6,000
Deficit in cost of coal, freight, express, insurance, salaries in Power Plant,	3,500	7,000

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Capitol and Trackmen help, and Miscellaneous .....	9,000
<b>Total .....</b>	<b>81,884</b>

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Sec. 2. EMERGENCY.) Whereas it was impossible to properly maintain the State Capitol from January 1st, 1919 to July 1st, 1919, on the funds appropriated by the 15th Legislative Assembly, and it is necessary for the public peace, health and safety that suitable funds be provided at once. Therefore, that portion of this Act making an appropriation of \$9,000.00 for deficit in cost of coal, freight, express, insurance, salaries in power plant, Capitol and trackmen help and miscellaneous shall go into instant operation upon its passage and approval by the Governor.

Approved March 15, 1919.

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#### CHAPTER 21.

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

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#### APPROPRIATIONS—STATE CONTINGENCY FUND.

**An Act to Provide a State Contingency Fund to be Placed at the Disposal of the State Emergency Commission to be Used as Provided by Chapters 26 and 152 of the Session Laws of North Dakota for the Year 1915; and Making an Appropriation of \$40,000, which shall be Known as the State Contingency Fund.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any, not otherwise appropriated funds in the State Treasury, the sum of \$40,000.00 or so much thereof as may be necessary which shall be known as the State Contingency Fund. The State Contingency Fund shall be placed at the disposal of the State Emergency Commission for the purposes authorized under Chapters 26 and 152 of the Session Laws of North Dakota for the year 1915.

Approved March 6, 1919.

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#### CHAPTER 22.

(H. B. No. 41—Magnuson.)

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#### APPROPRIATION—COUNCIL OF DEFENSE.

**An Act Making an Appropriation to the Department of the Council of Defense for Specific Purposes.**

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

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

State Treasury, not otherwise appropriated, the sum of \$5,533.00 to be credited to the Department of Council of Defense upon the following items:

**Salary—**

Executive Secretary (four months) .....	\$ 833.00
One Stenographer (four months) .....	400.00
Postage .....	250.00
Office Supplies .....	100.00
Furniture and Fixtures .....	50.00
Printing .....	100.00
Freight, Drayage and Express .....	100.00
Traveling Expenses .....	200.00
Deficiency .....	3,500.00

**Total** .....\$5,533.00

For the use of said Council of Defense during the four-month period from January 1st, 1919 to May 1st, 1919.

Sec. 2. Whereas, an emergency exists in that there are not sufficient funds with which to carry on the work of the Council of Defense, and whereas, it is necessary for the immediate preservation of the health, peace and safety of the public; therefore this Act is hereby declared an emergency measure and shall become and be in effect and force immediately upon its passage and approval.

Approved February 11th, 1919.

CHAPTER 23.

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

APPROPRIATION—COUNTY AGRICULTURAL SCHOOLS.

An Act Making an Appropriation for the County Agricultural and Training Schools at Park River, and Maddock, North Dakota.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$20,000.00, or so much thereof as may be necessary for the maintenance of the County Agricultural and Training Schools, at Park River and Maddock, North Dakota, for the biennial period from June 30th, 1919 to July 1st, 1921 as follows:

For the County Agricultural and Training School at Park River, North Dakota, .....	\$5,000	\$ 10,000
For the County Agricultural and Training School at Maddock, North Dakota .....	\$5,000	10,000

**Total** .....\$ 20,000

Approved March 7, 1919.

## CHAPTER 24.

(S. B. No. 107—Committee on Appropriations.)

## APPROPRIATION—FLORENCE CRITTENDON HOME.

An Act Making an Appropriation for the Florence Crittendon Home at Fargo, North Dakota.

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

Sec. 1 APPROPRIATION.) There is hereby appropriated out of of any moneys in the State Treasury not otherwise appropriated, the sum of Ten Thousand Dollars, or so much thereof as may be necessary, to the Florence Crittendon Home, a corporation, of Fargo, North Dakota, provided that the money hereby appropriated shall be payable to such home at the rate of \$18.00 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 Control.

Approved March 14, 1919.

## CHAPTER 25.

(S. B. No. 114—Ployhar.)

## APPROPRIATION—W. J. CURREN.

An Act to appropriate Money to Reimburse W. J. Curren, Valley City, North Dakota, for Moneys Paid for Interest During Construction of Buildings at the State Hospital for the Insane.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out any moneys not otherwise appropriated the sum of \$888.10, the amount of interest paid by W. J. Curren, contractor of Valley City, N. D., on estimates for which there was no State moneys available, as per following schedule:

	Amount	Interest
Interest on estimate 1, R. C. Bldg., paid		
First National Bank, Fargo .....	\$ 11,750.00	\$ 256.50
Estimate 2, Receiving Bldg., paid First		
National Bank, Fargo .....	4,000.00	62.00
Estimate 3, Receiving Bldg., paid First		
National Bank, Fargo .....	8,250.00	108.60

Estimate 4, Receiving Bldg., paid First Natinal Bank, Fargo .....	2,975.00	27.76
Estimate, paid First National Bank, Fargo .....	3,000.00	24.50
Estimate, paid First National Bank, Fargo .....	2,000.00	11.33
Estimate 6, Ward Bldg., paid First National Bank, Valley City .....	8,500.00	154.41
Estimate on Ward Bldg., paid to Valley City First National 8 months .....	6,000.00	243.00
Total .....		\$ 888.10

Approved March 15, 1919.

## CHAPTER 26.

(S. B. No. 91—Committee on Appropriations.)

### APPROPRIATION—SCHOOL FOR DEAF AND DUMB.

**An Act Making an Appropriation for the Maintenance, Improvement, Repairs, New Buildings, Equipment and Miscellaneous Expenses of the School for the Deaf and Dumb at Devils Lake, North Dakota.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$91,702 for the maintenance, improvements, repairs, new buildings, equipment and miscellaneous expenses of the School for the Deaf and Dumb at Devils Lake, North Dakota for the biennial period from June 30, 1919 to July 1st, 1921, as follows:

	Per Annum	Biennium
Salaries and Wages .....	\$ 22,176.00	\$ 44,352.00
Fuel and Light .....	5,750.00	11,500.00
Office Supplies, etc. ....	300.00	600.00
Amusements, etc .....	150.00	300.00
Foodstuffs .....	7,500.00	15,000.00
Drugs and Medicines .....	175.00	350.00
Feed, Hay, etc. ....	2,750.00	5,500.00
Postage, Telephone, etc. ....	350.00	700.00
Soaps, Oils, Ice, etc. ....	600.00	1,200.00
Improvements and Repairs: Cement Walks, etc .....	250.00	500.00
Interior Painting of Buildings .....	250.00	500.00
Exterior Painting .....	500.00	1,000.00
Safer Fire Escapes .....		700.00

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Equipment:—		
Furniture, Beds, etc .....	2,000.00	4,000.00
Miscellaneous:—		
Live Stock, Insurance, etc. ....		2,000.00
House and Lot for Water Sup- plies .....		3,500.00
Total .....		\$ 91,702.00
Approved March 15, 1919.		

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## CHAPTER 27.

(H. B. No. 72—Appropriations Committee.)

## APPROPRIATION—EXPENSES OF DELEGATES TO PRESIDENTIAL NOMINATIVE NATIONAL CONVENTION.

An Act to appropriate Out of Any Money in the State Treasury not Otherwise Appropriated the Sum of \$2000.00 for the Purpose of Paying the Expenses of Delegates to the Presidential Nominative National Convention According to the Provisions of Section 916 of the Compiled Laws of North Dakota, 1913.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of \$2,000.00 for the purpose of paying the expenses of delegates to the National Presidential Nominative Convention, according to the provisions of Section 916 of the Compiled Laws of North Dakota, 1913.

Approved March 5, 1919.

## CHAPTER 28.

(S. B. No. 103—Committee on Appropriations.)

An Act to appropriate \$7,000.00 for the Maintenance of Evening Public Schools Under the Provisions of Chapter 209 of the Session Laws of North Dakota for the Year 1917.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of \$7,000.00 or so much thereof as may be necessary, for the maintenance of Evening Public Schools under the provisions of Chapter 209 of the Session Laws of North Dakota for the year 1917 for the biennial period from June 30th, 1919, to July 1st, 1921.

Approved, March 6, 1919.

CHAPTER 29.

(S. B. No. 221—Appropriation Committee.)

**APPROPRIATION—IMPROVEMENTS AT EXECUTIVE MANSION.**

**An Act Entitled, "An Act Making an Appropriation for Improvements at the Executive Mansion."**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out any moneys in the State Treasury not otherwise appropriated, the sum of Twenty-seven Hundred (\$2,700.00) Dollars, or so much thereof as may be necessary for improvements at the Executive Mansion, as follows:

New Roof, Porch and General Repairs, including painting.....	\$2,000
Replacing Furniture, Rugs, Tapestry, etc. ....	700

Total .....	\$ 2,700
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Approved March 6, 1919.

CHAPTER 30.

(S. B. No. 183—Appropriations Committee.)

**An Act to Make Appropriation for the Purpose of Carrying out the Provisions of Chapter 119 of the Session Laws of North Dakota, 1917, Relating to Farmers' Institutes.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Eighteen Thousand Dollars (\$18,000.00), or so much thereof as may be necessary for the purpose of carrying out the provisions or chapter 119 of the Session Laws of North Dakota, 1917, relating to the holding of Farmers' Institutes, for the biennial period from June 30, 1919 to July 1, 1921.

Approved March 14, 1919.



## CHAPTER 31.

(S. B. No. 125—Appropriations Committee.)

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**APPROPRIATION—DEFICIENCY INSTITUTION FOR FEEBLE MINDED.**

**An Act Entitled, "An Act Making an Appropriation to Meet an Emergency Maintenance Deficit at the Institution for Feeble Minded at Grafton, North Dakota."**

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

Sec. 1. **APPROPRIATION.**) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Thirteen Thousand (\$13,000) Dollars or so much thereof as may be necessary to meet an Emergency Maintenance Deficit at the Institution for Feeble Minded at Grafton, North Dakota, until July 1st, 1919.

Sec. 2. **EMERGENCY.**) Whereas it is necessary for the immediate preservation of peace, health and safety that this Act shall become effective without delay for the following reasons to-wit: That there are now insufficient moneys available for the purpose herein specified and the demand is imperative that such appropriation be made; Therefore, This Act shall become and be in force and effect immediately upon its passage and approval by the Governor.

Approved March 14, 1919.

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## CHAPTER 32.

(S. B. No. 131—Committee on Appropriations.)

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**APPROPRIATION—INSTITUTION FOR FEEBLE MINDED**

**An Act Making an Appropriation for Maintenance, New Buildings, Improvements, Repairs and Equipment for the Institution for the Feeble Minded at Grafton, North Dakota.**

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

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

<b>Maintenance:—</b>		
General .....		\$ 48,500
Coal .....		33,000
Improvements and repairs, painting.....	500	1,000
Boiler house, improvements and repairs .....	1,000	2,000
Well .....	1,500	3,000
Heating and plumbing repairs .....	750	1,500
Fencing .....	400	800
Repair roofs, etc. ....	500	1,000
<b>New Buildings:</b>		
Superintendent's house .....		7,500
Garden house .....	2,500	5,000
Milk house and equipment .....	500	1,000
Refectory building .....	41,250	82,500
<b>Equipment:—</b>		
X-Ray machinery .....	1,000	2,000
Farm machinery (repair, buggy, wagons, harness, cultivator and transplanter) .....		265
Bedding and furniture .....	1,000	2,000
Oven, Middleby .....	750	1,500
Drinking water apparatus .....	1,000	2,000
Refrigerating machinery .....	1,000	2,000
Fire escape .....	500	1,000
Window guards .....	250	500
<b>Miscellaneous:—</b>		
Fire insurance .....	1,000	2,000
Land .....	5,000	10,000
Live stock .....	250	500
Total .....		\$ 210,565
Approved March 15, 1919.		

# CHAPTER 33.

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

## APPROPRIATION—INSURANCE TAX TO FIRE DEPARTMENTS.

**An Act Making an Appropriation 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:*

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Seventy-five Thousand (\$75,000) Dollars, or so much thereof as may be necessary to comply with the provisions of Sections 3993 and 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.

Seventy thousand dollars .....	\$ 70,000.00
Deficit for biennium period ending June 1919, .	
Five thousand dollars .....	5,000.00

Total .....	\$75,000.00
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Approved March 15, 1919.

#### CHAPTER 34.

(S. B. No. 92—Committee on Appropriations.)

#### APPROPRIATION—ARREST AND RETURN OF FUGITIVES FROM JUSTICE.

An Act to appropriate the Sum of \$8221.79 for the Arrest and Return of Fugitives from Justice.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$8,221.79 or so much thereof as may be necessary to pay the expenses of the arrest and return of fugitives from justice under the provisions of Chapter 160 of the Session Laws of North Dakota, 1915, and Chapter 15 of the Session Laws of North Dakota, 1917, as follows:

Deficiency prior to July 1, 1917, to balance account on	
Ledger No. 13 .....	\$4,221.79
Deficit to July 1st, 1919 .....	2,000.00
July 1st, 1919 to July 1st, 1921, \$1,000 .....	2,000.00

Total .....	\$8,221.79
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Approved February 28, 1919.

#### CHAPTER 35.

(S. B. No. 104—Committee on Appropriations.)

#### APPROPRIATION—FISH COMMISSIONER AND DEPUTY FISH COMMISSIONER.

An Act to Make Appropriation for the Clerk, Clerkhire, Postage, Office Supplies, Printing, Miscellaneous Expenses of the Game and Fish Board, Traveling Expenses, Maintenance of Game Farm, Salary and Expenses of Fish Commissioner and Deputy Fish Commissioner and Expense and Maintenance of the Fish Hatchery.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury credited to the Game & Fish

Fund not otherwise appropriated, the sums herein specified or so much thereof as may be necessary for salaries, per diem, clerk-hire, office rent, printing, traveling expenses and maintenance of Game Farm, Fish Hatchery, and Game and Fish Board, for the biennial period from June 30th, 1919 to July 1st, 1921 as follows:

1. Salaries of Secretary, Wardens, Game Farm keepers, and per diem of members .....	\$ 14,900.00	\$ 29,800.00
2. Clerk Hire .....	2,700.00	5,400.00
3. Postage .....	132.00	264.00
4. Office supplies .....	100.00	200.00
5. Printing .....	3,000.00	6,000.00
Office rent of Secretary and Chief Game Wardens .....	720.00	1,440.00
Traveling expenses .....	14,048.00	28,096.00
Maintenance of Game Farm .....	1,500.00	3,000.00
Insurance .....	50.00	100.00
Interest on balance due on Game Farm .....	174.00	258.00
Salary Fish Commissioner .....	1,500.00	3,000.00
Salary Deputy Fish Commissioner .....	1,500.00	3,000.00
Expenses Fish Commissioner .....	1,200.00	2,400.00
Expense of Deputy Fish Commis- sioner .....	1,200.00	2,400.00
Expense maintenance of Fish Hatchery .....	600.00	1,200.00

Should any of the above amounts, as itemized above, not be necessary for that specific purpose, any sum remaining unexpended shall be subject to disposal for Game Farms and under provisions of Chapter 161 of the Session Laws of North Dakota for the year 1915.

Approved March 15, 1919.

## CHAPTER 36.

(S. B. No. 105—Committee on Appropriations.)

### APPROPRIATION—GLANDERS AND DOURINE HORSE FUND.

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

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

Sec. 1. APPROPRIATION. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand (\$25,000) Dollars, or so much thereof as may be necessary to indemnify the owners of animals

afflicted with the disease known as Glanders and Dourine for the period from June 30th, 1919, to July 1st, 1921.

Approved March 7, 1919.

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### CHAPTER 37.

(H. B. No. 105—John R. Maddock.)

#### APPROPRIATION—GLANDERS-DOURINE HORSE FUND.

An Act to Appropriate Out of Any Moneys in the State Treasury not Otherwise Appropriated, the Sum of \$6500.00 for the Glanders and Dourine Horse Fund, in Order to Pay Claims on File and Which May be Filed and Allowed Prior to July 1st, 1919, for Animals Destroyed for Being Infected with Glanders or Dourine, According to Law.

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

Sec. 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, to be turned into the Glanders and Dourine Horse Fund, for the purpose of paying claims for indemnity on File or which may be filed, approved and allowed by the State Auditing Board, prior to July 1st, 1919, for horses destroyed for being infected with Glanders or Dourine, according to law.

Sec. 2. EMERGENCY.) An emergency is hereby declared to exist in that: That there are now no funds on hand in the said Glanders and Dourine Fund, and that there is now on file, approved and unpaid, claims against said fund by farmers of the State of North Dakota in the sum of \$5,050.00;

THEREFORE, This Act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1919.

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### CHAPTER 38.

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

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#### APPROPRIATION—GOVERNOR'S CONFERENCE.

An Act Making an Appropriation to Enable the State of North Dakota to Pay its Pro-rata Share to Cover the Expenses of the Governors' Conference, for the Years 1919 and 1920.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$300.00 or so much thereof as may be necessary for

the payment of the pro-rata share of the State of North Dakota, for cost of maintaining the Governor's conference, as follows:

For the year 1919, \$150.00; for the year, 1920, \$150.00.

Approved, March 7, 1919.

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## CHAPTER 39.

(S. B. No. 200—Whitman.)

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### APPROPRIATION—CITY OF GRAND FORKS.

**An Act to Reimburse the City of Grand Forks for Certain Moneys Heretofore Paid by it to the State of North Dakota in Connection with a Hearing Before the Board of Railroad Commissioners Upon the Question of the Rates Charged in Said City for Electricity and Gas by the Red River Power Co.**

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

Sec. 1. That there is hereby appropriated out of the General Fund of the State Treasury not otherwise appropriated, the sum of \$325.00 to reimburse the City of Grand Forks for the payment of that amount of money to the State of North Dakota on account of an investigation made for the Board of Railroad Commissioners of the Books and Accounts of the Red River Power Company, such payment having been made heretofore and on or about the 23rd day of November, 1918, through the office of the Attorney General.

Approved March 15, 1919.

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## CHAPTER 40.

(H. B. No. 166—Burkhart.)

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### APPROPRIATION—HAGENAH & ERICKSON.

**An Act Appropriating the Sum of Nine Hundred Twenty-five Dollars and Twenty-five Cents for Services and Expenses Incurred in Connection with the Inventory and Appraisal of Public Utility Corporations in North Dakota by Hagenah & Erickson, Under the Direction of the Governor, Attorney General and the State Tax Commission.**

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

Sec. 1 APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Nine Hundred Twenty-five Dollars and Twenty-five Cents, or so much thereof as may be necessary, for services and

expenses incurred in connection with the inventory and appraisal of public utility properties in the State of North Dakota by Hagenah & Erickson, under the direction of the Governor, Attorney General and the State Tax Commissioner.

Sec. 2. EMERGENCY.) Whereas it is necessary for the preservation of the public peace, health and safety of the citizens of the State of North Dakota that investigations and hearings as to the rates charged by public utility corporations be continued, and whereas this work cannot be successfully carried on until the within claim is paid, therefor this Act is declared an emergency measure and shall become and be in effect and force immediately upon its passage and approval by the Governor.

Approved March 7, 1919.

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## CHAPTER 41.

(S. B. No. 217—Fraser.)

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### APPROPRIATION—F. C. HEFFRON.

An Act Making an Appropriation to Pay F. C. Heffron for his Services as Assistant Attorney General During the Years 1909, 1910, 1911, 1912, 1913 and 1914.

WHEREAS, Andrew Miller, as Attorney General of the State of North Dakota, in 1909, appointed F. C. Heffron as Assistant Attorney General of the State of North Dakota, pursuant to Statute (Section 10112, N. D. C. L. 1913) for the counties of Stark, Morton and Billings, and thereafter duly appointed him as such Assistant Attorney General for the counties of Burleigh and Mercer, and said F. C. Heffron having duly performed said services as such Assistant Attorney General and having as such officer instituted and tried many criminal cases arising under the laws of this State during said years, and said F. C. Heffron having received no pay or compensation for his said services in prosecuting said cases, now, therefore,

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated, the sum of \$2,500.00 to be paid to said F. C. Heffron, as pay and compensation for his services as Assistant Attorney General of the State of North Dakota during the years 1909, 1910, 1911, 1912, 1913 and 1914.

Approved March 7, 1919.

CHAPTER 42.

(S. B. No. 101—Committee on Appropriation.)

**An Act Making Appropriation for the Salary of the Secretary and Members of the State Highway Commission, for the Clerk Hire and Other Assistance of the Commission, Postage, Office Supplies, Furniture and Fixtures, Printing, Miscellaneous and Traveling Expenses of the Commission.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury belonging to the Automobile Fund as provided in Section 11, Sub-division of Senate Bill 97, and not otherwise appropriated the sum of \$181,000.00 or so much thereof as may be necessary for the salary of the secretary and members of the State Highway Commission, for the clerk hire and other assistance of the Commission, postage, office supplies, furniture and fixtures, printing, miscellaneous and traveling expenses of the Commission for the biennial period from June 30th, 1919 to July 1st, 1921, as follows:

1. Salary—		
Secretary .....	\$ 1,000	\$ 2,000
Members of commission .....	1,200	2,400
Clerkhire—		
Highway Engineer .....	3,000	6,000
Bridge Engineer .....	2,700	5,400
Assistant Engineer .....	2,100	4,200
Maintenance Engineer .....	2,700	5,400
Road Engineer .....	2,400	4,800
Chief Draftsman .....	2,400	4,800
Office Assistants, two .....	2,000	4,000
Office Engineers, two at \$1800 .....	3,600	7,200
Blue Printer .....	900	1,800
Division Engineer, 7 at \$2400 .....	16,800	33,600
Four Assistant Engineers .....	7,200	14,400
Roadmen, eight months, 16 at \$80 per month .....	10,240	20,480
Chief Clerk .....	1,800	3,600
Bookkeeper .....	1,500	3,000
Assistant Bookkeeper .....	1,200	2,400
Stenographers, 4 at \$1200 .....	4,800	9,600
Two Stenographers .....	2,000	4,000
Postage .....	1,000	2,000
Office Supplies .....	3,000	6,000
Furniture and Fixtures .....	500	1,000
Printing .....	2,500	5,000
Miscellaneous—		
Telephone and Toll .....	150	300



Telegram .....	100	200
Freight, express and drayage .....	200	400
Traveling expenses .....	12,500	25,000
Engineering equipment .....	1,010	2,020
Total .....		\$ 181,000
Approved March 15, 1919.		

## CHAPTER 43.

(S. B. No. 124—Appropriations Committee.)

## APPROPRIATION—HOSPITAL FOR INSANE.

An Act Making an Appropriation to Meet an Emergency Maintenance Deficit for the Construction of the Reinforced Concrete Chimney; Boiler Breeching Including Breeching Piers; and a Concrete Well, at the State Hospital for the Insane at Jamestown, North Dakota.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of Eighteen Thousand Five Hundred (\$18,500) Dollars or so much thereof as may be necessary to meet an emergency maintenance deficit for the construction of the re-inforced concrete chimney; boiler breeching including breeching piers; and a concrete well; at the State Hospital for the Insane at Jamestown.

Sec. 2 EMERGENCY.) Whereas, it is necessary for the immediate preservation of peace, health and safety that this Act shall become effective without delay for the following reasons, to-wit: That there are now insufficient moneys available for the purpose herein specified and the demand is imperative that such appropriation be made; therefore, this Act shall become and be in force and effect immediately upon its passage and approval by the Governor.

Approved February 28, 1919.

## CHAPTER 44.

(S. B. No. 106—Committee on Appropriations.)

## APPROPRIATION—HOSPITAL FOR INSANE.

An Act Making an Appropriation for the Current and Contingent Expenses, Maintenance, Improvements and Repairs, New Buildings and Equipment, and Miscellaneous Expenses of the Hospital for the Insane.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out

of any moneys in the State Treasury, not otherwise appropriated, the sum of \$311,965.00, or so much thereof as may be necessary, for the current and contingent expenses, maintenance, improvements and repairs, new buildings and equipment and miscellaneous expenses of the Hospital for the Insane, as follows:

Repairs & Improvements—		
Sidewalks, grading and new roads .....	\$ 1,000	\$ 2,000
Extraordinary .....	10,000	20,000
Fencing and posts .....	500	1,000
Outside Lighting .....	1,000	2,000
Gravity System .....	6,000	12,000
Extending Steam, Sewer and Water.....	1,000	2,000
Stanchions, cement floors and silos .....	1,000	2,000
Ice Plant and cold storage .....	5,000	10,000
Engine and dynamo .....	6,000	12,000
Laboratory and Mortuary .....		2,500
Heat plant, garden house.....	1,000	2,000
Changing Ash Way .....		300
New boiler, tubular .....	5,000	10,000
New Electric Oven .....	2,000	4,000
Chicken House Addition .....		750
Men's Ward Building .....	75,000	150,000
Enlarging Kitchen .....	7,500	15,000
Store House .....	3,750	7,500
Potato Cellar, Granary, feed mill .....	1,500	3,000
Smoke House .....		250
Equipment—		
Receiving Ward Equipment .....	2,500	5,000
Laundry Equipment .....	6,000	12,000
Kitchen and Dining Room equipment.....	600	1,200
Furniture and furnishings .....	5,000	10,000
Hose, Car, Fire hose .....	1,250	2,500
Drinking Fountains .....	750	1,500
Milking machines .....	400	800
Miscellaneous—		
Additional Land .....		7,856
Insurance .....		7,865
Total .....		\$ 311,965
Approved March 15, 1919.		

## CHAPTER 45.

(H. B. No. 60—Appropriations Committee.)

### APPROPRIATION—CARE INSANE

An Act to appropriate Money for the Care of Insane Patients at the Hospital for the Insane, Charged to the State at Large, as Provided

Under Sections 261 and 2576 of the Compiled Laws of 1913 for North Dakota.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury, the sum of \$93,000.00 or so much thereof as may be necessary to pay the charges for the care of patients at the State Hospital for the Insane, as provided for under Section 261 and 2576 of the Compiled Laws of 1913 for North Dakota.

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

Approved March 5, 1919.

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#### CHAPTER 46.

(H. B. No. 75—Committee on Appropriations.)

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#### APPROPRIATION—EXPENSE FOR RELEASE OF INSANE PERSONS.

An Act to appropriate the Sum of \$300.00 Out of Any Money in the State Treasury not Otherwise Appropriated for the Purpose of Paying Expenses Incurred in Actions Brought for the Release of Insane Persons Under the Provisions of Section 2562 of the Compiled Laws of North Dakota, 1913.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the sum of \$300 for the purpose of paying expenses of actions brought for the releasing of insane persons under the provisions of Section 2562 of the Compiled Laws of North Dakota, 1913.

Approved March 3, 1919.

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#### CHAPTER 47.

(S. B. 109—Committee on Appropriations.)

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#### APPROPRIATION—JORGENSEN AND TWICHELL.

An Act Appropriating the Sum of \$399.90 to Pay the Per Diem, Travel, Hotel and Other Expenses of Carl O. Jorgenson and T. Twichell for Services and Expenses During the Month of February, 1917, on the Budget Board.

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

Sec. 1. Appropriation.) There is hereby appropriated out of

any moneys in the State Treasury, not otherwise appropriated, the sum of \$399.90, or so much thereof as may be necessary, to pay the per diem, travel, hotel and other expenses of Carl O. Jorgenson and T. Twichell for the month of February, 1917, while serving on the Budget Board as follows:

Per Diem:	
Carl O. Jorgenson .....	\$150.00
T. Twichell .....	105.00
Travel, Expense, Hotel, etc.:	
Carl O. Jorgenson .....	72.35
T. Twichell .....	72.55
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Total .....	\$399.90
Approved March 15, 1919.	

## CHAPTER 48

(H. B. No. 64—Brady.)

## APPROPRIATIONS—REIMBURSING LA MOURE COUNTY.

An Act Making an Appropriation for the Purpose of Reimbursing the County of LaMoure, North Dakota, for Moneys Expended in Maintaining a Trachoma Hospital.

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

Sec. 1. There is hereby appropriated the sum of \$2,881.07 or so much thereof as may be necessary out of any money in the State Treasury not otherwise appropriated for the purpose of reimbursing the County of La Moure, North Dakota, for the following expenditures made by said County in maintaining a Trachoma Hospital in said County from September 4th, 1918, to January 11th, 1919:

Sept. 4th, 1918, material furnished .....	\$ 543.48
Oct. 5th, 1918, mason work .....	175.20
Oct. 7th, 1918, carpenter work .....	241.80
Oct. 8th, 1918, rent for building .....	70.00
Oct. 31st, 1918, drayage .....	55.35
Nov. 1st, 1918, material furnished .....	56.13
Nov. 1st, 1918, plumbing and fixtures .....	308.70
Nov. 6th, 1918, painting .....	158.00
Nov. 9th, 1918, rent for building .....	35.00
Dec. 2nd, 1918, lumber furnished .....	7.75
Dec. 4th, 1918, hauling sand .....	7.25
Dec. 5th, 1918, State's portion for Trachoma Hospital.....	1,200.00
Jan. 10th, 1919, merchandise for hospital .....	12.41
Jan. 11th, 1919 cleaning hospital .....	10.00
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        Total .....

\$2,881.07

Said money shall be payable on order of the Auditor of said La Moure County on vouchers approved by the State Auditor therefore.

Approved March 3, 1919.

## CHAPTER 49.

(S. B. No. 56—Appropriations Committee.)

APPROPRIATIONS—MISSOURI SLOPE AGRICULTURAL AND  
FAIR ASSOCIATION.

An Act to Appropriate \$5,000.00 to the Missouri Slope Agricultural and Fair Association at Mandan for the Fairs to be Held in 1920 and 1921, as Authorized by Sections 1860 to 1866, Both Inclusive, of the Compiled Laws of 1913 for North Dakota.

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

Sec. 1 APPROPRIATION.) There is hereby appropriated the sum of \$5,000.00 out of any not otherwise appropriated funds in the State Treasury for the Missouri Slope Agriculture and Fair Association at Mandan; of this appropriation, \$2,500 shall be available for a fair to be held in 1920, and \$2,500 shall be available for a fair to be held in 1921, as authorized by Sections 1860 to 1866, both inclusive, of the Compiled Laws of 1913, for North Dakota.

Approved March 15, 1919.

## CHAPTER 50

(S. B. No. 122—Committee on Appropriations.)

## APPROPRIATION—MOTOR VEHICLE REGISTRATION.

An Act to Appropriate Eighty-eight Thousand Six Hundred Eighty-four Dollars, Sixty Cents for the Motor Vehicle Registration, Salary of Registrar, Clerk Hire, Postage, Office Supplies, Furniture and Fixtures, Printing and Stationery and Miscellaneous Expenses and Refund Items.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury belonging to the Motor Vehicle Registration Fund, as provided in Section 11, Sub-division of Senate Bill No. 97, not otherwise appropriated, or so much thereof as may be necessary, the sum of Eighty-eight Thousand Six Hundred Eighty-four Dollars and Sixty Cents (\$88,684.60) for the Motor Vehicle Registration, salary of Registrar, Clerk hire, postage, office supplies, furniture and fixtures, printing and stationery and miscellaneous expenses and refund items, for the biennial period from June 30th, 1919 to July 1st, 1921, as follows:

Salary Registrar .....	\$ 2,500	\$ 5,000
Clerkhire—		
Bookkeeper .....	1,875	3,750
Rating Clerk .....	1,875	3,750
Stenographer .....	1,500	3,000

# APPROPRIATIONS

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Clerkhire during two rush Seasons.....	450	900
Postage .....	12,000	24,000
Office Supplies .....	275	550
Furniture and Fixtures .....	900	1,800
Printing and Stationery .....	1,000	2,000
Miscellaneous—		
Telephone .....	125	250
Telegrams .....	50	100
Items not included above—		
Refund items .....	400	800
Rent of extra typewriter .....	20	40
License tags .....	20,500	41,000
National Cash Register Company, due on registering and accounting machine.....		850
Metal Products Company, St. Paul, due on contract for 1918 tags .....		894.60
Total .....		\$88,684.60

Sec. 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in force and effect immediately after its passage and approval by the Governor.

Approved March 3, 1919.

## CHAPTER 51.

(S. B. No. 115—Committee on Appropriations.)

### APPROPRIATIONS—MAINTENANCE NATIONAL GUARD.

An Act to appropriate \$60,000 to provide funds for the maintenance of the North Dakota National Guard, or State Militia, as provided for under Chapter 35 of the Compiled Laws of 1913 for North Dakota, and to meet other requirements prescribed by the Federal Statutes.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any not otherwise appropriated funds in the State Treasury, the sum of \$60,000.00 or so much thereof as may be necessary to provide proper maintenance for the North Dakota National Guard, or State Militia, as prescribed in Chapter 35 of the Compiled Laws of 1913 for North Dakota, and to meet other requirements prescribed by the Federal Statutes.

Approved March 7, 1919.

## CHAPTER 52.

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

### APPROPRIATION—MAINTENANCE STATE PARKS.

An Act Making an Appropriation for the Maintenance of State Parks

at Abercrombie, Walhalla, Pembina and Fort Rice, Including Old Fort Lincoln.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of not otherwise appropriated funds in the State Treasury the sum of \$1,250.00, or so much thereof as may be necessary for the maintenance of North Dakota Historical Parks at Pembina, Abercrombie, Walhalla and Fort Rice, and other parks, including old Fort Lincoln.

Approved March 15, 1919.

## CHAPTER 53.

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

### APPROPRIATION—PENITENTIARY

An Act to Make Appropriation for the Current and Contingent Expenses of the State Penitentiary, and for Making of Permanent Improvements and Repairs.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated the following sums of money, or so much thereof as may be necessary, out of any moneys in the State Treasury not otherwise appropriated for the payment of current and contingent expenses of the State Penitentiary and for the making of permanent improvements and repairs:

#### 1. Maintenance—

Deficit to July 1st, 1919 .....	\$	\$ 20,000
Maintenance from July 1st, 1919 to July 1st, 1921 .....	36,000	72,000
Salary of officers, guards and employees .....	36,000	72,000
Coal .....	20,000	40,000
Water .....	1,800	3,600
Clothing and shoes for inmates .....	5,000	10,000
Transportation and clothing for discharged prisoners .....	4,000	8,000
Drugs and medicines .....	800	1,600
Emergency surgical operations .....	1,000	2,000
Freight, express, telephone & telegraph .....	2,000	4,000
Rent of cultivated Hay & Pasture lands .....	1,250	2,500
Insurance .....	2,000	4,000
Books, stationery & office supplies.....	1,200	2,400

<b>2. Improvements &amp; Repairs—</b>		
General repairs, lumber, cement, hardware, etc. ....	4,000	8,000
Painting .....	1,000	2,000
Water pipe line from brick yard .....	500	1,000
Extension heating system .....	1,000	2,000
Fencing and wiring .....	500	1,000
Payment and interest on lands purchased under contract .....	5,390.50	10,781
Engine and boiler room repairs and improvement .....	1,200	2,400
Cement root cellar .....	2,000	4,000
<b>3. Equipment—</b>		
Electric supplies equipment .....	2,000	4,000
Beds, bedding and linen .....	1,200	2,400
Farm machinery and equipment .....	1,000	2,000
<b>4. Miscellaneous—</b>		
School, library and entertainments .....	1,000	2,000
Warden's expense account .....	500	1,000
Prison congress expense .....	200	400
Bertillion Dept. and Escape .....	600	1,200
Total .....		\$ 286,281

Sec. 2. EMERGENCY.) Whereas, it was and is impossible to properly maintain the State Penitentiary until July 1st, 1919, on the funds appropriated by the Fifteenth Legislative Assembly, and it is necessary for the public peace, health and safety that suitable funds be provided at once, therefore, that portion of this Act making an appropriation of \$20,000 for "deficit to July 1st, 1919" shall be in effect and the same shall go into instant operation upon its passage and approval by the Governor.

Approved March 15, 1919.

## CHAPTER 54.

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

### APPROPRIATION—EXPENSES PRESIDENTIAL ELECTORS.

**An Act to appropriate the Sum of \$500.00 Out of Any Money in the State Treasury not Otherwise Appropriated for the Purpose of Paying the Expenses of Presidential Electors According to the Provisions of Section 1038 of the Compiled Laws of North Dakota, 1913.**

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated, the



sum of \$500.00 for the purpose of paying the expenses of presidential electors according to the provisions of Section 1038 of the Compiled Laws of North Dakota, 1913.

Approved March 5, 1919.

## CHAPTER 55.

(S. B. No. 116—Committee on Appropriations.)

### APPROPRIATION—PUBLIC PRINTING.

An Act Making an Appropriation for Public Printing.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$32,600.00 or so much thereof as may be necessary, for the purpose of Public Printing for the biennial period from June 30, 1919 to July 1, 1921, as follows:

	Amount per Annum	Amount per Bi- ennium
North Dakota Supreme Court Reports .....	\$ 2,500	\$ 5,000
Legal Notices .....	200	400
Publishing Abstract of Votes .....	500	1,000
Miscellaneous Reports and reports not otherwise provided for .....	1,000	2,000
Publicity Pamphlet .....		5,000
Sample Ballots .....	250	500
Blue Book, 1919 .....		15,000
Public Documents, 1917-1918 .....		1,200
Authenticated Edition, Session Laws, 1919 .....		2,000
10,000 Copies State Constitution .....		500

Approved March 15, 1919.

## CHAPTER 56.

(S. B. No. 57—Appropriations Committee.)

### APPROPRIATION—RAILWAY COMMISSION.

An Act Entitled, An Act to appropriate Money for the Use of the Board of Railroad Commissioners Between the Following Dates: January 1st, 1919, to June 30th, 1919, and Specifying the Purposes for Which the Appropriation is Made.

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

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

the sums hereinafter named, only or so much thereof as may be necessary for the office of the Board of Railroad Commissioners and for their use, for the following purposes, between the following dates, namely, January 1, 1919 to June 30, 1919, both dates inclusive, to-wit:

Traveling expenses .....	\$3,000.00
Printing and Advertising .....	200.00
Miscellaneous (freight), express, telephone, etc. ....	150.00
For Clerk hire for rate expert .....	250.00
Postage .....	100.00
Total .....	\$3,700.00

Sec. 2. EMERGENCY.) An emergency is hereby declared to exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 6, 1919.

## CHAPTER 57.

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

### APPROPRIATION—REFORM SCHOOL.

**An Act Making Appropriation for the Maintenance, Improvements and Repairs, New Buildings, Equipments and Miscellaneous Expenses of the North Dakota Reform School.**

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

Sec. 1. APPROPRIATIONS.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$308,960, or so much therefor as may be necessary for the maintenance, improvements and repairs, new buildings, equipments and miscellaneous expenses of the North Dakota Reform School for the biennial period from June 30, 1919 to July 1st, 1921, as follows:

#### 1. Maintenance—

Salaries .....	\$ 18,000	\$ 36,000
Coal, gasoline and other oils .....	5,000	10,000
Food .....	4,500	9,000
Clothing .....	4,460	8,920
Surgery, Dentistry and Medicine .....	1,000	2,000
Light .....	420	840
Traveling Expenses .....		300
Office Supplies .....	300	600
School Supplies .....	200	400
Library .....	150	300
Amusements .....	250	500

Religious Services and Lectures .....	250	500
Farm and Garden Supplies .....	300	600
Transportation, officers and inmates.....	1,500	3,000
Air pressure pump and fixtures .....		1,100
To July 1st, 1919 .....		14,500
2. Improvements and Repairs—		
Fire escape all buildings .....		
Reconstruction basement, Girls' building .....		
Improvements of grounds, cement walks, stone wall, girls' building..	500	1,000
Road repairs and improvements .....		
Fencing farm lands .....	600	1,200
Exterior and interior painting .....		500
3. New Buildings—		
Main Buildings .....	\$ 90,000	
Gymnasium, School and Chapel .....	50,000	
Boiler room and equipment .....	35,000	
Water supply and sewerage .....	25,000	
	\$ 200,000	
This amount to become available March 1st, 1920.		
Addition to hog house .....		500
Addition to chicken house .....		600
Garden house .....	500	1,000
Dairy barn and silo .....	1,750	3,500
Slaughter house and equipment .....	300	600
Machinery house .....	250	500
Two cottages for employees .....		
Sewerage and disposal plant .....		
Laundry and equipment, Girls' building .....	250	500
Cold storage plant .....		
Milk house .....	250	500
4. Equipment—		
New furniture, girls' building .....	250	500
New furniture, big and little Boys' building .....	400	800
Farm machinery .....	300	600
Three coal wagons .....		
Fire apparatus, all buildings .....	350	700
5. Miscellaneous—		
Insurance .....		900
Purchase of livestock .....		
Purchase of land .....		6,500
Total .....		\$ 308,960

Sec. 2. EMERGENCY.) Whereas it was, and is impossible to properly maintain the North Dakota Reform School until July 1st, 1919, on the funds appropriated by the Fifteenth Legislative Assembly, and it is necessary for the public peace, health and safety that suitable funds be provided at once, therefore, that portion of this Act making an appropriation of \$14,500 for deficit to July 1st, 1919, shall be in effect and the same shall go into instant operation upon its passage and approval by the Governor.

Approved March 15, 1919.

CHAPTER 58.

(S. B. No. 59—McCarten.)

APPROPRIATION—REIMBURSEMENT CERTAIN FUNDS.

An Act Appropriating Money to Reimburse the Permanent Funds of the Common Schools, University, Agricultural College, School for the Deaf and Dumb, Normal Schools, and Other Permanent Funds Derived From the Sale of Public Lands or From Any Other Source of the State of North Dakota for Losses Resulting From a Misappropriation of such Funds Occurring Previous to January 1, 1917.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any money in the State Treasury not otherwise appropriated the sum of Twenty-three Thousand Dollars (\$23,000), or so much thereof as may be necessary to reimburse the permanent funds of the common schools, university, agricultural college, school for the deaf and dumb, normal schools and other permanent funds derived from the sale of public lands or from any other source of the State of North Dakota for losses resulting from a misappropriation of such funds occurring previous to January 1, 1917.

Approved March 6, 1917.

CHAPTER 59.

(S. B. No. 79—Fleckten.)

APPROPRIATION—FAIR PURPOSES.

An Act Repealing Sections 1857 and 1865 of the Compiled Laws of North Dakota for the Year 1913 and Providing Appropriations for Fair Purposes and for the Expenditure and Disbursement of Such Appropriation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any funds in the Treasury of the State of North Dakota not otherwise appropriated the following amounts for the following specified purposes, to-wit: The sum of \$10,000 for premium for

live stock, poultry and agricultural exhibits at the State Fair or Exposition to be held at Grand Forks in the year 1919.

The sum of \$10,000 for premiums for live stock, poultry and agricultural exhibits at the State Fair or Exposition to be held at Fargo in the year 1920.

**Sec. 2. DISBURSEMENTS BY COMMISSIONER OF AGRICULTURE AND LABOR.** The expenditures or disposition of the appropriation herein made or any part thereof shall be under the direction and immediate supervision and control of the Commissioner of Agriculture and Labor. He shall direct and provide the manner and method of the disbursement of such appropriation and any part thereof so as to best promote the purposes for which such appropriations are made. No disbursement out of such appropriations shall be made except upon a voucher duly prepared and approved by such commissioner and duly ordered by the State Auditing Board as now provided by law.

The said Commissioner shall annually on or about January first of each year file with the Secretary of State his report showing all disbursements made hereunder.

**Sec. 3.** Sections 1857 and 1865 of the Compiled Laws of North Dakota for the year 1913 and all Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 15, 1919.

## CHAPTER 60.

(S. B. No. 65—Ettestad.)

### APPROPRIATION—TAX COMMISSION TO JULY 1, 1919.

An Act Making an Appropriation to the Department of Tax Commission for Specific Purposes.

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

**Sec. 1. APPROPRIATION.)** There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of \$787.38 to be credited to the Department of Tax Commission upon the following items:

Miscellaneous—

Postage .....	\$200.00
Office Supplies .....	200.00
Printing Bills (1916) .....	137.38
Library Books .....	50.00
Hearings .....	200.00

For the use of said Tax Commission during the six months ending July 1, 1919.

**Section 2. WHEREAS,** An Emergency exists in that the above account should be made available at once, this Act shall be in full force and effect immediately upon its passage and approval.

Approved March 6, 1919.

CHAPTER 61.

(H. B. No. 65—Kelder.)

APPROPRIATION—TRACHOMA HOSPITAL.

An Act to appropriate the Sum of \$1900.00 for the Maintenance of a Trachoma Hospital in the County of La Moure, State of North Dakota.

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

Sec. 1. There is hereby appropriated out of the State Treasury from any moneys not otherwise appropriated for the purpose of maintaining a Trachoma Hospital in the County of La Moure, North Dakota, for maintenance purposes, covering the period from December 18th, 1918, to July 1st, 1921, the sum of \$1,900. Said sum shall be payable on the order of the Governor on vouchers therefore approved by the State Auditor.

Approved March 3, 1919.

CHAPTER 62.

(S. B. No. 89—Committee on Appropriations.)

APPROPRIATION—TUBERCULOSIS SANITORIUM.

An Act Making Appropriations for the Maintenance, Improvements, Repairs, New Buildings and Equipment for the North Dakota Tuberculosis Sanitorium at Dunseith, North Dakota.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of \$181,250 or so much thereof as may be necessary for the maintenance, improvements, repairs, new buildings and equipment of the North Dakota Tuberculosis Sanitorium, at Dunseith, North Dakota, for the biennial period from June 30, 1919, to July 1st, 1921, as follows:

General Maintenance .....	30,000	60,000
Coal .....	7,500	15,000
Improvements—		
Extension of water supply and fire protection .....	500	1,000
Additional land .....		700
Fences .....	600	1,200
Water softening plant .....	1,000	2,000
Fire hose and hose cart .....	250	500
Local telephone system .....	75	150
Welding machine .....		150
Lathe for workshop .....		350
Sidewalks and improvement of grounds .....	600	1,200
Repairs—		
Water tower and tank repairs and painting .....		350

General repairs to buildings .....	750	1,500
For painting .....	1,000	2,000
Plumbing repairs .....	250	500
Heating repairs .....	250	500
New Buildings—		
Garden house .....	250	500
Root cellar .....	450	900
Cisterns .....	150	300
Infirmary building annex .....	37,500	75,000
Office and Dormitory building .....		
Ice house addition .....	250	500
Hog house .....	200	400
Equipment—		
Bedding and furnishings .....	2,500	5,000
Kitchen equipment .....	500	1,000
Milk house equipment .....	200	400
Steel lockers .....	150	300
Farm equipment .....	250	500
Electrical supplies .....	250	500
Office supplies .....	100	200
Office equipments .....	100	200
Laundry machinery .....	500	1,000
Engine and boiler room supplies .....	250	500
X-Ray equipment .....	1,500	3,000
Platform scales .....		200
Miscellaneous—		
Dairy cattle .....	250	500
Poultry .....	125	250
Insurance .....		1,500
<b>Total .....</b>		<b>\$ 181,250</b>
Approved March 15, 1919.		

## CHAPTER 63.

(H. B. No. 70—Committee on Appropriations.)

## APPROPRIATION—WAR HISTORY COMMISSION.

An Act Appropriating Money for the Use of the War History Commission Between the Following Dates, June 30th, 1919, to July 1st, 1921.

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

Sec. 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sums hereinafter named, only, or so much thereof as may be necessary for the proper maintenance of the Department of the North Dakota War History Commission for the following specified purposes, between the following dates, namely, June 30th, 1919 to July 1st, 1921, to-wit:

	Per Annum	Per Biennium
Clerk Hire,	\$200.00	\$ 400.00
Postage .....		1,175.00
Office Supplies .....		70.00
Printing .....		375.00
Miscellaneous .....		60.00
Traveling Expenses .....		420.00
Total amount appropriated .....		\$2,500.00
Approved March 7, 1919.		

## CHAPTER 64.

(S. B. No. 100—Committee on Appropriations.)

## APPROPRIATION—WOLF BOUNTY.

**An Act Making an Appropriation to Provide for the Payment of Bounty on Wolves and Coyotes Killed Prior to July 1st, 1917.**

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

Sec. 1. There is hereby appropriated out of any, not otherwise appropriated funds in the State Treasury, the sum of Thirty-four Thousand (\$34,000) Dollars, or so much thereof as may be necessary to pay the deficit in the appropriation for bounty on wolves and coyotes killed prior to July 1st, 1917.

Approved March 6, 1919.

## ATTORNEY GENERAL

## CHAPTER 65.

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

## APPROPRIATION—ATTORNEY FOR BOARD OF UNIVERSITY AND SCHOOL LANDS.

**An Act Providing for the Appointment by the Attorney General of an Assistant Attorney General to Act as Attorney for the Board of University and School Lands, and Prescribing the Duties of Such Assistant Attorney General, and Requiring a Bond to be Given and Fixing His Salary and Making an Appropriation Therefor.**

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

Sec. 1. APPOINTMENT.) There shall be appointed by the Attorney General an Assistant Attorney General to act under the direction and supervision of the Attorney General as attorney for the Board of University and School Lands. Said appointment



shall be revocable at the pleasure of the Attorney General.

Sec. 2 EXECUTION OF CERTIFICATES AND DOCUMENTS.) All certificates and documents executed, signed or certified to by such Assistant Attorney General shall be executed, signed or certified to in substantially the following form:

.....  
Attorney General

By .....  
Assistant Attorney General.

Sec. 3 BOND.) Such Assistant Attorney General upon his appointment and before assuming his duties, shall give and file a good and sufficient bond, running to the State of North Dakota in the sum of Five Thousand Dollars (\$5,000), conditioned upon the faithful performance of his duties under such appointment.

Sec. 4. SALARY AND APPROPRIATION THEREFOR ) There is hereby appropriated out of the General Fund of the State not otherwise appropriated the sum of Twenty-two Hundred Dollars (\$2,200) annually for the salary of the aforesaid Assistant Attorney General, which shall be paid monthly as salaries of State officials are paid, upon the approval of the vouchers therefor by the Attorney General.

Sec. 5. This Act is hereby declared to be an emergency measure and shall be in effect and be in operation immediately after its passage and approval.

Approved February 28, 1919.

## CHAPTER 66.

(S. B. No. 24—Mees.)

### ASSISTANT ATTORNEYS GENERAL.

An Act to Amend and Re-enact Sections 160 and 161 of the Compiled Laws of North Dakota for the Year 1913, and Providing for Five Assistant Attorneys General, and for the Oath of Office and the Salary Therefor.

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

1. AMENDMENT.) That Section 160 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 160. ASSISTANT ATTORNEY GENERAL, HOW APPOINTED.) The Attorney General may appoint five Assistant Attorneys General whose appointment shall be in writing and filed in the office of the Secretary of State. Such Assistant Attorneys General shall have the same power and authority as the Attorney General; they

shall before entering upon the duties of their office, take and subscribe upon their appointment the official oath prescribed by law.

2. AMENDMENT.) That Section 161 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 161 SALARY OF ASSISTANT ATTORNEYS GENERAL.) The annual salary of the Assistant Attorneys General shall be as provided by law and payable monthly on the warrant of the State Auditor.

Approved February 14, 1919.

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## CHAPTER 67.

(S. B. No. 51—State Affairs Committee.)

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### SPECIAL ASSISTANT ATTORNEYS GENERAL.

**An Act Providing for the Appointment of Special Assistant Attorneys General, by the Attorney General, and Designating the Fund out of Which the Compensation of Such Assistant Attorneys General May be Paid.**

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

Sec. 1. THE ATTORNEY GENERAL MAY APPOINT SPECIAL ASSISTANT ATTORNEYS GENERAL.) The Attorney General may, when he deems it necessary, appoint Special Assistant Attorneys General. Such appointment shall be in writing and when made shall confer upon such assistant the same powers as are exercised by regular Assistant Attorneys General when such powers are not expressly limited by the terms of such appointment. Such appointment shall be revocable at the pleasure of the Attorney General.

Sec. 2. COMPENSATION.) Such appointment may be made with or without compensation and when compensation is allowed by the Attorney General for services performed it may be paid out of the legal expense fund, or any contingent fund, of the Attorney's General Department, upon vouchers duly approved as other salaries in such department are paid.

Approved February 11, 1919.

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## CHAPTER 68.

(S. B. No. 52—State Affairs Committee.)

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### ATTORNEY GENERAL—PROSECUTING VIOLATION OF LAW

**An Act Providing for Investigation and Prosecuting Violations of Law by the Attorney General in the Various Counties and for the Payment of Expenses Incurred Therein.**

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

Sec. 1. INVESTIGATION BY ATTORNEY GENERAL.) The Attorney General, whenever he deems it necessary for the successful en-

forcement of the laws of the State in any County, or when requested by a majority of the Board of County Commissioners of any County, or when petitioned by twenty-five tax paying citizens of any County, may make an investigation in any such County to the end that the laws of the State shall be enforced therein and all violators thereof brought to trial.

Sec. 2. EXPENSES OF INVESTIGATION. HOW PAID.) The necessary expenses, as determined by the Attorney General, not otherwise specifically provided for by law, incurred in making such investigations in any County and in prosecuting any resulting cases, shall be paid by said County out of the Contingent Fund of the State's Attorney of said County appropriated by the Board of County Commissioners, as is provided for in Section 3382, Compiled Laws of 1913.

Sec. 3. EXPENSES UPON ORDER OF ATTORNEY GENERAL.) All such expenses paid from said Contingent Fund of the State's Attorney shall be paid by the County Treasurer upon the warrant of the Auditor of such County, which warrant shall be executed and delivered by such Auditor in an amount and to the person designated therein upon the written order of the Attorney General.

Approved February 14, 1919.

## ATTORNEYS

### CHAPTER 69.

(H. B. No. 103—Patterson.)

#### STATE BAR BOARD.

An Act to Amend and Re-enact Sections 782, 783, 784, 787, 799, 808, 809, 810, 811 and 812 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Creation of a State Bar Board, its Members, Their Term of Office, Qualifications, Compensation and Duties and Providing for the Admission of Attorneys to Practice. Issuance of License.

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

Sec. 1. AMENDMENT.) Section 782 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 782. APPOINTMENT BY THE GOVERNOR.) The Governor shall appoint from the resident members of the bar of this state, three persons, who shall be learned in law, to constitute a State Bar Board, which shall succeed to and execute the duty of the State Board of Examiners in Law.

Sec. 2. AMENDMENT.) Section 783 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 783. TERM OF OFFICE. VACANCY. HOW FILLED. QUALIFICATIONS.) The members of the said State Bar Board shall be appointed within one month after this act becomes a law. The term of office of the members of the first board shall be as follows: One for the term of two years and three months; one for the term of four years and three months; and one for a term of six years and three months; and their successors shall receive their appointment in like manner for a term of six years each after the expiration of such respective terms; in case of a vacancy occurring by death, resignation, or otherwise, there shall be appointed in a like manner a person to serve through the unexpired term of such member to whose place he is appointed. Each person appointed to such board shall qualify within ten days after such appointment by taking an oath to support the constitution and the laws of this state and to faithfully perform the duties of his office and by giving a bond under the State Bonding Act in the sum of \$2500.00 to faithfully perform the duties of his office and account for all moneys received. The premium of such bonds shall be paid to the State Bonding Fund out of the fees received by the Board under the provisions of the law.

Sec. 3. AMENDMENT.) Section 784 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 784. OFFICERS OF BOARD. PUBLIC EXAMINATION. RECORD OF PROCEEDINGS.) The said board shall organize within one month after the appointment of the members thereof by electing one of its members president. The clerk of the Supreme Court shall be ex-officio secretary and treasurer of said board. The said board shall at least two times each year hold public examinations for admission to the bar of this state, which examinations shall be both written and oral at such places and such times in this state as the said board or the manager thereof shall direct. The said board shall keep a record of all of its proceedings and also a record of all its applications and admissions to the bar and shall enroll in a book kept for such purpose the name of each person admitted as an attorney at law.

Sec. 4. AMENDMENT.) Section 787 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 787. SALARIES. FEES.) Each member of such board shall receive a salary of ten dollars per day for actual time devoted to the duties of his office and shall receive his actual expenses while away from his place of residence in attending to his duties. The said State Bar Board may employ such assistants, purchase such supplies and incur such expense as may be neces-

sary to carry on the work provided for herein but such expenditures shall all remain within the sums derived from fees paid to said State Bar Board. All claims for such salaries, fees and expenses of such board shall be submitted to the auditing board of this state on sworn vouchers as now required by law and shall be paid by the treasurer of the State Bar Board out of the state bar fund.

Sec. 5. AMENDMENT.) Section 799 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 799. FORFEITURE OF, AND WHAT COURTS MAY REVOKE OR SUSPEND ADMISSION TO BAR.) The revocation of any attorney's admission to the bar is, and shall constitute, a forfeiture of his office as an attorney or counsellor at law to practice in the courts of this state, but not until a copy of the charges against him shall have been delivered to him by the clerk of the court in which the proceedings shall be had and an opportunity shall have been given to him to be heard in his defense.

Sec. 6. AMENDMENT.) Section 808 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 808. REFERENCE TO STATE BAR BOARD BY SUPREME COURT) Whenever it is brought to the attention of the Supreme Court of the State of North Dakota that any member of the bar of said state is charged with conduct warranting his disbarment or suspension and it appears to such court that such charges should be investigated, the said court may in its discretion refer the matter to the State Bar Board with directions to investigate such charges and when any such matter is so referred to the said State Bar Board for investigation, each of the members of said board shall have power and authority to administer oaths to witnesses and take testimony in regard to such charges and to issue subpoenas commanding witnesses to appear at any place within the county where such witnesses may reside.

Sec. 7. AMENDMENT.) Section 809 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 809. REPORT BY STATE BAR BOARD.) When the State Bar Board has completed the investigation, it shall make a report to the Supreme Court including therein the conclusions of the board as to the truth or validity of the charges investigated and its recommendation as to whether further proceedings should be had.

Sec. 8. AMENDMENT.) Section 810 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 810. PROSECUTION BY STATE BAR BOARD.) Upon receiving

the report mentioned in Section 809, the Supreme Court may in its discretion order and direct the State Bar Board to file accusations and begin proceedings for the disbarment, suspension or other discipline of the accused attorney in accordance with the method of procedure provided in Sections 799 to 804 inclusive of the Compiled Laws of North Dakota for the year 1913; and if such order is made, it shall then be the duty of said State Bar Board to comply with such order and to designate and select the attorney or attorney's to further prosecute such matter or conduct the prosecution by its own members.

Sec. 9. AMENDMENT.) Section 811 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 811. WHO MAY PRACTICE. LICENSE FEE.) No person shall be entitled to practice law or act as attorney or counsellor at law in this state unless such person shall first secure a certificate of admission to the bar in addition to the fee provided for securing such certificate shall pay the clerk of the Supreme Court an annual license fee of \$15.00. The said clerk of the Supreme Court shall in his ex-officio capacity as the treasurer of such State Bar Board deposit such license fee with the State Treasurer to be kept in a fund known as the State Bar Fund to be disbursed therefrom only in the manner hereinbefore provided to defray the expenses of the State Bar Board, provided, however, non resident attorneys duly licensed to practice in another state shall not be required to pay said annual license fee when present in this state for the purpose of appearing before the courts of this state.

Sec. 10. AMENDMENT.) Section 812 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 812. LICENCE FEE, WHEN PAID. HOW LICENCE ISSUED.) On and after August first, 1919, every person practicing law in this state and acting as an attorney or counsellor at law therein except those mentioned in Section 793 of the Compiled Laws of North Dakota for the year 1913 shall secure, possess and have an annual license from the State Bar Board. And on or before the first day of January of each and every calendar year thereafter every person engaged in the practice of law in this state shall secure, possess and have an annual license from the State Bar Board. The clerk of the Supreme Court in his capacity as secretary and treasurer of the State Bar Board shall issue to any person holding an unrevoked certificate of admission to the bar of the State of North Dakota and paying the sum of \$15.00 therefor an annual license to practice law, issued by the State Bar Board to such attorney, which license shall be good for one year from and after



the first day of January in the year in which such license was issued.

Sec. 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 5, 1919.

## CHAPTER 70.

(S. B. No. 78—Bowman.)

### REVOCATION OR SUSPENSION OF ATTORNEY'S RIGHT TO PRACTICE.

An Act to Amend and Re-enact Section 800 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Revocation or Suspension of an Attorney's Right to Practice.

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

Sec. 1. AMENDMENT.) That Section 800 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

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

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

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

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

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

5. When he has, while Attorney General of the State or Assistant Attorney General or an employee in the office of the Attorney General, engaged in the private practice of law or rendered any legal services for pay, profit and remuneration to any person, other than the duties imposed upon him by virtue of his office.

6. When he has, while State's Attorney for any county in this State, or Assistant State's Attorney or employee in the office of the State's Attorney; appeared as attorney for the defendant or defense, in any criminal action in this or any other State or in the courts of the United States, except where such appearance was in the exercise of the duties placed upon him by virtue of his office.

Approved February 26, 1919.

## BOARD OF ADMINISTRATION

### CHAPTER 71.

(S. B. No. 134—Cahill.)

#### BOARD OF ADMINISTRATION.

An Act Creating the "Board of Administration" for the General Supervision and administration of all State Penal, Charitable and Educational Institutions, and the General Supervision of the Public Schools of the State, Defining its Powers and Duties, Making an Appropriation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. There is hereby created the "Board of Administration" for the general supervision and administration of all State Penal, Charitable and Educational Institutions of the State, and the general supervision of the public and common schools of the State. For the exercise of these duties of general supervision the presidents or heads of the several State institutions and Superintendent of Public Instruction shall be responsible to the Board. Said Board shall consist of five members, the State Superintendent of Public Instruction, and the Commissioner of Agriculture and Labor who shall be ex-officio members of said Board, and three other members who shall be appointed by the Governor within ten days after this Act takes effect. The members so appointed shall hold their office as follows: One until July 1, 1921, one until July 1, 1923, and one until July 1, 1925, as designated by the Governor; and thereafter the appointment of the members of said Board shall be for a term of six years and until their successors are appointed and qualified; provided, however, that the Governor may remove any appointive member of said Board for cause.

Sec. 2. The appointive members of said Board shall give all their time to the duties of said office, and shall furnish bond in the sum of ten thousand dollars in the manner required by law, and each of them shall take the oath of office and qualify in the same manner as other state officials, and shall receive a salary of Three Thousand Dollars per annum and all traveling and necessary expenses while in the discharge of their official duties.

Sec. 3. The members of said Board shall meet at Bismarck within twenty days after this Act takes effect and organize by electing one of the members thereof Chairman of said Board. A majority of said Board shall constitute a quorum for the transaction of business. Said Board shall be provided with suitable offices at the State Capitol.



Sec. 4. The Board of Administration may employ a Secretary, whose salary shall not exceed Three Thousand Dollars per annum; and it may employ such other administrative assistants, officers, directors of vocational training and such school inspectors, business managers, accountants and employees as may be necessary, and fix the compensation of the same within the appropriation made for such purpose. The Board of Administration shall be the judge of the qualifications and may remove any such employee when, in its judgment, the public service demands it.

Sec. 5. The Board of Administration shall assume all the powers and perform all the duties of the State Board of Education, State Board of Regents, and the State Board of Control, as are now exercised by any and all of said Boards and it shall succeed to the possession on behalf of the State, or any political subdivision thereof, of all records, documents, reports and appurtenances of all kinds now held by any and all of said Boards.

Sec. 6. Said Board shall make all necessary rules and regulations for its own procedure and for the general administration, supervision and management of the various penal, charitable and educational institutions and for the general supervision of the public schools of the State, and may require the performance of additional duties by the officials of the several institutions so as to fully enforce all the requirements, intents and purposes of this Act; and it shall make a special study of the particular need and requirements of all such institutions. It shall have power to appoint a temporary School Commission to consist of the Superintendent of Public Instruction, one County Superintendent, one City Superintendent, the High School Inspector and one other member, to investigate the kinds and cost of library books, and text books for use in public schools of this State, and the question of uniformity of text books, and the printing and distribution of same by the State, with such recommendations as the Commission may deem proper. Said Commission shall report to the Board on or before July 1, 1920, its findings and recommendations, and thereafter shall cease to exist. The members of such Commission shall be paid such compensation for their services as the Board may determine and their actual and necessary expenses.

Sec. 7. In order to carry out in detail the work of administration and supervision, the Board of Administration shall appoint an Educational Commission, to consist of the State Superintendent of Public Instruction, who shall be ex-officio chairman of the Commission, and four other members appointed by the Board for a period of two years as follows: One County Superintendent, one City Superintendent, one representative of the Normal Schools and one Representative of the University and Agricultural College alternating, subject to the direction and general approval of the Board, to have charge and supervision of the

certification of teachers, standardization of schools, examinations for eighth grade and high school pupils, preparation of courses of study for the several classes of public schools, and such other work as may be assigned to it by the Board. Such Commission shall meet at Bismarck on the first Tuesday in January, April, July and October of each year, and at such other times and places as may be found necessary, and the members shall receive such compensation for their services as the Board may determine and their actual and necessary expenses.

Sec. 8. The Board of Administration shall devise and install a system of accounting and auditing of all moneys appropriated, received and expended, adapted to the several institutions herein named, and make the system as nearly uniform as the necessities of the case may permit.

Sec. 9. The powers and duties of the State Superintendent of Public Instruction as heretofore provided by law shall be subject to the supervision and control of the Board of Administration, only insofar, as such powers and duties were by law subject to the supervision and control of any or all of the Boards mentioned in Section 5 of this Act.

Sec. 10. The Board of Administration shall file a report on or before the first day of November in each year with the Governor of the State.

Sec. 11. There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of Forty Thousand Dollars annually, or as much thereof as may be necessary to carry out the provisions of this Act. All salaries and expenditures shall remain within the appropriation herein, and shall be paid by the State Treasurer upon warrant of the State Auditor in the manner provided by law.

Sec. 12. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1919.

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## BRIDGES

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### CHAPTER 72.

(H. B. No. 86—Nesvig.)

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#### CONSTRUCTION OF BRIDGES BY COUNTY COMMISSIONERS.

**An Act to Amend and Re-enact Section 1951 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Construction of Bridges by County Commissioners.**

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

Sec. 1. AMENDMENT.) That Section 1951 of the Compiled

Laws of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

Sec. 1951. PETITION. BIDS.) Whenever a majority of the freeholders of a civil township or a majority of the freeholders living within a radius of three miles of the proposed location, shall petition the Board of County Commissioners for a bridge at a specified location within such township, or within any incorporated city or village, when the cost of such bridge shall exceed the sum of \$100.00, it shall be the duty of the Board of County Commissioners to view and investigate the necessity of such proposed bridge; and if such County Board approves its location and building, it shall proceed to advertise in the official paper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of such bridge, to be submitted to them at their next regular or special meeting, at which meeting of the board it shall proceed to examine all proposals or bids for the building of such bridge, and if such board sees fit they shall award the contract to the lowest responsible bidder; requiring such bidder to give a bond in a sum not less than the amount stipulated in the bid or contract conditioned for the faithful compliance with the terms of such bid or contract, which bond shall be approved by the Board of County Commissioners and filed in the office of the County Auditor.

Provided, however, that the Board of County Commissioners shall have the authority to refuse any or all bids received, and to proceed to construct such bridge under their own supervision, and in the manner deemed by them most expedient and to enter into contracts for the labor or material to be used in the construction of the same.

Approved February 26, 1919.

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## CHAPTER 73.

(S. B. No. 201—Whitman.)

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### STATE AID IN CONSTRUCTION OF BRIDGES.

An Act Providing for State Aid in the Construction of Bridges Across State Lines of Inter-state Highways or Roads Across Navigable Streams Within the State.

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

Sec. 1. That hereafter the State of North Dakota shall aid to the amount of one-third of the cost of the construction of any bridge hereafter built across the state line upon interstate roads or highways or across navigable streams within the State of North Dakota, on state highways or roads.

Sec. 2. That before such interstate bridge or bridges across navigable streams within the state are begun, the plans thereof

shall be submitted to the Chief Engineer of the State Highway Commission who shall if he approves the same, endorse his approval thereon before the same shall be submitted to the Federal authorities if such submission is necessary; thereafter as all estimates in the construction of said bridges are allowed, duplicates thereof shall be submitted to and filed with the Chief Engineer of the State Highway Commission, who shall thereupon certify the amount thereof to the State Auditor who shall issue the state warrant for one-third thereof in favor of the city, county or municipality which has entered into the contract for, is constructing and paying for said bridge, which warrant upon presentation shall be paid by the State Treasurer from any moneys in the general fund.

Approved March 5, 1919.

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## BUILDINGS

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### CHAPTER 74.

(S. B. No. 147—King.)

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#### DISPOSITION OF BUILDINGS CONDEMNED.

**An Act to Provide for the Disposition of Any Building ordered Condemned or Repaired by the Fire Marshal, Chief Assistant or Deputies.**

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

Section 1. Whenever the Fire Marshal or his Chief assistant or any deputy shall, in pursuance of the provisions of Section 206 or 207 of the Political Code Compiled Laws of 1913, make any order requiring any building or other structure to be repaired, torn down or demolished, or the material thereof removed, or dangerous condition thereof removed and abated, such order shall be in writing and shall concisely state the grounds upon which it is based. The Fire Marshal may institute proceedings for the enforcement of any such order as hereinafter provided.

Sec. 2. The Fire Marshal may at any time after such order is made, file a copy thereof in the office of the Clerk of the District Court of the county in which the premises affected by the order are situated; and thereupon all proceedings with reference thereto shall be within the jurisdiction of said court. Said proceeding shall be therein entitled in the matter of the order of the Fire Marshal concerning the premises therein affected.

Sec. 3. Thereupon a copy of such order together with written notice that it has been so filed and that the Fire Marshal will apply to said court for a judgment enforcing the terms thereof, and requiring all parties interested in said matter to appear therein and to state their objects, if any there be, to said

order, within twenty days from the time of the service thereof, shall be served upon the owner, mortgagee, lessee, tenant, occupant or other person known to have or claim any interest in said premises. Said notice shall contain the title of the proceeding and specify the court in which such proceeding is instituted and shall be subscribed by the Attorney General of the state, who shall appear for the Fire Marshal in each such proceeding. It shall be served, together with a copy of said order as above provided, in the same manner as that in which a summons in a civil action is required to be served; provided, however, that service of such order and notice may be made as to any and all parties having or claiming to have any interest in said premises, by publication thereof by order of the court having jurisdiction of the proceeding, which shall be granted when it shall be made to appear to said court that the sheriff of the county in which said premises are situated shall have made his return upon such order and notice that as to any party or parties having or claiming to have an interest in said premises he has been unable to make the service required by Section 7426 of the Compiled Laws of 1913; and when it shall be made to appear further by affidavit, that any such party is, or is believed to be, absent from the jurisdiction of said court so that service of such order and notice cannot be made upon such party in the manner provided by said Section 7426. Whenever it shall appear to the court that additional parties are proper or necessary parties in said proceeding, the court may order such parties to be brought in by proper service upon them of such notice or order.

Sec. 4. Any party having or claiming to have an interest in the said premises may appear and state in writing his objections to said order within twenty days after service thereof upon him as hereinbefore provided. After such period has expired the court may permit parties to appear for the protection of their respective interests at any time before final determination of said proceeding as may be just and proper.

Sec. 5. Said proceeding may be brought on for hearing and determination by the Fire Marshal or by any other party thereto at any time after the lapse of thirty days from the completion of service upon all parties appearing to be interested therein. The time of such hearing shall, upon the application of any such party, be set by the court for any day in any general or special term; and in the order setting such time for hearing the court shall further order such notice to be given to all parties to such proceeding of such hearing as it shall deem proper; provided, however, that it shall not be necessary to give notice of such hearing to any person upon whom service of said order and the

notice thereto attached shall have been made as above provided, and who shall not have appeared in said proceeding.

Sec. 6. At the time set for such hearing, or as soon thereafter as practicable, the court shall hear and determine the issues raised by said order and the objections thereto and shall make its findings of fact and conclusions of law therein as in other civil actions, and shall order judgment to be entered accordingly. If the court finds that the order of the Fire Marshal in the premises is just and proper, the judgment shall provide for the enforcement thereof within such time and in such manner as shall be therein designated by said judgment or by appropriate order based thereon, the court may direct the sheriff of said county or the Fire Marshal to proceed to cause such judgment to be enforced by such compliance with the terms of the order of the Fire Marshal, as shall be provided in said judgment. In the event that any building or other structure is so disposed of in pursuance of such order of the court that there shall be salvage therefrom, the court shall make appropriate order for the protection of the interests of the parties of such proceeding.

Sec. 7. Costs and disbursements may be taxes, allowed and entered in the judgment of the court in any such proceeding in the same manner as in other civil actions. As a part of such disbursements, in the event of proceeding taken by the sheriff or Fire Marshal in the enforcement of any order of the court, as above provided according to the terms of the order of the Fire Marshal, the necessary disbursements of such sheriff or Fire Marshal in the course of such proceeding shall be reported to the court and the court shall make such order in the premises as may be just and proper concerning the allowance thereof, and when so allowed, they shall be entered as a part of the judgment. The Fire Marshal shall reimburse the sheriff for his disbursements and fees in said proceeding.

Sec. 8. Any and all costs and disbursements allowed to the Fire Marshal in said proceeding and entered in the judgment therein, shall be a lien against the premises affected by said order and shall be enforceable in the same manner as other judgment liens.

Sec. 9. All Acts and parts of Acts are hereby repealed insofar as they may be inconsistent with the terms of this Act.

Approved March 7, 1919.

## CHAPTER 75.

(S. B. No. 172—Committee on Public Buildings.)

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## FIREPROOF BUILDING OR HOTEL.

An Act Defining the Meaning and Limiting the Use of the Term "Fire Proof Building or Hotel" and Providing a Penalty Thereof.

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

Sec. 1. It shall be unlawful for any person, firm or corporation to advertise a building or hotel as being fire proof unless constructed in the following manner:

All foundations, floors, roofs, walls, stairways, stairs, elevator shafts, and dumb waiter shafts, shall be constructed of concrete, brick, terra cotta blocks, steel or other fire proof material.

Sec. 2. Any person, firm or corporation advertising a building or hotel as fireproof unless constructed in accordance with the provisions of the foregoing article shall be punished upon conviction by a fine of not to exceed \$500.00 or one year in jail.

Approved March 7, 1919.

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CERTIORARI

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## CHAPTER 76.

(H. B. No. 36—Bjerke.)

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## ISSUANCE OF THE WRIT OF CERTIORARI.

An Act to Amend and Re-enact Section 8445 of the Compiled Laws of North Dakota for the Year 1913, and Providing for the Issuance of the Writ of Certiorari.

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

Sec. 1. AMENDMENT). That Section 8445 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 8445. WHEN AND BY WHOM GRANTED.) A writ of certiorari shall be granted by the Supreme and District Courts, when inferior courts, officers, boards or tribunals have exceeded their jurisdiction and there is no appeal, nor, in the judgment of the court, any other plain, speedy and adequate remedy, and also when in the judgment of the court it is deemed necessary to prevent miscarriage of justice.

Approved February 14, 1919.

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## CHILD

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### CHAPTER 77.

(H. B. No. 32—Keitzman.)

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#### UNLAWFUL TO SEPARATE CHILD UNDER SIX MONTHS OF AGE FROM ITS MOTHER.

**An Act Making it Unlawful to Separate or Cause to Be Separated Any Child Under Six Months of Age From its Mother for the Purpose of Committing Such Child to a Foster Home or Institution, and to Regulate the Manner and Circumstances Under Which it May be Done, and to Provide a Penalty for Violation of Said Act.**

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

Sec. 1. That it shall be unlawful to separate a child under the age of six months from its mother for the purpose of placing such child in a foster home or institution for the maintenance of such child, or to assist or participate in such separation, or to place, receive or retain any child in a foster home or institution for the maintenance of such child without the written consent of the mother, or to assist or participate in so placing, receiving or retaining such child; unless it be necessary for physical good of the mother or of such child that they be separated, or that such child be placed, received or retained in a foster home or institution for the maintenance of such child, and two physicians, qualified to practice medicine in the State of North Dakota, and who shall have been engaged in the active practice for at least five years, shall have signed a certificate setting out the reasons for such necessity, or unless a court of competent jurisdiction shall have so ordered.

Sec. 2. It shall be the duty of every person separating, or assisting or participating in separating, any such child from its mother without her written consent, and of every person placing, receiving or retaining, or assisting in placing, receiving or retaining any such child in a foster home or institution for the maintenance of such child, before so doing, to investigate whether the mother of such child be living and whether two physicians have signed the certificate above provided for.

Sec. 3. It shall be the duty of the person who shall receive any such child without written consent of the mother in a foster home or institution for the maintenance of such child to file forthwith the certificate above provided for with the Juvenile Court, and the duty of every person who shall retain or assist or participate in retaining, any such child in a foster home or institution for the maintenance of such child, to ascertain whether said certificate has been so filed, and, if there be no such certificate,



then to notify the said court forthwith of the facts concerning the separation of said child from its mother and the reception and retention of such child in such foster home or institution.

Sec. 4. Whenever it shall come to the notice of said Juvenile Court that any such child has been separated from its mother, or has been placed in an institution for the maintenance of such child, said court shall cause an investigation to be made, and if it appear to the court that this Act has been violated it shall make known the facts to authorities charged with the enforcement of the criminal laws to the end that proceedings may be started for the punishment of the person or persons who may have violated the act.

Sec. 5. Every person who violates or fails to comply with any of the provisions of this Act, and every physician who knowingly makes a false certificate as above provided for, shall be guilty of a misdemeanor and upon conviction thereof, may be fined not more than One Hundred Dollars (\$100.00) or imprisonment in jail for not more than one hundred days, or both in the discretion of the court.

Approved February 26, 1919.

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## CHIROPRACTIC

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### CHAPTER 78.

(H. B. No. 176—Kell.)

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#### PRACTICE OF CHIROPRACTIC

**An Act Relating to the Practice of Chiropractic in the State of North Dakota.**

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

Sec. 1. All duly licensed Chiropractors, practising in the State of North Dakota, shall observe and be subject to all state and municipal regulations relating to the control of contagious and infectious diseases, sign death and birth certificates, and sign certificates pertaining to public health, and shall report to the proper health officers the same as other licensed practitioners, and any such certificate signed by a Doctor of Chiropractic, duly licensed to practice as such under laws of this state, shall be of the same force and effect as though signed by any other licensed practitioner. All state, county and municipal officers of this state shall recognize all licensed Chiropractors the same as other licensed practitioners.

Sec. 2. Licensed Chiropractors shall have the right to practice in public and private hospitals and other institutions in this state, when requested so to do, by patients or their guardians.

Sec. 3. After the passage of this Act, any person or persons practicing Chiropractic within this state, shall pay on or before the first day of September of each year after a license is issued to them to the Board of Chiropractic Examiners, a renewal fee of five dollars (\$5.00) or such less sum that the board of Chiropractic Examiners may see fit to levy. The secretary-treasurer shall, thirty (30) days or more before September 1st of each year, mail to all Chiropractics in this state, a notice of the fact that the renewal fee will be due on or before the 1st of September. Nothing in this Act shall be construed so as require that the renewal receipts shall be recorded as original licenses are required to be recorded. Non-payment of fee shall be grounds for revocation of license.

Sec. 4. All examiners and renewal fees required by the State Board of Chiropractic Examiners under this Act shall be paid to the Secretary-Treasurer of said board. Said money so received may be used by the State Board of Chiropractic Examiners in defraying their expenses in carrying out the provisions of this Act.

Sec. 5. PENALTY FOR VIOLATION OF THIS ACT. DUTY OF STATES ATTORNEY.) Any person or persons violating any of the provisions of this Act, shall be deemed guilty of misdemeanor and upon conviction thereof, shall be punished by fine of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense, and it shall be the duty of the States Attorney of any county in this state to prosecute all persons charged with violation of any of the provisions of this Act, and it shall be the duty of the Secretary-Treasurer of the Board of Chiropractic Examiners under the direction of said board, to aid said attorneys in the enforcement of this Act.

Approved March 3, 1919.

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## CITIES

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### CHAPTER 79.

(S. B. No. 111—Bowman.)

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#### EXCLUDING FARM LANDS FROM LIMITS OF CITIES, TOWNS OR VILLAGES

**An Act to Amend and Re-enact Section 3969, Compiled Laws of 1913, Relating to Excluding Farm Lands from the Limits of Cities, Towns or Villages.**

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

Sec. 1. That Section 3969, Compiled Laws of 1913 of the

State of North Dakota, be and the same hereby is, amended and re-enacted to read as follows:

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

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

Approved February 28, 1919.

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## CHAPTER 80.

(S. B. No. 199—Whitman.)

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### CITY MANAGERS

An Act Authorizing Cities to Employ City Managers.

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

Sec. 1. That upon the filing with the City Auditor and within thirty days thereafter, of a petition signed by twenty-five per cent of the legal voters as shown by the number of votes cast for Mayor at the last preceding city election, praying therefor, the City Council or City Commissioners shall submit at an election to be held within ninety days thereafter to the electors of the city, the question whether or not the city manager plan shall be put in force in said city; thirty days notice of the date of such election and the purposes thereof shall be given by the City Auditor and which said notice shall briefly state the powers of such city manager if the plan should be adopted; said election shall be held, the votes canvassed and the results declared in the same manner as city elections.

Sec. 2. If four sevenths of the legal vote cast at such election shall be in favor of adopting the city manager plan then the City

Council or City Commissioners shall declare said plan, adopted and fix the time when the same shall go into force and effect which shall not be less than three months nor more than nine months after the election and the City Council or City Commissioners shall have the right to change such date from time to time within the limits above fixed.

Sec. 3. The City Manager shall be the chief Administrative officer of the city and shall be chosen by the council or City Commissioners solely on the basis of his qualifications and in his choice the council or City Commissioners shall not be limited to the inhabitants of the city or state; a majority of the members elect of the council or City Commissioners shall be required to make a choice; the city manager shall receive a compensation of not less than \$1,000.00 per year and shall be chosen for an indefinite term; he may be removed by the council or City Commissioners but if removed at any time after six months he may demand written charges and a public hearing on the same before the council or City Commissioners prior to the date on which his final removal shall take effect; pending the hearing he may be suspended by the council or City Commissioners; during the absence or disability of the City Manager, the council or City Commissioners shall designate some properly qualified person to perform the duties of the office.

Sec. 4. The City Manager shall be responsible to the council or City Commissioners for the proper administration of all of the affairs of the city and to that end shall make all appointments to office and shall have complete power of removal with respect thereto; he shall be entitled to be present at all meetings of the council or City Commissioners and of its committees and may take part in their discussions and may make recommendations to them; he shall prepare and submit to the council or City Commissioners, an annual budget and shall fix the salaries of all officers other than himself and shall have the right to add to, increase, take from, alter and change the duties of the various officers of the city, other than himself, save as the same are fixed by statute.

Sec. 5. At any time after said City Manager plan shall have been in force in any city for the period of five years the city council or City Commissioners may, and upon petition signed by twenty-five per cent of the legal voters shall, submit at an election to be called for that purpose within thirty days after the filing of the petition, the question of whether or not said City Manager plan shall be retained and if a majority of the legal votes cast at such election shall be against retaining said plan, then said city shall revert to the plan theretofore in force therein and the provisions of this law shall thereafter not be applicable thereto save after another compliance with its terms; the council

or City Commissioners shall fix the date at which the plan shall cease to be operative therein which shall not be less than three months nor more than six months after the election.

Approved February 28, 1919.

CHAPTER 81.  
(S. B. No. 214—King.)

RECALL OF CITY OFFICIALS

An Act to Amend and Re-enact Section 3835 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Recall of City Officials in Cities Under Commission Form of Government.

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

Sec. 1 AMENDMENT. That Section 3835 of the Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 3835 RECALL.) The holder of any elective office in cities which may adopt or have adopted the Commission Plan of Government under any of the laws of this State applicable thereto may be removed at any time by the electors qualified to vote for a successor of such incumbent. The procedure to effect the removal of an incumbent of an elective office shall be as follows. A petition signed by electors entitled to vote for the successor to the incumbent sought to be removed, equal in number to at least thirty per centum of the entire votes for all the candidates for the office of President of the City Commission cast at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed shall be filed with the City Auditor, which petition shall contain a general statement of the grounds for which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall add to his signature his place of residence, giving the street and number. One of the signers of each such papers shall make oath before an officer, competent to administer oaths, that the statements therein are true as he believes and that each signature to the paper appended is the genuine signature of the person whose name it purports to be. After the said petition is filed with the City Auditor no signer of said petition shall be allowed to remove his name or cause to be removed his name from said petition. Within ten days from the date of filing such petition, the city auditor shall examine the same and from the voters' register ascertain whether or not said petition is signed by the requisite number of qualified voters, and if necessary the Board of City Commissioners shall allow extra help for that purpose and he shall attach to the said petition his certificate showing the result of the said examination and said certificate shall show why the said petition is deemed insufficient, provided said Auditor certifies that same is insufficient. If, by the Auditor's certificate, the

petition is shown to be insufficient it may be amended within ten days from the date of said certificate. The auditor shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient, it shall be returned to the person filing the same, without prejudice, however, to the filing of a new petition of the same effect. If the petition shall be deemed to be sufficient, the Auditor shall submit the same to the Board of City Commissioners without delay. If the petition shall be found sufficient, the Board of City Commissioners shall order and fix a date for said election, not less than thirty days nor more than forty days from the date of the Auditor's certificate to the Board of City Commissioners that a sufficient petition is filed. The Board of City Commissioners shall make, or cause to be made, publication of notice and all arrangements for holding such election, and the same shall be conducted, returned and the result thereof declared in all respects as are other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing the Auditor shall place his name on the official ballot without nomination. In any such removal election, the candidate receiving the highest number of votes shall be declared elected. At such election if some other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office upon the qualification of his successor. In case the party who receives the highest number of votes should fail to comply within ten days after receiving notification of election, the office shall be deemed vacant. If the incumbent shall receive the highest number of votes, he shall continue in office. This said method of removal shall be cumulative and additional to the methods heretofore provided by law.

Approved March 6, 1919.

## CHAPTER 82.

(S. B. No. 193—Drown.)

### EMPOWERING CITIES TO PURCHASE OR CONSTRUCT LIGHT, HEAT AND POWER PLANTS

An Act Empowering Cities to Purchase or Construct Plants for the Manufacture and Distribution of Light, Heat and Power for Municipal and Commercial Purposes and to Assess Abutting Property in Accordance with the Benefits thereto by Reason of such System of Distribution, and Providing for the Method of Such Assessment and the Collection Thereof.

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

Sec. 1. PROCEEDURE TO PURCHASE OR INSTALL.) Whenever the City Council or Commissioners in Cities which have adopted the



Commission System of government, shall deem it necessary to either purchase or install, construct, alter or extend, upon any of the streets or public places of the city a municipally owned lighting, heating and power system for the purpose of lighting the streets and public places of the city and furnishing lights, heat and power to the inhabitants thereof, such council or commission may direct the City Engineer or such other person, as shall, upon motion or resolution be designated, to render a detailed appraisal of the value of an already constructed system, or to prepare plans and specifications for such work and make an estimate of the probable cost, which appraised valuation, plans, specifications and estimates shall be approved by resolution of the city council or City Commission and filed in the office of the City Auditor. The City Auditor shall thereupon publish three times, once each week, in the official newspaper of the city, a notice stating that such appraised valuation, or the plans and specifications and estimates have been approved and filed in his office and are open to public inspection. If the owners of a majority of the property abutting on any street or streets where said lighting, heating and power system is constructed or is to be installed, shall not within ten days after the last publication of said notice protest against such lighting, heating and power system or improvements, then the majority of such owners shall be deemed to have consented thereto, and such city may proceed to provide for the purchase or construction of such improvement through its proper officials and assess so much of the cost of such improvement as relates and refers to the placing, erection and construction of poles, cables, electrical conductions, street lamps, mains and conduits and all other instrumentalities and appurtenances thereto belonging, necessary to conduct and connect the means of lighting, heating and to transmit power to the street and premises benefitted thereby, including the necessary engineer's expenses thereof, against the abutting property in the same manner and with the same notice and according to the same forms and procedure as now provided by statute for the construction and assessment of street paving; and upon such proceedings being taken and completed, the cost of such construction, purchase price, or such part thereof as the council or commission shall deem proper, shall be assessed against the abutting property in the same manner and according to the same form and procedure as now provided by law for the assessment of the cost of street paving.

Sec. 2. EMERGENCY.) This Act is hereby declared to be an Emergency Measure and shall take effect and be in force from and after its passage and approval.

Approved March 7, 1919.

## CONCURRENT RESOLUTIONS

### CHAPTER 83.

(S. B. No. 177—Military Affairs Committee.)

#### A CONCURRENT RESOLUTION.

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

WHEREAS, the war is ended and our training camps at home and armies abroad no longer are required and are being demobilized; and

WHEREAS, the majority of the young men who joined the colors from North Dakota are from the farms; and

WHEREAS, a world food shortage still exists and it is important to increase production; and

WHEREAS, the agricultural production of this state will be seriously lessened unless these young men are returned in time for them to take care of the spring plowing and seeding; and

WHEREAS, useful and essential employment awaits all the young men from this state who are serving in the training camps or armies, while the young men from many industrial centers could not find work now even if they were discharged at this time;

THEREFORE BE IT RESOLVED by the Legislative Assembly of the State of North Dakota, assembled in its regular biennial session:

That, while the young men of this State gladly left their farms and offices to serve their country in its hour of need, their services no longer are needed in the home camps or armies in Europe, and the production of this State will suffer unless they are speedily returned to their homes before the planting season, and;

THEREFORE, we respectfully petition the President of the United States, the Secretary of the Navy and the Secretary of War at once to grant honorable discharges to all North Dakotans who are serving at home or abroad in the military forces of the United States, and that the men so discharged as promptly as possible be returned to their homes.

Approved February 21, 1919.



# CONSTITUTIONAL AMENDMENTS

## CHAPTER 84.

(H. B. No. 10—Committee State Affairs.)

### CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Providing for the Future Amendment Thereof; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 202, Article 15 of the Constitution of the State of North Dakota, as amended by Article 16 of the amendments thereof, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 202 in Article 15 as amended by Article 16 of amendment. Any amendment or amendments to the constitution of the state may be proposed in either house of the legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house, it shall be submitted to the electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this constitution.

Amendments to the constitution of the state may also be proposed by an initiative petition of the electors; such petition shall be signed by twenty thousand electors at large and shall be filed with the Secretary of State at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment, or amendments so proposed, shall be submitted to the electors and become a part of the constitution, if a majority of the votes cast thereon are affirmative. All provisions of the constitution relating to the submission and adoption of measures by initiative petition, and on referendum petition shall apply to the submission and adoption of amendments to the Constitution of the State.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 85.

(H. B. No. 9—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Changing the Debt Limit Thereof, and Providing for Issuing and Guaranteeing Bonds by the State, and Providing that Bonds Issued or Guaranteed by the State in Excess of Two Million Dollars Shall be Secured by First Mortgages on Certain Classes of Property, and Declaring that Said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Section 182, Article 12, of the Constitution of the State of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 182 in Article 12. 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 mortgages 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 future 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 provisions, sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law, 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.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 86.

(H. B. No. 7—Committee State Affairs.)

## A CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Providing that no Act Granting a Franchise or Special Privilege, or Act Creating any Vested Right or Interest Other than in the State, Shall be Declared an Emergency Measure; and Providing that an Emergency Measure Shall Take Effect and be in Force From and After its Passage and Approval by the Governor; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 67, Article 2 of the Constitution of the state of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Sec. 67, in Article 2. No act of the legislative assembly shall take effect until July 1st after the close of the session, unless the legislature by a vote of two-thirds of the members present and voting, in each house, shall declare it an emergency measure, which declaration shall be set forth in the act, provided, however, that no act granting a franchise or special privilege, or act creating any vested right or interest other than in the state, shall be declared an emergency measure. An emergency measure shall take effect and be in force from and after its passage and approval by the governor.

BE IT FURTHER RESOLVED, that the said amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 87.

(H. B. No. 11—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota Relative to the Assessment of Improvements on Land and Authorizing a Tax on Lands for the Purpose of Indemnifying Owners of Growing Crops Against Damages by Hail; and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following amendment to Section 177, Article 11 of the Constitution of the State of North Dakota, proposed by initiative petition by the people, which received a majority of all the legal

votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Section 177 in Article 11. The legislature may by law provide for the levy and collection of an acreage tax on lands within the state in addition to the limitations specified in Section 174 in Article 11 of the Constitution. The proceeds of such tax shall be used to indemnify the owners of growing crops against damages by hail, provided that lands used exclusively for public roads, rights of way of common carriers, mining, manufacturing or pasturage may be exempt from such tax.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

#### CHAPTER 88.

(H. B. No. 6—Committee State Affairs.)

#### A CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Changing the Number of Electors Required to Propose any Measure by Initiative Petition; by Changing the Time in Which the Initiative Petition May be Filed, and the Duties of the Secretary of State with Respect Thereto; by Reducing the Number of Signers Required for Referendum Petitions; by Providing for a Referendum on Emergency Measures and for Special Elections Thereon; by Providing for the Circulation of, and Designating the Force to be Given Such Petitions and the Publicity to Be Given Thereto and Providing for Repeal or Amendment of Such Measures by the Legislature; and Declaring that said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Sec. 25, Article 2, of the Constitution of the State of North Dakota, as amended by Article 15 of the amendments thereof, proposed by initiative petition by the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said state, is hereby agreed to, to-wit:

Sec. 25 in Article 2 as amended by Article 15 of Amendment. The legislative power of this state shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten thousand electors at large may propose any measure by initiative petition. Every



such petition shall contain the full text of the measure and shall be filed with the Secretary of State not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven thousand electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an emergency measure. But the filing of the referendum petition against one or more items, sections or parts of any measure, shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the legislature at which such measure was enacted.

Each measure initiated by or referred to the electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any statewide election designated in the petition, or at a special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the board of canvassers.

Any measure, except an emergency measure, submitted to the electors of the state, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the 30th day after the election, unless otherwise specified in the measure.

If a referendum petition is filed against an emergency measure, such measure shall be a law until voted upon by the electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the electors at a special election if so ordered by the Governor, or if the referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the Governor, and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the legislature.

The Secretary of State shall pass upon each petition, and if he finds it insufficient, he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the Supreme Court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.

No law shall be enacted limiting the number of copies of a

petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petitions, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title, which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "committee for petitioners" and who shall represent and act for the petitioners.

All measures submitted to the electors shall be published by the state as follows: "The Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title, to be submitted at any election. Any citizen, or the officers of any organization, may submit to the Secretary of State for publication in such pamphlet, arguments concerning any measure therein, upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the legislature, shall be the sum of two hundred dollars per page."

The enacting clause of all measures initiated by the electors shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the electors, the Secretary of State and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein, shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the Governor shall not extend to the measures initiated by or referred to the electors. No measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature, except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self executing and all of its provisions treated as mandatory. Laws may be enacted to facilitate its operation, but no laws shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 89.

(H. B. No. 12—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota by Authorizing the State, any County or City, to Make Internal Improvements, and to Engage in any Industry, Enterprise or Business not Prohibited by Article 20 of the Constitution of the State of North Dakota, and Declaring that Said Amendment has Become a Part of the Constitution of the State.

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

That the following Amendment to Sec. 185, Article 12 of the Constitution of the State of North Dakota, as amended by Article 18 of the Amendments thereof, proposed by initiative petition by the people, which received a majority of all the votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said State, is hereby agreed to, to-wit:

Sec. 185 In Article 12 as amended by Article 18 of Amendment. The state, any county or city may make internal improvements and may engage in any industry, enterprise or business, not prohibited by Article 20 of the Constitution, but neither the state nor any political subdivision thereof shall otherwise loan or give its credit or make donations to or in aid of any individual, association or corporation except for reasonable support of the poor, nor subscribe to or become the owner of capital stock in any association or corporation.

BE IT FURTHER RESOLVED, that the said Amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CHAPTER 90.

(H. B. No. 8—Committee State Affairs.)

## CONCURRENT RESOLUTION.

Agreeing to a Proposed Amendment to the Constitution of the State of North Dakota Relative to the Purposes for Which Taxes Shall be Levied and Collected, and Providing for the Exemption of Certain Personal Property From Assessment and Taxation, and Granting Power to the Legislature to Raise Revenue and to Fix the Situs of Property for the Purpose of Taxation; and Declaring that Said Amendment Has Become a Part of the Constitution of the State.

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

That the following amendment to Sec. 176, Article 11 of the Constitution of the State of North Dakota, as amended by Article 20 of the amendments thereof, proposed by initiative petition by



the people, which received a majority of all the legal votes cast at the general election held in this state on November 5, 1918, and referred to the Sixteenth Legislative Assembly of said State, is hereby agreed to, to-wit:

Sec. 176, in Article 11 as amended by Article 20 of Amendment. Taxes shall be uniform upon the same class of property including franchises within the territorial limits of the authority levying the tax. The legislature may by law exempt any or all classes of personal property from taxation and within the meaning of this section, fixtures, buildings and improvements of every character, whatsoever, upon land shall be deemed personal property. The property of the United States and of the state, county and municipal corporations and property used exclusively for school, religious, cemetery, charitable or other public purposes shall be exempt from taxation. Except as restricted by this article, the legislature may provide for raising revenue and fixing the situs of all property for the purpose of taxation. Provided that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.

BE IT FURTHER RESOLVED, that the said amendment is hereby declared to have become a part of the Constitution of the State.

Approved January 20, 1919.

## CONSTITUTIONAL AMENDMENTS PROPOSED

### CHAPTER 91.

(H. B. No. 115—Miller.)

#### CITY, TOWN AND SCHOOL DISTRICT.

An Act to Amend Section 183 of Article 12 of the Constitution of North Dakota Providing for the Debt Limit of any County, Township, City, Town, School District and Any Other Political Subdivision.

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

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

AMENDMENT) That Sec. 183 of the Constitution of the State of North Dakota be amended to read as follows:

Sec. 183. The debt of any county, township, city, town, school district or any other political subdivision, shall never exceed five per centum upon the assessed value of the taxable property



therein; provided, that any school district may, by a majority vote, increase such indebtedness five per centum on such assessed value beyond said five per centum limit; provided, further, that any incorporated city may, by a two-thirds vote, increase such indebtedness three per centum on such assessed value beyond said five per centum limit. In estimating the indebtedness which a city, county, township, school district or any other political subdivision may incur, the entire amount of existing indebtedness whether contracted prior or subsequent to the adoption of this constitution shall be included; provided, further, that any incorporated city may become indebted in any amount not exceeding four per centum on such assessed value without regard to the existing indebtedness of such city, for the purpose of constructing or purchasing water works for furnishing a supply of water to the inhabitants of such city, or for the purpose of constructing sewers, and for no other purpose whatever. All bonds or obligations in excess of the amount of indebtedness permitted by this constitution given by any city, county, township, town, school district, or any other political subdivision shall be void.

Approved February 26, 1919.

## CHAPTER 92.

(S. B. No. 81—McCarten.)

### CONCURRENT RESOLUTION.

Concurrent Resolution For an Amendment to the Constitution Providing for the Elective Franchises.

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

That the following proposed amendment to Sec. 121 of Article 5 of the Constitution of the State of North Dakota, adopted by the Fifteenth Legislative Assembly of the State of North Dakota, and by it referred to the Sixteenth Legislative Assembly of said State for approval or rejection, is hereby agreed to and said amendment shall be submitted to the qualified electors of the state at the next general election for approval or rejection in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.) That Section 121 of Article 5, of the Constitution of North Dakota as amended by Article 2 of the amendment to the said constitution shall be and is hereby amended, and re-enacted to read as follows:

Sec. 121. Every person of the age of twenty-one years or upwards, belonging to either of the following classes who shall have resided in the state one year and in the county ninety days and

in the precinct thirty days next preceding any election shall be a qualified elector at such election. First, citizens of the United States; Second, civilized persons of Indian descent who have severed their tribal relation two years next preceding such election.

Approved February 18, 1919.

CHAPTER 93.

(S. B. No. 168—Morkrid.)

CONCURRENT RESOLUTION.

A Concurrent Resolution for an Amendment to the Constitution of the State of North Dakota, Providing for the Recall of Congressional, State, County, Judicial and Legislative Officers by the People.

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

That the following proposed amendment to the Constitution of the State of North Dakota 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.

AMENDMENT.) The Constitution of the State of North Dakota is amended by the addition of the following article:

Article ..... The qualified electors of the state or of any county, or of any congressional, judicial or legislative district may petition for the recall any elective congressional, state, county, judicial or legislative officer by filing a petition with the officer with whom the petition for nomination to such office in the primary election is filed, demanding the recall of such officer. Such petition shall be signed by at least thirty per cent of the qualified electors who voted at the preceding election for the office of Governor in the state, county or district from which such officer is to be recalled. The officer with whom such petition is filed shall call a special election to be held not less than forty or more than forty-five days from the filing of such petition.

The officer against whom such petition has been filed shall continue to perform the duties of his office until the result of such special election shall have been officially declared. Other candidates for such office may be nominated in the manner as is provided by law in primary elections. The candidate who shall receive the highest number of votes shall be deemed elected for the remainder of the term. The name of the candidate against whom the recall petition is filed shall go on the ticket unless he resigns within ten days after the filing of the petition. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected. This article shall be self executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the right of recall.

Approved March 6, 1919.

## CHAPTER 94.

(S. B. No. 170—Mees.)

## CONCURRENT RESOLUTION.

Amending the Constitution of the State of North Dakota, Changing the Name of the State Reform School, Located at Mandan, in the County of Morton, to that of the State Training School.

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

That the following proposed amendment to Section 215 of Article 19 of the Constitution of North Dakota, referred by the Fifteenth Legislative Assembly to the Sixteenth Legislative Assembly for approval and submission to the qualified electors of the state for approval or rejection in accordance with the provisions of Section 202 of the Constitution of North Dakota, be and the same is hereby agreed to and approved and said proposed amendment shall be submitted to the qualified electors of the State at the next special or general election for approval or rejection, in accordance with the provisions of Section 202 of the Constitution of the State of North Dakota.

AMENDMENT.) Article 19, Sec. 215 of the Constitution of the State of North Dakota is amended so as to read as follows:

Sec. 215. The following public institutions of the State are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the act of Congress Approved February 22nd, 1889, to be disposed of and used in such manner as the Legislative Assembly may prescribe subject to the limitations provided in the article on school and public lands contained in this Constitution.

First: The seat of government at the City of Bismarek in the County of Burleigh.

Second: The State University and the School of Mines at the City of Grand Forks, in the County of Grand Forks.

Third: The Agricultural College at the City of Fargo, in the County of Cass.

Fourth: A State Normal School at the City of Valley City, in the County of Barnes, and the Legislative Assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said Normal School at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.

Fifth: The school for the Deaf and Dumb of North Dakota at the City of Devils Lake, in the County of Ramsey.

Sixth: A State Training School at the city of Mandan, in the County of Morton.

Seventh: A state Normal School at the city of Mayville, in

the County of Traill, and the Legislative Assembly in apportioning the grant of lands made by Congress in the act aforesaid for State Normal Schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.

Eighth: A State Hospital for the insane at the city of Jamestown, in the County of Stutsman. And the Legislative Assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, and there shall be located at or near the City of Grafton, in the County of Walsh, an Institution for the feeble minded, on the grounds purchased by the Secretary of the Interior for a Penitentiary building.

Approved February 26, 1919.

#### CHAPTER 95.

(H. B. No. 109—Kamrath.)

#### A CONCURRENT RESOLUTION.

For an Amendment to the Constitution of the State of North Dakota and Relating to the Investment of School Funds.

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

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

AMENDMENT.) That Section 162 of the Constitution of the State of North Dakota, (as amended by Article VIII of amendments to said constitution), be now amended so as to read as follows:

Sec. 162. The moneys of the permanent school fund and other educational funds shall be invested only in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under authority of law within the State, bonds of the United States, bonds of the State of North Dakota, or on first mortgages on farm lands in this state, not exceeding in amount one-half of the actual value of any subdivision on which the same may be loaned such value to be determined by the board of appraisal of school lands.

Approved February 26, 1919.

## CHAPTER 96.

(S. B. No. 190—Mees.)

## CONCURRENT RESOLUTION.

Amending the Constitution of the State of North Dakota by Providing for the Leasing of all State Lands for Pasturage and Meadow Purposes, and the Leasing of Coal Lands for Agricultural Cultivation, and Fixing the Maximum Time for Which Leases May be Given on Such Lands.

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

Sec. 1. AMENDMENT.) That Section 161 in Article 9 of the Constitution of the State of North Dakota be amended to read as follows:

Sec. 161, Article 9. The legislative assembly shall have authority to provide by law for the leasing of lands granted to the state for educational and charitable purposes; but no such law shall authorize the leasing of said lands for a longer period than five years. Said lands shall only be leased for pasturage and meadow purposes and at a public auction after notice as heretofore provided in case of sale; provided, that all of said school lands now under cultivation may be leased, at the discretion and under the control of the Board of University and School Lands, for other than pasturage and meadow purposes until sold. All rents shall be paid in advance. Provided, further, that coal lands may also be leased for agricultural cultivation upon such terms and conditions and for such a period, not exceeding five years, as the legislature may provide.

Approved February 28, 1919.

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CONTINGENT FUND OF STATE  
INSTITUTIONS

## CHAPTER 97.

(S. B. No. 123—Committee Appropriations.)

## CONTINGENT FUND OF STATE INSTITUTIONS.

An Act to Amend and Re-enact Section 276 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Contingent Fund of State Institutions.

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

Sec. 1. AMENDMENT. Section 276 of the Compiled Laws of 1913, is hereby amended and re-enacted to read as follows:

Sec. 276. CONTINGENT FUND.) The Board of Control of State Institutions may permit a contingent fund, not to exceed in any



institution Five Thousand (\$5000.00) Dollars to remain in the hands of the managing officer of such institution, from which expenditures may be made in case of actual emergency requiring immediate action to prevent loss or danger to the institution or the inmates thereof. A full, minute and itemized statement of every expenditure made during the month from such fund, shall be submitted by the proper officer of said institution to the board, under such rules and regulations as may be by said board established. If necessary, the board shall make proper requisition upon the State Auditor for a warrant on the State Treasurer to secure the said contingent fund for each institution.

Approved February 28, 1919.

## CORPORATIONS

### CHAPTER 98.

(H. B. No. 190—Arnold.)

#### CHARTERS OF CORPORATIONS.

An Act Reinstating and Validating Charters of Corporations and Organizations for the Purpose of Securing Homes for Orphans, Affected by Failure to Comply With the Provisions of Section 5100 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:*

Sec. 1. CHARTERS VALIDATED.) All corporations heretofore organized or operated under the provisions of Section 5100 of the Compiled Laws of the State of North Dakota for the year 1913, whose charters have become forfeited or affected by reason of failure or neglect to secure a new certificate, as in said Section provided, shall be and the same are hereby validated for all purposes; provided, that any such corporation, at any time within ninety (90) days after the taking effect of this statute, with the approval of the Attorney General's department of this state and the payment of a penalty of five dollars (\$5.00), complies with the provisions of said Section 5100 with reference to securing a new certificate; and the charter of any such corporation, complying with the provisions of this statute within said period, is hereby declared reinstated and valid in all respects.

Sec. 2. EMERGENCY.) Whereas an emergency exists in that there is no provision for validating and reinstating corporations, which have failed or neglected to secure a renewal certificate under the provisions of Sec. 5100 of the Compiled Laws of 1913 of the State of North Dakota, this Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1919.

## CHAPTER 99.

(S. B. No. 128—Olson.)

## VOTING OF STOCKHOLDERS BY MAIL.

An Act to Amend and Re-enact Sections 12 and 16 of Chapter 97 of the Laws of North Dakota for the Year 1917, Relating to Voting by Mail and to Delegate Voting in Co-operative Associations, and Providing What Corporations May Adopt the Provisions of This Act.

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

Sec. 1. AMENDMENT.) Section 12 of Chapter 97 of the Laws of North Dakota for year 1917, is hereby amended and re-enacted to read as follows:

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

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

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

Sec. 4. Each of said societies or units shall be entitled to be represented at the annual or other stockholders' meetings of the Association by a delegate chosen by each society or unit from its members. Each delegate shall have the same powers at all such meetings as the shareholders of the Association would have had if said principal by-law had not been adopted. Provided that each delegate shall have and be entitled to cast but one vote on each question for each member of the society or unit which he repre-

sents who is not present and voting in person or by proxy. Every question proposed for consideration of the Association shall be subject to the provisions herein contained.

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

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

Sec. 2. AMENDMENT.) Section 16 of Chapter 97 of the laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

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

Sec. 3. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1919.



## CHAPTER 100.

(H. B. No. 102—Martin.)

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## CORPORATIONS.

An Act to Amend and Re-enact Section 4544 of the Compiled Laws of North Dakota for the Year 1913, Relating to Penalties for the Violation of Section 4543 of the Compiled Laws of North Dakota for the Year 1913.

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

Sec. 1. Sec. 4544 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 4544. PENALTY FOR VIOLATION OF LAST SECTION. For a violation of the provisions of the last section, the directors under whose administration the same may have happened, except those who may have caused their dissent therefrom to be entered at large on the minutes of the directors at the time, or were not present when the same did happen, are in their individual and private capacity, jointly and severally liable to the corporation, and to the creditors thereof, in the event of its dissolution, to the full amount of the capital stock so divided, withdrawn, paid out, or reduced, or debt contracted. There may, however, be a division and distribution of the capital stock of any corporation which remained after the payment of all its debts, upon its dissolution or the expiration of its terms of existence. No action or proceeding to enforce or recover any penalty, forfeiture or liability hereunder shall be commenced more than six months after the aggrieved party shall have had actual notice of the violation of the preceding section.

Approved March 3, 1919.

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COUNTY COMMISSIONERS

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## CHAPTER 101.

(S. B. No. 194—Wenstrom.)

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## MEETINGS OF BOARD OF COUNTY COMMISSIONERS.

An Act to Amend and Re-enact Section 3266, Compiled Laws of the State of North Dakota for the Year 1913, Relating to Meetings of Board of County Commissioners.

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

Sec. 1 AMENDMENT.) Sec. 3266, Compiled Laws of the State of North Dakota for the year 1913 is hereby amended to read as follows:

Sec. 3266. MEETINGS OF BOARD, TIME AND PLACE. The County

Commissioners shall meet and hold sessions for the transaction of business at the court houses in their respective counties, or at the usual place of holding court, on the first Tuesdays in January, April, July and October of each year, and may adjourn from time to time; and the County Auditor shall have power to call special sessions when the interests of the county demand it, or the chairman, or a majority of the board may call such special sessions, upon giving five days' notice of the time and object of such meeting by posting up notices in three public places in the county or by publication in one newspaper in the county, or by giving personal notice of such special session, in writing, to all the members of said Board.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 7, 1919.

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## COUNTY FAIRS

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### CHAPTER 102

(S. B. No. 120—Noltimier.)

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#### PURCHASE OF COUNTY LAND FOR COUNTY FAIRS.

An Act Providing for the Purchase by the County of Land for County Fairs, Relating to the Management Thereof and Providing a Tax Therefor.

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

Sec. 1. The Board of County Commissioners in the several counties in the state may, and when petitioned by five per cent in at least one-half of voting precincts of the county of the legal voters of the county, based upon the votes cast for Secretary of State in such county at the last preceding general election, shall submit to the voters of the county at any general election the proposition of purchasing or leasing in the name of the county not to exceed eighty acres of land to be used by such county for county fair purposes; and if at such election a majority of the legal voters shall vote in favor of purchasing or leasing such land for such purposes it shall be the duty of the Board of County Commissioners to purchase or lease in conformity with this act, a tract of land, not to exceed eighty acres, in the name of the county for such purposes, and to build and construct thereon such buildings and make such improvements as they shall deem necessary for the operation and management of a county fair. The election upon such purchase or lease shall be conducted, and the votes counted in the same manner as other elections.

Sec. 2. The purchase or lease price of such land and the

cost of building and making the improvements may be paid out of the county general fund, if such fund shall be deemed sufficient after meeting all other obligations imposed on this fund. Should the county general fund not be sufficient, the Board of County Commissioners of the several counties shall have power to assess a tax over and above the eight mills for general purposes on all of the taxable property within the county not to exceed one-half mill in any one year to raise the necessary money for the purchase or lease of the land, and the erection of the buildings and making the improvements necessary, which fund shall be designated as the "County Fair Fund." In any event such land may be purchased or leased on installments not to exceed five equal annual payments, and the Boards of County Commissioners of the several counties are authorized to issue county warrants for such deferred payment, to be paid out of the County Fair Fund as soon as there shall be sufficient money in such fund to take up such warrant in whole or in part. When such warrants are issued a levy shall be made as hereinbefore provided, sufficient to pay the same in conformity with the terms of such purchase or lease.

Sec. 3. The Board of County Commissioners of the several counties shall have full control and supervision over such county fair and of the operation and management thereof, and shall make rules, regulations and by-laws for the operation and management thereof. They are authorized to employ a secretary for such a period as they may deem necessary, and fix his compensation. They may also employ such other officers and employees as they deem necessary.

Sec. 4. All moneys received from all sources in connection with such county fair shall be deposited with the County Treasurer to the credit of the County Fair Fund, and all moneys paid out for premiums and other purposes shall be paid out of the County Fair Fund in such manner as the board may prescribe.

Approved February 26, 1919.

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## COUNTY SEATS

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### CHAPTER 103.

(H. B. No. 100—Patterson.)

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#### REMOVAL OF COUNTY SEATS.

An Act to Amend and Re-enact Sections 3241 and 3244 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Removal of County Seats.

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

Sec. 1. AMENDMENT.) That Section 3241 of the Compiled Laws

of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Sec. 3241. SPECIAL PROVISIONS WHERE NO COURT HOUSE HAS BEEN CONSTRUCTED.) In counties where a court house has not been constructed, or if constructed said court house is of a value not greater than Twenty Thousand Dollars, whenever a majority of the qualified electors of any such county, as shown by the vote cast for Governor at the last general election, shall petition the Board of County Commissioners of any such county, to submit to the voters of such county at the next succeeding primary and general election the question of county seat removal from the place where it is located, the Board of County Commissioners shall at their next regular or adjourned meeting provide for the submitting of the question of removal of the county seat to the electors at the next primary and general election. Such petition shall be filed with the County Auditor and by him presented to the Board of County Commissioners at the first meeting of the said Board of County Commissioners thereafter, and no elector can remove or cause his name to be removed from the said petition after the same is filed with the County Auditor. Any city, town or village that desires to be a candidate for the county seat may have its name placed upon the primary ballot on petition of at least one hundred of the electors of said county, which petition shall be filed with the County Auditor at any time not less than thirty days previous to the said primary election. In case more than two cities, towns or villages are contending for the location of such county seat at such election then the two cities, towns or villages receiving the highest number of votes at the primary election, and those two cities, towns or villages only shall be placed on the official ballot at the first following general election, and the one receiving the highest number of votes cast for the county seat of such county at such general election shall be designated the county seat of such county and the county seat located thereat and the question of county seat removal shall not be again voted on for four years in any county where the county seat is so located, and after the said petition for county seat removal is filed with the County Auditor the Board of County Commissioners in such county shall not construct or contract for the construction of any county buildings, or additions thereto, until after the said election has been had. The value of said court house shall be determined by three appraisers who shall be disinterested electors of the judicial district and who shall be appointed by the judge of the district court upon the application, in writing, without notice, by any one or more of the petitioners for such removal, which application may be presented to such judge at any time within ten days after the presentation of the petition; such appraisers shall be appointed in writing within ten days after the application is presented to the said judge, and the appraisers shall qualify by taking and filing the oath required by Section 211 of

the Constitution, with the County Auditor; they shall inspect said court house and may hear testimony and they shall find the value thereof and report the same to the County Auditor within twenty days after their appointment, and their appointment and oath shall be filed with such report. The appraisers shall receive compensation at the rate of Five dollars per day for all time necessarily employed in the performance of their duties and the making of their report, together with their actual expenses: the same to be audited and allowed by the Board of County Commissioners. The provisions as to notice, ballot, etc., provided by law for election for the removal of county seats shall be, as far as practicable, applicable to the primary and general elections herein provided for.

Sec. 2. AMENDMENT.) That Section 3244 of the Compiled Laws of the State of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Sec. 3244. REPORT OF RESULT.) The Board of County Commissioners shall cause a statement of the result of said election to be deposited and transmitted as provided by Section 3238 of the Compiled Laws of the State of North Dakota for the year 1913.

Sec. 3. All Acts and parts of Acts in so far as they are in conflict with provisions of this Act are hereby repealed.

Approved February 14, 1919.

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## COUNTY SUPERINTENDENT

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### CHAPTER 104

(H. B. No. 161—Arnold.)

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#### COUNTY SUPERINTENDENT OF SCHOOLS.

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

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

Sec. 1. AMENDMENT.) That Section 1136 of the Compiled Laws of the State of North Dakota as amended by Chapter 208 of the Session Laws for 1917 is hereby amended and re-enacted to read as follows:

Sec. 1136. DEPUTIES. HOW APPOINTED. SALARY.) In counties having fifty or more teachers under the supervision of the County Superintendent, the County Superintendent may appoint an office deputy, for whose acts as such he shall be responsible, which deputy shall be entitled to a salary equal to sixty per cent of the County Superintendent's salary; provided, further, that no office deputy shall receive more than One Hundred Dollars per month



salary and not less than Seventy-five Dollars. Provided, in counties having one hundred and fifty or more teachers under the supervision of the County Superintendent, the County Superintendent shall be allowed a field deputy for each additional one hundred teachers under the supervision of such superintendent; such deputies shall be for the purpose of assisting the County Superintendent in visiting schools and in the general supervision of the educational work of the county. They shall possess the qualifications of the County Superintendent of schools and shall each receive a salary equal to eighty per cent of the County Superintendent's salary.

Approved March 7, 1919.

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#### CHAPTER 105.

(S. B. No. 69—Stenmo.)

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#### SALARY AND EXPENSES OF COUNTY SUPERINTENDENTS.

An Act to Amend and Re-enact Section 1137 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Salary and Expenses of County Superintendents of Schools.

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

Sec. 1. AMENDMENT.) Section 1137 of the Compiled Laws of North Dakota, for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 1137. SALARY AND EXPENSES.) The County Superintendent of Schools shall receive an annual salary equal to that paid to the Register of Deeds of his county, which salary shall be paid monthly on the warrant of the County Auditor on the County Treasurer, and in addition thereto he shall receive fifteen cents per mile for the distance actually and necessarily traveled by him or his field deputy in the discharge of his duties within the county and ten cents per mile when in attendance at the meetings of the County Superintendents when called by the State Superintendent of public instruction as provided by law. He shall at the end of every three months make and furnish to the County Commissioners an itemized statement subscribed and sworn to of the distance so traveled in the discharge of his duties, which shall be audited and ordered paid by the Board of County Commissioners.

Sec. 2. EMERGENCY.) Whereas an emergency exists in that the mileage allowance at present is inadequate and prevents the proper supervision of our schools; and, whereas, this Act is necessary for the immediate preservation of public health and safety, therefore, this Act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 6, 1919.

## DAIRY PRODUCTS

### CHAPTER 106

(S. B. No. 137—Liederbach.)

#### REGISTRATION OF BRANDS ON DAIRY PRODUCT CONTAINERS

An Act Providing for the Registration of Brands on Dairy Product Containers.

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

Sec. 1. REGISTRATION OF BRANDS ON DAIRY PRODUCT CONTAINERS.) Whoever operates a creamery, cheese factory, ice-cream factory, or cream buying station, or if upon the farm or elsewhere produces milk or cream or any dairy product to be sold for human consumption or to be manufactured into any product or kind of human food, or any dealer in dairy products having in his possession any cans, ice-cream containers or other receptacles, shall at all times keep all buildings on the premises surrounding or adjacent thereto and all cans, pails and other receptacles, cream separators and other mechanical contrivances used in handling such dairy products or used in the production of such on the farm, in a clean, hygienic and sanitary condition, and shall not consign for transportation by common carrier, empty cans or ice-cream containers in an unsanitary condition. That all persons, companies and corporations engaged in the purchase of milk or cream or in the manufacture of ice-cream shall adopt a mark or marks of ownership to be stamped or marked on any can, cask, keg, barrel or other receptacle, used in the handling and transportation of any said products, and shall file in the office of the Dairy Commissioner, without charge, a description of the name or mark so used by them or either of them, and the use to be made of any such can, cask, keg, barrel or other receptacle. The brand or mark so selected and adopted as herein provided may consist of a name, design, mark or marks, or some particular color of paint or enamel used upon the can, cask, keg, barrel or other receptacle, or any part thereof. It shall be unlawful for any person, company or corporation to adopt or use any brand or mark, which has already been designated, appropriated or obtained under the provisions of this Act. It shall be unlawful for any persons other than the rightful owner thereof, or his lawful agent, to use any can, cask, keg, barrel or other receptacle, marked or branded as herein provided. Any person other than the owner, or his lawful agent, having in his possession any such can, cask, keg, barrel or other receptacle marked or branded as herein provided shall be deemed guilty of having violated the provisions of this law. Provided, nothing in the Section shall apply to transporta-

tion companies or their agents during the time that such can, cask, keg, barrel or other receptacle marked or branded as herein provided, is being transported to or from the owner or his lawful agent. It shall be unlawful for any other person than the rightful owner or his lawful agent to deface or remove any such brand, mark or stamp put upon any such can, cask, keg, barrel or other receptacle as herein provided. Any person or persons who shall violate any provision of this Act shall be deemed guilty of misdemeanor, and upon conviction thereof before a court having jurisdiction in such cases, shall be fined for each and every offense in a sum not less than Five or more than One Hundred Dollars. For the purpose of preventing the use of said cans, casks, kegs, barrels or other receptacles by other than the owner, or for any purpose other than that herein provided, and to insure the wholesomeness and high quality of said products and the sanitary condition of the receptacles in which the same are transported, it shall be the duty of the State Dairy Commissioner to enforce the provisions of this Act.

Sec. 2. ACT CONFLICTING.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. EMERGENCY.) Whereas it is necessary for the preservation of the public peace, health and safety, this Act shall take effect and be in force immediately after its passage by reason of the necessity of properly and duly enforcing the laws on the statute books concerning dairy products and for the due administration of the duties of the Dairy Commissioner, therefore, this Act shall take effect and be in force immediately after its passage and approval by the Governor.

Approved March 13, 1919.

#### CHAPTER 107.

(S. B. No. 136—Cahill.)

#### DAIRY PRODUCTS.

An Act to Amend and Re-enact Section 2844 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 105 of the Session Laws of 1917 Relating to License Covering Dairy Products.

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

Sec. 1. AMENDMENT.) That Section 2844 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 105 of the Session Laws of 1917 is hereby amended and re-enacted to read as follows:

Sec. 2844. LICENSE REQUIRED. FEES AND REVOCATION.) Every person, firm or corporation owning or operating a creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station in this state, shall be required before be-



ginning business to obtain from the Dairy Commissioner a license for each and every creamery, cheese factory, renovating or process butter factory, ice-cream factory or cream station owned or operated by said person, firm or corporation, which shall be good for one year. The fee for such license shall be ten dollars, and no license shall be transferable. Each license shall record the name of the person, firm or corporation owning or operating the creamery, cheese factory, renovating or process butter factory, ice-cream factory, or cream station licensed, its place of business, the location thereof, the name of the manager thereof and the number of the same. Each license so issued shall constitute a license to the manager or agent of the place of business named therein. It shall be the duty of every person, partnership, firm or corporation, or association holding a license to operate any plant in which dairy products are handled commercially, to post in a conspicuous place such license under which they are operating, together with a summary of the Dairy Laws, which shall be prepared and sent out from the office of the Dairy Commissioner. The Dairy Commissioner may withhold a license from any applicant who has previously violated or refused to comply with any of the existing dairy laws or lawful requests issued by said Dairy Commissioner, or his authorized assistants. The Dairy Commissioner, may, at any time, revoke a license on evidence that licensee has violated any of the existing dairy statutes, or has refused to comply with all lawful requests of the Dairy Commissioner or his authorized agents.

Approved February 26, 1919.

## CHAPTER 108.

(S. B. No. 139—Cahill.)

### MILK AND CREAM SAMPLING.

An Act to Provide for the Sampling and the Care of Samples of Milk and Cream, for Obtaining Official Tests of the Percentage of Butter Fat Contained Therein and Making Appropriation for the Enforcement of the Provisions of this Act.

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

Sec. 1 SAMPLING AND CARE OF SAMPLES.) All persons, partnerships, firms or corporations operating creameries, cream stations, cheese factories, ice-cream factories, renovating or process butter factories, or condensories in this state buying or receiving milk or cream on the basis of the amount of butterfat contained therein, shall, before emptying each container or a number of containers, delivered by same person, partnership, association, firm or corporation, of any part of the milk or cream received therein and before adding any other substance thereto, thoroughly mix the entire contents thereof and procure therefrom,

by the use of a thoroughly cleaned and dried sampling device, a representative sample of which not less than two ounces shall be immediately transferred to a thoroughly cleaned and dried sample jar or bottle properly and securely fitted with such a cover as will prevent the escape of any of the contents thereof. All samples of milk or cream so taken shall be indelibly labeled, marked or numbered to correspond with a record kept of the net weight of milk or cream, the percentage and amount of butterfat credited as being present in each container received, and the amount of money paid for same. Except that in case more than one container is used by the owner or owners in the delivery of a quantity of milk or cream, the entire contents, but only the original contents, of such containers may be emptied into a tank or vat free from other substance where it shall be thoroughly mixed and a representative sample of not less than two ounces procured, transferred to a sample jar or bottle, and labeled to correspond with a record kept as herein provided shall be protected from extremes of temperature and shall be retained for a period of not less than 24 hours, except that all samples taken on Saturday shall be retained until 5 o'clock of the afternoon of the following Monday during which time the receptacles containing such samples shall not be opened except by the State Dairy Commissioner, his deputy, or legal agent who may officially inspect the same for the purpose of determining the percentage of butterfat contained therein according to Section 2853 of the Compiled Laws of 1913. The Dairy Commissioner, his deputy or legal agent shall at all times have access to the records kept in compliance with the provisions of this Act.

Sec. 2. OBTAINING OFFICIAL BUTTERFAT TEST.) In case dispute, controversy, or disagreement arises between the owner and buyer or protective buyer, or the legal representatives of both or either, over the percentage of butterfat contained in any quantity of milk or cream sold or offered for sale, a sample of such milk or cream obtained as provided in Section 1 and mutually agreed upon by the interested parties as being representative of the percentage of butterfat contained in the entire quantity of milk or cream in question, shall at the request of the owner, and in his presence, be satisfactorily sealed, prepared for shipment and mailed by the buyer or prospective buyer to the office of the State Dairy Commissioner. There shall accompany all such samples a statement prepared by the buyer or the prospective buyer giving the name and address of the owner of the milk or cream in question, the net weight of such milk or cream, the percentage and amount of butterfat contained therein, the price per pound for butterfat, and the amount of money paid or offered in payment for same. Such statement shall bear the signatures of the owner and the buyer or prospective buyer to indicate that the samples so forwarded is representative of the entire amount of milk or cream in question. The State Dairy Commissioner, his deputy or agent shall officially determine the percentage of butterfat contained in such

sample according to the provisions of Section 2853 of the Compiled Laws of 1913, and shall make a report thereon in triplicate, the original to be filed in his office, one copy to be sent to the owner, and one to the buyer or prospective buyer of the milk or cream. The percentage of butterfat so determined and reported shall constitute the "official butterfat test" of the milk or cream, and shall be the basis on which final settlement shall be made for the milk or cream in question.

Sec. 3 DISAGREEMENT. PROCEEDURE AND SETTLEMENT.) Whenever it shall be impossible to secure and mutually agree upon a sample of milk or cream as provided in Section 2 of this Act, by reason of its having been mixed with other milk or cream or any other substance which might alter its percentage of butterfat content, or when for any reason, the original quantity of milk or cream is not available for sampling, then the party selling or offering for sale such milk or cream may within 24 hours of the time of delivery require that the buyer or prospective buyer shall forward to the office of the State Dairy Commissioner the sample taken in compliance with Section 1 of this Act. There shall accompany each sample so forwarded a statement from the buyer or prospective buyer, in the form of an affidavit that such sample was taken in compliance with all provisions of Section 1. This statement shall also give all information as specified in Section 2, except that such statement need not bear the signature of the previous owner of the cream. Each sample so forwarded to and received at the office of the State Dairy Commissioner shall be tested and reported on as prescribed in Section 2, and the percentage of butterfat so determined and reported shall constitute the "official butterfat test" and shall be the basis on which final settlement shall be made for the entire amount of milk or cream in question.

Sec. 4. COMPLAINTS, HOW MADE AND ACTION TAKEN RELATIVE TO.) The Dairy Commissioner upon receipt of a complaint from any buyer of milk or cream, as described in Section 1, regarding methods, weights, measures, scales or any apparatus used by any other buyer in determining the percentage and amount of butterfat present in any quantity of milk or cream may require that any sample or samples taken in compliance with Section 1 together with the record corresponding to such sample or samples shall be forwarded to his office for official test, provided, however, that the Dairy Commissioner shall give notice to that effect within 24 hours of the time when such sample or samples in question are taken.

Sec. 5. DEFECTIVE APPARATUS AND UNREASONABLE VARIATION IN TESTS.) Any weights, measures, scales or any apparatus whatever used in determining the amount of butterfat in a quantity of milk or cream which shall be found defective or inaccurate in the enforcement of this Act may be ordered repaired or the use there-

of discontinued. Any unreasonable variation between the official test made by the Dairy Commissioner, his deputy or his agent and any test made by any licensed milk or cream tester in the State may be cause for the revocation of or refusal to re-issue a license to any milk or cream buyer in the State.

Sec. 6. ENFORCEMENT ) The provisions of this Act shall be enforced by the State Dairy Commissioner and he shall have authority to make such rules and regulations, not in conflict herewith, as he shall find necessary to carry into effect all the provisions of this Act. Violations of or refusal to comply with this Act, any part thereof, or any legal rules or regulations prescribed by the Dairy Commissioner in enforcing this Act shall be cause for the revocation of the license of any cream buyer or cream tester in this State.

Sec. 7. APPROPRIATION.) There is hereby appropriated out of the general fund of the State not otherwise appropriated the amount of \$4,000 annually to be expended under the direction of the State Dairy Commissioner for the salary of competent assistants, postage, printing, supplies or material necessary in carrying into effect all provisions of this Act.

Approved March 13, 1919.

## DENTISTRY

### CHAPTER 109.

(S. B. No. 58—Wenstrom.)

#### PRACTICE OF DENTISTRY.

An Act to Amend and Re-enact Section 510 of the Compiled Laws of the State of North Dakota for 1913, as Amended by Chapter 119, Laws of North Dakota for the Year 1915, Relating to the Practice of Dentistry.

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

Sec. 1. AMENDMENT.) That Section 510 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 119 of the Laws of North Dakota for the year 1915, is hereby amended and re-enacted so as to read as follows:

Sec. 510. EXAMINATION LICENSE. REVOCATION. ASSUMED NAME.) Any person not already a licensed dentist in this state at the time of going into effect of this article, desiring to practice dentistry therein, shall apply to the secretary of the board for examination, and pay fee of twenty-five dollars for the first examination and ten dollars for each subsequent examination, which fees shall in no case be refunded. At next regular meeting of the board held after such application is made, the applicant shall present himself for examination and produce a diploma issued him by some

dental college of good standing, of which standing the board shall be the judges. No person shall be permitted to take such examination unless he shall prove to the satisfaction of the Board that he has had a preliminary general education equivalent to at least four years of study in some high school or academy in the State of North Dakota having a four year course beyond that of an elementary school. No holder of a degree or diploma from foreign country or province which does not accept for examination the holder of a license to practice dentistry issued by the State Board of Dental Examiners of this State shall be eligible for such examination. The Board shall give the applicant such an elementary, theoretical and practical examination as to thoroughly test his fitness for the practice of dentistry and include therein the subjects of anatomy, physiology, chemistry, materia medica, therapeutics, metallurgy, histology, pathology and operative, surgical and mechanical dentistry. If the applicant successfully passes the examination, he shall forthwith be registered upon the records of the board as a licensed dentist, and shall receive a certificate of registration signed by all members of the board, whereby he shall be authorized to practice dentistry in said state for a period of one year from the date of such certificate and as long as such certificate shall be duly renewed as hereinafter provided. Provided, that any dentist, who for five years or more has been in legal practice in another state of the United States having and maintaining a standard of laws regulating the practice of dentistry equal to that of this state and is a reputable dentist of good moral character, and is desirous of removing to this state and deposits in person with the board a certificate from the examining board of the state in which he is registered, certifying to the fact of his registration and of his good moral character and professional attainments shall upon payment of a fee of fifty dollars be granted a license to practice in this state without examination. The board upon hearing, after twenty days' notice thereof, may revoke the license of any one who, with intent to deceive the public shall practice dentistry under an assumed name.

It shall be no defense for a person prosecuted for practicing dentistry under one name, without license, that he shall have been licensed under a different name, unless it be shown that such practice was without intent to deceive.

Any dentist may have his license revoked or suspended by the board for any of the following causes:

(1) His conviction of felony or misdemeanor involving moral turpitude, in which case the record of conviction or certified copy thereof certified by the clerk of court, or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(2) Unprofessional conduct, or for gross ignorance or inef-

iciency in his profession. Unprofessional conduct shall mean the obtaining of any fee by fraud or misrepresentation, habitual intemperance, gross immorality.

The proceeding to revoke or suspend any license under the first subdivision hereof, must be taken by the board on a receipt of a certified copy of the record of conviction. The proceedings under the second subdivision hereof may be taken upon the information of another. All accusations must be in writing, verified by some person familiar with the facts therein charged, and three copies thereof must be filed with the secretary of the board. Upon receiving the accusation, the board shall, if it deem the complaint sufficient, make an order setting the same for hearing at a specified time and place, and the secretary shall cause a copy of the order and the accusation to be served upon the accused, by delivery of the same to him personally, at least ten (10) days before the day appointed in the order for such hearing.

The accused must appear at the time appointed in the order and answer the charges and make his defense to the same unless for sufficient cause the board assign another day for the purpose. If he does not appear after due service upon him of the accusation and order as aforesaid, the board may proceed and determine the accusation in his absence. If the accused pleads guilty or refuses to answer the charges or upon the hearing thereof the board shall find them or any of them, true, it may revoke his license or suspend it. The board and the accused may have the benefit of the services of counsel duly licensed to practice law in this state. The board shall have authority to administer oaths, to summon witnesses and take testimony by deposition or otherwise upon its hearing, and when the board or the accused shall desire to secure the presence or testimony of any person before the board, said board or such accused may procure subpoenas from the Clerk of the District Court of the county wherein such hearing is to be had, and the Clerk of the Court is hereby directed to issue such subpoenas in the name of the state, commanding the persons whose names shall be given to such Clerk by the board or by such accused person, to appear before the board at a certain time and place fixed by the board for such hearing and then and there to testify upon such hearing. If any person so commanded to appear and testify shall fail or refuse to obey such subpoenas, he shall be dealt with by said District Court in the same manner and to the same effect as though such subpoena had commanded such person to appear and testify in a cause on trial in said court. Such person so commanded to appear and testify shall be entitled to the same fees as witnesses in district court, and such subpoena shall be served in the manner provided by law for the service of subpoenas for trials in said courts and shall be substantially the same form.

Approved February 18, 1919.



## DEPOSITORS' GUARANTY FUND COMMISSION

### CHAPTER 110.

(H. B. No. 160—Klein.)

#### GUARANTEE OF BANK DEPOSITS.

An Act to Amend and Re-enact Paragraph 1 of Chapter 126 of the Laws of North Dakota for the Year 1917, Relating to the Guarantee of Bank Deposits.

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

Sec. 1. Paragraph 1 of Chapter 126 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Paragraph 1. DEPOSITORS' GUARANTY FUND COMMISSION ESTABLISHED. COMPENSATION. EXPENSES.) There is hereby established a Depositors' Guaranty Fund Commission of the State of North Dakota to be composed of five members, viz: The Governor of the State of North Dakota, the State Examiner and three members to be appointed by the Governor of the State. All succeeding appointments to membership of said Commission, whether to fill vacancies or otherwise, shall be made by the Governor of the State of North Dakota. All members of this Commission shall be residents of the State of North Dakota, and all members except the Governor and the State Examiner shall have had at least five years experience in the management of some bank or banks located within the State of North Dakota and shall be an official of some bank which is directly affected by the provisions of this Act. One of such members shall be appointed for the term of one year, one for a term of two years and one for a period of three years, and each succeeding appointment except to fill a vacancy caused by death, resignation or removal of a member shall be for a period of three years. The Governor shall be the chairman of said board and the Attorney General shall be exofficio the attorney for the board and the State Examiner shall be its secretary. The Commission at its first meeting shall select one of its members as treasurer. The members of the Commission other than the Governor and the State Examiner shall receive for their services five (\$5.00) dollars per day for the time actually served and their actual expenses incurred in the performance of their duties, the same to be paid out of the general fund of the state. Said Commission shall have the supervision and control of the Depositors' Guaranty Fund and shall have the power to adopt all necessary rules and regulations, not inconsistent with law, for the management and administration of said fund.

Approved Feb. 26, 1919.

## DEPOSITS IN TRUST

### CHAPTER 111.

(H. B. No. 172—Larkin.)

#### DEPOSITS IN TRUST

**An Act Relative to Payment of Deposits in Trust.**

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

Sec. 1. Whenever any deposits shall be made in any bank, savings bank, or trust company by any person in trust for another and no other or further notice of the existence and terms of a legal and valid trust shall have been given in writing to the bank in the event of the death of the trustee, the same, or any part thereof, together with the dividends or interest thereon, may be paid to the person for whom said deposit was made.

Approved February 26, 1919.

## DISCRIMINATION

### CHAPTER 112.

(H. B. No. 34—Ivers.)

#### PROHIBITING DISCRIMINATION IN COMMODITIES.

**An Act to Amend and Re-enact Section 3048 of the Compiled Laws of North Dakota for the Year 1913, Prohibiting Discrimination in Commodities Sold in the State of North Dakota.**

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

Sec. 1. AMENDMENT.) That Section 3048 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 3048. DISCRIMINATION PROHIBITED.) Any person, firm, association or corporation, foreign or domestic, doing business in the State of North Dakota, and engaged in the production, manufacture or distribution of any commodity in general use, that shall intentionally for the purpose of destroying the business of a competitor in any locality, discriminate between different sections, communities or cities of this state, by selling, buying, bartering or exchanging such commodity at a lower rate in one section, community or city, than is charged for said commodity by said party in another section, community or city, after making due allowance for the difference, if any, in the grade and quality,



and in the actual cost of transportation from the point of production if a raw product, or from the point of manufacture, if a manufactured product, shall be deemed guilty of unfair discrimination, which is hereby prohibited and declared to be unlawful. Provided however, that where the same person, persons, estate, association or corporation own or control a majority of the stock in each of two or more corporations doing business in this state, they shall come under and be subject to the provisions of this article.

Approved March 5, 1919.

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## DRAINAGE

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### CHAPTER 113.

(S. B. No. 45—McCarten.)

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#### BOARD OF DRAIN COMMISSIONERS

An Act to Amend and Re-enact Section 2478 of the Compiled Laws of North Dakota for the Year 1913 Relative to Extension of Powers of Boards of Drain Commissioners.

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

Sec. 1. That Section 2478 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

Sec. 2478. **EXTENSION OF POWERS WHEN NECESSARY.)** The powers conferred by this Chapter for establishing and constructing drains shall also extend to and include the deepening and widening or any necessary improvements of drains which have heretofore been or may hereafter be constructed; also to straightening, clearing out and deepening the channels of creeks and streams and the construction, maintaining, remodeling and repairing of levees, dykes and barriers for the purpose of drainage, and the Board of Drain Commissioners may locate or extend the line of any drain, if the the same is necessary, to provide a suitable outlet, and shall cause a survey thereof to be made, and may establish a drain on the line of an abandoned drain, and complete the same, or in whole or in part upon the line of an invalid drain. It may also establish and construct lateral drains with outlets in drains heretofore constructed: provided, however, that all proceedings under this section affecting the rights of persons and property shall only be taken upon the petition and in accordance with the procedure governing the establishment and construction of drains in the first instance, except that petition for establishment and construction of lateral drains shall be deemed

sufficient if signed by one or more freeholders, whose property shall be affected by the proposed lateral drain. Whenever the widening, extending or deepening of a main drain is made necessary by the construction of a lateral drain, the petition for the lateral drain shall contain a request for such widening, deepening or extension and the cost of such widening, deepening or extension shall be charged as a part of the cost of construction of the drain petitioned for and assessed against the property benefited thereby as a part of the cost of construction.

Sec. 2. REPEAL.) All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. EMERGENCY.) Inasmuch as the law providing for the establishment and construction of lateral drains is inadequate, and the preservation of the public health, peace and safety requires that this Act should be in force prior to July 1st: therefore, an emergency is declared to exist and this Act shall become and be in force from and after its passage and approval.

Approved Feb. 14, 1919.

#### CHAPTER 114.

(H. B. No. 156—C. Ness.)

#### DRAINS TO BE BUILT BY TOWNSHIP BOARD OF SUPERVISORS.

An Act to Amend and Re-enact Chapter 124 of the Session Laws of North Dakota for the Year 1915, Permitting Townships Through Their Board of Supervisors to Build Drains Within the Township and Outlets Therefor Without the Township, and to Provide the Manner of Assessing the Cost Thereof and Provide for its Payment.

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

Sec. 1. AMENDMENT.) Whenever six resident freeholders of any organized township shall petition in writing the board of supervisors of any organized township to construct a drainage ditch within the township for the drainage of agricultural lands, or to construct a drainage ditch without the township as an outlet for road drainage ditches within the township, or both a ditch within the township and such outlet without the township, which petition shall state the general course of such ditch, it shall be the duty of such board to call a special township meeting of the people of the township as provided for by Sections 3139 and 3140, Compiled Laws of North Dakota, 1913, for the purpose of considering the advisability of constructing such ditch.

Sec. 2. If at such meeting it is made to appear that such ditch is necessary and desirable and that the same will not cost more than three thousand dollars, the question shall be submitted to a vote of the voters present whether such ditch shall be constructed by the township at a cost not to exceed three thousand dol-

lars and if a majority of such votes shall be in favor of the construction thereof it shall be the duty of the supervisors to proceed with all reasonable dispatch to have the same constructed and the cost thereof shall be paid out of the funds of the township.

Sec. 3. If it appears probable that such proposed ditch will cost more than three thousand dollars, or if a majority of the voters present shall not vote in favor of its construction, then the board of supervisors shall proceed as follows, to-wit: They shall require the petitioner to enter into a bond to the township, to be approved by the board, to pay all costs of surveys and preliminary examination by the board of the route of said proposed ditch in the event it shall be determined that such ditch will not be of more benefit than its cost.

The board must, upon the giving of such bond, proceed to inspect the proposed route and procure some competent person to make an estimate of its cost, and it shall then determine whether the benefits to accrue from the drain exceed the cost, and if so determined it shall then be its duty to determine what lands will be benefited by the construction and the percentage of such benefit to the several pieces. A list of the benefits so found by the board stated in dollars and cents as to each of the several pieces shall then be made up plainly typewritten and posted in five public places in the township, accompanied by a notice that at a time therein stated, not less than ten days from the posting of such notices, the board will meet and review the fixing of such benefits and at such meeting any person feeling himself aggrieved may appear and offer reasons why the assessment of benefits should be reduced as to any piece of land, and the board shall then make such corrections and changes in such statement of benefits as the facts shall warrant, all of which proceedings shall be entered in the minutes of the township meeting kept by the clerk thereof. The record so entered shall show the amount of benefits charged against each piece of land affected and the amount so charged shall become a lien on the several pieces. It shall be the duty of the town clerk to certify the amount of such assessment against each piece of land to the County Auditor, who shall spread the same as a special assessment against the several pieces of land.

Sec. 4. The board of supervisors shall thereupon proceed as soon as practicable to have such ditches constructed, and it may either let a contract therefor or have the work performed by day labor under its supervision.

Sec. 5. No ditch shall be constructed under this Act that shall cost more than three thousand dollars.

Sec. 6. The board of supervisors shall have authority to appropriate from the general fund of the township an amount not to exceed five hundred dollars to aid in the construction of such ditch, if in its judgment there is a general benefit to the property

and roads of the township, as well as to the lands assessed, and it may also cause road ditches to be opened and connected with such ditch.

Sec. 7. In the construction of an outlet ditch under this Act the board may enter upon and deepen and improve any road ditch in existence, or construct a road ditch on any line of road through any other township, but if it does so it must so dispose of the dirt placed in the road as is consistent with the ordinary road work in the community, and leave such road in as good condition for travel as is consistent with the placing of new dirt thereon.

Sec. 8. EMERGENCY. Whereas, an emergency exists in that no power now exists with townships to build drainage ditches, an emergency is declared to exist and this Act shall go into effect immediately upon its approval by the Governor.

Approved March 3, 1919.

## CHAPTER 115.

(H. B. No. 189—Committee Appropriations.)

### FLOOD CONTROL COMMISSION.

**An Act Creating the Flood Control Commission; Prescribing its Powers and Duties; Providing for the Appointment and Compensation of the Flood Control Engineer and Such Other Employees as May be Necessary and Providing an Appropriation to Carry out the Purposes of this Act.**

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

Sec. 1. There is hereby created a Flood Control Commission which shall be composed of the State Engineer, the Dean of the School of Engineer and Mechanic Arts of North Dakota Agricultural College, the Dean of the School of Mines of the University of North Dakota, together with two resident freeholders who shall be appointed by the Governor, each of whom shall hold office for the period of two years from and after the date when this Act takes effect and until their successors are appointed and qualified. The members shall receive no compensation other than necessary traveling expenses.

Sec. 2. The State Flood Control Commission shall meet at the State Capitol within thirty days after this Act takes effect and shall organize by electing a chairman thereof.

Sec. 3. The Governor shall on the recommendation of the State Flood Control Board appoint a State Flood Control Engineer who shall hold office for the period of two years and until his successor is appointed and qualified. He shall receive a salary of Three Thousand (\$3000) Dollars per year and his actual necessary traveling expenses, to be paid monthly out of the funds herein appropriated.

Sec. 4. It shall be the duty of the State Flood Control Engineer under the control, supervision and direction of the State Flood Commission to make survey, borings, sub-soil analysis, excavations and such other examination as may be necessary for the purpose of providing plans and specifications for controlling the floods in the State of North Dakota and he may act without compensation as consulting engineer for county commissioners and drain commissioners on drainage projects. It shall also be the duty, under the control, supervision and direction, of the Flood Control Commission, to co-operate with the Department of Interior, the Department of Agriculture and the Department of War of the United States and with the State of South Dakota and the State of Minnesota in doing the above described work.

Sec. 5. The State Flood Control Commission shall employ such labor and assistance, and make such expenditures for supplies and equipment as may be necessary for carrying out the purpose of this Act, provided, however, all the expenditures provided for herein shall remain within the appropriation hereinafter made. All claims for moneys expended by the State Flood Control Commission under the provisions of this article shall be paid by the State Auditor in the same manner as other claims against the State are now being paid upon the presentation of properly prepared vouchers approved by the State Flood Control Commission.

Sec. 6. There is hereby appropriated out of any of the funds in the State Treasury not otherwise appropriated the sum of Thirty-three thousand (\$33,000) Dollars for carrying out the purposes of this Act.

Approved March 13, 1919.

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## CHAPTER 116.

(H. B. No. 158—Lazier.)

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### FLOOD IRRIGATION PROJECTS.

An Act to Provide for the Establishment of Flood Irrigation Projects, the Establishment, Construction and Maintenance of Dams, Gates and Necessary Ditches for the Purpose of Controlling, Regulating and Forcing the Overflow of Waters in Non-Navigable Rivers and Streams, and the Appointment of Boards of Flood Irrigation, and Defining Their Powers and Duties.

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

Sec. 1. WHEN IMPROVEMENTS MAY BE CONSTRUCTED ) Dams, gates, and necessary ditches and canals for the purpose of controlling, regulating and forcing the overflow of water in non-navigable rivers or streams within the State of North Dakota may be established, constructed and maintained in the several

counties of this state whenever the same shall be conducive to the public health, convenience or welfare, under the provisions of this chapter.

Sec. 2. BOARD OF FLOOD IRRIGATION. HOW APPOINTED.) The Board of County Commissioners of any organized county in this state shall have the power and is authorized at any meeting of the Board, by a majority vote of all the members, upon its own motion or on the petition of any person or persons interested, to appoint five freeholders of the county as a Board of Flood Irrigation of such county. At the time of the appointment of such Board one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Subsequent appointments shall be made for terms of five years. All persons so appointed shall hold office until their successors are appointed and qualified. In case of a vacancy the Board of County Commissioners may fill the same for the unexpired term by appointment. The Board of County Commissioners shall provide an office for said Board of Flood irrigation at the county seat, suitable for its use and the keeping of its records and shall provide suitable record books for its use.

Sec. 3. OATH. BOND. ORGANIZATION. LEGAL ADVICE.) Any person appointed as a member of the Board of Flood Irrigation shall within ten days after his appointment take, subscribe and file in the office of the county auditor an oath to faithfully perform the duties of a member of the Board of Flood Irrigation under the law, and within the same time make, execute and file in the Auditor's office a bond to the County with sureties to be approved by the Auditor in such sum as shall be ordered by the Board of County Commissioners, conditioned for the faithful discharge of his duties as a member of the Board of Flood Irrigation. The members of said board shall organize by electing from their number a chairman and a secretary; they shall keep an office at the county seat and shall keep a record of its acts and proceedings and a separate record of the proceedings relating to each separate flood irrigation project, all of which shall be open for public inspection and such records shall have the same force and effect as other public records. Three members of said board shall at all times constitute a quorum for the transaction of business. Said board may, when it is necessary, employ a clerk and fix his compensation. It may also employ and call to its assistance a competent surveyor or engineer. The state's attorney of each county shall, so far as his other duties will permit, act as the legal advisor of the board. The board may, however, by and with the consent of the county commissioners, employ other counsel to advise and represent it in its proceedings.

Sec. 4. HOW ESTABLISHED.) A petition for the construction of

a dam or a system of dams, including gates and other proper and necessary constructions incidental thereto may be made in writing to the Board of Flood Irrigation, which petition shall be signed by at least six freeholders of the district to be affected by the flood irrigation project, and which shall set forth and particularly describe the boundaries of the district that will be affected. The petitioners must accompany the petition with a map of such proposed district, which map shall show the approximate location of the proposed dam or dams and other necessary works by means of which it is intended to control the waters of such river or stream. Said petition shall also describe in a general way the benefits expected to be derived from the establishment of such improvement.

Upon the presentation of a petition, as hereinbefore provided, and filing of same, the Board of Flood Irrigation shall, as soon as practicable, proceed to examine the site of the proposed improvement and the territory or district to be benefited thereby; 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 engineer who shall make all necessary and proper surveys of the lands that may be benefited or injured by the establishment of such improvements and who shall prepare all proper and necessary plans and specifications for all the improvements required to be constructed, and upon the completion of such plans and specifications shall file the same with the said Board of Flood Irrigation, together with an estimate of the cost of the construction of such improvements as well as of the annual maintenance thereof.

The Board of Flood Irrigation shall require a bond from the petitioners in a sum sufficient to pay all expenses of the required surveys and plans and specifications and of the Flood Irrigation Board, if it should appear, after the engineer's report is filed, that the proposed improvement would cost more than the amount of the benefit to be derived therefrom.

For the purpose of making examinations or surveys or getting the necessary information for the preparation of plans and specifications the Board of Flood Irrigation, its engineers or employes, may enter upon any lands deemed proper and necessary. Copies of the report and of the plans and specifications of the engineer shall be filed in the office of the County Auditor in the county in which the improvement is proposed to be constructed, with the Board of Flood Irrigation, and in such other places as the Board of Flood Irrigation may order, all of which shall be open to inspection.

In locating an improvement, the Board of Flood Irrigation may, under the advice of the engineer, vary from the location described in the petition, as it seems best.

Upon the filing of the engineer's report the Board of Flood

Irrigation shall fix a date and public place for hearing objections to the petition and the place of such hearing shall be located at some point in the vicinity of the land which will be affected by such improvement, and that will be the most convenient point for the majority of the land owners affected to attend. At least ten days notice of such hearing shall be given by causing five notices to be posted in the district to be affected at such points as will be likely, in the opinion of the board, to secure the greatest publicity. And in addition thereto, 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 project at least ten days prior to the date of such hearing.

Notices of this hearing shall briefly set out the substance of the petition, the date of the filing of the engineer'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 project may appear before the Board of Flood Irrigation and fully express their opinion and offer evidence upon the matters pertaining thereto. Should two thirds of the land owners whose land is subject to assessment for the construction of such project and who own at least one-half of such land believe that the benefits to be derived are not equal to the expense of the construction they may petition the Board of Flood Irrigation to have further proceedings discontinued, whereupon said board shall, by resolution, order all further proceedings in connection therewith discontinued.

Sec. 5. ASSESSMENT OF DAMAGES (HOW MADE.) At the hearing provided for in the preceding section the Board of Flood Irrigation shall also determine what damage will be suffered, if any, by the owners of all lands within the district that will be affected by the building of such irrigation project, and in determining such damages no allowances shall be made for any benefits that may accrue to said land by the building of said project. The benefits, if any, shall be assessed under the provisions of Section 9 of this Act.

The assessment of such damages 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 Flood Irrigation shall be given by publishing in some newspaper of general circulation in said county. A notice, not less than five in all, and at least one in each township or municipality interested in such project shall be posted at such points as may be likely, in the opinion of such 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 the construction of such project. The place appointed for such hearing shall be located at some point in the vicinity of the land which shall be affected, that will be convenient for the majority of the land owners affected by such project to attend.



At the time and place appointed, such Board shall proceed to hear all complaints or objections relative to such assessment of damages and correct or confirm the same.

Should any land owner believe that the assessment of the damage suffered by him has not been fairly or equitably made he may appeal to the district court of the county wherein such land is situated, by filing a petition with the clerk of the district court of said county, asking for a review of such assessment of damages; provided, however, that such petition must be filed within fifteen days after the entry of the order confirming the same.

Upon the filing of such petition in the office of the clerk of said district court, said clerk shall immediately notify the Board of Flood Irrigation thereof, whereupon the said Board shall certify all its records and proceedings in said matter to the district court. Said issue shall be regarded to be on the calendar of said court at the next court term thereof and shall be promptly heard by the court. If it appear to said court upon such hearing that such assessment or assessments have not been equitably made it may proceed to correct the same, which correction and adjustment shall be final, unless appeal is taken to the Supreme Court. Costs may be granted to either party in the discretion of the court.

Sec. 6. SHOWING REQUIRED TO ESTABLISH PROJECT ) If, upon the examination by the Board of Flood Irrigation, and after the filing with said Board of the plans and specifications for said project, or if upon the hearing upon the petition, it shall appear that there was not sufficient cause for making such petition, or that the proposed project would cost more than the amount of benefit derived therefrom, the Board of Flood Irrigation shall deny the petition, and the petitioners shall be jointly and severally liable to such board for all costs and expenses incurred in the proceedings, to be recovered by such board by action. If it shall appear that there was sufficient cause for the making of such petition and that the proposed project will not cost more than the amount of benefits to be derived therefrom the Board of Flood Irrigation shall thereupon make an order establishing the project, accurately describing it, and give the same a name by which it shall be recorded and indexed.

Sec. 7. RIGHT OF WAY ) The right of way for the construction of any and all improvements required in such project, including all sites for dams, etc., if not conveyed to the county by the owner may be acquired by the Board of Flood Irrigation by the exercise of the right of eminent domain in the manner prescribed by Chapter 36 of the Code of Civil Procedure of the Compiled Laws of 1913. Such right of way, when acquired, shall be the property of the county.

Sec. 8. DAMAGES AND RIGHT OF WAY. HOW PAID.) Upon the assessment by the Board or Court of the amount of damages to which the respective owners of land which may be damaged by the construction of such project may be entitled, and upon the as-

assessment by the Board or Court of the amount of damages to which the respective owners of the right of way may be entitled, the Board of Flood Irrigation shall issue warrants in sums sufficient to pay the damages so assessed, drawn upon the proper County Treasurer and payable out of any funds in the hands of the treasurer for the construction of such Flood Irrigation Project. Such warrants shall be negotiated at not less than their par value and the proceeds thereof paid to the owners of the land entitled thereto, according to such assessments of damages, the surplus, if any, to be paid to the County Treasurer who shall place the same to the credit of the proper Flood Irrigation Project Fund.

Sec. 9. ASSESSMENT OF ACCRUING BENEFITS.) Upon acquiring the right of way and after the completion of the assessments of damages as hereinbefore set out the Board of Flood Irrigation shall assess the per cent. of the cost of constructing and maintaining such Flood Irrigation Project and providing the right of way therefor and of paying all damages incurred by the owners of land affected thereby which any lot, piece or parcel of land shall be liable to pay by reason of the benefits accruing thereto, either directly or indirectly, by reason of the construction of such project, but such assessment shall be subject to review by the Commissioners as hereinafter provided.

Sec. 10. ASSESSMENT OF BENEFITS SUBJECT TO REVIEW.) The assessment of benefits provided for in the preceding Section shall also be subject to review in the same manner, and upon similar notices as provided for the review of the assessment of damages in Section 5 hereof.

Sec. 11. RETURN OF ASSESSMENT OF BENEFITS ) After the assessment of benefits has been made, as provided in the preceding Sections, or has been confirmed, if appeals have been taken, and the specific amount of each assessment has been extended as hereinafter provided, the Board of Flood Irrigation shall make return thereof to the County Auditor who shall record the same in a book to be provided by the county for that purpose. Such return shall contain the petition for the project, a copy of the minutes of the survey and of the plans and specifications signed by the engineer, a copy of the order establishing the Flood Irrigation Project, conveyances of the right of way, if any, and the assessments of damages and benefits.

Sec. 12. NOTICE OF CONSTRUCTION.) After the order establishing the project has been entered the Board of Flood Irrigation shall advertise a notice, asking for sealed proposals for bids for the construction of all work required, as shown by the plans and specifications on file, which notice shall be published at least once a week for three successive weeks in the official paper of the county, and in such other papers or builder's bulletins as the Board may order. Sealed bids shall addressed to the Board of

Flood Irrigation and shall be publicly opened by them at a regular or special meeting designated in the notice.

The contract for the construction of the work shall be let to the lowest responsible bidder; but the Board may reject any or all bids submitted. At least fifteen days time shall intervene between the hearing upon the review of the Assessments and the letting of the contracts. The successful bidder shall give a bond to the Board of Flood Irrigation in the sum equal to the contract price, conditioned upon the faithful performance of and compliance with the terms and conditions of said contract.

Sec. 13. COMPUTATION, APPORTIONMENT AND TAXATION OF COSTS.) After the letting of such contracts such Board shall make a computation of the cost of the project which shall include all the expenses of locating and establishing the same, including the cost of right-of-way, the damages paid to land owners for any cause, the fees of the Board, the cost of surveys, plans and specifications, interest on all warrants issued or to be issued by the Board of Flood Irrigation on account of such project, accumulated or to accumulate prior to the time when the tax levied or to be levied to pay therefor is collectible by law, and all other expenses, together with the amount of all contracts let for the construction of the same. The sum of all the costs and expenses thus incurred or to be incurred shall be the cost of the construction of such project.

After fixing the cost as hereinbefore set out the Board of Flood Irrigation shall carry out upon the assessment list the specific amount which each lot or tract of land, benefited by the project for which the tax is levied, is liable to pay on account of procuring the same according to the per cent. which by Section 9 hereof it is required to fix and determine.

Such list shall thereupon be filed in the office of the County Auditor of the county in which the lands benefited are situated, and the Auditor shall thereupon extend upon the tax list as a special tax as provided by law the several amounts shown by such list, specifying in such tax list the particular Flood Irrigation Project for the construction or procurement of which the special tax is assessed, which special tax shall be collected and enforced in the same manner as other taxes.

Sec. 14. COLLECTION OF FLOOD IRRIGATION TAXES. PAYMENT OF EXPENSES.) The flood irrigation taxes shall be collected by the County Treasurer, and all moneys so collected shall be credited to the Flood Irrigation Fund to which they belong, and the County Treasurer shall be the treasurer of such funds. Payment of all expenses and costs of locating and constructing any such project shall be made by the Board of Flood Irrigation who shall issue warrants in such amounts and to such persons as by such Board may be found due, which warrants shall be signed by the chairman and secretary. All such warrants, after presentation to

the County Treasurer for payment, if not paid for want of funds, shall be registered by the County Treasurer, and shall thereafter bear interest at the rate of six per cent. per annum.

Sec. 15. ADDITIONAL ASSESSMENTS. WHEN NECESSARY.) In case the amount realized from the assessment made for the construction of any such project shall not be sufficient to pay therefor or to complete the same and pay all fees and incidental expenses, or to pay and retire any bonds issued in connection with the construction thereof, or in case of an enlargement of such project, or an extension thereof becomes necessary, a further assessment shall be made to meet the additional expense and the amount thereof shall be levied and collected in the manner hereinbefore provided.

Sec. 16. ASSESSMENT FOR MAINTENANCE.) The Board of Flood Irrigation shall have the exclusive care, management and control of said project, but may for such purpose enter into contracts with responsible parties for the operation thereof and for the purpose of defraying expenses of the care, operation, maintenance and repair of such project, including fees of the members of the board, said board shall annually certify to the county auditor the amount that will be required for such purposes during the following year; whereupon the County Auditor shall apportion to the several parcels or tracts of land within such project the amount which each parcel or tract of land shall be assessable with, such apportionment to be made on the same basis as the original benefits were assessed under the provisions of Section 9 hereof, and shall extend such amount upon the tax lists as a special tax as provided by law. The taxes so collected shall be credited to the proper fund.

Sec. 17. JOINT POWERS OF FLOOD IRRIGATION BOARDS IN TWO OR MORE COUNTIES.) Apportionment of cost whenever it shall be deemed necessary by the Boards of Flood Irrigation of two or more counties in this state, to construct or extend a project through or into two or more counties in this state, it shall be lawful and the several Boards of Flood Irrigation in the counties into or through which such proposed project may extend when completed, are empowered to establish, construct and maintain such project through or into two or more counties in the manner following, to-wit: There shall first be presented to the several Boards of Flood Irrigation in each of such counties a petition for the establishment of such Flood Irrigation Project in their several counties are provided by law and such boards of such several counties shall determine upon the necessity or expediency of the establishment of such Flood Irrigation Project as provided by law. The several Boards of Flood Irrigation of all counties through or into which such proposed project may run shall then meet and agree upon the proportion of damages and benefits to

accrue to the lands affected in each county affected and for this purpose they shall consider the entire course and territory of such project in all said counties as one project. They may apportion the cost of establishing and constructing such entire project ratably and equitably upon the lands in each county in proportion to the benefits to accrue to such lands, and when they have so apportioned the same they shall make written reports of such apportionment to the auditors of the several counties affected, which reports shall show the portion of cost of such entire project to be paid by tax upon the lands in each of such counties and such reports shall be signed by the Boards of Flood Irrigation of all counties affected. Upon the filing of such reports, the several Boards of Flood Irrigation shall meet and assess against the lands in each of such counties ratably and equitably as provided by law an amount sufficient to pay the proportion of cost of such drain in each of such counties so fixed by all said commissioners.

Sec. 18. **TAX OR ASSESSMENT VOID. WHEN. NEW PROCEEDINGS.)** The collection of no tax or assessment levied or ordered to be levied to pay for the location and construction of any project of flood irrigation laid out and constructed under this chapter shall be perpetually enjoined or declared absolutely void in consequence of any error of any officer or board in the location and establishment thereof, nor by reason of any error or informality appearing in the record of the proceedings by which any such project shall have been located or established, nor for want of proper conveyance or condemnation of the right of way, but the court in which any proceeding may hereafter be brought to reverse or to declare void the proceedings by which any project has been located or established or to enjoin the tax levied to pay the labor and cost and expenses shall on application of either party appoint such person or persons to examine the premises, or to survey the same, or both, as may be deemed necessary and the court shall on final hearing make such order in the premises as shall be just and equitable, and may order such tax to remain on the tax list for collection or any part thereof, or if the same shall have been paid under protest shall order the whole or such part thereof as may be just and equitable to be refunded, the costs of said proceedings to be apportioned among the parties as justice may require. If any proceedings for the location, establishment or construction of any project under the provisions of this chapter, have been heretofore, or shall be hereafter enjoined, vacated, set aside, declared void or voluntarily abandoned by the Board of Flood Irrigation, in consequence of any error, irregularity or want of jurisdiction affecting the validity of such proceedings, and if any warrants have been or shall hereafter be issued in connection with such aforesaid invalid or abandoned proceedings, the Board of Flood Irrigation may nevertheless proceed under the provisions of this chapter to locate, establish and construct the project under

the same or different name, and in the same or different location described in the invalid or abandoned proceedings; provided, however, such new proceedings shall be in accordance with the general provisions of this chapter.

Sec. 19. LIABILITY OF MEMBERS OF FLOOD IRRIGATION BOARD.) Each Board of Flood Irrigation shall make a report to the County Commissioners of all projects begun, in process of construction or finished and shall also render a full account of all moneys which shall come into its hands; and every member of the Board of Flood Irrigation shall be liable on his bond for any mis-application of money coming into his hands as such member of such board. The report required by this section shall include an itemized statement of all expenses and warrants drawn on account of each and every drain.

Sec. 20. COMPENSATION OF MEMBERS OF THE BOARD.) The members of the Board of Flood Irrigation shall receive for their services Three Dollars per day for the time actually spent by them in the performance of the duties of their office.

Sec. 21. POWER TO ADMINISTER OATH.) The members of the Board of Flood Irrigation shall have the power to administer any oath required in any proceeding had before them or in which they may be called to act officially.

Sec. 22. BONDS. WHEN AND HOW AUTHORIZED.) The Board of County Commissioners of any county in which any such project is proposed to be located and constructed is authorized to issue bonds which shall be known as Flood Irrigation Bonds, in such sums as may be necessary for the purpose of defraying the expenses incurred or to be incurred in obtaining the right of way or in locating or constructing any such project, said word "expenses" to be construed to mean and to cover every item of cost of said project from its inception to its completion as hereinbefore provided, which bonds shall be paid out of the revenues to be derived from taxes levied, or to be levied, and collected from that portion of the county found by the Board of Flood Irrigation to be benefited thereby. Such bonds shall bear interest at a rate not exceeding seven per cent. and shall be divided in such amounts and payable at such periods not exceeding fifteen years, as the Board of County Commissioners may determine; provided, that any land owner who may desire to pay the entire amount assessed against his land for the entire cost of such project, including warrants and interest thereon, may, prior to the sale of such bonds pay into the County Treasury the amount of said assessments for which the Treasurer shall give his receipt in full, and such lands shall not be included in the list of lands assessed. The County Auditor shall give notice of the determination of the Board of County Commissioners to issue bonds by publishing a notice in the official newspaper of the county at least fifteen days before the date of selling said bonds. Said notice shall

designate the project proposed to be bonded, and in general terms notify all persons interested of their right to pay their total assessment prior to the date of the sale of said bonds, as provided in this section. The money paid in shall be used to take up warrants, and the bonds issued shall be for such an amount as will pay the remainder of the cost of construction; and the said board shall provide sinking funds for the payment at maturity of each series of bonds issued and for the payment of the annual interest on the same. The bonds issued under the provisions of this chapter shall be signed by the chairman of the Board of County Commissioners of such county and countersigned by the County Auditor, who shall keep a record of the bonds issued under the provisions of this chapter. Such Board shall have the power to negotiate such bonds at not less than the par value thereof as it may deem for the best interest of all persons interested in such project. Such bonds shall contain a recital that the same are issued in accordance with the provisions and pursuant to the authority of this chapter and that they are to be paid out of the sinking funds to be created as in this chapter provided. Whenever such bonds shall be issued the tax hereinbefore provided for shall not be collected all in one year, but shall be divided into parts corresponding with the amounts and maturities of the bonds and such parts shall be extended year by year upon the tax lists by the County Auditor against the proper parcels of land and property liable to taxation for that purpose and collected in such year, and such fund shall constitute the sinking fund provided by this section.

Sec. 23. LEVY OF TAX FOR INTEREST. SINKING FUND.) The Board of County Commissioners shall in each year at the time of levying the taxes, levy upon the property liable to taxation on account of the location and construction of any project as by this chapter provided a tax sufficient to pay the annual interest on any bonds which may have been issued for the purpose of locating and constructing such project. Separate sinking funds shall be provided for each separate project for the construction of which bonds shall have been issued, and no funds in any such sinking fund shall be applied to any other purpose than the payment of the bonds for the payment of which such fund was created. No county shall be liable for the payment of any bonds issued under the provisions of this chapter, but such bonds shall be paid only out of the sinking funds created as in this chapter provided.

Sec. 24. EMERGENCY.) Whereas it is highly necessary and expedient that this Act shall go into immediate operation, this Act is hereby declared to be necessary for the immediate preservation of the public peace, health and safety, and shall go into effect and be in force from and after its passage and approval.

Approved March 7, 1919.

## ELECTIONS

### CHAPTER 117.

(S. B. No. 73—Mostad.)

#### NONPARTISAN ELECTION CERTAIN COUNTY AND STATE OFFICERS.

An Act to Provide for Nonpartisan Nomination and Election of All Elective County Officers, Judges of the Supreme and District Court, State Superintendent of Public Instruction and County Superintendent of Schools.

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

Sec. 1. NO PARTY PRIMARY PETITION.) In all petitions and affidavits to be filed by or in behalf of candidates for nomination in the primary election to all elective county offices, the office of Judge of the Supreme and District Courts, and the offices of State Superintendent of Public Instruction and County Superintendent of Schools, no reference shall be made to a party ballot, or to the party affiliation of such candidates.

Sec. 2. SEPARATE NONPARTISAN PRIMARY BALLOTS.) At all primary elections there shall be separate ballots which ballots shall be entitled "Nonpartisan Primary Ballot," and the names of all candidates for any of the said offices shall be placed thereon without party designation and there shall be designated thereon the number of persons each elector is entitled to vote for on each office which shall be the number to be elected to such office at the next succeeding general election.

Sec. 3. The names of aspirants for nomination to each office shall be arranged in separate groups in their order, leaving one or more blank lines or spaces below each group of names on which may be written or placed a name or a printed sticker to express the vote of the individual elector. Such ballot shall be delivered to each elector by the proper election officer and no declaration of the party affiliation or registration of such party affiliation shall be required.

Sec. 4. PERSONS NOMINATED.) The candidate or candidates receiving the highest number of votes to the extent of double the number of those to be elected to any office, provided there are that many or more candidates running, shall be duly nominated thereto. No partisan nominations shall be made for any of the aforementioned offices.

Sec. 5. NONPARTISAN BALLOT AT GENERAL ELECTION ) At the General Election there shall likewise be a separate ballot upon which shall be placed the names of all candidates who have been



nominated as hereinbefore provided, which ballot shall be entitled "Nonpartisan Ballot." Such ballot shall otherwise be in the same form as hereinbefore specified for the Nonpartisan Primary Ballot. This ballot shall be delivered to each Elector. And the candidate, or candidates to the number to be elected for each office receiving the highest number of votes shall be duly elected to such office.

Sec. 6. PRESENT LAWS CONTROLLING ) Except as herein provided such ballot shall be prepared, printed, distributed, canvassed and returned in the manner now provided for primary election and general election ballots respectively.

Sec. 7. All other Acts or parts of Acts which are in conflict with the provisions hereof are hereby repealed.

Approved March 6, 1919.

## CHAPTER 118.

(S. B. No. 155—Drown.)

### SELECTION OF COMMITTEEMEN.

An Act to Amend and Re-enact Section 890 of the Compiled Laws of North Dakota, for the Year 1913.

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

Sec. 1. AMENDMENT.) Section 890 of the Compiled Laws of North Dakota, for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 890. COUNTY AND STATE COMMITTEE. HOW SELECTED. TIME AND PLACE OF MEETING.) The county committee of each party shall be composed of all the precinct committeemen of each part, and the legislative nominees residing in such county shall be entitled to select and appoint in writing one committeeman at large, which appointment shall be immediately filed with the County Auditor. The committeeman thus appointed, together with the precinct committeeman elected as prescribed in Section 889, shall constitute the county committee of each county, and they shall meet in the court house at the county seat of each county at two o'clock p. m., on the third Wednesday after each primary election and organize by selecting a chairman, a secretary, and a treasurer, by adopting rules and modes of procedure, and by selecting an executive committee consisting of from five to nine persons chosen from the county committee, of which executive committee the chairman and secretary shall be members. Such county committee shall at the same time select one person who shall be a legal voter to act upon and be a member of the State Central Committee of such party in all counties consisting of one legislative district, and in counties having more than one legislative district, the precinct committeemen from each legislative

district shall select one person from their respective legislative district; and when two or more counties are embraced in one legislative district; and the county committee of each county shall meet at the court house of the county seat of the senior county of such district at two o'clock p. m., on the fourth Wednesday after such primary election, and select one person, who shall be a legal voter to act upon and be a member of the State Central Committee of such party. The members so selected as state central committeemen shall meet at the State Capitol on the first Wednesday in September and organize by selecting a chairman, a secretary, and treasurer, and shall adopt rules and modes of procedure and promulgate and publish a platform of principles upon which its candidates shall stand. Each member of any committee shall retain such position until his successor is chosen. Each member so selected shall be a legal voter. Vacancies shall be filled by a majority of the committee by appointment from the district in which such vacancy exists.

Approved March 6, 1919.

#### CHAPTER 119.

(H. B. No. 33—O'Brien.)

#### OPENING AND CLOSING OF POLLS IN PRIMARY AND GENERAL ELECTIONS.

An Act to Amend and Re-enact Sections 869 and 983 of the Compiled Laws of North Dakota for the Year 1913 Relating to the Opening and Closing of Polls in Primary and General Elections.

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

Sec. 1. That Section 869 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 869. POLLS. OPEN WHEN. CANVASS.) The polls shall be opened at nine o'clock A. M. and remain open continuously until nine o'clock P. M. When the polls are closed the judges and inspectors of such primary election shall open the ballot boxes, count the ballots and compare the same with the clerk's lists, and should any irregularities appear they shall proceed as now provided by law. When the ballots compare with the clerk's lists they shall proceed to canvass and place those of each political party in separate piles. 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 every candidate. The men's and women's votes shall be kept separately and so returned by the judges. The county canvassing board shall aggregate these for the candidates voted for.

Sec. 2. Section 983 of the Compiled Laws of North Dakota for

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

Sec. 983. WHEN POLLS ARE TO BE OPENED AND CLOSED.) At all general and special elections held under the provisions of this chapter, the polls shall be opened at nine o'clock A. M. and closed at nine o'clock P. M. Twenty minutes prior to nine o'clock P. M. the inspector shall proclaim to the electors outside, the number of minutes before the polls will be closed and that such closing will be precisely at nine o'clock P. M.

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

Approved March 5, 1919.

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## CHAPTER 120.

(S. B. No. 187—Webber.)

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### MUNICIPAL ELECTIONS IN CITIES.

An Act to Amend and Re-enact Section 3784 of the Compiled Laws of North Dakota for the Year 1913, Relating to Municipal Elections in Cities.

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

Sec. 1. AMENDMENT.) That Section 3784 of the Compiled Laws of North Dakota for the year 1913 shall be amended and re-enacted to read as follows:

Sec. 3784. ELECTION BIENNIAL.) Biennial municipal elections in all cities shall be held the first Tuesday in April at such place or places as the Board of City Commissioners shall designate. The polls of such election shall be opened at eight o'clock A. M. and close at nine P. M. Ten days' previous notice of the time and place of such election, and of the officers to be elected, shall be given by the City Auditor by the publication in the official paper and by posting written or printed notices in three public places in the City: but the failure to give such notice shall not invalidate such election. In all other respects such election shall be conducted as prescribed by general election laws, and for all general and special elections held under the provisions of this Act in the city, for city officers and for other purposes, the Board of City Commissioners shall at least ten days before any election is held appoint in each precinct established in the city one inspector and two Judges of election.

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

Approved March 7, 1919.

## CHAPTER 121.

(H. B. No. 137—Haines.)

## ELECTION RETURNS.

An Act to Amend and Re-enact Sections 1007 and 1008 of the Compiled Laws of North Dakota for the Year 1913, Relating to Election Returns.

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

Sec. 1. That Section 1007 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 1007. RESULT OF CANVASS TO BE IMMEDIATELY MADE.) The inspectors shall as soon as the count is completed publicly announce the result thereof, specifying the whole number of votes cast for each office and for each candidate respectively; also the number of votes cast for and against each proposition voted for at such election. They shall immediately prepare in triplicate a statement in writing setting forth at length, in words and figures the whole number of votes cast for each office and the names of all persons for whom such votes were cast, together with the number of votes cast for each person; also the number of votes cast for and against each proposition voted upon at such election which statement they shall certify to be correct.

Sec. 2. Section 1008 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 1008. RETURNS. HOW AND WHERE MADE. COMPENSATION OF OFFICERS.) The inspector of election or one of the judges appointed by him, shall forthwith deliver to the clerk of the town, city or village, one of such statements and one of such poll lists, together with the stamps inscribed with the words "official ballot" to be filed and preserved in his office, and shall with all convenient dispatch and within three days after the election, deliver the other two statements to the County Auditor and Secretary of State, respectively by registered mail, said statement having been by the judges carefully sealed up, together with the other poll lists, and with the oaths of inspectors and clerks affixed, under cover, properly directed to the County Auditor and Secretary of State, respectively, and the person mailing such returns shall receive as compensation therefor the sum of two dollars (\$2.00) to be paid out of the county treasury on a warrant of the County Auditor.

The statement and poll list aforesaid, having been duly prepared for delivery to the County Auditor as aforesaid, the inspector and judges of election shall cause the ballots of each kind cast at such election to be smoothly spread upon a wrapper of strong durable paper of the same width of such ballots and of

sufficient strength to permit of its being folded with the said ballots and form a complete wrapper therefor when folded. Such ballots and wrappers shall then be tightly folded together and the said wrapper securely pasted or glued at the outer end so as to completely envelope and firmly hold such roll together.

Provided, that ballots which are void shall be wrapped in a separate wrapper and so marked on said wrapper.

In the folding and sealing of the ballots as aforesaid the various classes of ballots shall be kept separate.

The judges shall fold in two folds and lay in tiers all ballots counted by them except those which are void, and fold same securely in manila wrappers not exceeding two hundred (200) to each wrapper, on which shall be endorsed in writing or print, the number of the precinct, date on which election was held, and securely seal such wrappers by sealing them with sealing wax and stamping on said wax the name of the county with a metal stamp provided for that purpose, so that said wrappers cannot be opened without breaking the seal, and return by mail said ballots together with those found void, to the county judge. Immediately upon receiving such ballots, the county judge shall give receipt therefor to said judges of election, and shall place them properly arranged in the order of the precinct numbers in boxes which shall be securely locked. Said boxes shall be placed in a fire-proof vault and shall be securely kept for six months, not opening or inspecting them nor allowing any one else to do so, except upon order of court, in case of contested election, or when it shall be necessary to produce them at a trial for any offense committed at elections. At the end of six months after said election, said ballots shall be destroyed; provided, that if any contest of the election of any officer voted for at such election or prosecution under this article shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest or prosecution be finally determined. In organized townships or in cities or villages, the inspector of election shall deliver, if he is not himself the officer in question, the ballot boxes together with said metal stamp to the chairman of the board of supervisors of the civil township, or mayor of the city or president of the village, in which the election precinct is situated, as the case may be; and this officer shall keep in safe custody such boxes and stamp until the next election, or hand them over to his successor in office to be safely kept by him until such time. At the following general or primary election it shall be the duty of these officers to hand the ballot boxes and said stamp over to the inspector of elections. In unorganized townships the inspector of elections shall cause the ballot boxes to be delivered by mail to the county auditor, at the time when the ballots are returned. Any person violating any of the provisions of this section is guilty of a misdemeanor.

It is the purpose of this Act (section) to provide a safe place

for the keeping of the ballots and to make them readily accessible for use in legal proceedings, and such ballots shall be received in evidence without further identification or foundation being laid, and any failure on the part of the election officers to comply with any of the formalities required hereby as to the return of said ballots shall not invalidate any election or cause any ballot otherwise regular to be disregarded and any omission or irregularities in the manner of identifying or returning the ballots of any precinct may be obviated by proof under the ordinary rules of evidence.

Approved March 7, 1919.

## ELECTRICAL SUPPLY AND SIGNAL LINES

### CHAPTER 122.

(H. B. No. 110—Robinson.)

#### POWERS AND DUTIES OF RAILROAD COMMISSIONERS RELATING TO OPERATION AND MAINTENANCE OF ELECTRICAL SUPPLY AND SIGNAL LINES.

**An Act Regulating the Construction, Reconstruction, Operation and Maintenance of Electrical Supply and Signal Lines Upon the Highways and Public Places of the State of North Dakota and Vesting in the Board of Railroad Commissioners Certain Powers and Duties, and Giving to Said Commission Power to Adopt Rules and Regulations for the Purpose of Avoiding or Minimizing the Hazard of Injury to Persons or Property and Avoiding or Mitigating Interference With the Service of Signal Lines, by Reason of the Close Association or Proximity of Signal Lines to or With Electrical Supply Lines.**

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

Sec. 1. That the Board of Railroad Commissioners is hereby vested with full power and authority to regulate the construction, reconstruction, operation and maintenance of all electrical supply lines and signal lines, located in, under or across the public highways or public places in this state, within and without the limits of incorporated cities and towns, to the extent necessary to avoid or mitigate interference from electrical supply lines and for the purpose of avoiding or minimizing the hazard of injury to persons or property by reason of the close association or proximity of electrical supply lines to or with signal lines.

Sec. 2. That prior to commencing the construction or reconstruction of any electrical supply line intended to carry a constant potential alternating current of over five thousand (5000) volts or a constant current circuit exceeding seven and one-half



(7.5) amperes or a grounded trolley direct current of over seven hundred and fifty (750) volts, or prior to converting a line of another character to one of these, written application shall be made by the person, firm or corporation desiring to construct or reconstruct or convert said line to the Board of Railroad Commissioners. The application shall be accompanied by such drawings and specifications as shall show the route of the proposed line in detail, and the method of construction and operation, and said application, drawings or specifications shall also show the route and location relative to the proposed line of any other existing electrical supply or signal line over, across or parallel with which the proposed line is to be constructed, together with the name or names of the owners thereof, and such other preliminary information as the Commission may require.

Sec. 3. Upon receipt of such written application, the Commission shall set a date not later than thirty (30) days from the date of the receipt of the application for a hearing upon the matter, and shall at least ten (10) days before the date of said hearing notify in writing each of the parties affected or likely to be affected by the construction or reconstruction of said line. At such hearing the Commission shall swear witnesses, take evidence, and make such an investigation as shall determine all of the facts in the case, and if the party desiring to build the line files its written consent to abide by the rules and regulations of the Commission or the order issued in relation to the matter, then and in that case said party may proceed to construct such line.

Sec. 4. Whenever any such application is filed with the Commission and it shall appear to the satisfaction of said Commission that all of the interested parties have agreed in writing in regard to the methods of construction, reconstruction, operation and maintenance of the proposed line, then and in that case such application shall be forthwith granted without hearing.

Sec. 5. That the Commission is hereby given full power and authority to apportion between the interested parties the costs or additional costs which may accrue from the adoption of plans, or methods or means in order to avoid, minimize or mitigate interference or hazard.

Sec. 6. That the Commission shall compile, adopt and promulgate, within one year from the passage of this bill, such general and specific rules and regulations as to it may seem proper for the government of the questions covered by this Act and the Commission may from time to time thereafter repeal, modify or amend such rules and regulations.

Sec. 7. That the provisions of this Act shall in no wise be construed to affect, control or change the franchise rights of persons, firms or corporations owning or operating electrical supply or signal lines in or upon the highways of the State of North Da-

kota and shall be construed only as regulatory measures intended to avoid or mitigate interference from electrical supply lines to signal lines and to avoid or minimize the hazard or injury to persons or property by reason of the close association or proximity of electrical supply lines to or with signal lines.

Sec. 8. That the word, "operation" wherever it appears in this Act shall be construed and applied only in relation to the manner of operating the lines referred to so as to avoid or minimize the hazard of injury to persons or property and to avoid or mitigate interference with the service of signal lines.

Sec. 9. That the word "Commission" wherever used in this Act shall mean the Board of Railroad Commissioners.

Sec. 10. That the words "electrical supply lines" wherever used in this Act shall mean those electrical conductors and their necessary supporting and containing structures which are used for transmitting a supply of electrical energy.

Sec. 11. That the words "Signal lines" wherever used in this Act shall mean those lines for public or private signal or communication service and devoted exclusively to the transmission of signals or intelligence, which operate at not exceeding four hundred (400) volts to ground or seven hundred and fifty (750) volts between any two points of the circuit and the transmitted power of which does not exceed one hundred and fifty (150) watts.

Sec. 12. Whenever the Commission shall enter an order in compliance with the provisions of this Act it shall be compulsory for such person, firm or corporation upon whom such order is served to comply with said order, and failing to do so, such person, firm or corporation shall forfeit to the State of North Dakota on suit by the Attorney General of the State the sum of Ten Dollars (\$10.00) for each and every day the neglect to comply with such order of the Commission continues.

Sec. 13. That any or all parties affected by an order of the Commission made by virtue of this Act are hereby given the same right of appeal to the courts as such party is entitled to under the Constitution and laws of the state, and any party affected by the order of the Commission in any matter relating to the subject matter of this act may prosecute and conduct the appeal to the courts in the same manner as an appeal lies from any other order of this Commission, as provided in Article 21 of the Compiled Laws of 1913 and all Acts amendatory thereto.

Sec. 14. Municipalities of the state of North Dakota are hereby given the right to file complaints with this Commission and it is hereby made the duty of this Commission to hold a public hearing whenever any such municipality shall file written complaint and set forth facts that require action on the part of this Commission in order to avoid or mitigate electrical interference from electrical supply lines, or for the purpose of avoiding or minimiz-



ing the hazard of injury to persons or property by reason of the close association or proximity of signal lines with electrical supply lines.

Sec. 15. A full and complete record shall be kept by the Commission of all proceedings had before it upon any formal investigation or hearing and all testimony received or offered shall be taken down by a stenographer appointed by the Commission and a transcribed copy of such record shall be furnished to any party to such investigation upon demand.

Sec. 16. Any person, firm or corporation violating any of the provisions of this Act, or any rule or regulation of the Commission adopted in compliance with this Act, shall, upon conviction be punished by a fine of not less than twenty-five (\$25.00) dollars nor more than fifty dollars (\$50.00).

Sec. 17. All Acts or parts of Acts conflicting with the provisions of this Act are hereby repealed.

Approved March 3, 1919.

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## ELECTRICIANS

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### CHAPTER 123.

(S. B. No. 141—King.)

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#### STATE BOARD OF ELECTRICIANS.

An Act to Create a State Board of Electricians and Prescribing the Duties Thereof. Providing for the Classification, Examination and Licensing of Electricians and Electrical Workers. Prescribing Fees for Such Examination and License, and Providing for Inspection of Electrical Work Through the State Fire Marshal Under the Direction of the State Board, and to Repeal Chapter 118 of the Laws of North Dakota for 1917.

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

Sec. 1. A state board of electricians is hereby created which shall consist of three members appointed by the governor for periods of two, four and six years, respectively, and the State Fire Marshal who shall be ex-officio and secretary of the Board. The three members appointed shall consist of one Master Electrician engaged in active work, one Journeyman Electrician and one Electrical Engineer of known ability. Vacancies shall be filled in the same manner and from the same class to which the retiring member belonged. The Board shall select from its members a president and treasurer, prescribe rules for the management of its affairs and adopt a seal. Each member shall receive five dollars (\$5.00) per day for actual services rendered, and in addition thereto, actual expenses incurred in the discharge of his duties.

The Board shall meet at the Capitol on or about the first Monday in January and July of each year for the purpose of conducting examination and considering such other matters as may be brought before them, or at any other time or place within the state upon ten days notice from the secretary.

Sec. 2. There shall be a Master, Journeyman and Special Electrician, and in the last class shall be included persons employed to operate moving picture machines and switch boards in all buildings used for public assemblages, provided, however, that not more than one special electrician shall be employed except under the direction of a journeyman electrician. Every person not already a licensed electrician who shall hereinafter engage in the occupation of installing or repairing electrical wires or apparatus which are being or have been installed inside a building shall apply to the Board for a license. The Board shall examine the applicant and if he be found upon technical or practical examination to be possessed of the required skill and knowledge of the business and reasonably versed in the laws of electricity shall issue him a license to engage in such business for a period of two years, signed by the President and Secretary and attested by the seal. The Board shall, upon the recommendation of one master electrician and two journeyman electricians, issue a permit for a journeyman electrician to engage in his trade until the next meeting of the Board for the examination of applicants, such permit to be not renewable. The employees of interstate telephone and telegraph companies shall not be required to hold licenses to engage in such work as pertains to the telephone and telegraph business. Every licensee shall report his licensing and the renewal thereof to the proper electrical inspector, if any there be in the city in which he operates. Holders of journeyman and special electrician's licenses shall be furnished with a duplicate of such license printed or engraved on a card two and one-half by four inches, which the holder shall produce on lawful demand. For cause and after hearing all interested parties the Board may revoke such license and shall notify the city inspector of such revocation. Licenses shall be renewed without examination on applications accompanied by proper fee.

Sec. 3. All expenses incurred by the secretary in conducting the business of his office including traveling expenses, when engaged upon the business of the Board, shall be allowed and paid by the Board.

Section 4. Every applicant for a master electrician's license shall pay a fee of five dollars (\$5.00) and take oath that he has had three years' experience in the occupation, or if a corporation applies an officer or manager thereof, shall make application and take such oath, after being duly examined as a master electrician. An applicant for a journeyman's license shall pay a fee of three dollars (\$3.00) and take oath that he has

had three years experience in installing and repairing of electrical wires and apparatus. An applicant for a special electrician's license shall pay a fee of two dollars (\$2.00) and take oath that he has had two years experience in the line of work for which he asks license, and which shall be set forth in the application. No contract for the installation or repairing of electrical wires or apparatus shall be entered into by any one not a licensed master electrician. Any electrician or corporation engaged in the business prior to the adoption of this law shall apply within sixty days after the taking effect thereof to the Board for a license which shall be granted them upon passing the required examination as provided by this Act, and payment of the proper fee, provided, however, that no master's license shall be issued under the provisions of this clause unless the applicant have in his employ at the time application is made, not less than one journeyman electrician and a place of business. A master electrician will not be deemed to have a place of business unless a sign bearing his name and business be publicly exposed at the premises occupied by him for that purpose. No journeyman electrician shall at any time employ another workman without first taking the proper examination and securing a master's license. The Board shall make the examinations consistent with the class of license requested.

Before receiving the license, the master electrician applying for same shall execute and deposit with the secretary of the Board a surety bond in the sum of one thousand dollars (\$1,000), conditioned for the faithful performance of all work entered upon or contracted for by him and for the strict compliance by him with all the provisions and requirements of the Board relating to the installing and maintenance of electric wires, and apparatus. Provided, however, in cities requiring such bond, this Section shall be inoperative.

Any person doing electrical work, as provided for in this Act, shall report same to the Secretary of the State Board on blanks furnished by him for such purpose.

Sec. 5. Nothing in this Act shall prevent a person from serving as an apprentice under a licensed electrician, and no master electrician shall allow an apprentice to work at any installation unless such apprentice is working with a licensed electrician on the job.

Sec. 6. The State Fire Marshal and each member of the Board are hereby made state electrical inspectors and it shall be their duty to provide for the inspection of such electrical installation and material as they may be called upon to approve according to the rules of the National Board of Fire Underwriters. If upon proper inspection it is found that such installation or material does not comply with the above mentioned rules, the inspector shall condemn such installation or material and order such changes made that are necessary. No condemned installation shall be al-

lowed to be used until such changes ordered by the inspector have been complied with, and such changes approved by him. The State Fire Marshal shall approve the appointment of local inspectors in cities and villages throughout the state. He may at any time order the removal of any local inspector for cause. Any of the state inspectors may condemn any electrical work found in a dangerous condition. All cities and villages may make provision for inspection by competent persons of all electrical work done within the confines of such city or village. Such local inspectors shall register their names with the Secretary of the State Board within ten days after their appointment. Fees may be charged to cover the cost of inspection, such fees are to be paid to the inspector by the contractor. All fees collected for applications under the provisions of this Act shall be used solely for the purpose of furthering the improvements of the grade of electrical construction within the state, as directed by the State Board, said Board to report to the Governor at the close of the fiscal year, as provided by law, showing the receipts and disbursements for the preceding year. Any person who interferes or violates any provisions of this Section shall be guilty of a misdemeanor.

Sec. 7. Any person who shall engage as a profession in the installing or repairing of electrical wires or apparatus or the operating of moving picture machines or switch boards without having complied with the provisions of this Act shall be guilty of a misdemeanor, the minimum punishment whereof shall be a fine of ten dollars (\$10.00) and a maximum of one hundred dollars (\$100.00) in the discretion of the court. Any violation of the provisions of this Act shall be reported to the State's Attorney in the county in which said violation occurs.

Sec. 8. REPEAL.) That Chapter 118 of the Laws of North Dakota for the year 1917 is hereby repealed.

Approved March 7, 1919.

## EQUALIZATION BOARD

### CHAPTER 124.

(S. B. No. 39—Committee Taxes and Tax Laws.)

#### STATE BOARD OF EQUALIZATION

An Act to Amend and Re-enact Section 2141. Compiled Laws of North Dakota, 1913, Creating a State Board of Equalization, and Prescribing its Powers and Duties.

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

Sec. 1. AMENDMENT.) That Section 2141 of the Compiled

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

Sec. 2141. The Governor, Attorney General, State Auditor, Commissioner of Agriculture and Labor, and the State Treasurer, shall constitute the State Board of Equalization, a majority of whom shall constitute a quorum for the transaction of business. The Governor shall be ex-officio president of said Board and the State Tax Commissioner shall act as its secretary and general administrative officer. The said Board shall meet annually on the first Tuesday in August, at the office of the State Tax Commissioner, and shall then examine and compare the returns of the assessment of the property in the several counties of the State, and proceed to equalize the same, so that all taxable property in the several counties of the State shall be assessed uniformly within the classes and at the percentage of full and true value in money required by law. In making such equalization the Board shall be governed by the following rules:

1. It shall raise the valuation of each class of personal property of each county, which in its opinion is returned below its true proportionate value, to such price and sum as it believes to be the true proportionate value.

2. It shall reduce the valuation of each class of personal property of every county, which in its opinion is returned above its true proportionate value, to such price and sum as it believes to the true proportionate value thereof.

3. It shall add to the aggregate value of the property of every county which it believes to be valued below its true proportionate value in money, such per centum in each case as will bring the same to its true proportionate value in money.

4. It shall deduct from the aggregate valuation of the property of every county, which it believes to be valued above its true proportionate value, such per centum in each case as will reduce the same to its true proportionate value in money.

5. At such annual meeting the Board shall hear any and all complaints from the tax payers with regard to the assessment of any taxes required by law to be assessed, or by the State Tax Commissioner or his authorized agent; and the Board is hereby authorized, required and directed to make such adjustments in such assessments as it may deem just and proper under the laws of the State, and in making such adjustments it may add to or deduct from or remit any tax previously assessed, or it may require re-assessment of such tax in any case.

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

7. The Board may at any time require the Tax Commissioner

to appear before it to make statements, furnish information, produce records or testify with regard to any matter connected with the administration of the Tax Laws of the State.

Approved March 6, 1919.

## ESTRAYS

### CHAPTER 125.

(S. B. No. 163—Committee Public Printing.)

#### ESTRAY NOTICE.

**An Act to Amend and Re-enact Section 2658 of the Compiled Laws of North Dakota for the Year 1913, Relating to Estrays.**

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

Sec. 1. AMENDMENT.) Section 2658. NOTICE OF TAKING UP ESTRAYS.) Each person taking up an estray horse, mare, colt, ass, mule or neat cattle, sheep, hog or goat shall, within ten days thereafter give notice of the finding and taking up of said animal, in the official newspaper published in the county where such animal is found. Such notice shall truly describe the animal found by giving its color, sex, probable age and weight, and all the marks and brands thereon. Immediately after the first publication of said notice the publisher thereof shall send by registered mail to the Commissioner of Agriculture and Labor and to the county auditor of the County in which said animal was found, a newspaper clipping containing the same. Unless such animal is earlier claimed the notice shall be published in said paper for three successive weeks. The registry receipts for the notices sent to the Commissioner of Agriculture and Labor and to the county auditor as provided for herein, together with proof of publication of such notice for three successive weeks, shall be filed in the office of the county auditor of the county where estray was found before it can be appraised, or before appraisers can be appointed. Unless such receipts and proof of publication are so filed the publisher of such paper shall forfeit all right to his publication fees, and shall be liable to civil damages for any loss or damage caused by his neglect, and the person taking up said estray, unless he shall cause the same to be filed, shall forfeit all right to reimbursement for charges, costs and damages. Any person taking up an estray who fails to advertise the same or otherwise comply with the provisions of this section, shall be liable to the owner for all damages caused by such negligence or failure, and shall be guilty of a misdemeanor; provided if any person shall take up an estray which is apparently worth-



less, such estray may be at once appraised, and if found worthless may be destroyed. The person taking up the same shall notify some justice of the peace of the county, and such justice shall immediately choose one disinterested freeholder as one appraiser; the party taking up the estray shall choose another disinterested freeholder, and the two so chosen shall appoint a third person living in the vicinity where the estray was taken up, and the three persons, so chosen shall constitute a board of appraisers who shall act without compensation. If such appraisers shall appraise the estray as worthless it shall be destroyed by the party taking it up.

Approved March 15, 1919.

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## CHAPTER 126.

(S. B. No. 164—Committee Public Printing.)

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### OFFICIAL ESTRAY PAPER.

An Act to Repeal Section 2659 of the Compiled Laws of North Dakota for the Year 1913, Relating to Official Estray Paper.

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

Sec. 1. Section 2659 of the Revised Code of North Dakota for the year 1913 is hereby repealed.

Approved March 15, 1919.

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## EXAMINER

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## CHAPTER 127.

(S. B. No. 145—Hagan.)

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### DUTIES OF STATE EXAMINER.

An Act Amending and Re-enacting Section 225, Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of the State Examiner.

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

Sec. 1. AMENDMENT.) Section 225, Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 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 Ag-

riculture and Labor, Department of University and School Lands, Supply Department of the National Guard, City Auditors, City Treasurers, 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, 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, the books, records and accounts of the Treasurer and Clerk of such school district. Fees for such services shall be paid by such district 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.

Sec. 2. EMERGENCY.) Whereas, under existing laws there is no provision made for the examination of all the books and records of Treasurers and Clerks of school districts this Act is declared to be an Emergency and shall be in force and effect from and after its passage and approval.

Approved February 28, 1919.

## EXEMPTIONS

### CHAPTER 128.

(H. B. No. 25—Johnson.)

#### EXEMPTION OF PERSONAL PROPERTY FROM ATTACHMENT.

An Act Relating to the Exemption of Personal Property From Attachment, Levy and Sale on Execution and to Amend and Re-enact Sections 7731 of the Compiled Laws of North Dakota for the Year 1913; and 7738 of the Compiled Laws of North Dakota for the year 1913, as Amended by Chapter 157 of the Session Laws of North Dakota for the Year 1915; and 7739 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 155 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. AMENDMENT.) Section 7731 of the Compiled Laws of



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

Sec. 7731. **ADDITIONAL EXEMPTION.**) In addition to the property mentioned in the preceding Section, the head of a family may himself, or by his agent, select from all other of his personal property not absolutely exempt, goods, chattels, merchandise, money or other personal property not to exceed in the aggregate One Thousand Dollars in value, which is also exempt and must be chosen and appraised as hereinafter provided:

2. **AMENDMENT.**) Section 7738 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 157 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted to read as follows, to-wit:

Sec. 7738. **NOTICE OF LEVY CLAIM WITHIN TEN DAYS.**) In all cases of levy upon personal property by the sheriff, constable or other officer he must give notice thereof by copy to the debtor, his attorney, agent or wife, or, failing to conveniently find either to such child as is described in Section 7736; and the debtor or such other person for him must claim or demand the benefit of these exemptions within ten days after such notice from the officer. Said notice must have written or printed upon its face the further notice to the debtor, that if exemptions are claimed or demanded, such claim must be made within ten days after service of notice.

3. **AMENDMENT.**) Section 7739 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 155 of the Laws of North Dakota for the year 1915 be amended and re-enacted to read as follows, to-wit:

Sec. 7739. **CASES IN WHICH ONLY ABSOLUTE EXEMPTIONS ARE ALLOWED**) No personal property except absolute exceptions shall be exempt from execution or attachment in an action for laborer or mechanic's wages or for a debt incurred for property obtained under false pretenses; and no personal property shall be exempt from such process in an action for the collection of a bill of a nurse for professional service, or in an action for the collection of a bill for board, medicine or attendants furnished patients at any hospital in this State, or in an action for the collection of a bill for groceries and other provisions, except the absolute exemptions and household and kitchen furniture, stoves and two cows, the value of which exclusive of absolute exemptions shall not exceed Five Hundred Dollars (\$500.00) which value in case of dispute shall be determined by appraisers to be selected in accordance with the provisions of Section 7120; provided this Act shall not apply to accounts and debts contracted prior to the date of its passage and approval.

Approved February 26, 1919.

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FERRIES

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## CHAPTER 129.

(S. B. No. 148—Mortenson.)

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## FERRIES.

An Act to Amend and Re-enact Section 2062 of the Compiled Laws of North Dakota for the Year 1913, Relating to Ferries.

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

Sec. 1. AMENDMENT.) Section, 2062 of the Compiled laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2062. FERRIES UNLAWFUL WITHOUT LEASE.) It shall be unlawful for any person to establish, maintain or run upon any waters within the state any ferry upon which to convey, carry or transport any person or property for hire or reward without first having obtained a license therefor as hereinafter provided, and where but one bank or shore is in this state, the Board of County Commissioners of the proper county have the same authority, and this law applies with like effect, as if the entire stream was within this state, so far as the banks and waters within it are concerned. Any person violating the provisions of this Section shall for each offense forfeit and pay to the proper county not less than five nor more than one hundred dollars with costs to be recovered in an action in the name of the state; provided further, that the County Commissioners may, upon a verified complaint, after hearing on ten days' notice, to the licensee for good cause shown, cancel any license granted hereunder.

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

Approved February 19, 1919.

## FORECLOSURE

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### CHAPTER 130.

(H. B. No. 1—Hoare.)

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#### LIMITING ATTORNEY'S FEES ON FORECLOSURES OF LIENS AND MORTGAGES BY ADVERTISEMENT.

An Act to Fix and Limit Attorney's Fees and All Costs on the Foreclosure of Liens and Mortgages by Advertisement.

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

On the foreclosure of any lien or mortgage by advertisement, attorney's fees shall not exceed ten per cent of the principal sum actually due and shall in no case exceed Twenty-five Dollars, and the sheriff's fees shall not exceed Three Dollars.

REPEAL.) All Acts and parts of Acts insofar as they are in conflict with this Act are hereby repealed.

Approved February 14, 1919.

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### CHAPTER 131.

(S. B. No. 23—Hagan.)

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#### NOTICES BEFORE FORECLOSURE.

An Act Providing for Notices Before Foreclosure.

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

Sec. 1. Any action or proceeding which shall be commenced to foreclose a mortgage on real property shall be void unless a written notice describing the land, the date and amount of the mortgage, the sum due for principal, interest and taxes, 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 have been served more than thirty days prior to the commencement of such action or proceeding by registered mail addressed to the title owner of record at his or their last known post office address. An affidavit of proof of such service of notice shall be filed with the clerk of the court at the time of filing complaint in any action for foreclosure and shall be filed and recorded with the notice and certificate of sale in all other cases.

Sec. 2. All Acts and parts of Acts insofar as they are in conflict with this Act are hereby repealed.

Approved February 14, 1919.

## CHAPTER 132.

(H. B. No. 23—Hoare.)

RELATING TO RENT, USE AND BENEFIT OF PROPERTY SOLD  
UNDER EXECUTION OR FORECLOSURE SALE.

An Act to Amend and Re-enact Section 7762 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Rent, Use and Benefit of Property Sold Under Execution or Foreclosure Sale.

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

Sec. 1. That Section 7762 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 7762. The debtor under an execution or foreclosure sale of his property shall be entitled to the possession, rents, use and benefit of the property sold from the date of such sale until the expiration of the period of redemption.

Approved February 18, 1919.

## GAMBLING

## CHAPTER 133.

(H. B. No. 68—Malone.)

## DEFINING CRIME OF GAMBLING.

An Act Defining the Crime of Gambling; Fixing the Punishment Thereof; and Providing Certain Rules of Evidence in Prosecutions Thereunder.

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

Sec. 1. GAMBLING.) It shall be unlawful to participate in any manner whatever, or to solicit, persuade or entice any person to participate in any manner whatever in any game of cards or other game of chance upon which money or other property is wagered or in which money or other property constitutes a stake.

Sec. 2. PENALTY.) Any person who violates any of the provisions of the preceding Section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than \$10 nor to exceed \$100, or by imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment.

EVIDENCE.) Any person called as a witness by the State in any prosecution under this Act, shall not be excused from testifying relative to any unlawful gambling done by himself or others; but when compelled to testify and disclose incriminating evidence against himself in any case he shall not be prosecuted in such case.

Approved March 5, 1919.

## GAME AND FISH

### CHAPTER 134.

(H. B. No. 107—Lazier.)

#### GAME AND FISH.

An Act to Amend and Re-enact Sections 22, 27, 28, 36, 48 and 51 of Chapter 161 of the Laws of North Dakota for the Year 1915 and to Amend and Re-enact Sections 33 and 52 of Chapter 161 of the Laws of North Dakota for the Year 1915 as Amended by Chapter 122 of the Laws of North Dakota for the Year 1917 and to Amend and Re-enact Section 46 of Chapter 161 of the Laws of North Dakota for the Year 1915, as Amended by Chapter 63 of the Laws of North Dakota for the Year 1917, and to Amend and Re-enact Section 10298 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 162 of the Laws of North Dakota for the Year 1915.

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

1. AMENDMENT.) That Section 22 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 22. PERMITS.) The Game and Fish Board may issue permits to breed or domesticate any of the protected game birds and animals; permits to any holder of a resident hunting license to ship not to exceed in any one season ten protected game birds to points other than his home within the state, or to points outside of the state, such permits to be attached to the shipment; permits to any holder of a resident hunting license to retain in his possession or in cold storage for his own private use for a longer period than five days after the close of the regular open season, thirty wild ducks or wild geese or any combination of the same; permits to properly authenticated persons to make collections of protected birds and animals for scientific purposes. All holders of permits for domesticating protected game birds and animals must report to the Secretary by the First of December of each year the result of their experiments and increase, if any. The Board may, at its discretion also issue permits for the shipment within or without the state of any such live protected game and animals, provided the permit is attached to the shipment. All applications for permits must be made to the Secretary of the Game and Fish Board in writing and state the name and address of the applicant, the number of his license and designate the location where such protected game birds and animals are to be kept or collected. It shall be unlawful for any one to retain, ship or collect protected game birds or animals without having first procured permits as herein provided. Any person violating the provisions of this Act shall be guilty of a misdemeanor.

2. That Section 27 of Chapter 161 of the Session Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 27. Dogs. USE OF.) No person shall hunt, pursue, catch, take or kill deer, antelope, moose or elk with any dog or dogs. No person shall train or run any dog or dogs owned or controlled by them known as "bird dogs," including pointers, setters or droppers or allow same to run loose in fields or upon land in which game birds may be found or are apt to be frequented by game birds between the first day of April and the first day of November (both inclusive) following of each year.

3. AMENDMENT.) Section 28 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 28. ENTERING FIELDS.) No person shall at any time enter into any enclosed field, not his own, with intent to take or kill any bird or game without permission from the owner or person in charge thereof.

4. AMENDMENT.) Section 33 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 122 of the Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Sec. 33. GAME BIRDS. SEASON FOR KILLING.) No person shall hunt, take, kill, ship, convey or cause to be shipped or transported by common or private carrier, to any person either within or without the state, expose for sale, sell to any one, 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, prairie chicken, grouse, wood cock or golden plover may be killed or had in possession between the sixteenth day of September and the sixteenth day of October, both inclusive following, provided, however, that no snipe, prairie chicken, grouse, wood cock or golden plover shall be placed in cold storage; second, that any wild duck, wild goose or brant of any variety may be killed and had in possession between the sixteenth day of September and the first 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 nor more than thirty days or by both fine and imprisonment, in the discretion of the Court, for each and every bird killed or destroyed contrary to the provisions of this section.

5. AMENDMENT.) Section 36 of Chapter 161 of the Laws

of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 36. RESIDENT LICENSES. COST. HOW ISSUED. APPLICATIONS. FORMS. GAME AND FISH SHIPMENTS.) Applications for resident hunting licenses shall show the applicant is a bona fide resident of the state and for six months has been a resident of the county in which license is sought, shall give his residence, post office address, shall contain a description of his person as to his height, weight, color of his hair and eyes, and shall be verified by some freeholder of the county, other than the applicant, acquainted with the facts as set forth in the application; and it is provided further that if any person selling licenses is in doubt as to the question of the residence of the applicant, an affidavit on that point may be required additional to the usual application. Resident hunting, trapping, professional dog training and taxidermist licenses may be sold by the County Auditors, members of the Game and Fish Board and by all bonded Game Wardens. When sold by members of the Game and Fish Board or the bonded appointees of the Board the gross receipts must be sent to the Secretary of the Board at the end of each month and by him transmitted to the State Treasurer who shall credit the amount to the Game and Fish Fund. No such resident license shall be transferable. Resident hunting licenses shall be sold for one dollar and fifty cents each, resident trapping licenses for two dollars each, resident professional dog trainers' licenses for one dollar each, taxidermist licenses for one dollar each. Resident licenses, when issued, shall describe the licensee, designate his place of residence and have printed upon it in large figures the year for which issued and the word "Not Transferable." Any resident of the state having procured a resident hunting license as required, and being lawfully in possession of any protected game birds or animals mentioned in this Act may ship by common carrier or when same is accompanied by the person legally in possession of said protected game birds or animals may carry on the same train or other conveyance, to his home address in the county in which he resides not to exceed a two day's bag limit of any protected game birds or animals. Any resident of the state who shall hunt, trap, practice taxidermy for pay, or train dogs professionally without having first procured a license therefor as provided in this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars nor more than One Hundred Dollars and costs of prosecution, or by imprisonment in the county jail not less than ten days nor more than thirty days for each offense, or by both such fine and imprisonment, and each violation of this Act shall be a distinct and separate offense.

6. AMENDMENT.) Section 46 of Chapter 161 of the Laws of North Dakota for the year 1915 as amended by Chapter 63 of the

Laws of North Dakota for the year 1917 is hereby amended and re-enacted to read as follows:

Sec. 46. BEAVER AND OTTER.) No person shall take, kill, catch, trap or destroy or dynamite any beaver or otter except as herein provided, that any person having procured a trapping license may take, kill, catch, or trap beaver between and including the tenth day of January and the tenth day of March of each year. Any violation of the preceding provision shall be a misdemeanor and any person or persons convicted thereof shall be punished by a fine of not less than \$75.00, nor more than \$100.00 and costs of prosecution or by imprisonment in the county jail not less than ten nor more than thirty days or by both such fine and imprisonment.

If the owner or owners of any premises upon which there may be any beaver shall post in a conspicuous place upon such premises a notice forbidding trapping thereon, it shall be unlawful, except for the owners of said premises or any member of his family to take, kill, catch or trap beaver upon such premises and any person or persons violating this provision shall be guilty of a misdemeanor.

7. That Section 48 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 48. TAXIDERMIST. HOW REGULATED.) Hereafter it shall be unlawful within the State of North Dakota for any person who shall engage in conducting a taxidermist business, as the term is commonly understood, to prepare or mount any skins or dead bodies of any protected game birds or animals for profit, without first having secured a license therefor, which shall be granted to any person by the Game and Fish Board. All taxidermists must keep a register in which a list of names of all persons who furnish them with raw or unmounted specimens shall be kept together with the species of bird or animal received, and by whom sent, and shall exhibit this register together with all unmounted skins in his possession to any member of the Game Board or bonded Game Warden upon request. Upon conviction of any holder of a taxidermist license for violating any of the provisions of this Section his license shall be forfeited for the remainder of that year and he shall be punished by a fine of not less than ten nor more than twenty-five dollars.

8. AMENDMENT.) Section 51 of Chapter 161 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 51. ILLEGAL ACTS. PENALTIES FOR GOING AFIELD WITH GUNS.) Any person traveling in any manner in any part of this state off the public highway, outside of the immediate bounds of the inhabited parts of any village, town or city in possession of any kind of a shot gun, with or without a dog or dogs commonly



used or kept for the purposes of use in hunting any game birds mentioned in this Act, from the first day of July to the fifteenth day of September (both inclusive) each year, shall be presumed to have violated or attempted to so violate the provisions of this Act as to unlawful hunting, shooting or taking of game birds, as mentioned in this Act, the hunting, taking, or shooting of which is prohibited during said time. The use of traps, snares, and all other devices used to take game birds as defined in this Act is hereby prohibited and subjects the person using the same to all penalties prescribed in this Section for hunting, shooting, snaring, trapping or taking any of the game birds and the fact that any snares, traps or other devices used for the purpose of trapping, snaring or taking such game birds, are found in the possession of, or upon the premises of any person, shall be prima facie evidence of the guilt, violated or attempted violation by such person of the provisions of this Act. Any person convicted of violation or attempted violation of any provision of this Section shall be punished by the fine herein prescribed. Any person convicted of the violation of any of the provisions of this section shall be fined not less than ten dollars nor more than fifty dollars and costs of prosecution, or by imprisonment in the county jail for not less than ten days nor more than thirty days, or both fine and imprisonment at the discretion of the court.

Sec. 9. AMENDMENT.) That Section 10298 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 162 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted so as to read as follows:

10298. DEER. SEASON FOR KILLING.) No person shall hunt, shoot, catch, kill, trap or in any way destroy any deer within the boundary limits of the State of North Dakota before November 10th, 1921, and after November 10th, 1921, it shall be unlawful to kill any doe or female deer, and it shall be unlawful to hunt, shoot, catch, kill, trap or in any way destroy any male deer, except from November 10th, to November 30th (both inclusive.) Any person violating the provisions of this Section shall be guilty of a misdemeanor, and upon conviction therefore shall be fined one hundred dollars for each deer, and costs of prosecution, or by imprisonment in the county jail for not less than thirty days nor more than sixty days, or by both such fine and imprisonment, in the discretion of the court, for each and every deer killed contrary to the provisions of this Section.

Approved March 13, 1919.

## CHAPTER 135.

(S. B. No. 182—Ward.)

## USE OF NETS AND SEINES.

An Act to Amend and Re-enact Sections 72 and 80 of Chapter 161 of the Session Laws of North Dakota for the Year 1915, Relating to the Use of Nets and Seines and the Manner of Taking Fish.

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

Sec. 1. That Section 72 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

Sec. 72. NETS. SEINES.) No person shall use, set, or have in possession, or under control, or upon his premises with intent to use or set any net or seine, for the purpose of catching or taking any fish from the public waters of this state, except as provided by law. Any person convicted of the violation of this Section shall be punished by a fine of not less than Ten Dollars, nor more than Twenty Dollars, or by imprisonment in the county jail for not less than Ten Days nor more than Twenty Days, or by both such fine and imprisonment in the discretion of the court.

Sec. 2. That Section 80 of Chapter 161 of the Session Laws of North Dakota for the year 1915 be amended and re-enacted so as to read as follows:

Sec. 80. FISH. MANNER OF TAKING.) No person shall take, catch, kill or destroy in any manner than by angling for them with a hook and line held in the hands or attached to a rod so held, nor with more than one line, nor with more than one rod, nor more than one hook or an artificial lure attached thereto any protected game fish; provided, that any person or persons may take with nets, seines, drag nets, dip nets and traps any such fish as buffalo, bullhead, suckers, carp, catfish, redhorse or sturgeon from the waters of this State provided it is done under the direction of the Game Board or Chief Game Wardens or their authorized agent. Any person or persons desiring to do such seining must notify the members of the Game Board or Chief Game Wardens (of their district) and the members of the Game Board or Chief Game Wardens are authorized to issue a permit allowing seining, provided the parties making application so that this Game Board or Chief Game Wardens or their duly authorized agent may be present at such seining; and if any other fish than the above mentioned kind are caught they shall be returned to the waters with as little harm as possible; provided, further, that seines, nets, drag nets, dip nets or traps may be used by any person without a permit in Des Lacs Lake, Mouse River and the Missouri River, and any species or variety of fish may be taken from the Mouse River or the Missouri River and bayous or backwaters of the Missouri River. But no person or persons shall use a seine, net or trap within a

thousand feet of the mouth of any stream emptying into the above named rivers; provided, further, that pickerel are hereby considered a game fish and are therefore protected; but the members of the Game Board of Chief Game Wardens shall have the power and authority to allow seining of pickerel at such time and place as in their judgment it shall be beneficial to the waters of the State.

Approved March 7, 1919.

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## GARNISHMENT

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### CHAPTER 136.

(S. B. No. 206—Whitman.)

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#### WITNESS FEES IN GARNISHMENT PROCEEDINGS.

An Act to Amend Section 1, Chapter 124, Session Laws, 1917, Relating to Witness Fees in Garnishment Proceedings.

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

Sec. 1. That Section 1, of Chapter 124 of the Session Laws of 1917 be and the same hereby is amended to read as follows:

Sec. 1. WITNESS FEES.) In all garnishment proceedings in the district court and county courts of increased jurisdiction, the plaintiff, when the garnishment summons is served upon the garnishee, shall tender to the garnishee, his traveling fees and fees for one day's attendance which fee shall be the same as witness fees in the district court. If the same be not paid or tendered to the garnishee, he shall not be obliged to appear and answer or file any affidavit, or be otherwise liable as garnishee in the action, provided, however, that where the garnishee is a foreign corporation and services made upon the Secretary of State or Commissioner of Insurance that it shall not be necessary to tender traveling fees either from the home office of the corporation or from the Capitol of this State, but that in lieu thereof, there shall be paid by the plaintiff to the Secretary of State or Commissioner of Insurance, the sum of \$2.10 to be remitted to the garnishee; return of service shall show the fact that the fee herein provided was duly tendered to the garnishee at the time of service.

Approved February 28, 1919.

## GLANDERS

### CHAPTER 137.

(S. B. No. 83—Drown.)

#### ANIMALS KILLED FOR GLANDERS.

An Act to Amend and Re-enact Section 2731 of the Compiled Laws of North Dakota, 1913, Relating to Animals Killed for Glanders.

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

Sec. 1. AMENDMENT.) Section 2731 of the Compiled Laws of North Dakota is hereby amended and re-enacted so as to read as follows:

Sec. 2731. COMPENSATION FOR ANIMALS KILLED.) It shall be the duty of the Justice of the Peace to file with the executive officer of the State Live Stock Sanitary Board, the certification of the State Live Stock Sanitary Board or its authorized agent and the affidavits of the owner or keeper, sworn to according to Section 2730, that the animals have been killed and buried in accordance with Section 2689. The executive officer of the State Live Stock Sanitary Board after recording same upon his docket, shall examine the same with the State Auditor, who shall issue a warrant on the State Treasurer for two-thirds of the sum named in the appraiser's return.

Approved February 14, 1919.

## GRAINS, GRADES AND INSPECTION

### CHAPTER 138.

(S. B. No. 14—Drown.)

#### GRAIN GRADES AND INSPECTION.

An Act Creating a Uniform State Grade for Grain, Seeds or Other Agricultural Products; Creating and Establishing the Office of State Inspector of Grades, Weights and Measures; Defining and Prescribing the Duties and Powers Thereof; Providing for the Licensing of Public Warehouses, Grain Buyers and Persons Engaged in Soliciting or Procuring Consignments of Grain, Seeds or Other Agricultural Products; Providing for the Establishing of Central Marketing Places; Providing for the Appointment of Chief Deputy Inspector, State Deputy Inspectors and Deputy Inspectors, Chief Elevator, Accountant and Warehouse Inspectors, Defining Their Duties and Powers; Providing for Bonds from Public Warehouses to Secure All Moneys Due the Holders of Outstanding Grain Tickets; Requiring Public Warehouses to Keep Records of Their Business; Authorizing the Fixing of a Reas-

onable Margin to be Paid the Producer of Grain; Providing for the Inspection of Public Warehouses; Providing for the Payment of Dockage Having Value; Authorizing Investigation of All Matters Bearing Upon the Marketing of Grain; Authorizing the Employment of Clerks, Experts and All Other Employees Necessary to Carry Out the Provisions of this Act, and Making an Appropriation Therefor, and Providing Penalties for the Violation of Any of the Provisions of this Act; and Repealing Sections 3101, 3102, 3103, 3105, 3109 and 3111 of the Compiled Laws of 1913 for the State of North Dakota, also Chapter 56 of the Laws of 1917 Passed at the 15th Session of the Legislative Assembly of the State of North Dakota, and Chapter 14 of the Laws Passed at the Special Session of the 15th Legislative Assembly of the State of North Dakota for the Year 1918, and Excluding Sales by Producers to One Another by this Act.

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

Sec. 1. The Governor of the State of North Dakota, on or before the 30th day of June 1919, shall appoint for a term of four years a member of the faculty of the North Dakota Agricultural College (who shall be an expert in the grading and weighing of all kinds of grain, seeds and other agricultural products) to be the State Inspector of Grades, Weights and Measures, who shall receive, with the approval of the State Board of Regents, the sum of One Thousand Dollars per annum.

Sec. 2. The State Inspector of Grades, Weights and Measures shall have the power and is hereby directed:

(a) To appoint a Chief Deputy State Inspector of Grades, Weights and Measures; a Chief Elevator Accountant; Deputy Inspector of Grades, Weights and Measures; State Deputy Inspector of Grades, Weights and Measures, and Warehouse Inspectors;

(b) To issue licenses to warehouses, buyers and solicitors of grain, seeds and other agricultural products;

(c) To establish uniform grades for grain, seeds or other agricultural products for the State of North Dakota with power to alter and modify such grades;

(d) To establish uniform grade certificates used in the marketing of grain, seeds, or other agricultural products;

(e) To hear and determine appeals from the decision of State Deputy Inspectors and from Deputy Inspectors of Grades, Weights and Measures;

(f) To conduct investigations into all matters directly or indirectly connected with or bearing upon the marketing, grading and weighing of all grain, seeds and other agricultural products with power to summon, subpoena and compel the attendance of witnesses, and the production of books and papers, and administer oaths whenever it may be necessary for more effective discharge of his duties, and shall have the power to punish for contempt.

(g) To employ such deputies, experts, accountants, clerks and all other employees necessary to carry out the provisions of

this Act with power to fix and determine the compensation and bonds of all such deputies, experts, accountants, clerks and other employees;

(h) To inspect public warehouses and to establish, amend, and alter rules and regulations for handling, storing, weighing, grading and inspecting grain, seed and other agricultural products and for the management of public warehouses for the purpose of carrying out the provisions of this Act or any other law in this State in regard to the same, provided, that all such rules shall be published by the State Inspector of Grades, Weights and Measures in such manner as to give the greatest publicity thereof;

(i) To establish a reasonable margin to be paid producers of grain by warehouses, elevators and mills;

(j) To fix and determine all charges for grading, inspecting and weighing grain or other agricultural products;

(k) To make rules and regulations for the purpose of carrying out the provisions of this Act and to do any and all things necessary or expedient for said purpose.

Sec. 3. It shall be the duty of the Inspector of Grades, Weights and Measures to proceed at once to define and establish uniform grades and weights for grain, seeds or other agricultural products, also for flour meal and products made therefrom, either singly or combined. In establishing such grades, dockage shall be considered as being of two classes, first, that having value, and second, that having no value, the former to be considered and paid for at its market value.

Sec. 4. The term "Deputy Inspector of Grades, Weights and Measures" within the meaning of this Act is defined as any firm, person, company, corporation or association that buys, weighs and grades grain, seeds or other agricultural products and holds a license issued therefor by the State Inspector of Grades, Weights and Measures.

Sec. 5. The term "State Deputy Inspector of Grades, Weights and Measures" within the meaning of this Act is defined as one who is in the employment of the State of North Dakota and has received an appointment from the State Inspector of Grades, Weights and Measures.

Sec. 6. The term "Solicitor of Grain, Seed and other Agricultural Products" within the meaning of this Act is defined as one who engages in the business of soliciting grain, seed and other agricultural products to be sold for the benefit of the consignee or otherwise disposed of for the benefit of himself, an agent, broker or factor.

Sec. 7. The term "Public Warehouse", within the meaning of this Act is defined as all buildings, elevators or warehouses, and all grist and flour mills doing a shipping business in this State, erected or operated or which may hereafter be erected or operated by any person, association, co-partnership, corporation



or trust for the purpose of buying, selling, storing, shipping or handling grain for profit.

Sec. 8. The Chief Deputy Inspector of Grades, Weights and Measures and Chief Elevator Accountant shall have power and authority under the direction of the State Inspector of Grades, Weights and Measures to carry out the provisions of this Act. They shall be stationed at the North Dakota Agricultural College.

Sec. 9. State Deputy Inspectors of Grades, Weights and Measures may be stationed by the State Inspector of Grades, Weights and Measures at any town or place where grain, seeds or other agricultural products are bought, sold, marketed, stored or manufactured. They shall have power and authority under the direction of the State Inspector of Grades, Weights and Measures to inspect, weigh and grade grain, seeds or other agricultural products at such places.

Sec. 10. It shall be the duty of Deputy Inspectors of Grades, Weights and Measures to weigh, inspect and grade all grain, seeds and other agricultural products that shall be offered for sale or shipment at their market place, according to the provisions of this Act and the rules and regulations established by the State Inspector of Grades, Weights and Measures. They shall issue a certificate stating the kind of grain, seeds or other agricultural products, giving the grade, test-weight per bushel and the reason for all grades below Number 1, and shall deliver to the owner or agent of such grain said certificate. It shall also be the duty of said Deputy Inspectors of Grades, Weights and Measures to accurately sample grain, seeds and other agricultural products in wagon loads, earloads or other containers and forward samples thereof to the State Inspector of Grades, Weights and Measures when instructed to do so by the State Inspector of Grades, Weights and Measures.

Sec. 11. The State Inspector of Grades, Weights and Measures may issue a license to any person engaged in buying, weighing and inspecting or grading grain, seed or other agricultural products or the buyer or agent of a privately or publicly owned warehouse, elevator or flour mill, provided, that such buyer or agent shall pass such examination as to his competency as may be prescribed by the State Inspector of Grades, Weights and Measures. The condition of such license shall require such Deputy Inspectors of Grades, Weights and Measures to fix grades and dockage of grain and seeds inspected at their respective places of business and correctly weigh the products so inspected and graded according to the provisions of this Act and the rules and regulations made hereunder. The State Inspector of Grades, Weights and Measures may issue a license to any person engaged in soliciting or procuring consignments of grain, seeds or other agricultural products, providing that such solicitor shall pass such

examination as to his competency as may be prescribed by the State Inspector of Grades, Weights and Measures. The condition of such license shall require such solicitor to comply with the provisions of this Act and all rules and regulations established by the State Inspector of Grades, Weights and Measures. The State Inspector of Grades, Weights and Measures may suspend or revoke any license issued by him under this Act whenever after investigation he shall determine that such licensee is incompetent or has knowingly or carelessly graded grain improperly or has issued any false certificate of grading or has violated any provision of this Act or the rules and regulations made hereunder. All licenses issued under this section, unless revoked as herein provided, shall terminate on the 30th day of June each year. Licenses shall not be transferable without the consent of the State Inspector of Grades, Weights and Measures.

Sec. 12. The State Inspector of Grades, Weights and Measures shall collect a fee of \$10.00 for each license issued under the provisions of Section eleven of this Act.

Sec. 13. Each Deputy Inspector shall cause his license to be posted in a prominent and conspicuous place at his place of business and shall not be authorized to inspect, weigh or grade grain or seed in any other place except on the approval of the State Inspector. Any solicitor for grain, seeds or other agricultural products shall produce his license for examination when requested to do so by any interested person.

Sec. 14. It shall be unlawful for any person to buy or grade grain, seeds or other agricultural products who is not licensed as a Deputy Inspector of Grades, Weights and Measures. It shall be unlawful for any person or persons, corporation or association operating a public warehouse to purchase, weigh, grade or inspect grain, seeds or other agricultural products without first procuring a Deputy Inspector of Grades, Weights and Measures' license, provided, however, that this Section shall not prohibit State Deputy Inspectors from inspecting, weighing and grading grain, seeds, and other agricultural products under the direction and supervision of the State Inspector of Grades, Weights and Measures. Provided further, that this section shall not prohibit producers from buying and selling grain, seed and other agricultural products to one another.

Sec. 15. Any person may without a license buy any grain, seeds or other agricultural products that have been graded, inspected and weighed by a Deputy Inspector of Grades, Weights and Measures, or State Deputy Inspector of Grades, Weights and Measures.

Sec. 16. The State Inspector of Grades, Weights and Measures may upon the cancellation or suspension of any license issued hereunder permit the business of any licensee to be completed and finally closed under the inspection and supervision of a State Deputy Inspector who shall be stationed at the place of business



of such licensee. All the expenses of such inspection and supervision shall be paid by such licensee.

Sec. 17. The State Inspector of Grades, Weights and Measures shall cause the grades established hereunder to be published in not more than five newspapers of general circulation in the State of North Dakota, two of which shall be devoted to the benefits of agriculture and three shall be papers of general circulation. Such notice shall specify the date when the grades so established shall become effective, which shall be not less than thirty days in advance of such date.

Sec. 18. The State Inspector of Grades, Weights and Measures may establish central markets for the display of samples of grain, seeds or other agricultural products and may install a deputy in charge of any such central market at cities, or towns without or within the State of North Dakota. Such markets shall be open to any and all persons desiring to buy or sell on said market and shall be operated and conducted under such rules and regulations as the State Inspector of Grades, Weights and Measures may establish therefor.

Sec. 19. The State Inspector of Grades, Weights and Measures shall receive, hear and determine all appeals from the decision of all State Deputy Inspectors and from all Deputy Inspectors. All such appeals shall be heard and determined by the State Inspector of Grades, Weights and Measures under such rules and regulations as he may establish therefor and he shall consider the flour and bread producing qualities of such grain where such final decision is necessary. It shall be the duty of Deputy Inspectors of Grades, Weights and Measures to post a copy of this Section in a conspicuous place in their respective places of business and to call the same to the attention of all persons dissatisfied with any decision.

Sec. 20. It shall be the duty of all Deputy Inspectors of Grades, Weights and Measures to keep a record showing the name and addresses of patrons of their respective warehouses, elevators or mills; the prices paid for agricultural products; the grades given; the prices received and the grades received at terminal markets or within the state. This information shall be furnished the State Inspector of Grades, Weights and Measures upon written demand thereof.

Sec. 21. It shall be the duty of every Deputy Inspector of Grades, Weights and Measures to provide proper sieves, cleaning devices for separating dockage from grain and seeds, grain tester, stroker and other tools used for the correct grading of grain and seeds.

Sec. 22. The proprietor, lessee or manager of any public warehouse, elevator or flour mill, or any individual buying or shipping grain for profit in this state, and who does not pay cash in advance for the grain so bought shall file with the State Inspector of Grades, Weights and Measures a bond, to the State with good

and sufficient sureties, to be approved by the Inspector of Grades, Weights and Measures in the penal sum of not less than Five Thousand Dollars nor more than Seventy-five Thousand Dollars, in the discretion of the State Inspector of Grades, Weights and Measures conditioned for the faithful performance of their duties as Public Warehousemen and the compliance with all the laws of this State in relation thereto. Only one bond need be given for any line of elevators, mills or warehouses owned, controlled or operated by one individual, firm or corporation. Such bond shall specify the location of such elevator, mill or warehouse operated by such individual, firm or corporation and shall be in an amount sufficient to protect the holders of the outstanding grain tickets.

Sec. 23. The State Inspector of Grades, Weights and Measures is hereby authorized, upon complaint of a producer of grain, seeds or other agricultural products that any warehouse, elevator or mill is paying an unreasonable margin, to investigate, determine and establish reasonable margin to be paid such producer for grain, seeds of other agricultural products.

Sec. 24. State Inspector of Grades, Weights and Measures, shall fix and determine the compensation and bonds of the Chief Deputy Inspector of Grades, Weights and Measures, the Chief Elevator Accountant, State Deputy Inspector of Grades, Weights and Measures, and Warehouse Inspectors.

Sec. 25. The Chief Elevator Accountant and Warehouse Inspectors, under the direction of the State Inspector of Grades, Weights and Measures shall visit the public warehouses in this state for the purpose of ascertaining whether sufficient bond is in force to protect the holders of storage tickets for grain stored therein; whether such warehouse is amply protected by insurance; to advise with local managers and boards of directors as to proper methods of accounting; to assist local warehouses in making proper reports and to secure annual or other reports required by law of the State Inspector of Grades, Weights and Measures and to advise and assist Warehousemen in promoting efficiency and safety in the marketing of grain; to enforce compliance with all laws relating to public warehouses and the rules and regulations of the State Inspector of Grades, Weights and Measures. Should such Accountant or any Inspector find that any such warehouse has failed to provide a bond sufficient to protect the holders of storage tickets or that such institution is not amply protected by insurance or has refused or neglected to furnish any report required by law or the State Inspector of Grades, Weights and Measures, or is violating any State law or the rules and regulations of the State Inspector of Grades, Weights and Measures relating to any such institutions, such inspector shall report such condition to the State Inspector of Grades, Weights and Measures and to the manager of such institution. Should any such institution neglect or refuse to remedy such condition, the State Inspector of Grades, Weights and Measures may suspend

the license of such warehouse and if after notice and the allowance of a reasonable time to comply with the instructions of the State Inspector of Grades, Weights and Measures, such warehouse refuses to remedy such conditions, the State Inspector of Grades, Weights and Measures shall cancel the license of such warehouse.

Sec. 26. A State warehouse license must be obtained through the State Inspector of Grades, Weights and Measures for each and every public grain warehouse in operation in this State. No license issued under this article shall describe more than one warehouse or grant permission to operate any other warehouse than the one therein described. The license fee is hereby fixed at Eight Dollars for warehouses of a capacity of 12,000 bushels or less and Ten Dollars for warehouses of a capacity of over 12,000 bushels and not to exceed 25,000 bushels, and Twelve Dollars for all warehouses over 25,000 bushels and not to exceed 50,000 bushels, and Twenty Dollars for all warehouses over 50,000 bushels and not to exceed 80,000 bushels capacity for each public grain warehouse. Before issuing any such license, the State Inspector of Grades, Weights and Measures shall collect from the person applying therefor the license fee required herein.

Sec. 27. The license thus obtained shall be posted in a conspicuous place in the public warehouse so licensed. Every such license shall expire on the first day of August of the odd numbered years next following the issuance thereof and no license shall run for a longer period than two years. Any person or association that shall transact the business of public warehousemen without first procuring a license as herein provided shall on conviction be fined in a sum not less than Twenty-five Dollars for each and every day such business is carried on.

Sec. 28. The State Inspector of Grades, Weights and Measures is hereby authorized to refund the license fee of a public grain warehouse or so much thereof as in his judgment would be just and reasonable when satisfactory proof is furnished to him that such warehouse or elevator has been transferred to some other person, firm or corporation and application is made by the owner for a license for the same warehouse or elevator for the same biennial period for which the original license was issued, provided, that where a warehouse or elevator is destroyed by fire or other cause, the license fee may be prorated in such amount as the State Inspector of Grades, Weights and Measures may determine.

Sec. 29. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and for the first offense shall pay a fine of not less than \$10.00 and not more than \$100.00 or be confined in the county jail not less than ten days nor more than thirty days, or both such fine and imprisonment. For each succeeding offense he shall pay a fine of not less than \$100.00 or more than \$500.00 or be confined in the county jail not less than thirty days nor more than ninety days, or both such fine and imprisonment.

**Sec. 30.** Any person who forcibly assaults, resists, impedes or interferes with the State Inspector of Grades, Weights and Measures or any employee of the State of North Dakota in the execution of any duties authorized to be performed by this Act, shall upon conviction thereof be fined not less than \$50.00 nor more than \$100.00 or be confined in the county jail not less than fifteen days or more than thirty days, or both such fine and imprisonment.

**Sec. 31.** All money in the State Treasury known as the State Grading and Weighing Fund are hereby appropriated for the purpose of carrying out the provisions of this Act, and shall be disbursed on vouchers issued by the State Inspector of Grades, Weights and Measures. All fees and licenses collected by the State Inspector of Grades, Weights and Measures shall be turned into the State Public Grain Grading and Weighing Fund, and the salaries and compensation of the State Inspector of Grades, Weights and Measures, Chief Deputy Inspector of Grades, Weights and Measures, Chief Elevator Accountant and all other Deputies, Inspectors, Accountants, Experts, clerks and employees, and all other expenses shall be paid out of this Fund; provided such salaries, compensation and other expenses shall not exceed the sum of \$35,000 per annum.

**Sec. 32.** That Sections 3101, 3102, 3103, 3105, 3109 and 3111 of the Compiled Laws of 1913 of the State of North Dakota, also Chapter 56 of the Laws of 1917 passed at the 15th Session of the Legislative Assembly of the State of North Dakota, and Chapter 14 of the Laws passed at the Special Session of the 15th Legislative Assembly of the State of North Dakota for the year 1918, and all other Acts and parts of Acts in conflict with this Act are hereby repealed.

**Sec. 33.** Whereas there is no adequate provision of law providing for a uniform system of grading, weighing and inspecting grain in this State therefore an Emergency is hereby declared to exist, and this Act is hereby declared to be necessary for the immediate preservation of the Public health, peace and safety and shall take effect and be in force from and after its passage and approval.

**Approved** February 11, 1919.

## GRASSHOPPERS

## CHAPTER 139.

(S. B. No. 143—Mees.)

## EXTERMINATION OF GRASSHOPPERS.

An Act Providing for the Levy of Tax by the County Commissioners Upon Being Petitioned for the Purpose of Creating a Fund for the Extermination of Grasshoppers; and Providing for the Administration of Such Law by the County Commissioners, Designating Their Duties and the Duties of Owners, Renters and Lessees of Land With Respect Thereto and Prescribing a Penalty for the Violation Thereof.

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

Sec. 1. TAX LEVY BY COUNTY COMMISSIONERS UPON PETITION OF ELECTORS ) When petitioned so to do by not less than ten per cent of the legal electors of the county, which petition may be filed with County Auditor at any time prior to the July meeting of the County Commissioners at which taxes are levied, it shall be the duty of the County Commissioners to levy a tax upon all the taxable property in the county to create a fund to be known as the "Grasshopper Extermination Fund." The amount of such levy shall be in such sum as the County Commissioners determine necessary for fully carrying out the purposes of this Act in said county; provided, however, in no case shall such levy exceed one and one-half mills on all taxable property in said county; and provided, further, that any unexpended balance remaining in such fund at the end of the fiscal year shall be covered into the general fund of the county when so ordered by the County Commissioners.

Sec. 2. COUNTY COMMISSIONERS SHALL PURCHASE POISON AND OTHER MATERIAL.) It shall be the duty of the County Commissioners, immediately upon the filing of a sufficient petition as is provided for in Section 1 of this Act, to make arrangements for and to purchase poison and other material to be used for exterminating grasshoppers, and they shall be guided in such purchase by the recommendation of the State Agricultural College and the Federal Department of Agriculture.

Sec. 3. NOTICE OF DISTRIBUTION. HOW GIVEN. RULES AND REGULATIONS ) The County Commissioners shall give notice in all local papers in the county of a day upon which such poison and other material shall be given out, and the same shall be distributed from the county seat, and any other place in the county designated by the County Commissioners, in the notice hereinbefore mentioned. At the time such distribution is made a list of the persons applying for and receiving the same shall be made and there shall be accurately included in such list the description of the

land which each such person will cover. The County Commissioners shall prepare in accordance with the recommendations of the Agricultural College and the Federal Department of Agriculture, printed regulations to be given each person applying for and obtaining such poison, which shall clearly set forth the manner in which the same is to be used and designated a period not exceeding seven days during which such poison shall be set out. Instructions as to the number of times and periods when such poison shall be scattered shall also appear therein.

SEC. 4. DUTIES OF COUNTY COMMISSIONERS WITH RESPECT TO VACANT OR IDLE LAND.) From the lists provided for in the preceding sections the County Commissioners shall determine what land within the county no poison has been distributed for, and it shall be their duty to employ competent persons in sufficient numbers to cover such land within the time specified by the rules and regulations. The County Commissioners shall have the power to fix the compensation of such persons so employed, which, however, shall not exceed the sum of four dollars for each day actually spent in performing such work, and the necessary expenses incurred therein, which expenses may be limited to a suitable sum per day by the said County Commissioners and such amount so expended for such labor may be by the County Commissioners assessed against each respective tract of land to be collected in the same manner as taxes are collected. All such compensation, expenses and other expenditures made by the County Commissioners under the provisions of this Act shall be paid out of the "Grasshopper Extermination Fund"; provided, however, that the County Commissioners when necessary may order the same paid out of the general fund of the county until such time as the tax levy for that purpose has been collected, when it shall be the duty of the County Treasurer, upon the order of the County Commissioners, to reimburse the general fund for such advances.

SEC. 5. DUTIES OF OWNERS, RENTERS AND LESSEES OF LAND.) It shall be the duty of all owners, renters and lessees of land within such county and residing therein to apply for, obtain and distribute the poison furnished by the county for the extermination of grasshoppers, in strict conformity with the provisions of this Act and the rules and regulations promulgated by the County Commissioners as herein provided for. It shall likewise be the duty of every owner, renter or lessee of land within such county, who resides elsewhere but who has notice of the distribution of such poison, to apply for, obtain and distribute the same as is required by resident owners, renters or lessees.

SEC. 6. PENALTY.) Any owner, renter or lessee of land in said county, who fails, refuses or neglects to comply with the provisions of this Act, or the rules and regulations of the County Commissioners promulgated under authority of this Act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than Fifty nor more than One Hundred Dollars.

Sec. 7. DUTY OF COUNTY AGENT.) It shall be the duty of the county agent of each county to aid, assist and advise the County Commissioners and the residents of each county in carrying out the provisions of this Act.

Sec. 8. 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, 1919.

## HERD LAW

### CHAPTER 140.

(S. B. No. 86—Hagan.)

#### HERD LAW.

An Act to Repeal Sections 2619, 2620 and 2621, Compiled Laws of North Dakota for the Year 1913, and to Amend and Re-enact Sections 2618 and 2622, Compiled Laws of North Dakota for the Year 1913, Relating to the Herd Law, and Prescribing the Damages.

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

Sec. 1. AMENDMENT.) Section 2618, Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 2618. HERD LAW. HOW AND WHEN SUSPENDED.) The Board of County Commissioners of each county in the State shall establish stock districts including all territory within the county for the purposes hereinafter provided. The boundaries of districts so established shall follow township lines. A district may consist of one or more congressional townships or the entire county may be made to comprise one district and all districts shall be subject to the jurisdiction of the Board of County Commissioners for the purposes of this Act. Upon petition of sixty per cent of the electors of any such district as determined by the whole of the number of votes polled at the general election last held therein excluding those votes cast within the corporate limits of any city, town or village within such district, being filed in the office of the County Auditor asking that stock be permitted to run at large between certain dates specified in such petition, it shall be the duty of the Board of County Commissioners of such county, within ten days thereafter, at a regular or special meeting to declare by resolution that stock may run at large within the limits of said district between the dates named in said petition, except within the corporate limits of any city, town or village, but no stallion, jack, boar, ram, bull or any animal known to be vicious shall be permitted to run at large at any time. Said resolution shall state the date of its taking effect and the date of its dis-

continuance, which dates shall correspond to those found in the petition hereinbefore provided for, and said resolution shall be effective to permit stock to run at large between said dates of the year or years named only. Provided that if sixty per cent of the electors of any district as determined by the whole number of voters polled at the general election last held therein, excluding those votes cast within the corporate limits of any city, town or village therein, shall file a petition in the office of the County Auditor asking that such resolution be revoked, it shall be the duty of the Board of County Commissioners of said county, within ten days thereafter at any regular or special meeting, to revoke the previous resolution declaring that stock may run at large.

Sec. 2. AMENDMENT.) Section 2622, Compiled Laws of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 2622. WHEN FENCES SHALL BE SUFFICIENT AND LAWFUL )  
In any stock district in which the Board of County Commissioners shall have declared by resolution that stock may run at large between certain dates, a fence constructed as hereinafter described shall be sufficient and lawful.

Sec. 3. Any person, firm, association or corporation whose stock shall trespass upon the premises of another, or whose stock shall inflict damages to the crops or other property of another during the closed season shall be liable for the actual damages sustained, together with statutory costs and reasonable attorneys fees, to be allowed by the court.

Sec. 4. REPEAL.) Sections 2619, 2620 and 2621, Compiled Laws of North Dakota for the year 1913, and all Acts and parts of Acts in conflict herewith, are hereby repealed.

Approved February 28, 1919.

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## HIGHWAY COMMISSION

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### CHAPTER 141.

(H. B. No. 170—Brostuen.)

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#### STATE HIGHWAY COMMISSION.

An Act Amending and Re-enacting Sections 1, 2 and 8 of Chapter 131, Laws of North Dakota for the Year 1917, Relating to the Creation of a State Highway Commission, Defining its Duties and Powers and Authorizing Said Commission to Purchase Right of Ways, Materials and Machinery for the Construction of Highways; Providing for the Co-operation of Said Commission with the State Educational Institutions; Amending and Re-enacting Section 2976-o as Amended by Chapter 131 of the Session Laws of North Dakota for the Year 1917; Declaring an Emergency, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. AMENDMENT.) That Section 1 of Chapter 131 of the



Session Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

Sec. 1. The State Highway Commission is hereby created, which shall consist of the Governor, who shall be chairman, the State Engineer, the Commissioner of Agriculture and Labor and two members to be appointed by the Governor. The appointive members shall be appointed by the Governor within ten days after this Act takes effect and shall hold office for two years from and after their appointment.

Sec. 2. AMENDMENT.) That Section 2 of Chapter 131 of the Session Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

Sec. 2. That State Highway Commission shall meet at the capitol and other convenient places and at such times as it may deem essential to the carrying out of the provisions of this Act. It shall determine the character and have general control and supervision of the construction, reconstruction, improvement, repair and maintenance of all State Highways, hereinafter defined, including all bridges, culverts and other highway structures therein as are improved, constructed or reconstructed under the provisions of this Act and shall direct and supervise the maintenance of the entire system of State Highways. It shall determine the character and have general control and supervision of the construction and reconstruction of all bridges, culverts and other highway structures and of all other improvements on the system of State Highways. For the purposes of this Act the necessary bridges and culverts on any such highway shall be considered a part of such highway, but contracts for bridges and culverts may be let separately. From and after the passage and approval of this Act, no portion or portions of any State Highway shall be vacated or changed except upon the approval and consent of the State Highway Commission.

The terms "State Highway" and "State Highway System," as the same are used in this Act, shall refer only to such highways as have been heretofore or shall hereafter have been designated, improved or constructed under the provisions of Sections 4 and 5 of Chapter 131 of the Laws of North Dakota of 1917.

Section 3. AMENDMENT.) That Section 8 of Chapter 131 of the Session Laws of North Dakota for the year 1917 be amended and re-enacted to read as follows:

Sec. 8. The legislative assent required by Section 1 of the Act of Congress approved July 11, 1916 (Public No. 156) entitled, "An Act to provide that the United States shall aid the states in construction of rural post roads and for other purposes," is hereby given. The State Highway Commission is authorized and empowered to make all contracts and do all things necessary to cooperate with the United States Government in the construction of roads under the provisions of the said Act or any other Act of Congress that may hereafter be enacted.

Sec. 4. The state aid credited in the State Treasury to the various counties from the State Highway Fund shall be granted and expended as now by law prescribed except that, if any county shall at any time have such state aid credit in excess of three thousand dollars (\$3,000) or in amount greater than its accumulated credit for three years, the State Highway Commission shall notify such county of such fact and if the county fails to utilize such state aid in a State Highway project within three months after such notice, the State Highway Commission may use said fund in conjunction with Federal or other aid in said county in the construction of a road or roads to be by the State Highway Commission declared a part of the State Highway system.

Sec. 5. Any portion of the State Highway Fund that may be expended at the discretion of the Highway Commission for the construction of State Highways, may be expended in such construction without supplementary county funds and with or without Federal aid as the State Highway Commission shall decide or may be expended in the purchase of machinery, tools, supplies, materials, the hire of teams or labor, or the rental of machinery, in the construction, improvement or maintenance of State Highways.

Sec. 6. The State Highway Commission may purchase on behalf of the state as part of the construction cost of a State Highway project, take over, hold for the state for public use such materials and lands as may be necessary to provide a change of location or alignment of any State Highway project herein designated, or to secure materials, including clay, gravel, sand or rock, with necessary ways and access thereto, or to secure and provide adequate drainage in the improvement, construction, reconstruction or maintenance of state highways under the provisions of this Act. Whenever the State Highway Commission determines that public exigency requires the taking of land as aforesaid, it shall cause the same to be surveyed and described and a plan thereof and said description be recorded in the registry of deeds for the county where the same is located, and notice thereof shall be given in some newspaper, if any, published wholly or in part in said county. If the State Highway Commission is unable to purchase such material or land with necessary ways and access thereto at what it deems a reasonable valuation, the county commissioners of the county wherein such material or land is located shall, on petition of the State Highway Commission or interested parties, ascertain and determine the damages in the same manner as provided by statute for land taken for highway purposes, and all parties aggrieved by the estimate of damage shall have like remedies provided by statute for appraisal of damage for land taken by towns or counties for highway purposes, and such damage shall be paid by the Treasurer of the State, from the state aid granted for use in the proposed project. The State Highway

Commission may vacate any land or part thereof or rights in land which have been taken or acquired for highway purposes under the provisions of this Act by executing and recording a deed thereof, and said vacation shall revest the title to the lands or rights so vacated in the persons, their heirs, successors or assigns in whom it was vested at the time of the taking, and the value at the time of vacation may be pleaded in mitigation of damages in any suit therefor on account of such taking. The Governor on recommendation of the State Highway Commission is authorized to sell and convey on behalf of the state the interests of the state in property acquired by purchase under this section and deemed no longer necessary for the purposes of this Act, and the proceeds of such sale so far as practicable be credited to the funds from which such purchase was originally made.

Sec. 7. The apparatus and supplies of the University of North Dakota and the North Dakota Agricultural College may be used by the State Highway Commission or any of its employees as far as the demands of the institution permit and in such manner and under such conditions as the presidents of the institutions shall permit, to make investigation, etc., concerning the chemical and physical character of road and bridge materials, highway, engineering, practices. The State Highway Commission may, however, purchase and provide such equipment, apparatus, tools and material, as may be necessary to make desired field or laboratory tests or investigations. The State Highway Commission shall also, as soon as practicable, prepare a map showing the road material resources within the State, make road material surveys, and may co-operate with other state institutions in performing these functions.

Sec. 8. Whenever a Board of County Commissioners shall set aside out of such funds as are or may become available to pay the county's share of the cost of repair or construction of a portion of the state highways it shall pass a resolution ordering the County Auditor to draw warrants on the County Treasurer in favor of the contractor for such amounts as may be due him according to certificates issued by the Secretary of the State Highway Commission.

Sec. 9. Section 2976-o of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 131 of the Laws of North Dakota for 1917 is hereby amended to read as follows:

Sec. 2976-o. CLAIMS FOR MONEYS EXPENDED ON HIGHWAYS.) All claims for money expended on county highways under the provisions of this article shall be paid by the county treasurer upon presentation of properly prepared vouchers approved by the County Superintendent of Highways, if there be one, and the Board of County Commissioners. All moneys spent on the state highway system by the counties for maintenances; all moneys spent in conjunction with Federal and state aid shall be paid by the county treasurer upon the presentation of properly pre-

pared vouchers, following certificates prepared and presented by the secretary of the State Highway Commission. All claims for money expended by the State Highway Commission under the provisions of this article shall be paid by the State Treasurer upon presentation of properly prepared vouchers approved by the Secretary of the State Highway Commission. Provided, that in all expenditures made under contract under this Act, there may be paid the contractor, in his partial payments, amounts up to but not exceeding 90 per cent of the value of the work done.

Sec. 10. 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.

Sec. 11. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1919.

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## HIGHWAYS

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### CHAPTER 142.

(S. B. No. 215—Ward.)

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#### PROHIBITING OBSTRUCTION OF HIGHWAYS.

**An Act to Prevent the Obstruction of Highways and Section Lines, to Prevent the Placing of Stone or Rubbish Within Twenty-seven Feet of Any Section Line, and to Provide for the Removal of Stone. Rubbish and of Fences Along Section Lines When Such Lines are Opened as Public Highways.**

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

Sec. 1. No person shall hereafter place or cause to be placed any stone or rubbish within twenty-seven feet of any section line, unless he shall first secure permission in writing from the Board of County Commissioners or the Board of Township Supervisors, as the case may be. Such permission to place or cause to be placed any stone or rubbish along a section line shall only be granted where the topography of the land along such Section line is such that in the opinion of the Board of County Commissioners or Board of Township Supervisors, as the case may be, the construction of a road on the section line is impracticable.

In case any person shall place or cause to be placed any stone or rubbish within twenty seven feet of any section line, the Board of County Commissioners or Board of Township Supervisors, as the case may be, shall, when a public highway is opened along such section line, notify the owners of adjacent property to remove such stone or rubbish. Written notice by registered mail to the record owner of such adjacent property mailed to such own-

er's address last known, to such board and by registered mail to other persons, if any, in possession of such property shall constitute valid notices. If such owners shall fail to remove the same within thirty (30) days after such notice has been mailed, the Board of County Commissioners or the Board of Township Supervisors, as the case may be, shall cause such stone or rubbish to be removed and the cost thereof shall be returned and entered the same as taxes against the property from which the stone was originally taken, and shall be paid in the same manner as taxes are paid.

Sec. 2. When a public highway is opened along any section line within the state, it shall be the duty of the Board of County Commissioners or the Board of Township Supervisors, as the case may be, to notify the owner of adjacent property to remove any fences within twenty-seven feet of said Section line, in the manner provided for notice to remove stones or rubbish and if said owner shall fail to remove the same within thirty (30) days after such notice has been given, the Board of County Commissioners or the Board of Township Supervisors as the case may be, shall cause such fences to be removed, and the cost thereof shall be returned and entered the same a taxes against the property and shall be paid in the same manner as taxes are paid.

Approved March 7, 1919.

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## HOLIDAYS

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### CHAPTER 143.

(H. B. No. 58—J. F. T. O'Connor.)

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#### LEGAL HOLIDAYS.

An Act Designating the Legal Holidays in the State of North Dakota and to Amend and Re-enact Section 7297 of the Compiled Laws of North Dakota for 1913.

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

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

Approved March 8, 1919.

## HOSPITAL FOR INSANE

### CHAPTER 144.

(S. B. No. 169—State Affairs Committee.)

#### MAINTAINING IN HOSPITAL FOR INSANE.

An Act to Amend and Re-enact Section 1762 of the Compiled Laws of the State of North Dakota for the Year 1913 as Amended by Chapter 144 of the Session Laws of the Year 1917 and as Amended by Chapter 8 of the Laws Passed at the Special Session of the Fifteenth Legislative Assembly in January, 1918, Relating to Maintaining Patients in the Hospital for the Insane.

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

Sec. 1. AMENDMENT.) That Section 1762 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 144 of the Session Laws for the year 1917, and as amended by Chapter 8 of the Laws passed at the Special Session of the Fifteenth Legislative Assembly in January, 1918, relating to Maintaining Patients in the Hospital for the Insane, is hereby amended and re-enacted to read as follows, to-wit:

Sec. 1762. COST OF TREATMENT. HOW DETERMINED.) The Board of Control of the State Hospital for the Insane shall, from time to time, fix the amount to be paid for the board, care and treatment of the patients, which shall not exceed the sum of thirty dollars per month for residents of the state; provided, however, that all non-residents shall pay the actual cost of care and treatment, and the amounts so fixed shall be the sum the State Hospital for the Insane shall be entitled to demand for keeping any patient, and the certificate to that effect, subscribed and sworn to by the Superintendent, shall be evidence of the amount due as fixed.

Sec. 2. EMERGENCY.) Whereas an emergency exists in that sufficient funds are not now provided with which to properly feed and clothe the patients in the State Hospital for the Insane; and whereas, it is necessary for the immediate preservation of the health, safety and peace of the public, therefore, this Act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval.

Approved March 4, 1919.

## CHAPTER 145.

(H. B. No. 193—Delayed Bills Committee)

## RESIDENT OFFICERS OF HOSPITAL FOR INSANE.

An Act Amending and Re-enacting Section 1755 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Salaries of Resident Officers of the State Hospital for the Insane.

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

Sec. 1. AMENDMENT.) Section 1755 of the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

Sec. 1755. POWERS AND DUTIES OF BOARD. SALARIES.) The Board of Control shall have general control and management of the hospital, and shall make all by-laws, rules and regulations necessary for the government of the same, not inconsistent with the laws of the State. It shall appoint a Superintendent who must be a physician of acknowledged skill and ability and a graduate of a reputable medical college. The Superintendent shall appoint one or more assistant physicians who shall possess like skill and ability, and be a graduate of a reputable medical college and the Board of Control shall appoint a Matron, all of whom shall be styled the resident officers of the hospital, and who shall reside therein, and be governed by the laws and by-laws of the institution. The maximum annual salaries of the resident officers shall be as follows:

Superintendent, not to exceed Four Thousand Dollars; Matron, not to exceed Nine Hundred Dollars; Assistant Superintendent, not to exceed Two Thousand Five Hundred Dollars, Assistant Physician, not to exceed Two Thousand Dollars, which said salaries shall be fixed by the Board of Control with the approval of the Governor.

Approved March 7, 1919.

## IMMIGRATION

## CHAPTER 146.

(H. B. No. 123—S. W. Johnson.)

## COMMISSIONER OF IMMIGRATION.

An Act Creating the Office of Commissioner of Immigration; Prescribing His Powers and Duties and Making an Appropriation Therefor, and Repealing all Acts and Parts of Acts in Conflict Therewith.

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

Sec. 1. There is hereby created the office of Commissioner of Immigration for 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 three thousand six hundred dollars per annum. He shall furnish bond in the sum of ten thousand dollars for the faithful performance of his duties.

Sec. 2. It shall be the duty of the Commissioner of Immigration to advertise the resources of this state; to collect, accumulate and distribute facts, statistics and information with reference to the educational facilities, social conditions, government, industries and industrial conditions, and natural resources of the state; the advantages and opportunities offered by the state as a place of residence therein for farmers, laborers and mechanics, and especially the advantages for farming, dairying, cattle-raising, mining, manufacturing and all other industries, for the purpose of securing immigration and settlement and the bringing of settlers, investors and industries to the State. The Commissioner of Immigration shall publish, advertise and distribute facts, statistics, and information concerning the matters herein mentioned, by means of bulletins, pamphlets, correspondence or advertisements in newspapers or magazines and the furnishing of news items to newspapers throughout the United States. The Commissioner of Immigration shall answer all inquiries of persons residing within or without the state upon the subjects herein mentioned. The Commissioner of Immigration shall also co-operate with the United States Bureau of Immigration and shall, so far as practicable and possible, assist immigrants and others to find homes in North Dakota.

Sec. 3. The Commissioner of Immigration shall be provided with suitable quarters in the State Capitol Building in the City of Bismarck. He shall employ and fix the salaries of all assistants necessary for the purpose of carrying out the provisions of this Act. The Commissioner of Immigration shall file with the State Auditing Board a statement or statements of all salaries and other expenses incurred from time to time in conducting the work herein provided for which statements upon approval by the State Auditing Board shall be paid by warrants drawn by the State Auditor upon the State Treasurer against the fund herein appropriated for such purpose; provided, that such salaries and other expenses shall not exceed the amount of the appropriation for carrying on the work of said office.

Sec. 4. There is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of Two Hundred Thousand Dollars, or as much thereof as may be necessary, to carry out the provisions of this Act.

Sec. 5. All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 6, 1919.



## INDUSTRY—STATE

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### CHAPTER 147.

(H. B. No. 18—Committee State Affairs.)

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#### THE BANK OF NORTH DAKOTA.

An Act Declaring the Purpose of the State of North Dakota to Engage in the Banking Business and Establish a System of Banking Under the Name of the Bank of North Dakota, Operated by the State, and Defining the Scope and Manner of its Operation, and the Powers and Duties of the Persons Charged with its Management; Making an Appropriation Therefor; and Providing Penalties for the Violations of Certain Provisions Thereof.

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

Sec. 1. For the purpose of encouraging and promoting agriculture, commerce and industry, the State of North Dakota shall engage in the business of banking, and for that purpose shall, and does hereby, establish a system of banking owned, controlled and operated by it, under the name of the Bank of North Dakota.

Sec. 2. The Industrial Commission shall operate, manage and control the Bank of North Dakota, locate and maintain its places of business, of which the principal place shall be within the state, and make and enforce orders, rules, regulations and by-laws for the transaction of its business. The business of the Bank, in addition to other matters herein specified, may include anything that any bank may lawfully do, except as herein restricted; but this provision shall not be held in any way to limit or qualify either the powers of the Industrial Commission herein granted, or the functions of said Bank herein defined. The Industrial Commission shall meet within twenty days after the passage and approval of this Act to begin the organization of the Bank.

Sec. 3. To accomplish the purposes of this Act, the Industrial Commission shall acquire by purchase, lease or by exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, all requisite property and property rights, and may construct, remodel and repair buildings: but it shall not invest more than ten per cent of the capital of the bank in furniture, fixtures, lands and buildings for office purposes.

Sec. 4. The Industrial Commission shall obtain such assistance as in its judgment may be necessary for the establishment, maintenance and operation of the Bank. To that end it shall appoint a manager, and may appoint such subordinate officers and employes as it may judge expedient. It may constitute such Manager its general agent, in respect to the functions of said Bank, but

subject, nevertheless, in such agency, to the supervision, limitation and control of the commission. It shall employ such contractors, architects, builders, attorneys, cashiers, tellers, clerks, accountants, and other experts, agents and servants as in the judgment of the Commission the interests of the state may require, and shall define the duties, designate the titles, and fix the compensation and bonds of all such persons so engaged: provided, however, that subject to the control and regulation of the Commission, the Manager of the bank shall appoint and employ such deputies, cashiers, tellers, and other subordinates, and such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants, as he shall, in his judgment, deem are required by the interests of the Bank. The total compensation of such appointees and employes, together with other expenditures for the operation and maintenance of the Bank, shall remain within the appropriation and earnings lawfully available in each year for such purpose. All officers and employes of the Bank engaged upon its financial functions shall, before entering upon their duties, respectively furnish good and sufficient bonds to the state in such amount and upon such conditions as the commission may require and approve; but the bond of the Manager shall not be less than fifty thousand dollars. Such bond shall be filed with the Secretary of State.

Sec. 5. The Industrial Commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by the Manager of the Bank, and any such removal may be made whenever in the judgment of the Commission the public interests require it; provided, however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

Sec. 6. The Bank shall be opened and shall proceed to transact business whenever there shall be delivered to the Industrial Commission bonds in the sum of two million dollars issued by the state as may be provided by law for such purpose. The fund procured by the negotiation and sale of such bonds is hereby designated and shall be known as the capital of said Bank.

Sec. 7. All state, county, township, municipal and school district funds, and funds of all penal, educational and industrial institutions and all other public funds shall be, by the person having control of such funds, deposited, in the Bank of North Dakota within three months from the passage and approval of this Act, subject to disbursement for public purposes on checks drawn by the proper officials in the manner now or hereafter to be provided by law; provided, however, that on a proper showing made by any official having control of public funds, the Industrial Commission may permit a postponement of the deposit of such funds or any part thereof in the Bank of North Dakota, the period of such postponement not to exceed six months. And

provided, further, that if any such funds are now loaned by authority of law under a contract terminating at a future time, then the deposit of such funds in the Bank of North Dakota shall not be required until two months after time of expiration of such contract. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in a county jail for not less than ninety days, and by a fine of not less than one hundred dollars.

Sec. 8. Whenever any of the public funds hereinbefore designated shall be deposited in the Bank of North Dakota, as hereinbefore provided, the official having control thereof, and the sureties on the bond of every such official, shall be exempt from all liability by reason of loss of any such deposited funds while so deposited.

Sec. 9. The Bank of North Dakota may receive deposits from any source, including the United States Government and any foreign or domestic individual, corporation, association, municipality, bank or government. Funds may be deposited to the credit of the Bank of North Dakota in any bank or agency approved by the Industrial Commission.

Sec. 10. All deposits in the Bank of North Dakota are hereby guaranteed by the state. Such deposits shall be exempt from State, County and Municipal taxes of any and all kinds.

Sec. 11. Funds deposited by State Banks in the Bank of North Dakota shall be deemed "available funds" within the meaning of that term as used in Section 5170 of the Compiled Laws of 1913. For banks that make the Bank of North Dakota a reserve depository, it may perform the functions and render the services of a clearing house, including all facilities for providing domestic and foreign exchange, and may re-discount paper, on such terms as the Industrial Commission shall provide.

Sec. 12. The Industrial Commission, unless otherwise limited by law, shall from time to time fix the rates of interest allowed and received in transactions of the Bank. Such rates shall be as nearly uniform and constant as practicable, and shall not be fixed or changed to work any discrimination against or in favor of any person or corporation. But in respect to time deposits received by the Bank, transactions may be reasonably classified as to the amounts and the duration of time involved, and a reasonable differentiation of interest rates based on such classification may be allowed. When interest is allowed on any deposits it shall not be less than one or more than six per cent. The Industrial Commission shall also fix reasonable charges, without unjust discrimination, for any and all services rendered by the Bank.

Sec. 13. All checks and other instruments and items of exchange payable on demand, sent by the Bank of North Dakota to any State Bank or banking association in North Dakota, for collection, shall be by such State bank or banking association re-

mitted for at par to the Bank of North Dakota. Any person or corporation who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Sec. 14. The Bank of North Dakota may deposit funds in any bank or banking association within or without the state upon such terms and conditions as the Industrial Commission shall determine.

Sec. 15. The Bank of North Dakota may transfer funds to other departments, institutions, utilities, industries, enterprises or business projects of the state, which shall be returned with interest to the Bank. It may make loans to counties, cities or political subdivisions of the state, or to state or national banks on such terms, and under such rules and regulations, as the Industrial Commission may determine; but it shall not make loans or give its credit to any individual, association or private corporation, except that it may make loans to any individual, association or private corporation, secured by duly recorded first mortgages on real estate in the State of North Dakota in amounts not to exceed one-half the value of the security, or secured by warehouse receipts issued by the Industrial Commission or by any licensed warehouse within the state, in amounts not to exceed ninety per cent. of the value of the commodities evidenced thereby. It shall not, however, loan on real estate security more than thirty per cent. of its capital, nor in addition thereto, more than twenty per cent. of its deposits. Additional funds, that may be required for such real estate loans, shall be procured from the sale of state bonds as may be provided by law.

Sec. 16. The Industrial Commission shall prescribe the forms of application for a mortgage loan on real estate, and shall provide for appraisal of the proposed security. Until otherwise provided by the commission, when an application for a mortgage loan on real estate is made, it shall be referred to the Commissioner of University and School Lands, for appraisal of the proposed security. The Commissioner of University and School Lands, shall thereupon promptly cause it to be appraised in the same manner as school lands are appraised, and upon completion of such appraisal shall return the application, together with the appraisal, to the Bank. Thereupon the Bank shall promptly determine whether to grant or refuse any part or all of such loan.

Sec. 17. Every such mortgage shall contain an agreement providing for the re-payment of the loan on an amortization plan by means of a fixed number of annual installments sufficient to cover, first, a charge on the loan, at a rate not exceeding the interest rate in the last series of real estate loan bonds issued, if any, by the State of North Dakota; second, a charge for administration and surplus, at a rate not exceeding one per cent. per annum on the unpaid principal, said two rates combined constituting the interest rate on the mortgage; and, third, such amounts to be applied on the principal as will extinguish the debt in not

less than ten nor more than thirty years; provided, however, that advanced payment of one or more annual installments, for the reduction of the principle, or the payment of the entire principal, may be made at any regular installment date; and, provided further, that in case of a crop failure which reduces the mortgagor's reasonable crop income by one-half, all payments under said mortgage may, in the discretion of the Industrial Commission be extended for one year, upon condition that on the payment of all installments, such further annual payment shall be made as will pay the interest, with interest thereon, for the years for which no payments were made. The Industrial Commission shall determine whether a mortgagor is entitled to an extension of the payment of any installment, under the provisions of this section.

Sec. 18. Every such mortgage, and the note or other obligation thereby secured, shall run to "The Manager of the Bank of North Dakota, his successors in office or his assigns," as payee and mortgagee, and shall contain a recital that it is executed and delivered in conformity with and upon the conditions expressed in this Act, designated by its title and the date of its approval. After having been duly recorded in each county in which the lands therein described are situated, every such mortgage shall be delivered to the Manager of said bank and together with said note or other obligation shall be held by the Manager as a part of the assets of the bank, or shall be otherwise disposed of, as hereafter provided. If so held, payments upon the note or other obligation secured by said mortgage shall be made to the Bank of North Dakota, and whenever it shall have been fully paid, the Manager shall promptly satisfy and discharge the mortgage lien of record and deliver the mortgage cancelled, with a satisfaction thereof, to the person entitled to receive it.

Sec. 19. Every such mortgage, together with the note or other obligation thereby secured, may be sold and assigned upon the payment to the bank of the full value thereof, and upon such sale and assignment, the Manager may endorse either with or without recourse. In that case payments upon said note or other obligation shall be made to the person entitled to receive them; but each such assignment shall be made subject to the provisions concerning extension of the time of payments on account of crop failures as provided in Section 17 of this Act, and subsequent action of the Industrial Commission in that regard shall be binding upon the assignee of such mortgage; provided, however, that after assignment of such mortgage extensions of payments for a yearly period shall be limited in total number to not more than one for every period of five years or fraction thereof during which such mortgage has to run after the date of assignment.

Sec. 20. Every such mortgage, together with the note or other obligation thereby secured, may be assigned, and upon order of the Industrial Commission shall be assigned, to the State Treasurer of the State of North Dakota as security for bonds to



be issued by the state as provided by law. In case of such assignment all payments due upon said note or other obligation shall be made to the State Treasurer, and the money so by him received shall be by him held or disbursed as may be provided by law. If while any such mortgage so assigned to the State Treasurer is in his hands, the note or obligation thereby secured shall have been fully paid, the State Treasurer shall so certify to the Manager of the bank, who shall thereupon proceed to satisfy said mortgage in the same manner as though said note or other obligation had been paid directly to the bank. In case of such assignment to the State Treasurer of any such mortgage, the provisions contained in Section 19 of this Act, respecting extensions on account of crop failure, shall be effective and shall be applied.

Sec. 21. All business of the bank may be conducted under the name of "The Bank of North Dakota." Title to property pertaining to the operation of the bank shall be obtained and conveyed in the name of "The State of North Dakota, doing business as the Bank of North Dakota." Written instruments shall be executed in the name of the State of North Dakota, signed by any two members of the Industrial Commission, of whom the Governor shall be one, or by the Manager of the Bank of North Dakota within the scope of his authority so to do as defined by the Industrial Commission.

Sec. 22. Civil actions may be brought against the State of North Dakota on account of causes of action claimed to have arisen out of transactions connected with the operation of the Bank of North Dakota, upon condition that the provisions of this section are complied with. In such actions the state shall be designated as "The State of North Dakota, doing business as the Bank of North Dakota," and the service of process therein shall be made upon the Manager of said Bank. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Bank of North Dakota shall have its principal place of business, except as provided in Sections 7415, 7416 and 7418, Compiled Laws of North Dakota, 1913. The provisions of Section 375 and 657 of the Compiled Laws of 1913 shall not apply to claims against the state, affected by the provisions of this section.

Sec. 23. 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 1913, to the State Banking Board.

Sec. 24. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, one hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act. The Industrial Commission shall, out of the earnings of the bank, make provision for accumulating a fund with which to replace in the general funds of the state, the amount received by the commission under this appropriation, as may be directed by the Legislative Assembly.

Sec. 25. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Sec. 26. 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 25, 1919.

#### CHAPTER 148.

(H. B. No. 49—Committee State Affairs.)

#### BONDS OF NORTH DAKOTA.

An Act Providing for the Issuing of Bonds of the State of North Dakota in the Sum of Two Million Dollars, to be Known as "Bonds of North Dakota, Bank Series"; Prescribing the Terms, and Stating the Purposes Thereof; Providing a Tax and Making Other Provision for the Payment Thereof; Making Appropriations for the Payment of Said Bonds and to Carry Into Effect the Provisions of This Act; and Declaring this Act to be an Emergency Measure.

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

Sec. 1. The State Treasurer is hereby directed forthwith to prepare for issue, and the Governor and the State Treasurer are hereby authorized, empowered and directed to issue, negotiable bonds of the State of North Dakota in the aggregate amount of two million dollars. They shall be executed by the Governor and the State Treasurer under the great seal of the state and shall be attested by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each such bond a certificate showing that it is issued pursuant to law and is within the debt limit. The bonds so issued shall be designated "Bonds of North Dakota, Bank Series."

Sec. 2. The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151, Compiled Laws of 1913, are hereby declared to apply to them. They shall be issued in denominations of from five dollars to ten

thousand dollars, and shall be payable in not less than ten nor more than thirty years from the passage of this Act. They shall bear interest at a rate not exceeding six per cent. per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year; and coupons shall be attached to each bond, evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Bismarck. The terms of said bonds, as to values of denominations, periods of maturity and rates of interest, shall be fixed by the Governor in his sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity, and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment. All said bonds shall be exempt from state, county and municipal taxes of any and all kinds.

Sec. 3. The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission of North Dakota as hereinafter provided, and as contemplated by Section Six (6) of the Act entitled "An Act declaring the purpose of the State of North Dakota to engage in the banking business and establishing a system of banking under the name of the Bank of North Dakota, operated by the State, and defining the scope and manner of its operation, and the powers and duties of the persons charged with its management; making an appropriation therefor, and providing penalties for the violation of certain provisions thereof," enacted in the year 1919 by the Sixteenth Session of the Legislative Assembly of North Dakota, being House Bill No. 18, and also by Section Five (5), paragraph (g) of the Act entitled "An Act creating the Industrial Commission of North Dakota, authorizing it to conduct and manage on behalf of the State certain utilities, industries, enterprises and business projects, and defining its powers and duties; and making an appropriation therefor," enacted in the year 1919 by the Sixteenth Session of the Legislative Assembly of North Dakota, being House Bill Number 17, and for the purpose of enabling the Industrial Commission to negotiate and sell such bonds, pursuant to the provisions of this Act and of said Section Five (5), paragraph (g) of the Act entitled as last above stated, being House Bill Number 17 of the Sixteenth Session of the Legislative Assembly of North Dakota, in the year 1919; thereby to procure the fund to be designated as the capital of the Bank of North Dakota.

Sec. 4. In furtherance of the purposes declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and run-



ning to such periods of maturity, as may be determined by the Governor, in his discretion, upon consideration of such recommendations as the Commission may make in regard thereto. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the state for the negotiation, sale and delivery of said bonds. It shall sell them for cash in such manner and at such terms as in its sound discretion it shall deem most advantageous to the interests of the state. The Commission is hereby authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall constitute the fund to be designated as the capital of the Bank of North Dakota, and shall be so employed by the Industrial Commission. Nothing in this Act, however, shall be construed to prevent the purchase of any of said bonds with any funds in the Bank of North Dakota.

Sec. 5. From time to time the Industrial Commission shall, out of the earnings derived from the operation of the Bank of North Dakota, pay to the State Treasurer such moneys as the Commission shall deem available to devote to the purpose of paying said bonds and interest. In making such payment the Commission shall file a statement with the State Treasurer specifying the purpose of such payment. When moneys shall have been so paid to the State Treasurer, he shall apply the same to their specified purpose as hereinafter directed.

Sec. 6. At the time of each annual meeting of the State Board of Equalization hereafter, the Industrial Commission shall deliver to said board an exact written statement of all bonds issued under the provisions of this Act outstanding at that time, including therein the dates of maturity, interest rates and all other information proper to enable the Board intelligently to comply with the provisions of this Act in regard to tax levies. On the basis of such information the State Board of Equalization shall annually levy a tax, at the time other taxes are levied, sufficient in amount to pay such interest on said bonds as will become due during the year beginning on the next ensuing first day of January, and said tax shall be collected in the same manner as other state taxes are collected. In determining, however, the amount of the tax sufficient for such purpose the Board of Equalization shall take into account whatever moneys, if any, shall then have been paid to the State Treasurer by the Industrial Commission as provided in Section 5 of this Act, for the specific purpose of paying such interest. The Board of Equalization shall apply to the State Treas-

urer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the amount of the interest on said bonds payable during said year beginning on the next ensuing first day of January, then no tax shall be levied by the Board of Equalization for that purpose; but if the amount of such moneys shall be less than the amount of the interest on said bonds payable during said year, then the Board of Equalization shall deduct the amount of said moneys in the possession of the Treasurer from the amount of the interest so payable, and shall levy the tax hereinbefore in this Section provided for at least the difference between said amounts.

Sec. 7. Whenever it shall appear to the Board of Equalization from the information contained in any statement delivered to it by the Industrial Commission at any annual meeting of said Board, as provided in Section 6 above, that there will mature, within a period of five years from such annual meeting, any of the bonds provided for in this Act, the Board of Equalization shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax, the Board of Equalization shall take into account whatever moneys, if any shall have been paid to the State Treasurer by the Industrial Commission for the specific purpose of paying the principal of said bonds when due, as provided in Section 5 of this Act. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys and as to the times when paid to him. If the amount of such moneys, paid to the Treasurer since the date of the last preceding tax levy made by the Board of Equalization, shall equal or exceed one-fifth of the amount of the bonds so to mature, then such tax shall not be levied; but if the amount of such moneys, paid to the State Treasurer since the date of the last preceding tax levy, shall be less than one-fifth of the amount of said bonds so to mature, then the Board of Equalization shall deduct the amount of such moneys, so paid, from such one-fifth of said bonds, and shall levy the tax, hereinbefore in this Section provided, for the difference. It is the intention of this Section to provide that in each of the last five years, before the maturity of any of said bonds, a state tax shall be levied which, together with such moneys as shall during the next preceding year have been paid to the State Treasurer, by the Industrial Commission for the purpose, shall be at least sufficient to pay one-fifth part of the principal of said bonds.

Sec. 8. To identify and distinguish the funds provided and available for the payment of the bonds issued pursuant to this Act there is hereby created and established, as a part of the moneys of the State received and kept by the State Treasurer, a fund to be designated the "Bank Bond Payment Fund." All moneys

received by the State Treasurer, whether from the proceeds of taxes, or from payments made by the Industrial Commission, or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds, or interest thereon, shall be by him kept in said fund distinct from all other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such moneys shall be delivered to him; and no other appropriation shall ever be made of the moneys in said fund until the said bonds shall be fully paid. But this Act shall not be construed as preventing the State Treasurer from depositing said funds in the Bank of North Dakota, as provided by law with respect to all public funds.

Sec. 9. There is hereby appropriated, all of the moneys obtained as proceeds of the taxes provided for in Sections 6 and 7 above, and all moneys paid to the State Treasurer by the Industrial Commission as specified in Section 5 above, and all moneys constituting the Bank Bond Payment Fund, or so much thereof as may be from time to time necessary, to pay the interest and principal upon the said bonds as payments thereon, shall become due; and whenever any of said bonds, or any coupons thereon, being due, shall be presented for payment, the State Treasurer shall pay the same out of the fund applicable thereto. If for any reason the said fund shall for the time being, be insufficient, the Treasurer shall supply the deficiency out of any other available moneys of the State in his custody; but in that case he shall as soon as possible, out of the Bank Bond Payment Fund, return the amount of such deficiency to the source whence taken.

Sec. 10. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, ten thousand dollars or as much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act.

Sec. 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; and the provisions of Sections 6, 7, 8 and 9 hereof shall remain in full force and effect throughout the period of thirty-six years from and after the passage of this Act.

Approved February 25, 1919.

## CHAPTER 149.

(H. B. No. 127—Herbert.)

## DEVELOPMENT OF DAIRY INDUSTRY.

**An Act to Promote the Development of the Dairy Industry of the State, Especially Through the Manufacturing and Marketing of Dairy Products and Authorizing the Commissioner of Agriculture and Labor to Contract for and Operate and Manage a Creamery for Experimental Purposes and to Engage in the Activities Connected with or Incident to the Manufacturing and Marketing of Dairy Products and By-Products, Defining His Powers and Duties; Making an Appropriation; and Providing for the Raising and Expenditure of Funds for Carrying into Effect the Provisions of This Act.**

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

Sec. 1. The State Commissioner of Agriculture and Labor is hereby authorized to contract with any person, partnership, firm, association or corporation, for the purpose of directing and managing the operation of a creamery to be designated, while such contract is in effect, as a State Experimental Creamery. But no such contract shall be made with any person, partnership, firm, association or corporation for the direction and management of a creamery for more than five consecutive years. The Commissioner of Agriculture and Labor, in directing and managing the operation of said experimental creamery, may hire and fix the salary of competent help, purchase equipment and material and do all other things necessary or usual in buying, collecting, manufacturing, grading, storing and marketing any or all dairy products or by-products and may engage in experimental or investigational work connected with or incident to the operation of a creamery. The Commissioner of Agriculture and Labor shall keep or cause to be kept a detailed record of all operations and shall publish at such intervals as may be deemed proper, the results of all such activities, experiments or investigations undertaken.

Sec. 2. Every person, partnership, firm, association or corporation owning or operating a creamery, cheese factory, ice-cream factory, renovating or process butter factory or condensory in this state, and also every person, partnership, firm, association or corporation owning or operating a creamery, cheese factory, ice cream factory, renovating or process butter factory or condensory outside this state shall, on the first day of July, 1919, and every three months thereafter, report to the Commissioner of Agriculture and Labor of this state, upon blanks furnished by him the number of pounds of butter fat produced within the State of North Dakota purchased or received by any such person, partnership, firm, association or corporation during the preceding three months. Said reports shall be filed not later than ten days after the same become due, and, with said reports, the person, partnership, firm, association or corporation making same shall pay the Commissioner of Agriculture and La-

bor of this state, as taxes, fifty cents for and upon every one thousand pounds of butter fat so purchased or received by such person, firm, partnership, association or corporation during such preceding three months.

Sec. 3. The taxes collected by the Commissioner of Agriculture and Labor under the provisions of this Act shall be deposited by him in the State Treasury in the fund to be known as the State Experimental Creamery Fund. The expenses incurred in conducting and operating such creamery shall be paid by the Commissioner of Agriculture and Labor out of the said Experimental Creamery Fund and shall not exceed the amount collected and deposited therein. The Commissioner of Agriculture and Labor shall reserve from such fund an amount sufficient to guarantee the owner or owners and the patrons of such creamery against loss through the use of such plant, equipment or material as is actually used for experimental purposes, but no funds herein provided for shall be expended to defray actual and necessary expenses incurred in the ordinary operation and use of property belonging to such persons, partnerships, firms, associations or corporations with whom the Commissioner of Agriculture and Labor may contract.

Sec. 4. An emergency is hereby declared to exist and does exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 13, 1919.

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#### CHAPTER 150.

(S. B. No. 19—Committee State Affairs)

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#### HOME BUILDING ASSOCIATION OF NORTH DAKOTA

An Act Declaring the Purpose of the State of North Dakota to Engage in the Enterprise of Providing Homes for Residents of this State and to that End to Establish a Business System Operated by the State Under the Name of The Home Building Association of North Dakota, and Defining the Scope and Manner of its Operation and the Powers and Duties of the Persons Charged with its Management; and Making an Appropriation Therefor.

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

Sec. 1. For the purpose of promoting home building and ownership the State of North Dakota shall engage in the enterprise of providing homes for residents of the state, and to that end it shall and does hereby, establish a business system operated by the State under the name of The Home Building Association of North Dakota, hereinafter for convenience called the Association.

Sec. 2. The Industrial Commission of North Dakota shall operate, manage and control the Association and shall locate and

maintain its places of business, of which the principal place shall be within the state, and shall make and enforce orders, rules, regulations and by-laws for the transaction of its business.

Sec. 3. To accomplish the purposes of this Act the Industrial Commission shall acquire by purchase, lease or exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, all requisite property and property rights, and may construct, repair and remodel buildings, having strict regard for economy in the administration of its affairs.

Sec. 4. The Industrial Commission shall obtain such assistance as in its judgment may be necessary for the establishment, maintenance and operation of the Association. To that end it shall appoint a manager, and may appoint such subordinate officers and employees as it may judge expedient. It may constitute such manager its general agent, in respect to the functions of the Association, but subject, nevertheless, in such agency, to the supervision, limitation and control of the Commission. It shall employ such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants as in the judgment of the Commission the interests of the State may require, and shall define the duties, designate the title, and fix the compensation and bonds of all such persons so engaged; provided, however, that subject to the control and regulation of the Commission, the Manager of the Association shall appoint and employ such deputies and other subordinates, and such contractors, architects, builders, attorneys, clerks, accountants and other experts, agent and servants as he shall, in his judgment, deem are required by the interests of the Association. The total compensation of such appointees and employees, together with other expenditures for the operation and maintenance of the Association, shall remain within the appropriation and earnings lawfully available in each year for such purpose. All officers and employees of the Association engaged upon its financial functions shall, before entering upon their duties, respectively furnish good and sufficient bonds to the State in such amount and upon such conditions as the Commission may require and approve, but the bond of the Manager shall not be less than fifty thousand dollars. Such bonds shall be filed with the Secretary of State.

Sec. 5. The Industrial Commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by the Manager of the Association, and any such removal may be made whenever in the judgment of the Commission the public interests require it; provided, however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

Sec. 6. Whenever funds shall be available, derived from the

sale of bonds issued by the State and delivered to the Industrial Commission for negotiation to carry on the business of the Association; or derived from appropriations made by the Legislative Assembly for such purpose; or derived from deposits received by the Association as hereinafter provided; or derived from payments made for homes by purchasers thereof, such funds shall be used, under proper regulations of the Industrial Commission, for investment in building or purchasing homes within the State for members of the Home Buyers League, as such Leagues are hereinafter defined. No home shall be built, or purchased and sold, at a price to exceed five thousand dollars, except in case of a farm home, in which case the selling price shall not exceed ten thousand dollars. The word "home" as herein used, shall mean a dwelling house, within or adjacent to a town, village or city, together with such equipments as are customarily used in connection with a dwelling house. The words "farm home" as herein used, shall mean a tract of agricultural land together with a dwelling house, a barn, and such other farm buildings and equipments as are customarily used in connection with a farm home.

Sec. 7. The Association shall make a specialty of building standardized houses, barns and other buildings and equipments provided for herein. For its uses the Industrial Commission may acquire suitable tracts of land, by purchase or by exercise of the right of eminent domain, deemed by the Commission suitable to accomplish the purposes of this Act; and may subdivide such land into lots, and lay out streets, sidewalks, parks and gardens therein, and build homes on said lots, as provided for herein, and supply them with water, light and heat.

Sec. 8. Any person may open a home buying account with the Association by applying in person, by mail or through a Home Buyer's League, trade union, a woman's club or any other recognized industrial, social or civic body. Special efforts shall be made to secure deposits from children, young people, renters and wage earners, in order that more people may own their own homes. Any such deposits, together with interest, may be withdrawn upon six months' notice.

Sec. 9. The Industrial Commission shall fix the rate of interest on all deposits and loans, and the charges for all services rendered by the Association; but no interest rate allowed or received shall exceed six per cent. per annum.

Sec. 10. Ten or more depositors in the Association may form themselves into a local body, to be known as a Home Buyers' League. Every such Home Buyers' League must be authorized, registered and numbered in the office of the Association, and it shall be governed by such rules and regulations as may be prescribed by the Industrial Commission. No person shall become a member of a Home Buyers' League without the written consent



of all of the other members, which shall be filed and recorded in the office of the Association.

Sec. 11. Each Home Buyers' League shall elect a Secretary-Treasurer, who shall perform the duties usual to such office, and shall be its executive officer. He shall also be the agent of the Association and shall perform such other duties as the Industrial Commission may prescribe.

Sec. 12. Whenever a member of a Home Buyers' League shall have deposited with the Association a sum equal to twenty per cent of the total selling price of a home or farm home, the Association shall, upon his application, purchase or build such home or farm home and convey it to him upon a cash payment of twenty per cent., the balance to be secured by a purchase money mortgage on the property, and to be paid on an amortization plan by means of a fixed number of monthly installments sufficient to cover, first, a charge on the loan, at a rate to be determined by the Industrial Commission, second, a charge for administration and surplus at a rate not exceeding one per cent. per annum on the unpaid principal, said two rates combined constituting the interest rate on the deferred payments; and, third, such amounts to be applied on the principal as will extinguish the debt within an agreed period, not less than ten or more than twenty years. Additional payments in sums of twenty five dollars or any multiple thereof, for the reduction of the amount of the unpaid principal, or on the payment of the entire principal may be made on any regular installment date, under the rules and regulations of the Industrial Commission. In case of any accident, crop failure or other event, which reduces the buyer's reasonable income by one-half, all payments under such contract may in the discretion of the Industrial Commission be extended from time to time for a period of one year; provided, however, that on the payment of all installments such further annual payments shall be payable as will pay the interest, with interest thereon, for the years for which no payments were made.

Sec. 13. Each member of every Home Buyers' League shall be jointly and severally liable for all contracts, debts and obligations due the Association from his League, to the extent of fifteen per cent of the price at which his home was sold to him.

Sec. 14. All funds of the Association shall be deposited in the Bank of North Dakota and disbursed through it.

Sec. 15. All business of the Association may be conducted under the name of "The Home Building Association of North Dakota." 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 Home Building Association of North Dakota." Written instruments shall be executed in the name of the State of North Dakota, signed by any two members of the Industrial Commission of whom the Gover-



nor shall be one, or by the Manager of the Association within the scope of his authority so to do as defined by the Industrial Commission.

Sec. 16. Civil actions may be brought against the State of North Dakota on account of causes 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 shall be designated as "The State of North Dakota, doing business as the Home Building Association," and the service of process therein shall be made upon the Manager of the Association. Such actions may be brought in the same manner and shall be subject to the same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions 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, 1913. The provisions of Section 375 and 657 of the Compiled Laws of 1913 shall not apply to claims against the state, affected by the provisions of this section.

Sec. 17. The State Examiner shall personally or through deputy examiners visit the Association 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 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.

Sec. 18. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, one hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act. The Industrial Commission shall, out of the earnings of the Association, make provision for accumulating a fund with which to replace in the general funds of the State, the amount received by the Commission under this appropriation, as may be directed by the Legislative Assembly.

Approved February 25, 1919.

## CHAPTER 151.

(H. B. No. 17—Committee State Affairs)

## INDUSTRIAL COMMISSION

An Act Creating the Industrial Commission of North Dakota, Authorizing it to Conduct and Manage on Behalf of the State Certain Utilities, Industries, Enterprises and Business Projects, and Defining its Powers and Duties; and Making an Appropriation Therefor.

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

Sec. 1. A commission is hereby created and established to conduct and manage, on behalf of the State of North Dakota, certain utilities, industries, enterprises and business projects, now or hereafter established by law. It shall be known as the Industrial Commission of North Dakota, but may be designated as the Industrial Commission.

Sec. 2. The Industrial Commission shall consist of three members, namely: The Governor, the Attorney General and the Commissioner of Agriculture and Labor, of the State of North Dakota. Two Members shall constitute a quorum for the transaction of business. The first meeting of the Commission shall be held in the office of the Governor, at his call, within twenty days after this Act goes into effect. Its meetings thereafter shall be held at such times and places as the Governor or a majority of the Commission may determine. It shall be provided by the proper authorities with suitably furnished offices at the seat of government.

Sec. 3. The Governor shall be the Chairman of the Industrial Commission, and its attorney shall be the Attorney General of the State. In the transaction of its general business it may employ secretaries and other subordinate officers, clerks and agents, on such terms as it may deem proper, appointing and discharging all persons so engaged when and as, in its judgment, the public interests may require. The Commission may require suitable bonds of any such secretary or other subordinate officer, clerk or agent, and shall fix the amount of the compensation of each. Such compensation, together with other expenditures for operation and maintenance of the general business of the Commission, shall remain within the appropriation available in each year for such purpose.

Sec. 4. The Industrial Commission shall adopt and procure an official seal, and may authenticate therewith its documentary acts. All orders, rules, regulations, by-laws and written contracts, adopted or authorized by the Commission shall, before becoming effective, be approved by the Governor, as Chairman, and shall not be in force unless approved and signed by him.

Sec. 5. The Industrial Commission is hereby empowered and directed to manage, operate, control and govern all utilities, industries, enterprises and business projects, now or hereafter es-

established, owned, undertaken, administered or operated by the State of North Dakota, except those carried on in penal, charitable or educational institutions. To that end it shall have the power, in the exercise of its sound judgment, and is hereby directed:

(a) To determine the locations of such utilities, industries, enterprises and business projects.

(b) For the State and in its name and behalf, in order to accomplish the purposes of this Act, to acquire by purchase, lease or by exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, all necessary properties and property rights and to hold and possess or to sell the whole or any part thereof; to construct and reconstruct necessary buildings thereon; to equip, maintain, repair and alter any and all such properties and the improvements thereon; and generally to use the same so as to promote such utilities, industries, enterprises and business projects.

(c) To appoint a Manager, and all necessary subordinate officers and employes, of and for each such utility, industry, enterprise and business project; to constitute any such Manager its general agent in the performance of its duties in the particular utility, industry, enterprise or business project in which he shall be engaged, but subject, nevertheless, in such agency to the supervision, limitation and control of the Commission; to employ such contractors, architects, builders, attorneys, salesmen, clerks, accountants and other experts, agents and servants, as in the judgment of the Commission the interests of the state may require; and to define the duties, designate the titles, and fix the compensation and bonds, of all such persons so engaged in each such utility, industry, enterprise and business project; provided, however, that subject to the control and regulation of the Commission the Manager of each such utility, industry, enterprise and business project shall appoint and employ such deputies, assistants and other subordinates, and such contractors, architects, builders, attorneys, salesmen, clerks, accountants and other experts, agents and servants, as he shall in his judgment deem are required by the interests of the utility, industry, enterprise or business project of which he shall be in charge. The total compensation of such appointees and employes engaged in each several utility, industry, enterprise and business project, together with other expenditures for the operation and maintenance thereof, shall remain within the appropriation and earnings lawfully available in each year for such purpose.

(d) To remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by any Manager of any utility, industry, enterprise or business project; and any such removal may be made whenever in the judgment of the Commission the public interests re-

quire it; provided however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

(e) To fix the buying price of things bought and the selling price of things sold, incidental to the said utilities, industries, enterprises and business projects, and to fix rates and charges, for any and all services rendered thereby. In fixing such prices, rates and charges, the Commission shall make provision for accumulating a fund with which to replace, in the general funds of the state, the amount received by the Commission under the appropriation made in this Act, as may be directed by the legislative assembly.

(f) To make rules, regulations, orders and by-laws for the management and operation, and for the transaction of the business, of such utilities, industries, enterprises and business projects.

(g) To procure the necessary funds for such utilities, industries, enterprises and business projects by negotiating the bonds of the State of North Dakota in such amounts and in such manner as may be provided by law.

(h) To conduct investigations of all matters directly or indirectly connected with, or bearing upon the success of, any of the utilities, industries, enterprises and business projects under its management, and of all matters which may directly or indirectly affect the methods, operations, processes, products or results thereof. In aid of any such investigation the Commission shall have the power to summon and compel the attendance of witnesses and to examine them under oath, which any member thereof shall have the power to administer. It shall have access to, and may order the production of, all books, accounts, papers, and property, material to such investigation. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court. The claim that any testimony or evidence sought to be elicited or produced on such examination may tend to criminate the person giving or producing it, or expose him to public ignominy, shall not excuse him from testifying or producing evidence, documentary or otherwise; but no person shall be prosecuted or subjected to any penalty or forfeiture for and on account of any matter or thing concerning which he may testify or produce such evidence; provided, that he shall not be exempted from prosecution and punishment for perjury committed in so testifying. It shall be the duty of the Commission to cause the testimony so taken to be transcribed and filed in the office of the Commission, at the seat of government, within ten days after it is taken, or as soon thereafter as practicable, and when so filed it shall be open for inspection by any person. Any person failing or refusing to obey the order of the Commission issued under the provisions of this section, or to give or produce evidence when

required, shall be reported by the Commission to the district court or any judge thereof, and shall be dealt with by the court or judge as for contempt of court.

(i) To make rules and regulations for its own procedure; and to do any and all things necessary or expedient in conducting the business of such utilities, industries, enterprises and business projects, and in the accomplishment of the purposes of this Act.

Sec. 6. 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.

Sec. 7. There is hereby appropriated out of the general funds of the State, not otherwise appropriated, two hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby made available immediately upon the passage and approval of this Act.

Sec. 8. 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 Feb. 25, 1919.

## CHAPTER 152.

(S. B. No. 20—Committee State Affairs)

### NORTH DAKOTA MILL AND ELEVATOR ASSOCIATION

An Act Declaring the Purpose of the State of North Dakota to Engage in the Business of Manufacturing and Marketing of Farm Products, and for Establishing a Warehouse, Elevator and Flour Mill System Under the Name of North Dakota Mill and Elevator Association Operated by the State, and Defining the Scope and Manner of its Operation, and the Powers and Duties of the Persons Charged with its Management; and Making an Appropriation Therefor.

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

Sec. 1. That for the purpose of encouraging and promoting agriculture, commerce and industry, the State of North Dakota shall engage in the business of manufacturing and marketing farm products and for that purpose shall establish a system of warehouses, elevators, flour mills, factories, plants, machinery and equipments, owned, controlled and operated by it under

the name of North Dakota Mill and Elevator Association, hereinafter for convenience called the Association.

Sec. 2. The Industrial Commission shall operate, manage and control the Association, locate and maintain its places of business, of which the principal place shall be within the state, and shall make and enforce orders, rules, 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 Industrial Commission shall meet within twenty days after the passage and approval of this Act to begin the organization of the Association

Sec. 3. To accomplish the purposes of this Act the Industrial Commission shall acquire by purchase, lease, or by exercise of the right of eminent domain, as provided by Chapter 36 of the Code of Civil Procedure, Compiled Laws of 1913, all necessary property or property rights, and may construct, remodel or repair all necessary buildings; and may purchase, lease, construct, or otherwise acquire, warehouses, elevators, flour mills, factories, offices, plants, machinery, equipments, and all other things necessary incidental or convenient in the manufacturing and marketing of all kinds of raw and finished farm products within or without the state and may dispose of the same; and may buy, manufacture, store, mortgage, pledge, sell, exchange or otherwise acquire or dispose of all kinds of manufactured and raw farm and food products and by-products, and may for such purposes establish and operate exchanges, bureaus, markets and agencies, within or without the state, including foreign Countries, on such terms and conditions, and under such rules and regulation as the Commission may determine.

Sec. 4. The Industrial Commission shall obtain such assistance as in its judgment may be necessary for the establishment, maintenance and operation of the Association. To that end it shall appoint a Manager, and may appoint such subordinate officers and employes as it may judge expedient. It may constitute such Manager its general agent, in respect to the functions of the Association, but subject, nevertheless in such agency, to the supervision, limitation and control of the commission. It shall employ such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants as in the judgment of the Commission the interests of the state may require. and shall define the duties, designate the titles, and fix the compensation and bonds of all such persons so engaged: provided, however, that subject to the control and regulation of the Commission, the Manager of the Association shall appoint and employ such deputies and other subordinates, and such contractors, architects, builders, attorneys, clerks, accountants and other experts, agents and servants as he shall, in his judgment, deem are re-

quired by the interests of the Association. The total compensation of such appointees and employes, together with other expenditures for the operation and maintenance of the Association, shall remain within the appropriation and earnings lawfully available in each year for such purpose. All officers and employes of the Association engaged upon its financial functions shall, before entering upon their duties, respectively furnish good and sufficient bonds to the state in such amount and upon such conditions as the Commission may require and approve; but the bond of the Manager shall not be less than fifty thousand dollars. Such bonds shall be filed with the Secretary of State.

Sec. 5. The Industrial Commission may remove and discharge any and all persons appointed in the exercise of the powers granted by this Act, whether by the Commission or by the Manager of the Association and any such removal may be made whenever in the judgment of the Commission the public interests require it; provided, however, that all appointments and removals contemplated by this Act shall be so made as the Commission shall deem most fit to promote the efficiency of the public service.

Sec. 6. The Industrial Commission shall fix the buying price of all things bought, and the selling price of all things sold, incidental to the operation of the Association, and shall fix all charges for any and all services rendered by the Association, but in fixing these prices—while all services are to be rendered, as near as may be, at cost—there shall be taken into consideration, in addition to other necessary costs, a reasonable charge for depreciation of all property, all overhead expenses and a reasonable surplus, together with all amounts required for the re-payment, with interest, of funds received from the state.

Sec. 7. All business of the Association may be conducted under the name of "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." Written instruments shall be executed in the name of the State of North Dakota, signed by any two members of the Industrial Commission, of whom the Governor shall be one, or by the Manager of the Association within the scope of his authority so to do as defined by the Industrial Commission.

Sec. 8. Civil actions may be brought against the State of North Dakota on account of causes 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 shall be designated as "The State of North Dakota, doing business as North Dakota Mill and Elevator Association," and the service of process therein shall be made upon the Manager of the Association. Such actions may be brought in the same manner and shall be subject to the

same provisions of law as other civil actions brought pursuant to the provisions of the Code of Civil Procedure. Such actions shall be brought, however, in the county where the Association shall have its principal place of business, except as provided in Sections 7405, 7416 and 7418, Compiled Laws of North Dakota, 1913. The provisions of Section 375 and 657 of the Compiled Laws of 1913 shall not apply to claims against the state affected by the provisions of this section.

Sec. 9. There is hereby appropriated, to carry out the purposes of this act, all moneys raised by the mill tax for terminal elevators as provided in Sections 2072 and 2073 of the Compiled Laws of 1913. Said moneys shall be paid to the manager of said Association, and he shall place the said moneys in the general funds of the Association. Said money, together with any funds that shall be procured by the Industrial Commission through the sale of state bonds, as may be provided by law for that purpose, shall be designated as the capital of the Association.

Sec. 10. The State Examiner shall personally or through deputy examiners visit the Association 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 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.

Sec. 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 February 25, 1919.

#### CHAPTER 153.

(S. B. No. 75—Committee State Affairs.)

#### BONDS OF NORTH DAKOTA, MILL AND ELEVATOR SERIES.

**An Act Providing for the Issuing of Bonds of the State of North Dakota in a Sum not Exceeding Five Million Dollars to be Known as "Bonds of North Dakota, Mill and Elevator Series"; Prescribing the Terms and Stating the Purposes Thereof; Providing for Tax and Making Other Provisions for the Payment Thereof; Making Appropriations and Other Provisions for the Payment of Interest and Principal of Said Bonds and to Carry into Effect the Provisions of this Act; and Declaring this Act to be an Emergency Measure.**

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

Sec. 1. The issuance of bonds of the State of North Dakota to be known as "Bonds of North Dakota, Mill and Elevator Series," is hereby authorized and directed, under the conditions and in the manner and for the purposes hereinafter set forth.



Sec. 2. Whenever the Industrial Commission shall deem it expedient so to do, for the purpose of authorizing the issuance of bonds of the State of North Dakota as contemplated by this Act, it shall cause mortgages to be executed in the manner prescribed by Section 7 of the Act entitled "An Act declaring the purpose of the State of North Dakota to engage in the business of manufacturing and marketing farm products, and for establishing a warehouse, elevator and flour mill system under the name of North Dakota Mill and Elevator Association operated by the State, and defining the scope and manner of its operation, and the powers and duties of the persons charged with its management: and making an appropriation therefor," enacted in the year 1919 by the Sixteenth Session of the Legislative Assembly of North Dakota, being Senate Bill Number 20. The grantee and mortgagee designated in said mortgages shall be "the State Treasurer of North Dakota and his successors in office in trust." Each mortgage shall be executed and delivered to the Treasurer of North Dakota and his successors in office, in trust as security for bonds to be issued by the State of North Dakota under the designation of "Bonds of North Dakota Mill and Elevator Series," as provided by law, and shall contain a recital to that effect. The property described in and covered by said mortgages shall be such property as is owned by or may be acquired for the State of North Dakota, doing business as North Dakota Mill and Elevator Association, and dedicated to or acquired for the use thereof by the Industrial Commission. All property dedicated to or acquired for the State of North Dakota doing business as North Dakota Mill and Elevator Association shall be described in and covered by first mortgages so that at all times all of the property of the State of North Dakota doing business as North Dakota Mill and Elevator Association shall be pledged to the payment of all of the bonds issued, sold and delivered under the provisions of this Act and attached to each of said mortgages, and incorporated by reference into the provisions thereof, shall be an itemized statement of all of the property specified and covered therein, showing the true value of each item thereof based upon appraisal made under the direction of the Industrial Commission and verified by the oath of the appraisers. Said mortgages shall be a first lien upon all of said property without prior lien or incumbrance of any kind whatsoever.

Sec. 3. Said mortgages shall be duly recorded in each county in which the property affected thereby is situated. As soon as such mortgages are recorded they shall be delivered to the State Treasurer, and be retained by the State Treasurer and his successors in office in trust until all of the bonds secured thereby as provided by this Act shall be paid.

Sec. 4 As soon as the State Treasurer shall receive such mortgages so recorded he shall notify the Governor, the State Auditor and the Secretary of State, who shall thereupon im-

mediately inspect them; and upon ascertaining from such examination and inspection that said mortgages have been properly executed and duly recorded, it shall be the duty of the State Treasurer to immediately prepare for issue, and the Governor and State Treasurer shall thereafter issue, negotiable bonds of the State of North Dakota in an amount not exceeding the value of the property included within the terms of said mortgages as expressed in the itemized statements and valuation attached to said mortgages, as provided in Section 2 of this Act. Each of the bonds so issued shall contain a recital that it is secured by first mortgages deposited with the State Treasurer of North Dakota upon property of the State, dedicated to the use of the North Dakota Mill and Elevator Association, that it is issued in pursuance of the provisions of this Act, which may be cited as the "Mill and Elevator Bond Act of North Dakota." Said bonds shall be executed by the Governor and the State Treasurer under the great seal of the State and shall be attested by the Secretary of State. The Auditor and Secretary of State shall endorse and sign on each such bond, when issued, a certificate showing that it has been issued pursuant to law and is within the debt limit. The bonds so issued shall be designated "Bonds of North Dakota, Mill and Elevator Series" and may be issued in series from time to time as the Industrial Commission may by order designate and require.

Sec. 5. The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151, Compiled Laws of 1913, are hereby declared to apply to them. They shall be issued in denominations of from Five Dollars to Ten Thousand Dollars and shall be payable in not less than Ten or more than Thirty years from the passage of this Act. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year; and coupons shall be attached to each bond, evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Bismarck. The terms of said bonds, as to values of denominations and rates of interest, shall be fixed by the Commission in its sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity; and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment.

Sec. 6. The said bonds so issued shall be delivered to the Industrial Commission of North Dakota to the end that the said Commission may by negotiation and sale of said bonds procure necessary funds for the operation of said Association.

Sec. 7. In furtherance of the purpose declared by this Act.

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

Sec. 8. The State Treasurer and his successors in office shall hold such mortgages, first, for the security and payment of the bonds issued as provided in this Act, and second, for the satisfaction and cancellation thereof, and re-delivery to the Industrial Commission, if and when said bonds have been fully paid.

Sec. 9. From time to time the Industrial Commission shall, out of the earnings derived from the operation of the Association, pay to the State Treasurer such moneys as the Commission shall deem available to devote to the purpose of paying said bonds and interest. In making such payment the Commission shall file a statement with the State Treasurer specifying the purpose of such payment. When moneys shall have been so paid to the State Treasurer, he shall apply the same to their specified purpose as hereinafter directed.

Sec. 10. At the time of each annual meeting of the State Board of Equalization hereafter, the Industrial Commission shall deliver to said board an exact written statement of all bonds issued under the provisions of this Act outstanding at that time, including therein the dates of maturity, interest rates and all other information proper to enable the board intelligently to comply with the provisions of this Act in regard to tax levies. On the basis of such information, the State Board of Equalization shall annually levy a tax, at the time other taxes are levied, sufficient in amount to pay such interest on said bonds as will become due during the year beginning on the next ensuing first day

of January, and said tax shall be collected in the same manner as other state taxes are collected. In determining, however, the amount of the tax sufficient for such purpose the Board of Equalization shall take into account whatever moneys, if any, shall then have been paid to the State Treasurer by the Industrial Commission, as provided in this Act, for the specific purpose of paying such interest. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys, and he shall forthwith supply the information requested. If the amount of such moneys shall equal or exceed the amount of the interest on said bonds payable during said year beginning on the next ensuing first day of January, then no tax shall be levied by the Board of Equalization for that purpose; but if the amount of such moneys shall be less than the amount of the interest on said bonds payable during said year, then the Board of Equalization shall deduct the amount of said moneys in the possession of the treasurer from the amount of the interest so payable, and shall levy the tax hereinbefore in this section provided for at least the difference between said amounts.

Sec. 11. Whenever it shall appear to the Board of Equalization from the information contained in any statement delivered to it by the Industrial Commission at an annual meeting of said Board, as provided in Section 10 above, that there will mature, within a period of five years from such annual meeting, any of the bonds provided for in this Act, the Board of Equalization shall thereupon, at such annual meeting, levy a tax in an amount equal to one-fifth of the amount of the principal of such bonds; provided, however, that in determining the amount of such tax, the Board of Equalization shall take into account whatever moneys, if any, shall have been paid to the State Treasurer by the Industrial Commission for the specific purpose of paying the principal of said bonds when due, as provided in Section 9 of this Act. The Board of Equalization shall apply to the State Treasurer for information as to the amount of such moneys and as to the times when paid to him. If the amount of such moneys paid to the treasurer since the date of the last preceding tax levy made by the Board of Equalization, shall equal or exceed one-fifth of the amount of the bonds so to mature, then such tax shall not be levied; but if the amount of such moneys, paid to the State Treasurer since the date of the last preceding tax levy shall be less than one-fifth of the amount of said bonds so to mature, then the Board of Equalization shall deduct the amount of such moneys, so paid from such one-fifth of said bonds, and shall levy the tax, hereinbefore in this section provided, for the difference. It is the intention of this section to provide that in each of the last five years before the maturity of any of said bonds, a state tax shall be levied which, together with such moneys as shall during the next preceding year have been paid to the State Treasurer, by the Industrial Commission for the purpose, shall

be at least sufficient to pay one-fifth part of the principal of said bonds.

Sec. 12. To identify and distinguish the funds provided and available for the payment of the bonds issued pursuant to this Act, there is hereby created and established, as a part of the moneys of the state received and kept by the State Treasurer, a fund to be designated the "Mill and Elevator Bond Payment Fund." All moneys received by the State Treasurer, whether from the proceeds of taxes, or from payments made by the Industrial Commission, or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds, or interest thereon, shall be by him kept in said fund distinct from all other moneys, and shall be disbursed by him only for the particular purpose or purposes for which such moneys shall be delivered to him; and no other appropriation shall ever be made of the moneys in said fund until the said bonds shall be fully paid. But this Act shall not be construed as preventing the State Treasurer from depositing said funds in the Bank of North Dakota, as provided by law with respect to all public funds.

Sec. 13. There is hereby appropriated, all of the moneys obtained as proceeds of the taxes provided for in Sections 10 and 11 above, and all moneys paid to the State Treasurer by the Industrial Commission as specified in Section 9 above, and all moneys constituting the Mill and Elevator Bond Payment Fund, or so much thereof as may be from time to time necessary, to pay the interest and principal upon the said bonds as payments thereon shall become due; and whenever any of said bonds, or any coupons thereon being due, shall be presented for payment, the State Treasurer shall pay the same out of the fund applicable thereto. If for any reason the said fund shall, for the time being be insufficient the treasurer shall supply the deficiency out of any other available moneys of the state in his custody; but in that case he shall as soon as possible, out of the Mill and Elevator Bond Payment Fund, return the amount of such deficiency to the source whence taken.

Sec. 14. The State Treasurer shall pay the interest on said bonds upon presentation to him of the coupons for such interest when due, and shall redeem said bonds upon their maturity by paying the principal thereof, all such payments being made from the Mill and Elevator Bond Payment Fund, without auditor's warrant. Each payment so made, in addition to other accounting as provided by law shall be reported to the said Association. All moneys in said fund, or as much thereof as may be necessary, are hereby appropriated for the payment of the interest and the principal of said bonds, and this appropriation shall not be repealed and no provisions made in this Act for the payment of said bonds and interest shall be discontinued until

the debt evidenced by said bonds, both principal and interest, shall have been paid.

Sec. 15. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed from time to time as occasion may arise under the terms of this Act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this Act, exceed the total of Five Million Dollars.

Sec. 16. All said bonds shall be exempt from state, county and municipal taxes of any and all kinds.

Sec. 17. There is hereby appropriated out of the general funds of the state, not otherwise appropriated Ten Thousand Dollars, or as much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby declared to be immediately available upon the passage and approval of this Act.

Sec. 18. 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 25, 1919.

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## CHAPTER 154

(S. B. No. 130—Committee State Affairs.)

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### BONDS OF NORTH DAKOTA, REAL ESTATE SERIES.

**An Act Providing for the Issuing of Bonds of the State of North Dakota in a Sum not Exceeding Ten Million Dollars, to be Known as "Bonds of North Dakota, Real Estate Series"; Prescribing the Terms and Stating the Purposes Thereof; Providing for a Tax and Making Other Provisions for the Payment Thereof; Making Appropriations and Other Provisions for the Payment of Interest and Principal on Said Bonds, and to Carry Into Effect the Provisions of this Act; and Declaring this Act to be an Emergency Measure.**

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

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

Sec. 2. Whenever first mortgages upon real estate, such as are authorized by the Act entitled "An Act declaring the purpose of the State of North Dakota to engage in the banking business and establishing a system of banking under the name of the Bank of North Dakota, operated by the State, and defining the scope and manner of its operation, and the powers and duties of the persons charged with its management; making an appropriation therefor; and providing penalties for the violation of certain provisions thereof," enacted in the year 1919

by the Sixteenth Session of the Legislative Assembly of North Dakota, being House Bill Number 18, hereinafter called the Bank Act, shall be held by the Bank of North Dakota, securing a total amount of unpaid mortgage loans in the sum of at least One Hundred Thousand Dollars, the Industrial Commission may cause such mortgages, or such of them as it shall think proper, but not less than in the total amount of One Hundred Thousand Dollars, to be assigned, together with the obligations thereby secured, to the State Treasurer. The assignment of each such mortgage and obligation shall be executed by the Manager of the Bank and shall recite that it is made to "the State Treasurer of North Dakota, and his successors in office in trust as security for bonds to be issued by the State of North Dakota under the designation of Bonds of North Dakota, Real Estate Series, as provided by law;" and it shall be duly recorded by said Manager in each county in which the lands affected by the mortgage are situated. As soon as such assignments are recorded, they, with the instruments assigned, shall be delivered to the State Treasurer, and at the same time the Manager of the Bank shall deliver to the State Treasurer a verified statement showing the amount of the loan remaining unpaid on each such obligation secured by the mortgages so assigned and delivered.

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

Sec. 4. The bonds so issued shall be payable to the purchaser or bearer; provided, however, that the provisions of Section 151, Compiled Laws of 1913, are hereby declared to apply to them. They shall be issued in denominations of from five dollars to ten thousand dollars, and shall be payable in not less than ten or more than thirty years from the passage of this Act; provided,

however, that at the option of the Industrial Commission they shall be payable at any time after five years from the date of their issue, upon public notice given by the Industrial Commission that they shall mature and become payable at a date not less than one year from the time of the giving of such public notice. They shall bear interest at a rate not exceeding six per cent per annum from their date until maturity, payable semi-annually on the first day of January and of July in each year: and coupons shall be attached to each bond, evidencing the amount of interest payable at each first day of January and July until maturity. Principal and interest shall be payable at the office of the State Treasurer in Bismarck. The terms of said bonds, as to values of denominations, periods of maturity and rates of interest, shall be fixed by the Commission in its sound judgment, within the limitations above stated. Every such bond and coupon must be presented for payment at the office of the State Treasurer within six years from the date of its maturity: and no such bond or coupon shall bear interest after maturity unless payment thereof shall not be made upon due presentation for payment.

Sec. 5. The said issue of bonds is authorized for the purpose of making delivery thereof to the Industrial Commission of North Dakota, as hereinafter provided, to the end that the said Commission may, by negotiation and sale of said bonds, procure necessary funds for the Bank of North Dakota, thus replacing in said Bank the funds employed by it from time to time in making loans upon first mortgages of real estate.

Sec. 6. In furtherance of the purpose declared by this Act, it is hereby made the duty of the Governor and the State Treasurer after the issue, execution, sealing and attestation of said bonds, to deliver them to the Industrial Commission, in such denominations and amounts, bearing interest at such rates, and running to such period of maturity, as may be required by the Commission, within the limitations hereinbefore stated. The Industrial Commission is empowered, authorized and directed, in connection with and in addition to its other powers and duties, to act as the agent of the state for the negotiation, sale and delivery of said bonds. It shall sell them at not less than par value for cash in such manner and at such times as in its sound discretion it shall deem most advantageous to the interests of the state. The Commission is hereby authorized to receive all moneys paid by buyers of said bonds, upon the sale thereof, and upon receipt of the purchase price to deliver to each purchaser the bonds by him purchased. Upon such delivery of bonds so purchased and paid for, the faith and credit of the State of North Dakota is pledged for the payment thereof, both principal and interest, to the lawful holder and owner thereof upon presentation for payment, according to law. The moneys so derived and received from the sale of said bonds shall be placed by



the Industrial Commission in the funds of the Bank. Nothing in this Act, however, shall be construed to prevent the purchase of any said bonds with any funds in the Bank of North Dakota.

Sec. 7. After such assignment of any mortgage, and the obligation thereby secured, all payments accruing thereon shall be made to the State Treasurer. He shall hold and use said mortgages, obligations and the moneys paid thereon, in trust, first, for the security and payment of the bonds to be issued as herein provided and, second, for redelivery to the Bank of such remaining part or balance thereof as may come within the provisions hereinafter stated. He shall keep said moneys in a separate fund designated the "Real Estate Bond Payment Fund", apart from all other funds in his possession; and the provisions of Section 7 of the Bank Act shall not apply thereto. He shall also keep in said fund, as a part thereof, for the same purpose and in the same manner and under the same conditions, all moneys received by him, whether from the proceeds of taxes, or from payments made by the Industrial Commission or from legislative appropriation, or otherwise, which shall be by law or by other authoritative designation made applicable to the payment of the said bonds or interest thereon. No other disposition, by appropriation or otherwise, shall ever be made of the moneys in said funds until said bonds shall be fully paid, or until the time limit by law for the payment thereof shall have expired; provided, however, that if any of said bonds issued and delivered to the Industrial Commission, as hereinbefore provided, shall be returned to the State Treasurer, not sold, then such returned bonds shall not be deemed a part of the bond issue secured by such fund.

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

Sec. 9. If the obligation secured by any such mortgage so assigned to the State Treasurer shall not be performed according to its terms by the mortgagor, by payment or otherwise, or if any condition expressed in any such mortgage shall not be duly performed and kept according to its terms, the State Treasurer shall proceed to exercise the rights conferred upon him as the assignee of said mortgage, through the enforcement of its terms, by fore-

closure or otherwise for realizing upon or protecting the security afforded by said mortgage or for collecting the amount of the obligation thereby secured. If in so doing it shall become necessary for the State Treasurer to purchase the property mortgaged, he shall take title thereto as State Treasurer, and as Trustee, in trust for the security for payment of said bonds; and if title to any such mortgaged lands shall be perfected in any State Treasurer by virtue of said purchase, he shall apply to the District Court of the county in which such lands are situated for direction as to the further performance of the duties of his trust in the premises. The cash proceeds derived from the possession, use or sale of any such lands shall become a part of the said Real Estate Bond Payment Fund.

Sec. 10. If, while any mortgage so assigned to the State Treasurer is in his hands, the note or obligation thereby secured shall have been fully paid according to its terms, the State Treasurer shall immediately so certify to the Manager of the Bank. The State Treasurer shall also give information to the Bank as to any proceedings which he may from time to time take respecting the enforcement and collection of the securities so assigned to him, not paid according to their terms.

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

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

Sec. 13. 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 payments of interest or principal upon said bonds accruing within a period of one year thereafter, he shall so inform the State Board of Equalization, which shall thereupon proceed to include in the annual tax levy, such tax as in its judg-

ment shall be necessary to meet the indicated deficiency, and the proceeds of such tax shall be placed by the State Treasurer in said fund.

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

Sec. 15. The powers herein granted may be repeatedly exercised and the duties following thereupon shall be likewise repeatedly performed, from time to time as occasion may arise under the terms of this Act; provided, however, that at no time shall the amount of bonds issued and outstanding pursuant to the terms of this Act exceed the total of ten million dollars.

Sec. 16. There is hereby appropriated out of the General Funds of the State, not otherwise appropriated, Ten Thousand Dollars, or as much thereof as may be necessary, to carry out the provisions of this Act. This appropriation is hereby declared to be immediately available upon the passage and approval of this Act.

Sec. 17. 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 25, 1919.

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## INSURANCE

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### CHAPTER 155.

(S. B. No. 154—Insurance Committee.)

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#### FRATERNAL BENEFIT SOCIETIES TO ESTABLISH CLASSIFIED MEMBERSHIP

An Act to Authorize Fraternal Benefit Societies to Establish and Maintain Classified Membership.

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

Sec. 1. FRATERNAL SOCIETIES MAY ESTABLISH CLASSIFIED MEMBERSHIP.) Any fraternal society chartered or transacting business in this State is hereby authorized and empowered to establish or maintain separate classes of membership each class having a separate form of contract of similar general plan and character in its purpose; the assets or mortuary collections secured from the member of each class respectively shall be carried and main-

tained separately for such class, and the required reserve of such accumulation of such class, if contract therefor provides for such a fund, shall be set apart and held specifically and separately for the use and benefit of such particular class, and shall not thereafter be mingled with the assets or mortuary collections of any other class of the society.

Approved February 28, 1919.

## CHAPTER 156.

(H. B. No. 165—Yeater.)

### FRATERNAL BENEFICIARY SOCIETIES.

#### **An Act to Authorize Fraternal Beneficiary Societies to Provide Whole Family Protection.**

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

Sec. 1. Any fraternal benefit society authorized to do business in this state and operating on the lodge plan, may provide in its constitution and by-laws, in addition to other benefits provided for therein, for the payment of death or annuity benefits upon the lives of children between the ages of two and sixteen years at next birthday upon application by some person responsible for the support of said child. Any such society may at its option organize and operate branches for such children and membership in local lodges and initiation therein shall not be required of such children, nor shall they have any voice in the management of the society.

The total benefits payable as above provided shall in no case exceed the following amounts at ages at next birthday at time of death, respectively, as follows: Two, thirty-four dollars; three, forty dollars; four, forty-eight dollars; five, fifty-eight dollars; six, one hundred and forty dollars; seven, one hundred and sixty-eight dollars; eight, two hundred dollars; nine, two hundred and forty dollars; ten, three hundred dollars; eleven, three hundred and eighty dollars; twelve, four hundred and sixty dollars; thirteen to fifteen, five hundred and twenty dollars; age sixteen, six hundred dollars. No benefit certificate as to any child shall take effect until after medical examination or inspection, in accordance with the laws of the society, nor shall any such benefit certificate be issued unless the society shall simultaneously put in force at least five hundred such certificates, on each of which at least one assessment has been paid, nor where the number of lives represented by such certificate falls below five hundred. The death benefit contributions to be made upon such certificate shall be based upon the "Standard Industrial Mortality Table" or the "English Live Table Number Six" and a rate of interest not greater than four per cent per annum, or upon a higher

standard; provided, that contributions may be waived or returns may be made from any surplus held in excess of reserve and other liabilities, as provided in the by-laws, and provided further, that extra contributions may be made if the reserve hereafter provided for become impaired. Any society entering into such insurance agreement shall maintain on all such contracts the reserve required by the standard of mortality and interest adopted by the society for computing contributions, and all the funds representing the benefit contributions and all accretions thereon shall be kept as separate and distinct funds, independent of the other funds of the society, and shall not be liable for nor used for the payment of the debts and obligations of the society other than the benefits herein authorized; provided, that upon the issuance of such new certificate any reserve upon the original certificate herein provided for shall be transferred to the credit of the new certificate. Neither the person who originally made application for benefits on account of such child, nor the beneficiary named in such original certificate, nor the person who paid the contributions, shall have any vested right in such new certificate, the free nomination of a beneficiary under the new certificate being left to the child so admitted to benefit membership. An entirely separate financial statement of the business transactions and of assets and liabilities arising therefrom shall be made in its annual report to the Insurance Commissioner by any society availing itself of the provisions hereof. The separation of assets, funds and liabilities required hereby shall not be terminated, rescinded, or modified, nor shall the funds be diverted for any use other than as herein specified, as long as any certificates issued hereunder remain in force, and this requirement shall be recognized and enforced in any liquidation, re-insurance, merger or other change in the condition of the status of the society.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 3. This Act shall take effect and be in force from and after its passage.

Approved February 26, 1919.

## CHAPTER 157.

(H. B. No. 93—Strom.)

EXCHANGE OF RECIPROCAL OR INTER-INSURANCE  
CONTRACTS.

**An Act Authorizing and Regulating the Exchange of Reciprocal or Inter-Insurance Contracts Among Individuals, Partnerships and Corporations; Empowering Corporations to Enter into Such Contracts; Regulating Process in Suits on Such Contracts; Fixing Certain Taxes and Fees and Providing Penalties for Violation of this Act.**

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

Sec. 1. That individuals, partnerships and corporations of this State, herein designated subscribers, are hereby authorized to exchange Reciprocal or Inter-Insurance contracts with each other or with individuals, partnerships and corporations of other states and countries, providing indemnity among themselves from any loss which may be insured against under other provisions of the laws, excepting life insurance.

Sec. 2. That such contracts may be executed by an attorney, agent or other representative herein designated attorney, duly authorized and acting for such subscribers and such attorney may be a corporation. The office or offices of such attorney may be maintained at such place or places as may be designated by the subscribers in the power of attorney.

Sec. 3. That such subscribers so contracting among themselves shall through their attorney file with the Commissioner of Insurance of this State, a declaration verified by the oath of such attorney, or where such attorney is a corporation, by the oath of a chief officer thereof, setting forth:

(a) The name of the attorney and the name or designation under which such contracts are issued, which name or designation shall not be so similar to any name or designation adopted by any attorney or any insurance organization in the United States writing the same class of insurance prior to the adoption of such name or designation by the attorney as to confuse or deceive.

(b) The kind or kinds of insurance to be affected or exchanged.

(c) A copy of the form of policy contract or agreement under or by which such insurance is to be affected or exchanged.

(e) A copy of the form of power of attorney or other authority of such attorney, under which such insurance is to be effected or exchanged.

(e) The location of the office or offices from which such contracts or agreements are to be issued.

(f) That applications have been made for indemnity upon at least One Hundred separate risks aggregating not less than One and One-half Million (\$1,500,000.00) Dollars as represented

by executed contracts or bona fide applications to become concurrently effective; or in case of Employers' Liability or similar classes of insurance, covering a total pay roll of not less than Two and One-half Million (\$2,500,000.00) Dollars.

(g) That there is on deposit with such attorney and available for the payment of losses a sum of not less than Twenty-five Thousand (\$25,000.00) Dollars. Provided, however, that in case of liability or compensation insurance all subscribers shall be engaged in the same class of business and have annual payroll in North Dakota of not less than Four Million (\$4,000,000.00) Dollars and a deposit with such attorney for the payment of losses not less than One Hundred Thousand (\$100,000.00) Dollars.

(h) A financial statement in form prescribed for the annual statement.

Sec. 4. That concurrently with the filing of the declaration provided for by the terms of Section 3, hereof, the attorney shall file with the Commissioner of Insurance of this state an instrument in writing executed by him for said subscribers conditioned that upon issuance of Certificate of Authority provided for in Section 10 hereof, action may be brought in the county in which the property insured hereunder is located, or in which the accident insured against occurred, and service of process may be had upon the Commissioner of Insurance of this state in all suits in this state arising out of such policies, contracts or agreements, which service shall be valid and binding upon all subscribers exchanging at any time Reciprocal or Inter-Insurance contracts through such attorney. Three copies of such process shall be served and the Commissioner of Insurance shall file one copy, forward one copy to said attorney and return one copy with his admission of service. A judgment rendered in any such case where service of process has been so had upon the Commissioner of Insurance of this state shall be valid and binding against all such subscribers, as their liability may appear and such judgment may be satisfied out of the funds in the possession of the attorney belonging to such subscribers.

Sec. 5. That there shall be filed with the Commissioner of Insurance by such attorney whenever the Commissioner of Insurance shall so require, a statement under the oath of such attorney showing in the case of fire insurance the maximum amount of indemnity upon a single risk and no subscriber shall assume on any single fire insurance risk a greater amount than Ten (10%) per centum of the net worth of such subscriber.

Sec. 6. RESERVE FUND.) There shall at all times be maintained as a reserve a sum in cash or convertible securities equal to fifty per cent of the net annual deposits collected and credited to the accounts of the subscribers on policies having one year or less to run and prorata on those for longer periods. Net annual de-

posits shall be construed to mean the advance payments of subscribers after deducting therefrom the amounts specifically provided in the subscriber's agreements, for expenses. Said sum shall at no time be less than Twenty-Five Thousand (\$25,000.00) dollars, and if at any time fifty per cent of the deposits so collected and credited shall not equal that amount, then the subscribers, or their attorney for them, shall make up any deficiency.

Sec. 7. Such attorney shall, within the time limited for filing the annual report by insurance companies transacting the same kind of business, make a report to the Commissioner of Insurance for each calendar year showing the financial condition of affairs at the office where such contracts are issued and shall furnish such additional information and reports as may be required to show the total premiums or deposits collected, the total losses paid, the total amounts returned to subscribers and the amounts retained for expenses, provided, however, that such attorney shall not be required to furnish the names and addresses of any subscribers. The business affairs and assets of such organization shall be subject to visitation and examination by the Commissioner of Insurance of this state at the expense of the office examined. Provided, however, that where the principal office of the attorney is located in another state, the Commissioner of Insurance of this state, in lieu of an examination conducted by his own Department as provided for in this Section, may accept a certified copy of the report of examination made by the Insurance Department of the State where the principal office is located or by the Insurance Department of any other State.

Sec. 8. That any corporation now or hereafter organized under the laws of this State shall, in addition to the rights, powers and franchises specified in its Articles of Incorporation have full power and authority as a subscriber to exchange insurance contracts of the kind and character herein mentioned. The right to exchange such contracts is hereby declared to be incidental to the purposes for which such corporations are organized and as fully granted as the rights and powers expressly conferred upon the corporations.

Sec. 9. That any attorney who shall exchange any contracts of indemnity of the kind and character specified in this Act, or any attorney or representative of such attorney, who shall solicit or negotiate any applications for same without the attorney first complying with the foregoing provisions, shall be deemed guilty of a misdemeanor and on conviction thereof shall be subject to a fine of not less than One Hundred (\$100.00) Dollars or more than One Thousand (\$1,000.00) Dollars. For the purpose of organization and upon issuance of permit by the Commissioner of Insurance, powers of attorney may be solicited without license, but no attorney, agent or other person shall effect any such con-



tracts of insurance until all the provisions of this Act shall have been complied with.

Sec. 10. That upon compliance with the foregoing requirements and the payment of the fees and taxes provided for in this Act, the Commissioner of Insurance of this State shall issue a Certificate of Authority to the attorney in the name and title mentioned in Sub-division "a", Section 3 of this Act. The Commissioner of Insurance may revoke or suspend any Certificate of Authority issued hereunder in case of breach of any of the conditions imposed by this Act after reasonable notice has been given such attorney in writing so that he may appear and show cause why such action should not be taken. Any attorney who may have procured a Certificate of Authority hereunder may have same renewed annually thereafter at the time provided for the issuance of renewal certificates to insurance companies. Provided, however, that any Certificate of Authority issued shall continue in force and effect until a new Certificate of Authority is issued or specifically refused.

Sec. 11. That such attorney, in lieu of all other taxes and fees, state, county or municipal of whatever character in this state, shall pay annually to the state, on account of the transaction of such business in this state, a license fee of Fifteen (\$15.00) Dollars and a tax of Two and One half (2½%) per centum of the gross premiums or deposits collected from subscribers in this state after deducting therefrom all sums returned to such subscribers or credited to their accounts other than for losses.

Sec. 12. In all other respects companies organized under the provisions of this Act shall be subject to the provisions of the general laws of the State of North Dakota relating to such insurance companies.

Section 13. All Acts and parts of Acts insofar as they are in conflict with the provisions of this Act are hereby repealed.

Approved March 7, 1919.

#### CHAPTER 158.

(S. B. No. 48—Church.)

#### STATE BONDING FUND.

An Act to Amend and Re-enact Chapter 62, Laws of North Dakota for the Year 1915; to Create a State Bonding Fund; Providing for the Maintenance and Limiting the Expense Therefor; Prescribing the Duties of the Officers Connected Therewith; Providing for the Payment of Premiums and of Indemnities; Providing for Presentation and Allowance of Claims and Fixing Limitations of Actions Thereon; and Providing for Adjustment of Premiums; Providing for Transfer of Funds and Records and Assuming Liabilities Under the Previous Act.

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

Sec. 1. That Chapter 62 of the Session Laws of North Da-

kota for the year 1915 be amended and re-enacted to read as follows:

Sec. 1. A state bonding fund is hereby established, under the management of the Commissioner of Insurance herein called "Commissioner" for providing a fund for the bonding of all officers, deputies and employees, herein called "public employees", of the State or of any of its subdivisions, who are required by any law of this state to be bonded.

Sec. 2. On or before the time any such public employee shall take office and assume his duties, the State Auditor, County Auditor, City Auditor, village clerk, town clerk or school district clerk, as the case may be, shall report to the Commissioner, the fact of the election or appointment and the amount of the bond required of such public employee and shall therewith remit by check, draft or express or postal money order the premium herein required.

Sec. 3. Such report shall be made in such form and manner as the Commissioner shall prescribe. Unless such report with payment of the premium shall be made within ten days after the service of such public employee has begun, the officer or officers whose duty it shall be to make such report and payment shall, during the term of such default on his or their part, by force of this Act, be liable as sureties on the bond of such public employee, with the same effect and to the same extent as if said bond had been duly signed, approved and filed as otherwise provided by law. In addition thereto any officer guilty of such default shall be liable to punishment for a misdemeanor. No compensation shall be paid to any public employee unless such report and payment shall have been made to the Commissioner or a bond shall have been filed in lieu thereof as provided in this Act.

Sec. 4. The premiums for such insurance shall be twenty-five cents per year per hundred dollars of the amount of the required bond. Such premium shall be paid in advance by the proper authorities of the state or any of its subdivisions from its respective treasurers to the State Treasury, who shall keep the same in a fund to be known as a "state bonding fund" and who shall issue quadruple receipts therefor, one to be filed in his office, and one each, to the official making such payment, the Commissioner and the State Auditor. The minimum premium for each public employee shall be \$2.50 per year. Unless the term of office or employment shall be for a shorter period, payments shall be made for one year or for such longer terms as the Commissioner may prescribe.

Sec. 5. The state and each political subdivision, as the case may be, shall be insured in said state bonding fund according to the provisions of this Act, automatically without issue of any bond or further action on the part of said Commissioner. The provisions of this Act and of any statute requiring a bond, shall

constitute the bond of each and every public employee for the purpose of any law of this state requiring such bond and shall constitute the entire contract between the state bonding fund and the state or its political sub-divisions respectively as the obligee in any such bond.

Sec. 6. The condition of such bond shall be that such public employee, as principal, shall faithfully and impartially discharge and perform the duties of his said office or employment including such duties as are or may be imposed upon him by law, and shall render a true account of all moneys and property of every kind that shall come into his hands as such public employee, and pay over and deliver the same according to law.

Sec. 7. Immediately upon, and in no event later than sixty days after, the discovery of any default or wrongful act on the part of any public employee for which the state bonding fund is or may become liable, the State Auditor, county auditor, city auditor, village, township or school district clerk or the treasurer in case such officer is the auditor or clerk, and any other officer having supervision of such public employee shall, and any person injured by such default or wrongful act may, file with the Commissioner a claim against the State Bonding Fund. Such claim shall contain an abstract of the facts upon which it is based, and shall be verified by the claimant or by some one in his or its behalf.

Sec. 8. In case any public employee shall default or create a liability against said State Bonding Fund, the Commissioner shall notify the State Examiner who shall immediately check the accounts of such public employee and file a report with the Commissioner, stating the amount if any due from the State Bonding Fund. For such service he shall be paid out of the State Bonding Fund the same fees as he is paid for examining the accounts of county officers.

Sec. 9. All claims against the State Bonding Fund shall be audited by the board consisting of the Commissioner of Insurance, the State Examiner, and the Attorney General, and such persons are hereby created a board to audit all claims arising under this Act. Such board shall have authority to prescribe the forms upon which claims shall be presented, and may administer oaths and examine witnesses in connection with claims presented to them. If the said board of audit shall find a claim of any part thereof to be a valid, just and proper charge against the said State Bonding Fund, they shall make and file an order to that effect, stating the amount allowed upon such claim. A brief description of every claim filed against the State Bonding Fund shall be entered by the Commissioner of Insurance in a register provided for that purpose, showing the name of the claimant, the amount, and the character of the claim, the action taken by the board of audit, and the date thereof.

No action shall be maintained against the State Bonding Fund upon any claim whatever, until the claim has been first presented for allowance as hereinbefore provided, and allowance thereof refused; provided, however, that the neglect or refusal of the board of audit to act upon any claim for a period of sixty days after its presentation for allowance, shall be deemed a refusal of the claim.

No action shall be maintained against the State Bonding Fund upon any claim unless such action is brought within one year after the filing of the claim with the Commissioner of Insurance.

All claims and papers connected with claims shall be filed and remain on file with the Commissioner of Insurance; and all claims against the State Bonding Fund shall be paid upon warrants drawn by the Commissioner of Insurance upon the State Treasurer against the State Bonding Fund.

Sec. 10. Any person or corporation injured by the default or wrongful act of any such public employee may sue such public employee and join the State Bonding Fund as co-defendant, and in case judgment is obtained against such public employee, the judgment shall further specify that such judgment shall be paid out of any funds on hand in the State Bonding Fund, or that may thereafter accrue to such fund. In case a judgment is paid out of the State Bonding Fund in any such action, the State Bonding Fund shall be subrogated under the judgment to the right of the judgment creditor to recover against such public employee. In all proceedings to enforce such right of subrogation the Commissioner shall act for and in behalf of the State Bonding Fund, and may in any action or proceeding appeal from any appealable order or from any judgment against said State Bonding Fund the same as is provided for other parties to civil actions.

Sec. 11. If at any time, the Commissioner shall be of the opinion that the interests of the State Bonding Fund are jeopardized by the misconduct or inefficiency of any public employee, he shall make or request the State Examiner to make an examination, and if necessary cause an action for an accounting to be instituted against such public employee for the purpose of requiring a complete disclosure of the business of the office of which such official is an incumbent. Such action shall be brought in the name of the Commissioner as plaintiff and the court may in such action interplead all parties concerned. If at any time the Commissioner deems it advisable, it shall be his duty to make a complaint to the Governor, requesting the Governor to institute an investigation with the purpose of removing from office any defaulting official or any official who so conducts the affairs of his office as to endanger the State Bonding Fund.

Sec. 12. The Commissioner may, after due investigation if

in his judgment the interests of the State Bonding Fund require such action, cancel the liability of the Bonding Fund for the acts of any public employee, to take effect thirty days after written notice of such cancellation. In such case the official whose insurance is cancelled may secure a bond executed either by private surety or by a duly authorized company.

Sec. 13. The Commissioner shall immediately notify the public employee of such cancellation by registered mail, and the public employee shall have twenty days after the receipt of such notice within which to take an appeal from such decision of the commissioner to the district judge of the judicial district in which the public employee resides. The judge of said court shall hear such appeal at a day to be fixed by him not less than ten nor more than thirty days after the filing of the appeal with the clerk. The case shall be tried by the court without a jury. Notice of such appeal shall be served by the appellant upon the Commissioner.

Sec. 14. Any person elected or appointed to office may furnish in lieu of such insurance provided for in this Act, a bond by personal sureties or by a surety company, but no officer or board of the state or of any county, city, town, village, school district or township shall have the right to pay for any such bond or bonds out of any public funds, except for such bonds as are procured to replace insurance cancelled by the Commissioner or to cover the excess over the amount carried in the State Bonding Fund.

Sec. 15. The State Treasurer shall deposit the State Bonding Fund in approved State depositories at the usual rate of interest paid on other funds of the state, subject to check, but whenever there is in such checking account more than \$10,000 the State Treasurer shall deposit same upon time certificates of deposit drawing the same rate of interest as other state funds deposited upon time certificates, or he may invest such funds in securities in which school funds of the state are authorized to be invested.

Sec. 16. The Commissioner shall on or about the first day of January in each year, publish in four newspapers of general circulation within the state a copy of the statement of his work and of the condition of the State Bonding Fund during the preceding year, and he shall make a biennial report to the Governor and the Legislative Assembly containing a detailed statement of the work and the condition of said Bonding Fund during the preceding biennial period.

Sec. 17. The Commissioner may reinsure any part of any liability in excess of \$25,000 upon any one public employee at a cost not exceeding the rate of premium herein provided for, and the expense of such reinsurance shall be paid out of the State Bonding Fund.

Sec. 18. The Commissioner shall have authority to employ such clerical and other assistance and fix their compensation, and incur and pay such other expenses as may be necessary, the cost of which shall be paid from the State Bonding Fund upon warrants drawn by the Commissioner upon the State Treasurer and against the State Bonding Fund and shall in no event exceed ten per cent of the amount received into such fund in any calendar year.

Sec. 19. All the records and funds heretofore acquired, under the provisions of Chapter 62 of the laws of North Dakota for year 1915, shall be hereafter administered under the terms of this Act and all liabilities incurred or assumed under the provisions of said Act are hereby assumed under the provisions of this Act.

Sec. 20. It is hereby made the duty of the Attorney General to act as attorney for the Commissioner in any and all actions and proceedings to which the Commissioner is a party on behalf of the State Bonding Fund.

Sec. 21. Should any section or provision of this Act be decided by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof, other than the part so decided to be unconstitutional.

Sec. 22. All Acts and parts of Acts insofar as they conflict with the provisions of this Act are hereby repealed.

Sec. 23. This Act is hereby declared to be an Emergency Measure and shall be in full force and effect after its passage and approval.

Approved March 5, 1919.

## CHAPTER 159.

(S. B. No. 32—Cahill.)

### STATE FIRE AND TORNADO FUND.

**An Act Creating and Establishing a State Fire and Tornado Fund for Insurance on Public Buildings of the State of North Dakota, and of Cities, Counties and Other Political Subdivisions Thereof; Fixing the Powers and Duties of the Commissioner of Insurance in Connection Therewith; Providing for the Maintenance Thereof; Providing for the Adjustment and Payment of Losses; Authorizing the Commissioner to Employ all Necessary Employees and Incur and Pay Such Other Expense as May be Necessary; Authorizing the Commissioner to Purchase Other Insurance on Large Risks; Limiting the Amount of Expense Which May be Incurred; and Repealing all Acts in Conflict Herewith.**

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

Sec. 1. STATE BUILDINGS INSURED.) On and after August 1st, 1919, no officer or agent of this state and no person or persons having charge of any public buildings or property of the state

shall pay out any public moneys or funds on account of any insurance against loss by fire or tornado or shall in any manner contract for or incur any indebtedness against the state on account of any such insurance upon any of the public buildings, furniture or fixtures or property of any kind whatever belonging to the state except in the manner hereafter provided.

Sec. 2. REPORT OF STATE BUILDINGS.) Within thirty days after the passage of this Act each officer, Board of Control, Board of Regents, 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 each policy of insurance which shall be then in force upon any property of any kind belonging to the state, showing in said report the property covered by such insurance, date of expiration of policy, rate of insurance and amount paid.

Sec. 3. INSURANCE PROVIDED.) On or between July 1st and August 1st, 1919, and annually thereafter, the Commissioner shall provide for the insurance in the State Fire and Tornado Fund of all state property subject to destruction by fire or tornado, for an amount not to exceed ninety per cent of the actual value of the property, as such value is determined by the Commissioner and the officer or board having control of such property. The Commissioner shall first determine the insurable value of each article of property and shall fix the rate of premium which, in his opinion is the average rate charged by responsible fire and tornado insurance companies doing business in this state and issuing policies on property of similar kinds and exposed to risk of fire or tornado in like manner. He shall then ascertain the amount of insurance upon all such property and provide for such additional insurance in the State Fire and Tornado Fund as may be necessary.

Sec. 4. PREMIUMS TO BE PAID.) The Commissioner of Insurance shall, as soon thereafter as possible, certify to the State Auditor the amount of insurance upon such property to be carried by the state, with a statement showing the amount of premium, also the name and location of each building, and a list of the class of property contained therein, and it shall be the duty of the State Auditor to issue a state warrant on the State Treasurer for the payment of premiums so certified to the Commissioner of Insurance for the benefit of and to the credit of the State Fire and Tornado Fund and which shall be used only for the purposes provided for in this Act.

Sec. 5. REPORT ON OTHER BUILDINGS.) On or before August 1st, 1919, and annually thereafter, each county auditor, city auditor, town, village and school district clerk, as the case may be, shall report to the Commissioner each policy of insurance which shall then be in force upon any property of any kind be-

longing to the county, city, village or school district, whether under the control of such board or council or any other board, officer or agent, describing the property covered by such policy, stating the date of the issue and the expiration thereof, and the amount and rate of insurance and premium thereon.

Sec. 6. INSURANCE PROVIDED. PREMIUM.) From and after August 1st, 1919, the insurance on all property of any such county, city, town, village or school district, shall be provided for by the Commissioner in the manner provided for the insurance of property of the state, except that the amount of insurance and the premiums thereon shall be certified by the Commissioner to the clerk or auditor of the town, village, city, county or school district. Upon receipt of such certification, the amount of premium so certified shall, on or before sixty days from the date of such certification, be remitted by the proper officer to the Commissioner of Insurance to be by him deposited with the State Treasurer to the credit of the State Fire and Tornado Fund and which shall be used only for the purposes provided for in this Act. In case of failure to pay the same within sixty days from the date of such certification, the town, village, city, county or school district official or officials responsible therefor, shall become jointly and severally, as the case may be, personally liable for the same, in an amount equal to double the premium due from such town, village, city, county or school district, and in case of such default it shall be the duty of the State Insurance Commissioner to notify the Attorney General, who shall bring an Action in the courts of this state, or shall direct the State's Attorney of the county in which such delinquency occurs to bring such action, to recover the amount hereinbefore provided for.

Sec. 7. REPLACEMENT OF POLICIES.) The Commissioner shall not cause any policies to be cancelled which are in effect on August 1st, 1919, but shall provide for the insurance in the State Fire and Tornado Fund of buildings and property as hereinbefore stated, increasing the amount of insurance in the State Fire and Tornado Fund at such times as the policies existing on above date may from time to time require so as to maintain at all times the amount of insurance required by the provisions of this Act.

Sec. 8. LOSSES. HOW PAID.) All losses by fire and tornado shall be paid out of the State Fire and Tornado Fund in amount not exceeding the amount of insurance upon the particular risk. The losses upon any building or property insured in the State Fire and Tornado Fund, either totally destroyed or partially damaged by fire or tornado, shall be adjusted by the State Commissioner of Insurance or his representative by him duly authorized. Immediately upon the happening or occasion of any loss or damage, the officer, Board of Control, Board of Regents, agents or agency having charge or control of the property des-



troied or damaged, shall, by telegram or in writing, notify the Commissioner of Insurance, giving the description of the property, the amount of insurance carried, the probable amount of loss or damage and the probable cause of loss or damage. The persons or agency having control of such damaged property shall not disturb the same until the Commissioner of Insurance or his agent shall have appeared and adjusted the loss or shall have notified them that the information on which an adjustment it to be made has been secured. Adjustments and allowances for loss and damage to insured property shall be paid out of the State Fire and Tornado Fund upon warrants drawn by the Commissioner of Insurance upon the State Treasurer against the State fire and tornado Fund.

However, if at any time sufficient funds are not available in the State Fire and Tornado Fund to cover any loss or damage sustained by fire or tornado, the person or board under whose supervision or charge such building or property might be, shall submit to the Commissioner of Insurance a claim for the amount of the adjustment of loss or damage, made by him, which claim when approved by the Commissioner of Insurance, shall be by him submitted to the state auditing board, and if the state auditing board shall approve the same it shall make it payable ninety days after the end of the next session of the legislature, it shall bear interest at 5 per cent per annum, and the state auditor shall, on the ninetieth day succeeding the last day of the next session of the legislature, draw a warrant upon the State Treasurer, against any fund appropriated by such legislature for that purpose, payable to such person or board, as trustee for the state or political subdivisions which they represent, in the amount of such claim with interest. Thereafter, whenever the State Fire and Tornado Fund shall have acquired a surplus sufficient to pay any or all of the claims paid out of such special funds of the state, the Commissioner of Insurance shall draw his warrants upon the State Treasurer, against the State Fire and Tornado Fund, payable to the State Treasurer, and deliver same to the State Treasurer, and the amount of said warrants shall be credited to the general fund of the State.

Sec. 9. READJUSTMENT OF RATES.) If and when the State Fire and Tornado Fund shall equal ten per cent of the risks carried, it shall be the duty of the Commissioner of Insurance to so adjust the premium to be paid as to reduce the amount to the lowest possible amount consistent with maintaing said Fire and Tornado Fund at said per cent.

Sec. 10. ARBITRATION OF LOSS.) In case an agreement as to the amount of the loss cannot be arrived at between the Commissioner of Insurance and the person or board representing the State or the political subdivision, the Commissioner of Insurance shall choose one disinterested person, and the person or

board representing the state or political subdivision shall choose one disinterested person; the two thus chosen shall choose a third disinterested person, and the three shall constitute a board of arbitration to determine the amount of the loss or damage and the finding of the majority of the three thus appointed, as to the amount of the loss or damage, shall be final and binding upon all parties.

Sec. 11. EXPENDITURES.) The Commissioner may employ the state fire marshal and any of the employes in the department of insurance and such other assistance, and incur such expense as may be necessary to carry out the provisions of this act, but all the expenditures made hereunder for such purposes shall be paid out of the state fire and tornado fund, upon the warrant of the Commissioner of Insurance drawn upon the State Treasurer against the State Fire and Tornado Fund, and such expenditures shall not exceed ten per cent of the earned premiums paid into said State Fire and Tornado Fund.

Sec. 12. PROPERTY EXEMPT.) The provisions of this act shall not apply to the property of any town or school district located outside of the incorporated limits of any city or village unless the clerk of the town or school district, at the direction of the town or school board, as the case may be, shall file with the Commissioner written application for such insurance that such town or school district come under the provisions of this Act, and unless such application shall be approved, in writing, by the Commissioner of Insurance.

Sec. 13. LIMITATION OF RISK.) No single risk in an amount greater than one hundred thousand dollars shall be carried by the State Fire and Tornado Fund within the period of five years after this act goes into effect: but the Commissioner of Insurance shall, in all cases of risks exceeding the amount of one hundred thousand dollars, insure such risk, up to one hundred thousand dollars, in the State Fire and Tornado Fund, and all insurance exceeding that amount he shall place with some reliable fire and tornado insurance company or companies. He shall collect from the state or the political subdivision thereof, the entire premium for all of 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.

Sec. 14. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 6, 1919.

## CHAPTER 160.

(S. B. No. 47—Insurance Committee.)

## HAIL INSURANCE.

An Act Amending and Re-enacting Sections 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 189A, Compiled Laws of North Dakota, 1913, as Amended by Chapter 166 of the Session Laws for the Year 1915, Establishing a System of Hail Insurance and Hail Insurance Department in the Office of the Commissioner of Insurance; Providing for the Maintenance Thereof and for the Employment and Compensation of a Manager, Chief Inspector, Deputy Inspectors, Adjusters and all Other Help; Levying a Flat Acreage Tax on all Tillable Land and Authorizing the Commissioner to Levy an Indemnity Acreage Tax on all Tillable Land in Crop, which shall be a Lien Upon Such Land, and for the Collection Thereof; Defining the Duties and Compensation of Assessors, the Duties of Treasurers, Auditors and Other Officers; for the Withdrawal of Tillable Land in Crops from the Indemnity Tax; for the Creation of a Hail Insurance Fund; Appropriating all Taxes Levied Herein for the use of Such Hail Insurance Fund; for the Adjustment and Payment of Losses by Hail from Such Fund, and all Other Expenses of the Department; for the Issuance of Warrants; and Appropriation to Carry this Act Into Effect; Providing Penalties and Declaring an Emergency; and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

That Sections 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189 and 189A, Compiled Laws of North Dakota for 1913, as amended by Chapter 166 of the Session Laws of North Dakota for the year 1915, be amended and re-enacted to read as follows:

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

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

Sec. 3. COMMISSIONER TO EMPLOY HELP.) The Commissioner of Insurance shall have authority to employ all necessary assistants, to provide for and furnish all necessary supplies, to appoint a manager, subject to the approval of the Governor, and a chief inspector and such other deputy inspectors as may be necessary to carry out the provisions of this Act; to appoint a chief clerk and as many adjusters and assistants as may be necessary to adjust all claims for losses from hail. The Commissioner of Insurance shall designate the duties and fix the com-

pensation of all such employees, and may remove any or all of them with or without cause. Such compensation, together with all other expenditures for the operation and maintenance of the Hail Insurance Department, shall remain within the appropriation and surplus lawfully available in each year for such purposes, and shall not exceed the sum of Fifty Thousand Dollars per annum. The Commissioner of Insurance shall pay all salaries and expenses of the Department after March 1, 1920, and reimburse the general fund of the State, out of the Hail Insurance Fund, for all money appropriated, expended or disbursed on behalf of such Department.

Sec. 4. **REPORTS AND RULES.**) The Commissioner of Insurance shall keep accurate account of all moneys expended and disbursed by the Department and shall, not later than the first day of July of each year, prepare and file with the Governor a printed report of the activities of said department; and he shall prepare all other forms and blanks necessary or convenient in accomplishing the purposes of this Act. The Commissioner of Insurance shall have power and authority to adopt, establish and promulgate all rules and regulations necessary for the purpose of carrying out the provisions of this Act, and shall cause this Act and the rules established hereunder to be printed and distributed for general information.

Sec. 5. **CROPS INSURED.**) The crops insured under this Act shall consist of all crops grown on cultivated land actually cropped, subject to and paying the taxes herein specified, provided that no loss shall be allowed or paid for damage to crops after they have been harvested or that occur after the 15th day of September of any year.

Sec. 6. **FLAT TAX.**) There is hereby levied for the year 1919 and each year thereafter, upon each and every acre of tillable land in this State a flat tax of three cents per annum for the purpose of carrying out this Act; provided that lands used exclusively for public roads, rights of way of common carriers, mining or manufacturing purposes, and lands included within the limits of any incorporated city, town or village, shall be exempt from such tax.

Sec. 7. **INDEMNITY TAX.**) The Commissioner of Insurance shall, on or before the 10th day of October of each year, ascertain the amount which is required in addition to the amount secured by said flat acreage tax for the total payment of all loss caused by hail to crops insured by the Department, plus the total cost of maintaining and operating said Department, together with a sufficient sum to maintain and operate same for the succeeding year, and shall thereupon, for the purpose of securing and paying the same, levy an indemnity acreage tax sufficient to cover said amount on all actually cultivated and cropped land (except hay and meadow land) not withdrawn from the operation of this

Act, as hereinafter specified; provided that the total amount of said indemnity tax shall not exceed in any one year the sum of fifty cents per acre.

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

Sec. 9. DUTY OF ASSESSORS.) It shall be the duty of every county and township assessor in his respective district at the time of listing property for assessment, to return the number of tillable acres in every tract, parcel or sub-division of land subject to taxation, together with the name of the person in whose name the land is taxed, and also the number of acres of such land, if any, in crop or to be sowed or planted to crop during such year, and shall return and file same with the County Auditor of such County on or before the 1st day of June of each year. Such assessor in addition to the compensation allowed by law shall receive the sum of five cents for each one hundred acres or fraction thereof listed by any assessor under the provisions of this Act. Such compensation shall be paid out of the Hail Insurance Fund on vouchers issued by the Commissioner and approved by the State Auditor.

Sec. 10. COLLECTION OF TAXES.) All provisions of law with reference to lien and collection of taxes shall apply to the taxes herein specified. As often as ten per cent of the Hail Insurance tax due in each county shall come to the hands of the County Treasurer, he shall remit same to the State Treasurer and at the same time mail a statement of the amount remitted to the Commissioner of Insurance.

Sec. 11. CROP AFFIDAVIT.) Any owner or his agent or the occupant or tenant of any land insured by the provisions of this Act shall make an affidavit that the land so insured is actually cultivated and in crop or intended to be cultivated and to be put into crop. Such affidavit shall contain a legal description of the land together with the number of acres claimed as cropped land and in case of any loss by hail, such owner shall be bound by said affidavit as to the number of acres cropped. Such affidavit shall be made in duplicate and may be sworn to before the assessor or any person authorized to administer oaths, and shall be left with the assessor, who shall file same with the County Auditor on or before the 1st day of June of each year. If the owner be absent or refuses or neglects to furnish such affidavit the assessor shall certify the number of acres cropped, the description of the said land and the name of the owner, and file

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

Sec. 12. WITHDRAWAL.) Any owner of land liable to the indemnity tax herein provided for, may at any time prior to the 15th day of June in each year, withdraw any portion or all land owned by such person for the levy of said indemnity tax upon the making of an affidavit in duplicate, giving the legal description of the land, the number of acres withdrawn and stating that he desires to withdraw therefrom, and filing such affidavit with the Commissioner of Insurance, and a copy thereof with the County Auditor: provided that in case said land or any portion thereof is rented, such owner shall first procure the written consent of such tenant for such withdrawal: provided that the owner shall have a first lien upon all crops belonging to the tenant grown upon the land as security for the payment of said tax or the part of such tax properly chargeable against the tenant's share of such crop.

Sec. 13. FILING AFFIDAVITS BY COUNTY AUDITOR.) Each County Auditor shall file and keep the affidavits presented to him by assessors, and shall forward the duplicates thereof on or before the 1st day of July of each year, to the Commissioner of Insurance at Bismarek, together with a tabulated statement showing the total number of acres classified as tillable land and cropped land in his county. Any County Auditor who shall fail or neglect to make returns, statements and reports to the Commissioner of Insurance at the time specified in this Section shall forfeit the sum of Ten Dollars per day during the time he neglects to make such return, statements or reports and it shall be the duty of the Attorney General to proceed to collect the amount of such penalty from any delinquent Auditor.

Sec. 14. PENALTY FOR FALSE AFFIDAVIT.) Any person making a false affidavit or fraudulent affidavit under this Act shall, upon conviction thereof, be guilty of a misdemeanor.

Sec. 15. AMOUNT OF INDEMNITY.) The maximum indemnity to be paid for total loss shall be Seven Dollars per acre: provided that no indemnity shall be allowed to any claimant for the loss of less than ten per cent, and a loss of eighty-five per cent or more shall be deemed a total loss. There shall be no claim allowed for any loss or damage by hail to the crops described in this Act, except for such portion as is traceable to hail.

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

nity; the date of the loss and the per cent of the damage claimed. The Commissioner shall, as soon as possible after receiving such notice of loss, direct an official adjuster to visit the place of loss and proceed to estimate and adjust such loss.

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

Sec. 18. REPORT OF ADJUSTER.) After the final adjustment of every loss the adjuster shall then and there carefully fill out and make a report in duplicate on an adjustment blank, stating the county, township, range, number of section and quarter-section or sub-section thereof, on which crop was damaged or destroyed, also the number of acres and different kinds of grain estimated damaged or destroyed, stating the amount allowed for each separate kind and the name of the insured and that such estimate is true and correct. Such report must be signed by the official adjuster or arbitrators, when arbitration is resorted to, and the person whose loss has been adjusted with the residence and postoffice address respectively of the persons so signing. The official adjuster shall leave a copy of said report with the insured within a reasonable time, not to exceed five days, forward by registered mail the original of said report to the Commissioner of Insurance.

Sec. 19. DUTY OF MANAGER.) The manager shall devote



all of his time to the work of this department. A chief inspector shall be employed and appointed only if found necessary to successfully carry out the work of adjustment of claims. It shall be the duty of the manager to superintend and standardize the work of the adjusters in the allowance of claims, and where deputy adjusters are employed, to superintend their work.

Sec. 20. DIVERSE INTEREST IN CROP ) In case of diverse ownership of interest in any crop upon which damages are allowed, proof of the percentage of interest in the award shall be made to the Commissioner of Insurance by affidavit or other showing under such rules and regulations as the Commissioner may provide, and the award shall be disbursed to the owner of the land, tenant, or different claimants as their interest may appear.

Sec. 21. ISSUANCE OF WARRANTS ) Whenever the Commissioner of Insurance shall furnish to the State Auditor a certified list giving the losses sustained, together with the names and addresses, and a written acceptance of the amount allowed any claimant under the provisions of this Act, it shall be the duty of the State Auditor with the consent and approval of the Governor, in anticipation of the payment of the taxes provided therefor, to draw warrants upon the State Treasurer for said amounts in favor of such persons, which amounts shall be charged to the State Hail Insurance Fund. Such warrants to be mailed to the persons entitled thereto as shown by the certified list of the Commissioner of Insurance. All such warrants to be paid from the State Hail Insurance Fund and shall draw interest from date of issue at the rate of six per cent per annum until due and payable. Such warrants shall become due and payable on the call of the State Treasurer.

Sec. 22. INDEMNITY EXEMPT FROM GARNISHMENT.) The indemnity provided for herein shall be exempt from garnishment, levy, execution, attachment and any other legal process whatsoever, but may be assigned in such manner and form as the Commissioner of Insurance may determine.

Sec. 23. HAIL INSURANCE FUND.) All moneys collected under the provisions of this Act shall be deposited with the State Treasurer and shall be kept in a separate fund to be designated "State Hail Insurance Fund," and all expenses of conducting the department and all losses provided for under the provisions of this Act shall be paid out of said fund, as hereinbefore provided; and all of said moneys so collected are hereby appropriated for the purpose of carrying out the provisions of this Act.

Sec. 24. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, for the purpose of creating a Hail Insurance Department and the carrying out of this Act, the sum of Fifty Thousand Dollars.

Sec. 25. All funds and records belonging to the State Hail



Insurance Fund and remaining on hand with the State Treasurer and the Commissioner of Insurance shall automatically be transferred to and become a part of the fund created under this Act immediately upon its passage and approval.

Sec. 26. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 27. EMERGENCY.) This is hereby declared to be an Emergency Measure and shall be in force from and after its passage and approval.

Approved March 1, 1919.

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## CHAPTER 161.

(H. B. No. 59—Marshall.)

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### TEACHER INSURANCE AND RETIREMENT FUND.

An Act Amending and Re-enacting Sections 1505, 1507, 1517, 1518, 1520, 1521, 1523, 1524 and 1528 of the Compiled Laws of the State of North Dakota for the Year 1913 and Amending and Re-enacting Sections 1506 and 1513 of the Compiled Laws of the State of North Dakota for the Year 1913 as Amended by Chapter 140 of the Session Laws of the State of North Dakota for the Year 1915, Relating to and Extending the Provisions of the Teachers' Insurance and Retirement Fund.

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

Sec. 1. That Section 1505 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1505. In becoming a teacher in any said public schools after January 1st, 1914, he or she shall be conclusively deemed to join the fund and to undertake and agree to pay such assessments and have such assessments deducted from his or her salary as herein stated. In becoming a teacher in any State Institution after January 1st, 1920, he or she shall be conclusively deemed to join the fund and to undertake and agree to pay such assessments and to have such assessments deducted from his or her salary as herein provided.

Sec. 2. That Section 1506 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Section 2 of Chapter 140 of the Session Laws of North Dakota for the year 1915, be amended and re-enacted to read as follows:

Sec. 1506. Any person employed as teacher in said public schools when this Act takes effect may at any time before January 1st, 1920, elect to join the fund and to come within the provisions of this Act by notifying in writing the Board of Trustees of the Teachers' Insurance and Retirement Fund before January 1st, 1920. Any person employed as a teacher in any State Institution when this Act takes effect, may at any time

before January 1st, 1920, elect to join the fund and to come within the provisions of the Teachers' Insurance and Retirement Fund by notifying in writing the Board of Trustees of such fund before January 1st, 1920.

Sec. 3. That Section 1507 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1507. At the time of giving said notice to the board of trustees, as herein provided, such teacher shall notify the local school board, State Board of Regents or other managing body, in writing of his or her election to come within the provisions of this article and shall authorize said board or other managing body, as a part of said notice, to deduct from each payment of salary due him or her, a sum equal to said per centum of such payment as provided in Section 1504.

Sec. 4. That Section 1513 of the Compiled Laws of the State of North Dakota for 1913, as amended by Section 4, of Chapter 140, of the Session Laws of North Dakota for the year 1915, be amended and re-enacted to read as follows:

Sec. 1513. Between the 15th day of July and the 1st day of August of each year, the County Treasurer shall transmit to the State Treasurer all moneys which he has received from the School Boards and from the Board of County Commissioners, in accordance with the provisions of this Act in the same manner that other moneys are transmitted to the State Treasurer, and shall certify under oath to the Board of Trustees of the Teachers' Insurance and Retirement Fund the amount so received and transmitted to the State Treasurer as herein provided. The Secretary or disbursing officer of the Board of Regents, or other managing body, shall likewise transmit to the State Treasurer all moneys which he has received from the deductions made from the salaries of teachers in accordance with the provisions of this Act, and he shall certify, under oath, to the Board of Trustees of the Teachers' Insurance and Retirement Fund the amount so received and transmitted to the State Treasurer. The State Auditor shall transmit to the State Treasurer all moneys and assessments received from the salaries of the State Superintendent, deputies, assistants and state school inspectors or supervisors. The State Treasurer shall credit all moneys received under the provisions of this Act to the fund designated as the Teachers' Insurance and Retirement Fund.

Sec. 5. That Section 1517 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1517. Any teacher coming from schools or state institutions not included in the provisions of this article, shall pay assessments for said years of service in such schools or state institutions, as provided in Section 1504, based upon his or her

first annual salary in said public schools of the state or state institutions of the state, together with the regular assessments as provided in Section 1504, before receiving any retirement annuity.

Sec. 6. That Section 1518 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1518. Any teacher who may be teaching in said public schools or state institutions and who has complied with the provisions of these sections, may retire and receive the annuity provided for in the following cases:

1. After a period or periods aggregating twenty-five years of service as teacher, of which eighteen years, including the last five, must have been spent in public schools of this state or state institutions of this state, provided that payments by said teacher to the fund shall have amounted to a sum as provided in Section 1504. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving said annuity.

2. After fifteen years of service as teacher in the public schools of this state or the state institutions of this state, when said teacher suffers from a permanent mental or physical disability to be determined by said board after an examination by two physicians appointed by said board, provided that payment by said teacher to the fund shall have amounted to a sum as provided in Section 1504. If said payments shall not have amounted to said sum, the teacher shall pay into the fund the deficiency before receiving the annuity. The examination fees of such physicians shall be paid by said applicant.

Sec. 7. That Section 1520 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1520. Any person who has complied with the provisions of this article, and desires to retire from active service in said public schools or state institutions, shall apply in writing to the board of trustees of the Teachers' Insurance and Retirement Fund.

Sec. 8. That Section 1521 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1521. Each teacher retiring from the service of said public schools or state institutions, under the provisions of Section 1518 shall annually and for life be entitled to receive as annuity a sum equal to one fiftieth of his or her annual salary for the last five years of service, multiplied by the whole number of years of service as teacher; provided, however, that his said annuity shall not exceed \$750.00 in any one year or be less than \$350.00 in any one year, subject, however, to all the provisions of this article.

Sec. 9. That Section 1523 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1523. Any teacher who shall cease to teach in said public schools or state institutions before receiving any benefit or annuity from the fund shall, if application be made in writing to the Board of Trustees within eighteen months after the date of his or her resignation, be entitled to the return of one-half of the amount, without interest, which shall have been paid into the fund by such teacher. If such teacher should again thereafter teach in said public schools or state institutions, he or she shall, within one year from the date of his or her return to the service of said public schools or state institutions, refund to said fund the amount so returned to said teacher, together with simple interest on said amount (but not to exceed four per cent per annum) for the time said amount was withdrawn from the fund.

Sec. 10. That Section 1524 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1524. The State Treasurer shall pay said annuities quarterly, in September, December, March and June of each year, upon the warrants of the State Auditor issued upon the certificates of the president or secretary of the said board. No payments shall be made prior to September, 1921, to any teacher employed in any state institution.

Sec. 11. That Section 1528 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted to read as follows:

Sec. 1528. The term "teacher", as used in this article, shall include all persons employed in teaching by any city board of education, school board or other managing body of any city, town, village or rural school district in this state, and all the superintendents and assistant superintendents of said schools, including state and county superintendents and their assistants, all supervisors of instruction, all state school inspectors or supervisors, all principals and assistant principals and special teachers of said schools, and all persons employed in teaching in any state institution and all superintendents and assistant superintendents of state institutions, and all supervisors of instruction, and all principals and assistant principals and special teachers of such institutions, and every person engaged as president of any such institution, provided, however, it shall not include persons connected with any professional school or college of such state institution as lecturers, who are engaged in the practice of their respective professions and with whom teaching is merely an avocation.

The term "state institution" as used in this article shall include the State University of North Dakota, State Agricultural

College, County Agricultural and Training Schools, State Normal Schools, State School of Forestry, State School of Science, North Dakota School for the Blind, North Dakota School for the Deaf, State Institution for Feeble Minded, and State Training School.  
Approved March 5, 1919.

## CHAPTER 162.

(H. B. No. 56—Malone.)

### WORKMEN'S COMPENSATION FUND.

An Act Creating the North Dakota Workmen's Compensation Fund, for the Benefit of Employees Injured and the Dependents of Employees Killed in Hazardous Employment; Fixing the Duties and Liabilities of Employees and Employers; Creating the Workmen's Compensation Bureau and Prescribing its Powers and Duties; Providing for Expenditures Hereunder and Limiting the Amount Thereof; and Making an Appropriation Therefor.

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

Sec. 1. The State of North Dakota, exercising herein its police and sovereign powers, hereby declares that the prosperity of the state depends in a large measure upon the well-being of its wage workers, and, therefore, for workmen injured in hazardous employments, and their families and dependents, sure and certain relief is hereby provided regardless of questions of fault and to the exclusion of every other remedy, proceeding or compensation, except as otherwise provided in this Act: and to that end all civil actions and civil causes of action for such personal injuries and all jurisdiction of the courts of the state over such causes are hereby abolished, except as in this Act provided.

Sec. 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 any 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.

"Employer" means the state and all political subdivisions thereof, and all public or quasi-public corporations therein, and every person, partnership, association and private corporation, in-

cluding any public service corporation, and the legal representative of any deceased employer, or the receiver or trustee of a person, partnership, association or corporation, carrying on a hazardous employment.

"Injury" means only an injury arising in the course of employment, including an injury caused by the wilful act of a third person directed against an employee because of his employment, but shall not include injuries caused by the employee's wilful intention to injure himself or to injure another. If the employer claims an exemption or forfeiture under this section the burden of proof shall be upon him.

"Partial Disability" includes disfigurement resulting from an injury such as to diminish ability to obtain employment.

"Wages" shall include the market value of board, lodging, fuel, and other advantages which can be estimated in money which the employee receives from the employer as a part of his remuneration.

"Weekly wages" shall be computed in such a manner as is best calculated to give the average weekly earnings of the workman during the twelve months preceding his injury; provided that where, by reason of the shortness of the time during which the workman has been in the employment or the terms of the employment, it is impractical to compute the rate of remuneration, regard may be had to the average weekly earnings which, during the twelve months previous to the injury, were being earned by a person in the same grade of employment at the same work by the employer of the injured workman, or if there is no person so employed, by a person in the same grade employed in the same class of employment and in the same district. If a workman at the time of the injury is regularly employed in a higher grade of work than formerly during the year and with a larger regular wages, only such larger wages shall be taken into consideration in computing his average weekly wages.

"Child" 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 the decedent's wife living with or dependent for support upon him at the time of his injury. "Widower" includes only the decedent's husband dependent for support upon her at the time of her injury.



"Adopted" and "adoption" include only legal adoption prior to the time of the injury.

Any term shall include the singular and plural and both sexes where the context so requires.

Sec. 3. On and after July 1, 1919, it shall be the duty of the Workmen's Compensation Bureau hereinafter created to disburse compensation from the North Dakota Workmen's Compensation Fund to any employee subject to this Act for injury arising in the course of employment in accordance with the following provisions:

A. Immediately after an injury sustained by an employee and during the resulting period of disability, the North Dakota Workmen's Compensation Fund shall furnish to such employee such medical, surgical and hospital service and supplies as the nature of the injury may require.

B. During the first seven days of disability the employee shall not be entitled to compensation except as provided in the preceding paragraph, provided that if the period of disability exceeds seven days, compensation shall be paid from the date of injury.

C. If the injury cause total disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages.

D. If the injury cause temporary partial disability, the North Dakota Workmen's Compensation Fund shall pay to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds per cent of his loss in earning capacity.

E. If the injury cause permanent partial disability, the percentage which such disability bears to total disability, taking into consideration the employee's age and occupation, shall be determined and the North Dakota Workmen's Compensation Fund shall pay to the disabled employee a weekly compensation equal to sixty-six and two-thirds per cent of his weekly wages for the following periods:

	Weeks
For a one per cent disability.....	5.2
For a ten per cent disability.....	52
For a twenty per cent disability.....	104
For a thirty per cent disability.....	156
For a forty per cent disability.....	208
For a fifty per cent disability.....	260
For a sixty per cent disability.....	312
For a seventy per cent disability.....	364
For an eighty per cent disability.....	416
For a ninety per cent disability.....	468

The bureau shall immediately fix and file its schedule of specific benefits to be allowed for specific injuries. But such schedule shall not be changed more than once in each year. The bureau shall not decrease, but may, however, in any case, for cause shown, increase such specific benefits.

F. The weekly compensation for total disability shall not be more than \$20 nor less than \$6, unless the employee's weekly wages are less than \$6, in which case his weekly compensation shall be the full amount of his weekly wages. The weekly compensation for partial disability shall not be more than \$20. In the case of persons who at the time of the injury were minors or employed in a learner's capacity and who were not physically or mentally defective, the bureau shall, on any review after the time when the weekly wage-earning capacity of such person would probably, but for the injury have increased, award compensation based on such probable weekly wage-earning capacity.

G. If death results from the injury within six years the North Dakota Workmen's Compensation Fund shall pay to the following persons for the following periods a weekly compensation equal to the following percentages of the deceased employee's weekly wages, subject to the modification that no compensation shall be paid where death takes place more than one year after the cessation of disability resulting from such injury, or, if there has been no disability preceding death, more than one year after the injury:

a. To the widow, if there is no child, thirty-five per cent. This compensation shall be paid until her death or marriage. In case of marriage, there shall be paid to her a lump sum equal to 156 weeks' compensation.

b. To the widower, if there is no child, thirty-five per cent if wholly dependent for support upon the deceased employee at the time of her death. This compensation shall be paid until his death or marriage.

c. To the widow or widower, if there is a child, the compensation payable under the clause (a) or clause (b) and in addition thereto ten per cent for each child, not to exceed a total of sixty-six and two-thirds per cent for such widow or widower and children. The compensation payable on account of any child shall cease when he dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support.

d. To the children, if there is no widow or widower, twenty-five per cent for one child and ten per cent additional for each additional child, not to exceed a total of sixty-six and two-thirds per cent, divided among such children share and share alike. The compensation of each child shall be paid until he dies, marries or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The



compensation of a child under legal age shall be paid to its guardian.

e. To the parents, if one is wholly dependent for support upon the deceased employee at the time of his death and the other is not dependent to any extent, twenty-five per cent; if both are wholly dependent, twenty per cent to each; if one is or both are partly dependent, a proportionate amount in the discretion of the Bureau. The above percentages shall be paid if there is no widow, widower or child. If there is a widow, widower or child, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, and children, will not exceed a total of sixty-six and two-thirds per cent.

f. To the brothers, sisters, grand-parents, and grand-children, if one is wholly dependent upon the deceased employee for support at the time of his death, twenty per cent to such dependent; if more than one are wholly dependent, thirty per cent, divided among such dependents share and share alike; if there is no one of them wholly dependent, but one or more partly dependent, ten per cent divided among such dependents share and share alike. The above percentages shall be paid if there is no widow, widower, child or dependent parent. If there is a widow, widower, child or dependent parent, there shall be paid so much of the above percentages as, when added to the total percentages payable to the widow, widower, children and dependent parents, will not exceed a total of sixty-six and two-thirds per cent.

g. The compensation of each beneficiary under clause (e) may continue until such dependent parent dies, marries or ceases to be dependent, and the compensation of each beneficiary under clause (f) shall be paid for a period of eight years from the time of the death, unless before that time, he, if a grand-parent, dies, marries or ceases to be dependent, or, if a brother, sister, or grand-child, dies, marries, or reaches the age of eighteen, or, if over eighteen and incapable of self-support, becomes capable of self-support. The compensation of a brother, sister or grand-child under legal age shall be paid to his or her guardian.

h. Upon the cessation of compensation under this section to or on account of any person, the compensation or the remaining persons entitled to compensation for the unexpired part of the period during which their compensation is payable shall be that which such persons would have received if they had been the only persons entitled to compensation at the time of the decedent's death.

i. In case there are two or more classes of persons entitled to compensation under this section and the apportionment of such compensation, above provided would result in injustice, the Bureau may, in its discretion, modify the apportionment to meet the requirements of the case.

j. If any person entitled to compensation under this section whose compensation by the terms of this section ceases upon his marriage, accepts any payments of compensation after his marriage, he 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 \$30 nor less than \$18, but the total weekly compensation shall not exceed the weekly wages of the deceased.

H. In case of death or of permanent total or permanent partial disability, and if the Bureau determines that it is for the best interest of the beneficiary, the liability for compensation to such beneficiary may be discharged by the payment of a lump sum equal to the present value of all future payments of compensation computed at four per cent discount compounded annually. The probability of the beneficiary's death before the expiration of the period during which he is entitled to compensation shall be determined according to the American Experience Table of Mortality; but in case of compensation to the widow or widower of the deceased employee, such lump sum shall not exceed 416 weeks' compensation. The probability of the happening of any other contingency affecting the amount or duration of the compensation shall be disregarded.

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 expense not to exceed \$100.

Sec. 4. A workmen's compensation bureau is hereby created in the Department of Agriculture and Labor, consisting of the Commissioner of Agriculture and Labor and two workmen's compensation commissioners, to be appointed by the Governor, who shall devote their entire time to the duties of the Bureau. Prior to April 1, 1919, The Governor shall appoint, and may remove for cause, two workmen's compensation commissioners, one for the term of three years and one for the term of five years, and at the expiration of each of said terms, the commissioner then appointed shall be appointed for a period of five years. The Commissioner of Agriculture and Labor shall be ex-officio head of the Bureau. The other members of the Bureau shall receive a salary of \$2,500 a year.

The Bureau shall be provided with offices in the capitol, or in some other suitable building, in the City of Bismarek, 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.

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 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 Thousand Dollars.

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 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.

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.

It is hereby declared to be the intent of this Act to restore to industry those injured in the course of employment. The Bureau shall accordingly assist industrial cripples to obtain appropriate training, education and employment, and may co-op-

erate with the Federal Board of Vocational Education for this purpose.

Sec. 5. Every Employer shall furnish the Bureau upon request all information required by it to carry out the purposes of this Act. In the month of July of each year, every employer of the State, carrying on a hazardous employment, as defined in section two, shall prepare and mail to the Bureau at its main office in the City of Bismarck, a statement containing the following information, viz.: the number of employees employed during the preceding year from July 1 to June 30, inclusive; the number of such employees employed at each kind of employment; and the aggregate amount of wages paid to such employees, which information shall be furnished on blanks to be prepared by the Bureau; and it shall be the duty of the Bureau to furnish such blanks to employers free of charge upon request therefor. Every employer receiving from the Bureau any blank, with directions to fill out the same, shall cause the same to be properly filled out so as to answer fully and correctly all questions therein propounded, and to give all the information therein sought, or if unable to do so, he shall give to the Bureau in writing good and sufficient reasons for such failure. The Bureau may require that the information herein required to be furnished be verified under oath and returned to the Bureau within the period fixed by it or by law. The Bureau or any member thereof, or any person employed by the Bureau for that purpose, shall have the right to examine, under oath, any employer, officer, agent or employee thereof for the purpose of ascertaining any information which such employer is required by this Act to furnish to the Bureau. Any employer who shall fail or refuse to furnish to the Bureau the annual statement herein required, or who shall fail or refuse to furnish such other information as may be required by the Bureau under authority of this section, shall be liable to a penalty of five hundred dollars (\$500.00), to be collected in civil action brought against said employer in the name of the state; all such penalties, when collected, shall be paid into the North Dakota Workmen's Compensation Fund and become a part thereof.

All books, records and payrolls of the employers of the State, showing or reflecting in any way upon the amount of wage expenditure of such employers, shall always be open for inspection by the Bureau or any of its traveling auditors, inspectors or assistants, for the purpose of ascertaining the correctness of the wage expenditure, the number of men employed, and such other information as may be necessary for the uses and purposes of the Bureau in its administration of the law. Refusal on the part of any employer to submit his books, records and payrolls for the inspection of any member of the Bureau or traveling auditor, inspector or assistant presenting written authority from



the Bureau, shall subject such employer to a penalty of one hundred dollars (\$100.00) for each such offense, to be collected by civil action in the name of the State and paid into the Workmen's Compensation Fund to become a part thereof.

Any employer who misrepresents to the Bureau the amount of payroll upon which the premium under this Act is based, shall be liable to the State in ten times the amount of the difference between the premium paid and the amount the employer should have paid. The liability to the State under this section shall be enforced in a civil action in the name of the State, and all sums collected under this section shall be paid into the Workmen's Compensation Fund.

The information contained in the employers' reports to the Bureau shall be for the exclusive use and information of said Bureau in the discharge of its official duties, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the Bureau is a party to such action or proceeding; but the information contained in said report may be tabulated and published by the department, in statistical form, for the use and information of the state departments and the public. Any person in the employ of the Bureau who shall divulge any information secured by him in respect to the transactions, property or business of any company, firm, corporation, person, association, co-partnership, or public utility to any person other than the members of the Bureau, while acting as an employee of the Bureau, shall be guilty of a misdemeanor, and upon conviction thereof shall thereafter be disqualified from holding any appointment with the Bureau.

Sec. 6. Every employer subject to this Act shall contribute to the North Dakota Workmen's Compensation Fund in proportion to the annual expenditure of money by such employer for the service of persons subject to the Act, the amount of such payments and the method of making the same to be determined as hereinafter provided.

An employer securing the payment of compensation by contributing premiums to the Workmen's Compensation Fund shall thereby be relieved from all liability for personal injuries or death sustained by his employees and the persons entitled to compensation under this Act shall have recourse therefor only to the North Dakota Workmen's Compensation Fund and not to the employer.

Sec. 7. The Workmen's Compensation Bureau shall classify employments with respect to their degree of hazard and shall determine the risks of the 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.

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 the 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 North Dakota Workmen's Compensation Fund for the benefit of 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 money 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 money 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 such employer.

Ten 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 per cent of all the money paid into the 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 determined and fixed by the Workmen's Compensation Bureau for the employment or occupation of such employer, the amount of which premium to be so paid by each such employer to be determined by the classification, rules and rates made and published by the Bureau; and a receipt or certificate certifying 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 by regulation provide that premiums for the several employments, as grouped according to hazard, fall due on different dates so as to distribute the business of the Workmen's Compensation Fund as evenly as possible throughout the year.

In the event the amount of premiums collected from any

employer at the beginning of any premium period is ascertained and calculated by using the estimated expenditure of wages for the period of time covered by such premium payments as a basis, an adjustment of the amount of such premium shall be made at the end of such period and the actual amount of such premium shall be determined in accordance with the amount of the actual expenditure of wages for said period.

In case a subsequent injury occurs to an employee who has sustained another injury not in the same employment, the employer shall not be penalized in his premium rate for any disability in excess of the degree of incapacity which would have resulted from the later injury if the earlier disability or injury had not existed.

Sec. 8. If an employer shall default in any payment required to be made by him to the Workmen's Compensation Fund, the amount so due shall be collected by civil action in the name of the people of the State as plaintiff, and it shall be the duty of the Workmen's Compensation Bureau to certify to the attorney general of the State from time to time the names and places of business of all employers known to the Bureau to be in default for such payments for a longer period than two weeks, and the amount due from each such employer, and it shall then be the duty of the attorney general forthwith to bring, or cause to be brought against each such employer a civil action in the proper court for the collection of such amount so due, and the same when collected, shall be paid into the Workmen's Compensation Fund, and such employer's compliance with the provisions of this Act requiring payments to be made to the Workmen's Compensation Fund shall date from the time of the payment of said money so collected as aforesaid to the state treasurer for credit to the Workmen's Compensation Fund.

All judgments obtained in any action prosecuted by the Bureau or by the state under the authority of this Act shall be a prior lien over all other judgments and liens except those now in existence.

Sec. 9. Employers who comply with the provisions of Sections six and seven shall not be liable to respond in damages at common law or by statute for injury or death of any employee, wherever occurring, during the period covered by such premiums so paid into the North Dakota Workmen's Compensation Fund, provided that this section shall not apply to minors employed in violation of the law, in which case both remedies shall be applicable.

Sec. 10. The Workmen's Compensation Bureau shall disburse the Workmen's Compensation Fund to such employees of employers as have paid into the said fund the premiums applicable to the classes to which they belong, who have been injured in the course of their employment, wheresoever such injuries

have occurred, or to their dependents in case death has ensued, and such payment or payments to such injured employees, or to their dependents in case death has ensued, shall be in lieu of any and all rights of action whatsoever against the employer of such injured deceased employees.

Sec. 11. Employers subject to this Act, who shall fail to comply with the provisions of Sections six and seven hereof, shall not be entitled to the benefits of this Act during the period of such non-compliance, 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 defendant 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 or the defense of contributory negligence.

And such employers shall also be subject to the provisions of Section eight.

Any employee whose employer has failed to comply with the provisions of Sections six and seven 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 proceedings against his employers by civil action in the court, file his application with the Workmen's Compensation Bureau for 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; and 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, shall be paid by such employer to the person entitled thereto within ten days after receiving notice of the amount thereof as fixed and determined by the Bureau; and in the event of the failure, neglect or refusal of the employer to pay such compensation to the person entitled thereto, within said period of ten days, the same shall constitute a liquidated claim for damages against such employer in the amount so ascertained and fixed by the Bureau, which with an added penalty of fifty per cent, may be recovered in an action in the name of the state for the benefit of the person or persons entitled to the same.

Sec. 12. Any employer carrying on any employment not classed as "hazardous" who complies with this Act and who shall pay into the North Dakota Workmen's Compensation Fund the premiums provided by this Act, shall not be liable to respond in damages at common law or by statute, for injuries or death of any employee, wherever occurring, during the period covered by such premiums, provided the injured employee has remained in his service with notice that his employer has paid into the



Workmen's Compensation Fund the premiums provided by this Act; the continuation in the service of such employer with such notice shall be deemed a waiver by the employee of his right of action as aforesaid. Each such employer paying the premiums provided by this Act into the Workmen's Compensation Fund shall post in conspicuous places about his place or places of business typewritten or printed notices stating the fact that he had made such payment.

Sec. 13. The State Treasurer shall be the custodian of the Workmen's Compensation Fund and all disbursements therefrom shall be paid by him upon vouchers authorized by the Workmen's Compensation Bureau.

The State Treasurer is hereby authorized to deposit any portion of the Workmen's Compensation Fund not needed for immediate use in the same manner and subject to all the provisions of the law with respect to the deposit of state funds by such treasurer; and all interest earned by any such portion of the Workmen's Compensation Fund as may be deposited by the State Treasurer in pursuance of authority herein given, shall be collected by him and placed to the credit of such fund.

The State Treasurer shall give a separate and additional bond in such amount as may be fixed by the Governor, and with sureties to his approval, conditioned for the faithful performance of his duties as custodian of the Workmen's Compensation Fund.

Sec. 14. The Bureau may reinsure any risk or any part thereof and may enter into agreements of reinsurance.

Sec. 15. No compensation under this Act shall be allowed to any person, except as provided in Section eighteen unless he or some one on his behalf shall, within the time specified in this Section make a written claim therefor. Such claim shall be made by delivering it at the office of the Workmen's Compensation Bureau or to any person whom the Bureau may by regulation designate or by depositing it in the mail properly stamped and addressed to the Bureau or to any person whom the Bureau may by regulation designate.

Every claim shall be made on forms to be furnished by the Bureau and shall contain all the information required by the Bureau. Each claim shall be sworn to by the person entitled to compensation or by the person acting on his behalf, and, except in case of death, shall be accompanied by a certificate of the employee's physician stating the nature of the injury and the nature and probable extent of the disability. For any reasonable cause shown the Bureau may waive the provisions of this section.

All original claims for compensation for disability or death shall be made within sixty days after injury or death. For any reasonable cause shown the Bureau may allow original claims for compensation for disability or death to be made at any time within one year.

Sec. 16. After the injury the employee shall, as frequently and at such times and places as may be reasonably required, submit himself to examination by a duly qualified physician designated or approved by the Workmen's Compensation Bureau. The employee may have a duly qualified physician designated and paid by him present to participate in such examination. For all examinations after the first the employee shall, in the discretion of the Bureau, be paid his reasonable traveling and other expenses and loss of wages incurred in order to submit to such examination. If the employee refuses to submit himself for or in any way obstructs any examination, his right to claim compensation under this Act shall be suspended until such refusal or obstruction ceases. No compensation shall be payable while such refusal or obstruction continues and the period of such refusal or obstruction shall be deducted from the period for which compensation is payable to him.

In case of any disagreement between the physician making an examination on the part of the Bureau and the employee's physician the Bureau shall appoint an impartial physician duly qualified, who shall make an examination.

Sec. 17. The Bureau shall have full power and authority to hear and determine all questions within its jurisdiction, and its decision thereon shall be final. Provided, however, in case the final action of such Bureau denies the right of the claimant to participate at all in the Workmen's Compensation Fund on the ground that the injury was self-inflicted, or on the ground that the accident did not arise in the course of employment, or upon any other ground going to the basis of the claimant's right, then the claimant, within thirty (30) days after the notice of the final action of such Bureau, may, by filing his appeal in the district court for the county wherein the injury was inflicted, be entitled to a trial in the ordinary way. In such a proceeding, the state's attorney of the county without additional compensation, shall represent the Workmen's Compensation Bureau, and shall be notified by the clerk forthwith of the filing of such appeal.

Within thirty (30) days after filing his appeal, the Appellant shall file a petition in the ordinary form against such Bureau as defendant, and further pleadings shall be had in said cause, according to the rules of civil procedure, and the court shall determine the right of the claimant; and if it determines the right in his favor, shall fix his compensation within the limits prescribed in this Act; and any final judgment so obtained shall be paid by the Workmen's Compensation Bureau out of the Workmen's Compensation Fund in the same manner as awards are paid by such Bureau.

The cost of such proceeding, including a reasonable attorney's fee to the claimant's attorney to be fixed by the trial judge, shall be taxed against the unsuccessful party.

Either party shall have the right to prosecute error as in the ordinary civil cases.

Sec. 18. If the original claim for compensation has been made within the time specified in Section fifteen, the Bureau may, at any time, on its own motion or on application, review the award, and, in accordance with the facts found on such review, may end, diminish, or increase the compensation previously awarded, or, if compensation has been refused or discontinued, award compensation.

Sec. 19. Every employer of the state shall keep a record of all injuries, fatal or otherwise, received by his employees in the course of their employment. Within one week after the occurrence of an accident resulting in injury, report thereof shall be made in writing to the Workmen's Compensation Bureau upon blanks to be procured from the Bureau for that purpose. Such report shall contain the name and nature of the business of the employer, the location of his establishment or place of work, the name, address and occupation of the injured employee, and shall state the time, the nature and cause of injury and such other information as may be required by the Bureau. Any employer who refuses or neglects to make any report required by this Section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) for each offense.

Sec. 20. When an injury or death for which compensation is payable under this Act shall have been sustained under circumstances creating in some other person than the North Dakota Workmen's Compensation Fund a legal liability to pay damages in respect thereto, the injured employee, or his dependents, may, at his or their option, either claim compensation under this Act or obtain damages from or proceed at law against such other person to recover damages; and if compensation is claimed and awarded under this Act, the North Dakota Workmen's Compensation Fund shall be subrogated to the rights of the injured employee or his dependents to recover against that person, provided, if the Workmen's Compensation Fund shall recover from such other person damages in excess of the compensation already paid or awarded to be paid under this Act, then any such excess shall be paid to the injured employee or his dependents less the expenses and costs of action.

Sec. 21. No agreement by an employee to waive his rights to compensation under this Act shall be valid. No agreement by any employee to pay any portion of the premium paid by his employer into the North Dakota Workmen's Compensation Fund shall be valid, and any employer who deducts any portion of such premium from the wages or salary of any employee entitled to the benefits of this Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than one hundred dollars (\$100.00) for each offense.

Sec. 22. Any assignment of a claim for compensation under this Act shall be void and all compensation and claims therefor shall be exempt from all claims of creditors.

Sec. 23. Whoever makes, in any affidavit required or in any claim for compensation, any statement, knowing it to be false, shall be guilty of perjury and shall be punished by a fine of not more than two thousand dollars (\$2,000.00) or by imprisonment for not more than one year, or by both such fine and imprisonment.

Sec. 24. Upon the request of the Bureau the Attorney General, or under his direction, the state's attorney of any county shall institute and prosecute the necessary actions or proceedings for the enforcement of any of the provisions of this Act, or for the recovery of any money due the Workmen's Compensation Fund, or any penalty herein provided for, arising within the county in which he was elected, and shall defend in like manner all suits, actions or proceedings brought against the Bureau or the members thereof in their official capacity.

Sec. 25. Annually on or before the 1st day of December, the Workmen's Compensation Bureau, under the oath of at least two of its members, shall make a report to the Governor for the preceding fiscal year, which shall include a statement of the number of awards made by it, and a general statement of the causes of accidents leading to the injuries for which the awards were made, a detailed statement of the disbursements from the Workmen's Compensation Fund, and the condition of its respective funds, together with any other matters which the Bureau deems proper to call to the attention of the Governor, including any recommendation it may have to make, and it shall be the duty of the Bureau from time to time to publish and distribute among employers and employees, such general information as to the business transacted by the Bureau as in its judgment may be useful.

Sec. 26. Should any section or provision of this Act be decided by the Courts to be unconstitutional or invalid, the same shall not affect the validity of the Act as a whole or any part thereof other than the part so decided to be unconstitutional.

Sec. 27. There is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of \$50,000, or as much thereof as may be necessary to put into effect the provisions of this Act. The Workmen's Compensation Bureau shall reimburse the general fund of the state, out of the Workmen's Compensation Fund, for all money appropriated, expended or disbursed on behalf of said Bureau.

Sec. 28. Whereas, an emergency exists, in order that the Bureau hereby created may be in a position to receive contributions to the Insurance Fund and to make disbursements there-

from July 1, 1919, therefore an emergency is hereby declared to exist and this Act shall take effect and be in force immediately after its passage and approval.

Approved March 5, 1919.

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## INSURANCE COMPANIES

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### CHAPTER 163.

(H. B. No. 63—Magnuson.)

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#### CAPITAL STOCK REQUIRED BY DOMESTIC AND OTHER STOCK INSURANCE COMPANIES.

An Act to Amend and Re-enact Section 4863 of the Compiled Laws of North Dakota for the Year 1913, Relating to Capital Stock Required by Domestic and Other Stock Insurance Companies.

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

Sec. 1. AMENDMENT.) That Section 4863 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:

Sec. 4863. CAPITAL STOCK REQUIRED.) No Stock Company shall be incorporated under this chapter unless it has a capital stock of at least \$250,000, twenty-five per cent of which must be paid in previous to the issuance of any policy and the residue within twelve months from the time of filing the articles of incorporation; provided, that the Commissioner of Insurance may for good cause shown extend the time of payment of such residue for the further period of not to exceed one year. No fire, cyclone, tornado, hail, marine, life or accident insurance company of any other state, territory or nation shall hereafter be admitted to do business in this state unless it has a paid-up capital stock of at least Two Hundred and Fifty Thousand Dollars in available cash assets, over and above all liabilities for losses reported, expenses, taxes and reinsurance of all outstanding risks.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved February 18, 1919.



## CHAPTER 164.

(H. B. No. 88—Magnuson.)

## INCORPORATED MUTUAL INSURANCE COMPANIES.

An Act to Provide for the Organization or Admission and the Regulation and Taxation of Incorporated Mutual Insurance Companies Other than Life.

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

Sec. 1. That any number of persons, not less than twenty, a majority of whom shall be bona fide residents of this State, by complying with the provisions of this Act, may become, together with others who may hereafter be associated with them or their successors, a body corporate for the purpose of carrying on the business of mutual insurance as herein provided.

Sec. 2. That any persons proposing to form any such company shall subscribe and acknowledge articles of incorporation specifying:

(a) The name, the purpose for which formed, and the location of its principal or home office, which shall be within this state;

(b) The names and addresses of those composing the board of directors in which the management shall be vested until the first meeting of the members;

(c) The names and places of residence of the incorporators.

Sec. 3. That no name shall be adopted by such company which does not contain the word "Mutual" or which is so similar to any name already in use by any such existing corporation, company or association, organized or doing business in the United States, as to be confusing or misleading.

Sec. 4. Such articles of incorporation shall be submitted to the Commissioner of Insurance, herein called "Commissioner" and if found to comply with this Act, he shall approve and file the same in his office. The Commissioner shall thereupon deliver to the company a certified copy of such articles with his certificate that such company has complied with this Act. Such certified copy and certificate shall be filed in the office of the register of deeds of the county in which the principal office of the company is located.

Sec. 5. The company shall have legal existence from and after the date of filing such articles in the office of the register of deeds. The board of directors named in such articles may thereupon adopt by-laws, accept applications for insurance and proceed to transact the business of such company; provided that no insurance shall be put into force until the company has been licensed to transact insurance as provided by this Act.

Sec. 6. Any Company organized under the provisions of this Act is empowered and authorized to make contracts of

insurance or to re-insure or accept re-insurance on any portion thereof, to the extent specified in its articles, for the kinds of insurance following:

1. FIRE INSURANCE.) Against loss or damage to property and loss of use and occupancy by fire, lightning, hail, tempest, flood, earthquake, frost or snow, explosion, fire ensuing, and explosion, no fire ensuing, except explosion by steam boilers or fly-wheels; against loss or damage by water caused by the breakage or leakage of sprinklers, pumps or other apparatus, water pipes, plumbing, or their fixtures, erected for extinguishing fires, and against accidental injury to such sprinklers, pumps or other apparatus, water pipes, plumbing or fixtures; against the risks of inland transportation and navigation; upon automobiles, whether stationary or operated under their own power; against loss or damage by any of the causes or risks specified in this sub-section, including also transportation, collision, liability for damage to property resulting from owning, maintaining or using automobiles, and including burglary and theft, but not including loss or damage by reason of bodily injury to the person.

2. LIABILITY INSURANCE.) Against loss, expense or liability by reason of bodily injury or death by accident, disability, sickness or disease suffered by others for which the insured may be liable or have assumed liability, including workmen's compensation.

3. DISABILITY INSURANCE.) Against bodily injury or death by accident and disability by sickness.

4. AUTOMOBILE INSURANCE.) Against any or all loss, expense and liability resulting from the ownership, maintenance or use of any automobile or other vehicle, provided no policies shall be issued under this sub-section against the hazard of fire alone.

5. STEAM BOILER INSURANCE.) Against loss or liability to persons or property resulting from explosions or accidents to boilers, containers, pipes, engines, fly-wheels, elevators and machinery in connection therewith and against loss of use and occupancy caused thereby and to make inspections and issue certificates of inspection thereon.

6. USE AND OCCUPANCY INSURANCE.) Against loss from interruption of trade or business which may be the result of any accident or casualty.

7. MISCELLANEOUS INSURANCE.) Against loss or damage by any hazard upon any risk not provided for in this section, which is not prohibited by statute or at common law from being the subject of insurance, except life insurance.

Sec. 7. No such company shall issue policies or transact any business of insurance unless it shall hold a license from the Commissioner authorizing the transaction of such business, which license shall not be issued until and unless the company shall comply with the following conditions:

(a) It shall hold bona fide applications for insurance upon which it shall issue simultaneously, or it shall have in force, at least twenty policies to at least twenty members for the same kind of insurance upon not less than two hundred separate risks, each within the maximum single risk described herein.

(b) The "maximum single risk" shall not exceed twenty per cent of the admitted assets or three times the average risk or one per cent of the insurance in force, whichever is the greater, any re-insurance taking effect simultaneously with the policy being deducted in determining such maximum single risk.

(c) It shall have collected a premium upon each application which premiums shall be held in cash or securities in which insurance companies are authorized to invest and shall be equal in case of fire insurance to not less than twice the maximum single risk assumed subject to one fire nor less than ten thousand dollars and in any other kind of insurance to not less than five times the maximum single risk assumed, and in case of workmen's compensation insurance to not less than fifty thousand dollars.

(d) For the purpose of transacting employer's liability and workmen's compensation insurance, the applications shall cover not less than one thousand five hundred employees, each such employee being considered a separate risk for determining the maximum single risk.

Sec. 8. Any public or private corporation, board or association in this state or elsewhere may make applications, enter into agreements for and hold policies in any such mutual insurance company. Any officer, stockholder, trustee, or legal representative of any such corporation, board, association or estate may be recognized as acting for or on its behalf for the purpose of such membership, but shall not be personally liable upon such contract of insurance by reason of acting in such representative capacity. The right of any corporation organized under the laws of this State to participate as a member of any such mutual insurance company is hereby declared to be incidental to the purpose for which such corporation is organized and as much granted as the rights and powers expressly conferred.

Sec. 9. Every member of the company shall be entitled to one vote, or to a number of votes based upon the insurance in force, the number of policies held, or the amount of premiums paid, as may be provided in the by-laws.

Sec. 10. The maximum premium payable by any member shall be expressed in the policy or in the application for insurance. Such maximum premium may be a cash premium and an additional contingent premium not less than the cash premium, or may be solely a cash premium. No policy shall be issued for a cash premium without an additional contingent premium unless the company has a surplus which is not less in amount than the



capital stock required of domestic stock insurance companies transacting the same kinds of insurance.

Sec. 11. No such company shall invest any of its assets except in accordance with the laws of this state relating to the investment of the assets of domestic stock companies transacting the same kinds of insurance.

Sec. 12. Such company shall maintain unearned premium and other reserves separately for each kind of insurance, upon the same basis as that required of domestic stock insurance companies transacting the same kind of insurance; provided, that any reserve for losses or claims based upon the premium income shall be computed upon the net premium income after deducting any so-called dividend or premium returned or credited to the member.

Sec. 13. Such company not possessed of assets at least equal to the unearned premium reserve and other liabilities shall make an assessment upon its members liable to assessment to provide for such deficiency, such assessment to be against each such member in proportion to such liability as expressed in his policy; provided, the Commissioner may, by written order, relieve the company from any assessment or other proceedings to restore such assets during the time fixed in such order; and provided that any domestic company which shall be deficient in providing the unearned premium reserve required hereby, may, notwithstanding such deficiency, come under this Act on the condition that it shall each year thereafter reduce such deficiency at least fifteen per centum of the original amount thereof, and in such case it may increase its assessments accordingly.

Sec. 14. Any director, officer or member of any such company, or any other person, may advance to such company, any sum or sums of money necessary for the purpose of its business or to enable it to comply with any of the requirements of the law, and such moneys and such interest thereon as may have been agreed upon, not exceeding ten per cent per annum, shall not be a liability or claim against the company or any of its assets, except as herein provided, and shall be repaid only out of the surplus earnings of such company. No commission or promotion expenses shall be paid in connection with the advance of any such money to the company and the amount of such advance shall be reported in each annual statement.

Sec. 15. Such mutual company shall comply with the provisions of any law applicable to any stock insurance companies effecting the same kind of insurance requiring that policies be countersigned and delivered through a resident agent; provided, that this requirement shall not apply to any policy of such mutual company on which no commission shall be paid to any local agent. Such mutual company may insert in any form of policy prescribed by law of this State any provisions or condi-

tions required by its plan of insurance which are not inconsistent or in conflict with any law of this State. Such policy, in lieu of conforming to the language and form prescribed by such law, may conform thereto in substance, if such policy include a provision or endorsement reciting that the policy shall be construed as if in the language and form prescribed by such law, and a copy of such policy and endorsement, if any, shall have been first filed with and shall not have been disapproved by the Commissioner.

Sec. 16. Any mutual insurance company organized outside of this State and authorized to transact the business of insurance on the mutual plan in any state, district or territory, shall be admitted and licensed to transact the kinds of insurance authorized by its charter or articles to the extent and with the powers and privileges specified in this Act when it shall be solvent under this Act, and shall have complied with the following requirements:

(a) Filed with the Commissioner a certified copy of its charter or articles of association;

(b) Filed with the Commissioner a copy of its by-laws certified to by its secretary;

(c) Appointed the Commissioner its agent for the service of process, in any action, suit or proceeding in any court of this State, which authority shall continue as long as any liability shall remain outstanding in this State;

(d) Filed a financial statement under oath, in such form as the Commissioner may require, and have complied with other provisions of law applicable to the filing of papers and furnishing information by stock companies on application for authority to transact the same kind of insurance;

(e) If organized without the United States, make and maintain the deposit required of stock insurance companies formed without the United States transacting the same kinds of insurance;

(f) Its name shall not be so similar to any name already in use by any such existing corporation, company or association organized or licensed in this State as to be confusing or misleading.

Upon compliance by any such foreign company with the provisions in this section, such company shall be licensed and authorized to transact business in this State, subject to all the provisions of law relating to information to and examinations by the Commissioner, annual reports, taxes and the renewal of licenses applicable to stock insurance companies transacting the same kinds of insurance, except as otherwise provided in this Act.

Sec. 17. Every such mutual insurance company shall make its annual report in such form and submit to such examinations

and furnish such information as may be required by the Commissioner. As far as practicable, such examinations of foreign mutual insurance companies shall be made in co-operation with the insurance departments of other states and the forms of annual report shall be such as are in general use throughout the United States.

Sec. 18. In all other respects companies organized under the provisions of this Act shall be subject to the provisions of the general laws of the State of North Dakota relating to such insurance companies.

Sec. 19. The taxable premiums or premium receipts of any mutual insurance company organized in or admitted to this State, for the purpose of taxation under any law of this State, shall be the gross premiums received for direct insurance upon property or risks in this State, deducting amounts paid for reinsurance upon which a tax has been or is to be paid to this State, and deducting premiums upon policies not taken, premiums returned on cancelled policies, and any refund or return made to the policy holder other than for losses.

Sec. 20. Any such mutual insurance company organized or admitted to transact insurance in this State may reinsure any part or all of any risk or risks in any insurance company or insurer licensed in any state of the United States or in the District of Columbia; provided that no such re-insurance shall be effected with any company or insurer disapproved therefor by written order of the Commissioner filed in his office.

Sec. 21. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed; provided that such repeals and the provisions of this Act shall not apply to or affect any company or association of this State now doing business. Any such company or association may, however, by resolution of its Board of Directors, duly approved by the majority of its members at a meeting specially called for that purpose, and duly certified to by the President and Secretary, and filed with and approved by the Commissioner, elect to adopt and become subject to the provisions of this Act, in lieu of any Act or Acts theretofore governing such company or association. Any company or association, so electing and fully complying with this Act, may thereafter effect such kinds of insurance as authorized by this Act, and specified in its articles of association then in force, or as then or thereafter amended, together with such additional kinds of insurance as are specified in such resolution and authorized by this Act.

Approved March 3, 1919.

## CHAPTER 165.

(H. B. No. 99.—Frederickson)

## DISCRIMINATING IN INSURANCE.

An Act Amending and Re-enacting Section 4922 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to the Revocation of the Certificate of Authority of Insurance Companies.

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

Sec. 1. AMENDMENT.) Section 4922 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 4922. AUTHORITY REVOCATED. 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, is false, or if the Commissioner of Insurance has or shall have, at any time after examination, reason to believe that any insurance company is practicing discrimination against individual risks in the issuing or cancellation of policies, 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 and to the agents thereof in this State, and such company and its agents, after such notice, shall discontinue the issuance of any new policies or the renewals of any policies previously issued; and such revocation shall not be set aside nor any new certificate 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 insurance company concerned and such insurance company shall have had at least ten (10) days' notice of the date when such examination is to be held.

Sec. 2. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 26, 1919.

## INTEREST

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### CHAPTER 166.

(H. B. No. 13—James MacManus.)

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#### INTEREST ON INDEBTEDNESS.

An Act Regulating the Rate of Interest on Indebtedness After Maturity.

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

That the rate of interest on all indebtedness hereafter incurred shall be the same after maturity as before maturity, and any contract attempting to make the rate of interest higher after maturity shall be void as to such increase of interest.

REPEAL.) All Acts and parts of Acts insofar as they are in conflict with this Act are hereby repealed.

Approved January 23, 1919.

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## JUDICIAL DISTRICTS

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### CHAPTER 167.

(H. B. No. 124—Opland and Martin.)

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#### JUDICIAL DISTRICTS.

An Act Providing for Judicial Districts, Judges Thereof, Their Compensation and Method of Payment, Terms of Court to be Held, Powers and Duties of Such Courts, and the Procedure Therein, and Repealing all Acts and Parts of Acts in Conflict Therewith.

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

Sec. 1. JUDICIAL DISTRICTS.) The state is hereby divided into six judicial districts, composed of the following named counties, respectively; in each of said districts one or more judges shall be chosen as hereinafter provided:

District Number One shall consist of the counties of Nelson, Grand Forks, Griggs, Steele, Barnes, Traill and Cass, and shall have three judges.

District Number Two shall consist of the counties of Pembina, Walsh, Towner, Cavalier, Rolette, Pierce, Benson, Ramsey, Bottineau, Renville and McHenry, and shall have three judges.

District Number Three shall consist of the counties of Richland, Ransom, Sargent, Dickey, LaMoure, McIntosh, Logan and Emmons, and shall have two judges.



District Number Four shall consist of the counties of Stutsman, Wells, Foster, Eddy, McLean, Sheridan, Burleigh and Kidder, and shall have two judges.

District Number Five shall consist of the counties of Divide, Burke, Ward, Mountrail, Williams and McKenzie, and shall have two judges.

District Number Six shall consist of the counties of Bowman, Adams, Hettinger, Slope, Golden Valley, Mercer, Oliver, Morton, Stark, Grant, Dunn, Billings and Sioux, and shall have three judges.

Sec. 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 County of Cass; and in said county 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.

Sec. 3. METHOD OF ELECTION AND TERM OF OFFICE.) There shall be elected in each of said judicial districts as hereinbefore provided, a judge or judges of the District Court, whose term of office shall be four years from the first Monday in January next succeeding his election, and until his successor is elected and qualified.

Sec. 4. PRESENT JUDGES RETAINED.) This Act shall not work the removal of any district judge from his office during the term for which he has already been elected or appointed, but each of said district judges now elected or appointed and holding office, shall exercise and possess the powers conferred by law upon them within the respective districts herein named, in which said judges are respectively now residents, with all the powers and authority in the respective judicial districts herein named which each of said respective judges possessed in their respective districts heretofore provided by law.

Sec. 5. SEVERAL JUDGES.) In districts having more than one judge, the one longest in continued service, or, if two or more be equal in such service, the one senior in age, shall be the presiding judge thereof. The business of the court may be divided between the judges and otherwise regulated as the Supreme Court

by order shall direct. Each of such judges may try court or jury cases separately during the same term and at the same time.

Sec. 6. UNIFORM RULES OF PROCEDURE.) The Supreme Court shall, in the exercise of its supervisory control over district courts, adopt uniform rules of procedure for all of the district courts in each of the several judicial districts within the state.

Sec. 7. CHANGE OF VENUE.) Change of venue may be taken from one judge to another in the same district, or in another district, or from one county to another, or from one district to another, as is now or may hereafter be provided for by law.

Sec. 8. APPOINTMENT OF JUDGES.) The Governor of the State of North Dakota shall, within thirty days after this law goes into effect, appoint one district judge for the first judicial district; one district judge for the third judicial district; and one district judge for the sixth judicial district, each of whom shall hold his office until the next general election and until his successor is duly elected and qualified.

Sec. 9. SALARIES OF JUDGES. HOW PAID.) The District Judges shall each receive an annual salary of Four Thousand Dollars and his actual traveling expenses which shall include subsistence while holding court inside his own district but outside the county in which he resides, which salary and expenses shall be payable monthly in the manner now provided by law for the payment of judges' salaries.

Sec. 10. REPEAL.) All Acts or parts of Acts inconsistent herewith are hereby repealed.

Approved March 3, 1919.

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## LABOR LAWS

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### CHAPTER 168.

(H. B. No. 55—Malone.)

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#### INSPECTION OF COAL MINES.

An Act to Regulate the Operation of all Coal Mines in the State of North Dakota; to Provide for Their Inspection; to Create the Office of Coal Mining Inspector; to Fix His Qualifications, Duties, Powers and Compensation; to Provide for His Appointment; to Create a Board of Examiners; to Fix its Powers and Compensation; to Provide the Method of Appointment Thereto; to Provide for the Registry, Examination, and Issuing of Certificates to Certain Employees of Coal Mines and to Provide for an Appropriation Therefor.

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

Sec. 1. This Act shall be known as the Coal Mining Code of the State of North Dakota.

Sec. 2. THERE IS HEREBY CREATED THE OFFICE OF STATE COAL

MINE INSPECTOR.) The Governor by and with the advice and consent of the Senate, shall appoint one State Coal Mine Inspector, qualified as hereinafter provided, who shall hold office for a term of two years from the date of appointment, unless otherwise removed by the Governor.

Sec. 3. No person shall be eligible to the office of State Coal Mine Inspector unless he shall possess the following qualifications. He shall be a citizen of the United States and shall have been actually employed at coal mining for a period of five years prior to his appointment and shall possess a competent knowledge of all the different systems of coal mining and working and properly ventilating coal mines and the nature and constituent parts of noxious and explosive gases of coal mines and the various ways of expelling the same from the said mines.

Sec. 4. The salary of the Coal Mine Inspector shall be Twenty-five Hundred Dollars per annum and all necessary and traveling expenses. The said State Coal Mine Inspector shall file with the State Treasurer a bond, approved by the Governor of the State in the sum of Five Thousand Dollars for the faithful performance of his duties; provided, further, that the State Coal Mine Inspector shall be provided with a suitable office in the State Capitol Building at Bismarek. He shall have power and authority to employ all necessary clerical help for the purpose of carrying out the provisions of this Act and to fix the compensation of such help, providing that the same shall not exceed the sum of Twelve Hundred (\$1,200.00) Dollars per annum.

Sec. 5. The State Coal Mine Inspector shall have the right, and it is hereby made his duty, to enter, inspect and examine any coal mine or any shaft, drift or slope in the process of sinking for the purpose of mining coal in this State, and the workings and the machinery belonging thereto, at all reasonable times, either by day or night. He shall also have the right and it is his duty to make inquiry into the condition of such mine, workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws providing for the regulation of the coal mines, or other Acts which may hereinafter be enacted governing coal mines, have been complied with. The owner, operator or superintendent of such coal mine is hereby required to furnish the means necessary for such entry, inspection, examination, inquiry and exit. It shall also be the duty of the said Coal Mine Inspector to carefully examine all the coal mines in operation in this State annually, and all mines having an annual output of 1,200 tons or more at least every six months, and oftener if necessary to see that every precaution is taken to insure the



safety of all the working men that may be engaged in such coal mine. The said Inspector shall make a record of the visit, noting the time and the material circumstances of the inspection. At the time of making inspection, in the event of the Inspector having in his possession any complaint in writing to the effect that the mining code is being violated, he shall notify the employes that he is about to make such inspection, and if the employes, in some proper manner, select one of their number to accompany the Inspector on such inspection, he shall permit such employe to so accompany him. In the event of no such selection being made the Inspector may, if he so desires, request some employe to accompany him. The owner or operator shall at all times have the right to personally accompany the Inspector while inspecting his property, or to designate someone to so accompany him.

Sec. 6. INSPECTOR MUST NOT BE EMPLOYED BY COMPANIES.) The said State Coal Mine Inspector while in office shall not act as agent for any corporation, superintendent or manager of any mines, and shall in no manner whatever be under the employ of mining companies, nor shall he be interested in any coal mining operation either as owner, lessee or otherwise. It shall be the duty of the State Coal Mine Inspector on or before the first day of January of every year to make a report to the Governor of his proceedings as such State Coal Mine Inspector and the conditions of each and every coal mine in the State, stating therein all accidents that have happened in or about said mine or mines, and to set forth in said report all such suggestions as he may deem important as to any further legislation on the subject of coal mines.

Sec. 7. INSTRUMENTS TO BE FURNISHED TO INSPECTOR.) For the more efficient discharge of the duties herein imposed upon him, the State Coal Mine Inspector, shall be furnished at the expense of the State with an anemometer and whatever other instruments or other appliances may be necessary in order to carry into effect the provisions of the Acts regulating coal mines.

Sec. 8. INSPECTOR TO POST STATEMENT OF MINE AT ENTRANCE.) The State Coal Mine Inspector shall post up in some conspicuous place at the top of each mine visited and inspected by him, a plain statement of the conditions of such mine, showing what in his judgment is necessary for the better protection of the lives and health of persons employed in such mine; such statement shall give the date of inspection and be signed by the said Inspector. He shall also post a notice at the landing used by the men, stating what number of men may be permitted to ride on the cage, car or cars at one time, and at what rate of speed men may be hoisted and lowered on the cage, car or cars in accordance as hereinafter provided for in this Act. He must observe, especially that the code of signals provided in the Act regulating coal mines between engineer and top men and bottom

men, is conspicuously posted for the information of all employes.

Sec. 9. TEMPORARY VACANCY IN OFFICE. HOW FILLED.) In case the State Coal Mine Inspector becomes incapacitated and cannot perform the duties of his office for a longer period than two weeks, it shall be the duty of the Governor to deputize some competent person having the qualifications provided in this Act to fulfill the duties of the said Inspector until the said Inspector shall return to the performance of his official duties, and the person deputized by the Governor shall be paid by the State out of any moneys in the general fund of the State not otherwise appropriated, for the services rendered at the same rate as received by the State Coal Mine Inspector.

In case of the death, resignation, or removal from office of the State Coal Mine Inspector before the expiration of the term of office, the Governor shall appoint a duly qualified person as provided in this Act, to fill the vacancy for the unexpired term.

Sec. 10. INSPECTOR EX-OFFICIO SEALER OF WEIGHTS AND MEASURES.) The State Coal Mine Inspector is hereby made, equally with the State Inspector of Weights and Measures, ex-officio sealer of weights and measures, insofar as the same relates to coal mines and coal mining, and as such is empowered to test and compare all weights and measures used in weighing and measuring coal at any coal mine, or used in measuring air passages or other openings in coal mines, with the standards of weights and measures kept by the State Inspector of Weights and Measures. Upon the written request of any coal mine owner or operator or ten coal miners employed at any one mine, it shall be his duty to test and prove any scale or scales at such mine against which complaint is directed. In the event that any test made by said Coal Mine Inspector shall conflict with any test made by any States Sealer of Weights and Measures, then the test by said State Coal Mine Inspector shall prevail.

Sec. 11. STANDARD TEST WEIGHTS TO BE FURNISHED TO INSPECTOR.) For the purpose of carrying out the provisions of this Act, the State Coal Mine Inspector shall be furnished by the State with such sets of standard weights suitable for testing the accuracy of track scales, and all smaller scales at mines, as may in the judgment of the State Coal Mine Inspector be necessary; said test weights shall remain in the custody of the State Coal Mine Inspector for use at any point within the State, and for any amounts expended by him for the storage, transportation or the handling of the same, he shall be fully reimbursed upon making proper entry of the proper items in his expense voucher.

Sec. 12. REFUSAL OF MINE OPERATORS TO FURNISH FACILITIES FOR EXAMINATION.) If any owner, lessor or operator shall refuse to permit such inspection or to furnish the necessary facilities for making such examination and inspection, the Inspector shall file his affidavit setting forth his refusal with the Judge of the

District Court in said County in which said mine is situated, either in termtime or vacation, and the said Judge shall thereupon issue an order on such owner, operator or agent so refusing as aforesaid, commanding him to permit and furnish such necessary facilities for the inspection of such coal mine, or to be adjudged to stand in contempt of court and punished accordingly.

Sec. 13. INVESTIGATION OF CHARGES FOR NEGLECT OF DUTY.) Whenever a petition signed by fifty or more reputable citizens, legal residents of the State, verified by oath by two or more of the said petitioners and accompanied by a bond in the sum of five hundred dollars, running to the State, executed by two or more free-holders, approved and accepted by the Clerk of the District Court of the County or Counties of their residence, conditional for the payment of all costs and expenses arising from the investigation of the charges is filed with the Clerk of the District Court setting forth that the State Inspector of Mines neglects his duties or is incompetent, or is guilty of malfeasance or misfeasance in office, it shall be the duty of the District Court of the County to issue a citation in the name of the State to the said Inspector, to appear, at not less than five days' notice, on a day fixed, before said Court, and the Court shall then proceed to inquire into and investigate the allegations of the petitioners; and take the testimony of all the witnesses; such action shall be prosecuted by the States Attorney.

Sec. 14. PENALTIES FOR VIOLATION OF DUTY.) If the Court finds that said State Coal Mine Inspector is neglectful of his duties or incompetent to perform the duties of his office, or that he is guilty of malfeasance or misfeasance in office, the Court shall certify the same to the Governor, together with the testimony taken thereon, who shall, if he finds the charges sufficient and the officer guilty thereof, declare the office of said State Coal Mine Inspector vacant, and proceed in compliance with the provisions of this Act to fill the vacancy and the costs of such investigation shall, if the charges are sustained, be imposed upon the said State Coal Mine Inspector.

Sec. 15. VACANCY IN INSPECTORSHIP. HOW FILLED.) As often as vacancies occur in the office of State Coal Mine Inspector, caused either by death, resignation, removal for malfeasance or misfeasance as provided for in Section 14 of this Act, or as otherwise determined as with other officers of the State, the Governor shall fill the same by appointment for the unexpired term by selecting a person whose qualifications meet the requirements.

Sec. 16. BOARD FOR EXAMINATION OF APPLICANTS FOR POSITION OF MINE FOREMAN, ETC.) On petition of the State Coal Mine Inspector a judge of the District Court of any County where coal is mined shall appoint an examining board of three persons, consisting of the State Coal Mine Inspector and two

practical miners to be known as the County Examining Board. The members of said Examining Board shall be citizens of the United States and legal residents of the State of North Dakota and shall hold office for a term of two years or until their successors have been appointed and qualified. The persons so appointed shall, after being duly organized as a board, take and subscribe before an officer authorized to administer the same the following oath, namely:

We, the undersigned, do solemnly swear or affirm that we will perform the duties of examiners of applicants for the position of mine foreman or mine examiner for the coal mines of North Dakota to the best of our abilities, and that in certifying or rejecting said applicants we will be governed by the evidence of the qualifications to fill the positions under the law creating the same, and not by any consideration of personal favors; that we will certify all whom we find qualified and none other.

Sec. 17. SCOPE OF EXAMINATION.) The examination shall consist of oral and written questions on theoretical and practical mining, on the nature and properties of noxious and poisonous gases found in the mines, and on the different systems of working and ventilating coal mines. During the process of examination the use of such text books as the Board shall approve may be allowed the applicants during the examination, and the Board shall issue to those examined, and found to possess requisite qualifications, certificates of competency for the position of mine foreman or mine examiner, but such certificates shall be granted only to persons 23 years of age, or over, of good moral character, citizens of the United States and residents of the State of North Dakota and with at least five years' practical experience in the working of coal mines and two years in North Dakota. All papers and blanks, blank books and stationery used at examination to be furnished by the Board of County Commissioners of the said County and each candidate for examination shall be given such questions as are required, in writing, and each question shall be on a separate paper.

Candidates must return such papers to the Board, with answers to questions thereon, attested by his signature. All question papers and answers shall be filed in the office of the Clerk of the District Court, in and for the County where examinations are held and kept by him in some secure place subject to examination at any time. Candidates for examination may be required to go before any Examining Board in other than the County in which he resides by the direction of the State Coal Mine Inspector.

Sec. 18. CERTIFICATES AS MINE FOREMAN.) Certificates of qualifications to mine foremen in the coal mines of North Dakota shall be granted by the Board of Examiners herein provided for, to each applicant who shall have passed a successful examination showing his knowledge of mine workings, ventilation, gases,



blackdamp and his actual experience in underground coal mining. The certificates shall be in a manner and form as shall be prescribed by the State Coal Mine Inspector who shall keep a record in his department of all such certificates granted. Each certificate shall show the full name, age, and birthplace of applicant and also the length or nature of his previous service in the coal mines.

Sec. 19. QUALIFICATIONS FOR MINE EXAMINERS.) Persons seeking certificates of competency as Mine Examiner must produce evidence satisfactory to the Board that they are residents of the United States and residents of the State of North Dakota, have had at least five years' practical experience in working of coal mines, two years of which have been in the State of North Dakota, at least 23 years of age and of good repute and temperate habits. They must prepare to submit and satisfactorily pass an examination as to their experience in mines generating dangerous and explosive gases, their practical and technical knowledge of the nature and properties of blackdamp, and the laws of ventilation and the structure and use of safety devices.

Sec. 20. EXAMINING BOARD SHALL GRANT CERTIFICATES.) The said Board of Examiners shall meet at the call of the State Coal Mine Inspector, who shall call them to meet during the months of September and March of each year, and shall grant certificates to all persons whose examination shall disclose their fitness for the duties of such mine foreman as above classified or mine examiner and such certificate shall be sufficient evidence of the holder's competency for the duties of said position so far as relates to the purpose of this Act; provided, that any person who shall have been employed as Mine Foreman continually for a term of one year preceding the approval of this Act, by the same firm, person or corporation, shall be granted a certificate without undergoing such examination, but shall not be employed by any other persons, firm or corporation without having successfully undergone such examination. No person shall be certified as competent whose average percentage shall be less than seventy-five (75) per centum on his entire examination, and such certificate shall designate the position qualified for and shall be valid only when signed by a majority of the Examining Board.

Sec. 21. CERTIFICATES MAY BE ISSUED TO THOSE HOLDING PROPER CERTIFICATES.) The Board may exercise its discretion in issuing certificates of any class, without examination, to persons presenting with proper credentials, certificates for the same or a similar position issued by competent authorities in this or other States; provided, however, that for every such certificate issued, the Board shall charge a fee of five (\$5.00) dollars.

Sec. 22. APPLICATION FOR EXAMINATION. HOW MADE. FEES.) An applicant for examination for any certificate herein provided for, before being examined, shall register his name with the State

Coal Mine Inspector at Bismarek, North Dakota, and file with him the credentials required by this Act, to-wit: An affidavit as to all matters of fact establishing his rights to and qualifications for receiving the examination, and a certificate of good character and temperate habits signed by at least ten (10) of the citizens who know him best in the place in which he lives. Each candidate before receiving the examination shall pay to the State Coal Mine Inspector the sum of two (\$2.00) dollars as an examination fee, and those who pass the examination for which they are entered, before receiving their certificate, shall also pay to the State Coal Mine Inspector, the further sum of three (\$3.00) dollars each as a certificate fee. All such fees shall be duly accounted for by the State Coal Mine Inspector and turned into the State Treasurer at the close of the fiscal year.

Sec. 23. COMPENSATION OF EXAMINING BOARD.) The members of the Examining Board, except the State Coal Mine Inspector, shall receive as a compensation the sum of five (\$5.00) dollars each day for a term not exceeding two meetings of five days each in any year, and whatever sum is necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties. All such salaries and expenses of the members of the Board shall be paid upon vouchers duly sworn to by each member of the said Board, and the State Auditor is hereby authorized to draw his warrant to the State Treasurer for the amount thus shown to be due, payable out of any money in the State Treasury not otherwise appropriated.

Sec. 24. VIOLATIONS.) Any person who acts in the capacity of mine foreman or mine examiner without a certificate of competency as provided for in this Act shall be deemed guilty of an offense against this Act; provided, however, the State Coal Mine Inspector shall have the power to grant permits to persons to perform the duty of mine foreman or mine examiner as provided for in this Act, who may be employed by any company, corporation, association, person or persons engaged in the operating of any coal mines in the State of North Dakota until such time as the person so employed has had an opportunity to be examined as to his competency by the Board of Examiners provided for in this Act, but no longer.

Every company, corporation, association, person or persons operating any coal mine or coal mines in the State of North Dakota who employs any uncertified mine foreman or mine examiner, except as provided for in this Act, shall be deemed guilty of an offense against this Act; provided, however, that in cases of emergency any competent man may be employed and act as a temporary mine foreman, examiner or fire boss until a certificate or permit can be obtained, not to exceed a period of thirty (30) days without violating this Act or incurring any of its penalties.

Sec. 25. PENALTY FOR VIOLATION.) Any certificate holding mine foreman or mine examiner found guilty of violating any rule or provision of any Act contained herein may have his certificate revoked for a period of two (2) years by order of the State Coal Mine Inspector.

Sec. 26. NECESSARY TO HAVE MAPS OF COAL MINES.) Every operator of every coal mine in this State shall make or cause to be made an accurate map or plan of such mine, drawn to a scale of not less than one inch to two hundred feet, and as much larger as practicable, on which shall appear the name of the State, County and Township in which the mine is located, the designation of the mine, the name of the company or owner, the certificate of the mining engineer or surveyor as to the accuracy and date of the survey, the north point and the scale to which the drawing is made.

Sec. 27. UNDERGROUND SURVEY.) For the underground workings, the said map shall show all shafts, slopes, tunnels or other openings to the surface or to the workings of a contiguous mine, all excavations, entries, rooms and crosscuts, the rise or dip of the seam from the bottom of the shaft, mouth of drift or slope in either direction to the face of the workings, the location of the fan or furnace, the location of the permanent pumps, hauling engines, engine planes and firewalls, the location of any standing water which might prove a menace to life or danger to property from flood, and the line of any contiguous surface outcrop of the seam.

Sec. 28. MAP FOR EVERY SEAM.) A separate and similar map, drawn to the same scale in all cases shall be made of each and every seam, which after the passage of this Act, shall be worked in any mine, and the maps of all such seams shall show all shafts, drifts, tunnels, incline planes or other passage ways connecting the same.

Sec. 29. MAP OF THE SURFACE.) Every such map or plan, or at the option of the operator a separate map, shall show the surface boundary lines contiguous to the workings and pertaining to each mine, also all section or quarter section lines and corners, town lots and streets, the tracks and side tracks of all railroads, the location of all wagon roads, rivers, streams, ponds, buildings, landmarks and principal objects on the surface within the said boundary lines, and in all cases if of a separate surface map, the same shall be drawn on transparent cloth or paper so that it can be laid upon the map of the underground workings and thus truly indicate the relative location of the lines and objects on the surface to the excavations of the mine.

Sec. 30. COPIES OF MAPS FOR STATE COAL MINE INSPECTOR.) The original or true copies of all such maps shall be kept in the office at the mine, and true copies thereof shall also be furnished to the State Coal Mine Inspector within thirty days after comple-

tion of the same. The maps so delivered to the Inspector shall be the property of the State and shall remain in the custody of the said Inspector during his term of office and be delivered by him to his successor in office. They shall be kept at the office of the Inspector and be open to inspection by all persons interested in the same, but such examination shall only be made in the presence of the Inspector and he shall not permit any copies of the same to be made without the written consent of the operator or owner of the property, under penalty of removal from office.

Sec. 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 plain 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.

Sec. 32. ABANDONED MINES.) When any coal mine is worked out or is about to be abandoned or indefinitely closed, the operator of the same shall make or cause to be made a final survey of all available parts of such mine, and the results of the same shall be duly extended on all maps of the mine and copies thereof, so as to show all excavations, and the most advanced workings of the mine and their exact relations to the boundary or section lines on the surface.

The State Coal Mine Inspector may order a survey to be made of the workings of any mine which is about to be abandoned, or of which he has reason to believe the maps are inaccurate, whenever in his judgment the safety of the workmen, the support of the surface, the conservation of the property or the safety of an adjoining mine requires it. Such survey shall be paid for by the operator of the mine.

Sec. 33. MINE OPERATORS TO FURNISH WASH HOUSES FOR EMPLOYEES.) It shall be the duty of the owner, operator, or



superintendent of any coal mine in the State of North Dakota to provide a suitable building, not an engine or boiler house, for the use of the persons employed in such mine for the purpose of washing themselves and changing their clothes when entering the mine and returning therefrom. The said building shall not be over eight hundred feet from and convenient to the principal entrance of such mine. The said building shall be maintained in good order, be properly lighted and heated and supplied with pure cold water and warm water, and be provided with facilities for persons to wash and a suitable locker for each person to be used by him as a repository for his clothes.

Sec. 34. OATH OF WEIGHMAN; CHECK WEIGHMAN.) The Weighman employed at any mine shall subscribe to an oath of affirmation before some officer authorized to administer oaths, to do justice between employer and employe, and to truly and correctly weigh the output of coal from the mines as herein provided. The miners employed by or engaged in working for any mine owner, operator, lessee of any mine in this State shall have the privilege, if they desire, of employing at their own expense a check weighman who shall have like equal rights, powers and privileges in the weighing of coal as the regular weighman and be subject to the same oath and penalties as the regular weighman. Said oath or affirmation shall be kept conspicuously posted in the weight office and any weigher of coal or person so employed, who shall knowingly violate any of the provisions of this section, or any owner, operator or agent of any coal mine in this State who shall forbid or hinder miners employing or using a check weighmen as herein provided, or who shall prevent or wilfully obstruct any such check weighman in the discharge of his duty, shall be deemed guilty of an offense against this Act. Whenever the State Coal Mine Inspector, or his deputy, shall be satisfied that the provisions of this section have been wilfully violated it shall be his duty to forthwith inform the prosecuting attorney of any such violation, together with all the facts within his knowledge and the prosecuting attorney shall thereupon investigate the charges so preferred, and if he is satisfied that the provisions of this section have been violated, it shall be his duty to prosecute the persons guilty thereof.

Sec. 35. MUST NOT USE FALSE WEIGHTS.) Any person or persons having or using any scale or scales for the purpose of weighing the output of coal at mines must not arrange or construct them so that fraudulent weighing may be done thereby, and must not knowingly resort to or employ any means whatsoever by reason of which such coal is not correctly weighed and reported in accordance with the provisions of this Act.

Sec. 36. GENERAL EQUIPMENT OF SHAFTS ) Every hoisting shaft must be equipped with safely constructed substantial cages fitted to guide rails running from the top to the bottom of the

shaft. Said cages must be furnished with suitable boiler iron covers to protect persons riding thereon from falling objects and with sheet iron or steel casings on each side, not less than one-eighth inch in thickness, or wire netting of not less than one-eighth inch in diameter. They must be equipped with safety catches, said safety apparatus, whether consisting of eccentrics, springs or other devices, must be securely fastened to each cage, and must be of sufficient strength to hold the cage, loaded, at any point in the shaft. Every cage must be fitted with iron bars, chains or rings in proper place and sufficient in number to furnish a secure hand hold for every person permitted to ride thereon. Gates not less than four feet high from the bottom of the cage shall be fitted to each cage and must be used during the regular hoisting or lowering of men; provided that when such cage is used for sinking only it need not be equipped with such doors as are hereinbefore provided for. At the top landing, cage supports, when necessary, must be carefully set and adjusted so as to act automatically and securely hold the cage when at rest.

Sec. 37. PASSAGEWAY AROUND THE BOTTOM OF SHAFTS.) At the bottom of every shaft and at every caging place therein a safe and commodious passageway must be cut around such landing place to serve as a travelway, by which men or animals may pass from one side of the shaft to the other without passing under or on the cage.

Sec. 38. GATES AT THE TOP OF SHAFT.) The upper and lower landings at the top of each shaft and the opening of each intermediate seam from or to the shaft, shall be kept free and clear from loose materials and shall be securely fenced with automatic or other gates, so as to prevent either men or materials from falling into this shaft.

Sec. 39. TWO PLACES OF EGRESS.) For every coal mine in this State, whether worked by shaft, slope or drift, there shall be provided and maintained in addition to the hoisting shaft, slope or drift or other place of delivery a separate escapement shaft, slope or drift, or opening to the surface, or an underground communication passageway between every such mine and some other contiguous mine, such as shall constitute two distinct and available means of egress to all persons employed in such coal mine. The time allowed for completing such escapement shaft or drift or making such connections with an adjacent mine, as is required by the terms of this Act, shall be three months for shafts, slopes or drifts two hundred feet or less in depth or length.

Sec. 40. UNLAWFUL TO EMPLOY MORE THAN TEN MEN.) It shall be unlawful to employ at any one time more men than in the judgment of the State Coal Mine Inspector is absolutely necessary for speedily completing the connections with the escapement shaft, slope or drift or adjacent mine and said number must

not exceed ten men at any one time for any purpose in said mine until such escapement connection is completed.

Sec. 41. PASSAGEWAYS TO ESCAPEMENT.) Such escapement shaft or opening, or communication with an adjacent mine aforesaid, shall be constructed in connection with every seam of coal worked in such mine, and all passageways communicating with the escapement shaft or place of exit, from the main hauling ways to said place of exit, shall be maintained free of obstructions, at least five feet wide and five feet in height. Such passageways must be so graded and drained that it will be impossible for water to accumulate in any depression or dip of the same, in quantities sufficient to obstruct the free and safe passage of men. At all points where the passageway to the escapement shaft or other place of exit is intersected by other roadways or entries, conspicuous signboards shall be placed indicating the direction it is necessary to take in order to reach such place of exit. Where pillars are being drawn on an entry outside of where other men are working, or where more than 50 per cent of the coal is taken out in rooms, connections for escapement shall be made with some adjoining entry to provide a safe exit for the men.

Sec. 42. DISTANCE OF ESCAPEMENT FROM MAIN SHAFT.) The distance between the main shaft and the escapement shall not be less than one hundred feet where steel headframes are used, nor less than three hundred feet where wooden headframes are used, provided, that where slopes or drifts are driven in or on the coal strata, the distance between the escapement road or travelway and the slope drift or hauling way shall not be less than fifty feet.

Sec. 43. BUILDINGS ON SURFACE.) It shall be unlawful to erect any inflammable structure or building in any space intervening between the main shaft, slope or drift and the escapement shaft, slope or drift on the surface, or any powder magazine in such location or manner as to jeopardize the free and safe exit of the men from the mine by said escapement shaft, slope or drift in case of fire in the main shaft, slope or drift buildings.

Sec. 44. STAIRWAY OR CAGES IN ESCAPEMENT SHAFT.) The escapement shaft at every mine which does not exceed one hundred feet in vertical depth shall be equipped with safe and ready means for the prompt removal of men from the mine in time of danger, and such means shall be a substantial stairway which shall be provided with handrails and with platforms or landings not more than ten feet apart. Where the escapement exceeds more than one hundred feet in vertical depth, in place of the stairway, it may be equipped with a cage for hoisting men, and such cage must be suspended between guides and be so constructed that falling objects cannot strike persons being hoisted upon it. Such cage must be operated by steam or electricity,

which power shall be kept available for immediate use at all times and equipment of said hoisting apparatus shall include a depth indicator, a brake on the drum, a steel or iron cable and safety catches on the cage; and all such hoisting machinery must be inspected at least once a week by some competent person representing the operating company or owner.

Sec. 45. OBSTRUCTIONS IN ESCAPEMENT SHAFT.) No accumulation of ice or obstruction of any kind shall be permitted in any escapement shaft, nor shall any steam be discharged into said shaft; and all surface or other water which flows therein shall be conducted by rings or otherwise, to receptacles for same so as to keep the stairway or cage free from falling water.

Sec. 46. WEEKLY INSPECTION OF ESCAPEMENTS.) All escapement shafts and passageways leading thereto or to the works of a contiguous mine must be carefully examined at least once a week by the mine foreman or by a man specially delegated by him for that purpose, and the date and findings of such inspection must be entered in a record book in the office at the mine. If obstructions are found, their location and nature must be stated, together with the date on which they were removed.

Sec. 47. COMMUNICATION WITH ADJACENT MINES.) When operators of adjacent mines have by agreement established underground communication between said mines as an escapement outlet for the men employed in both mines, the roadways to the boundary on either side shall be regularly patrolled once each week and kept clear of all obstructions to travel by respective operators, and the intervening door shall remain unlocked and ready at all times for immediate use. When such communication has once been established between adjacent mines, it shall be unlawful for the operator of either mine to close the same without the consent of the contiguous operator and the State Coal Mine Inspector; provided, that when either operator desires to abandon mining operations the expense and duty of maintaining such communications shall devolve upon the party continuing operations and using the same.

Sec. 48. VENTILATION OF MINES.) The owner, operator or superintendent of every coal mine, whether operated by shaft, slope or drift, shall provide and hereafter maintain ample means of ventilation for the circulation of air through the main entries, cross entries and all other working places, to an extent that will dilute, carry off and render harmless the noxious or dangerous gases generated in the mine, affording not less than one hundred cubic feet per minute for each and every person employed therein, and not less than six hundred cubic feet per minute for each and every animal in the mine; but in any mine, or section of a mine where blackdamp is generated not less than one hundred and fifty cubic feet of air per minute shall be provided for each person or as much more as may be necessary to keep such section



free from blackdamp. The quantities of air in circulation shall be ascertained with an anemometer or other efficient instrument; such measurement shall be made by the foreman or his assistants once a week at the inlet and outlet airways, and also at or near the face of each entry, and shall be recorded in a book kept for that purpose at the mine office. The quantity of air as provided for by this Act for each person shall be conducted to each working place.

In rooms generating blackdamp the volume of air required by this Act shall be conducted to the face thereof by the use of brattice cloth or other suitable means.

Sec. 49. NUMBER OF PERSONS PERMITTED TO WORK IN SAME AIR CURRENT.) The current of air in mines must be split or subdivided so as to give a separate current to a number not exceeding one hundred men at work, and the Inspector has the discretion to order a separate current for a smaller number of men if special conditions render it necessary.

Sec. 50. CROSSCUTS AND BRATTICES FOR VENTILATION.) Crosscuts between the entries, except where the same are within the confines of shaft room pillars, shall be made not exceeding sixty feet apart, unless sufficient brattice is used to keep the air current up to the entry face in which case they shall not exceed one hundred feet apart. When there is a solid block on one side of a room, crosscuts shall be made between such rooms and the adjacent room not to exceed seventy feet apart; where there is a breast or group of rooms, a crosscut shall be made on one side or the other of each room, except the room adjoining said block, not to exceed fifty feet from the outside corner of the crosscut to the nearest corner of the entrance of the room and on the opposite side of the same room a crosscut shall be made not to exceed ninety feet from the outside corner of the crosscut to the nearest corner of the entrance of the room, and thereafter crosscuts shall be made not to exceed eighty feet apart on each side of the room. The required air current shall be conducted to the crosscut nearest the face of each entry or room.

Brattices between permanent inlet and outlet airways shall hereafter be constructed in a substantial manner of brick, blocks, masonry, concrete or nonperishable material. Rooms must not be worked in advance of the ventilating current.

Sec. 51. OPERATION OF VENTILATING FANS, FURNACES, ETC.) All ventilating fans, furnaces and any means in use to ventilate mines shall be kept in constant operation, day and night, in mines generating blackdamp or where two shifts are being worked. Where no blackdamp is generated, or only one shift is worked, the fan, furnace or other means of ventilation shall be started and kept running not less than two hours before the time to begin work. Should it at any time become necessary to stop the fan or other means of ventilation on account of accident or needed

repairs to any part of the machinery, furnace or other means of ventilation connected therewith, or by reason of any unavoidable cause, it shall then be the duty of the mine foreman, or any official in charge, after first having provided as far as possible for the safety of the persons employed in the mine, to order said fan or other means of ventilation to be stopped so as to make the necessary repairs or to remove any other difficulty that may have been the cause of such stoppage. All ventilating fans and furnaces in mines, shall for two hours before the appointed time to begin work and during working hours, be properly attended by a person employed for the purpose.

Sec. 52. UNDERGROUND STABLES.) No underground stable shall be constructed with less than twenty feet of solid strata or twelve inches of solid brick or concrete wall, between the stable and any haulageway or air course.

All hay and bedding taken into any mine shall be baled. Not more than two days' supply of hay or straw shall be kept underground at one time, and not more than one week's supply of grain.

The air currents leading from all underground stables shall be connected with the outgoing currents of air and in no case shall the air from a stable be allowed to enter farther into the mine toward the workings.

All refuse must be promptly removed from the stable and from the mine.

Sec. 53. PRECAUTIONS WHEN APPROACHING ABANDONED WORKINGS.) Whenever any working place of a mine approaches within one hundred feet of the abandoned workings of another mine as indicated by an accurate survey, or while driving any working place parallel with the workings of such abandoned mine within one hundred feet thereof, and such abandoned mine cannot be explored or when same contains blackdamp or water which may inundate such working place, the mine foreman shall not permit such working place to be advanced until a drill hole has been extended not less than twelve feet in the center of such working place and a flank hole not less than twelve feet extended on each rib, starting at the working face after taking out each cut of breaking.

Whenever the limits of an abandoned mine are not known by actual survey the above rule shall apply whenever any working place approaches within two hundred feet of the supposed limits of such abandoned mine.

Sec. 54. TIMBER AND SUPPLIES.) The operator of any mine shall keep an adequate supply of suitable timber constantly on hand, and deliver to the working place of each miner the props of approximate length, caps and other timber necessary to securely prop the roof thereof. Such props, caps and other tim-

bers shall be delivered in mine cars at the point where the miner receives his empty cars or unloaded at the entrance to the room.

Sec. 55. HAULING ROADS.) On all hauling roads or entries on which the hauling is done by machinery, where men have to pass to or from their work, and on all entries on which the hauling is done by draft animals, there shall be a clearance on one side of at least two and one-half feet between the car and the rib of such entry. This place shall be kept free from all obstructions and no material shall be placed thereon. In mines already opened prior to the passage of this Act where such clearance does not exist, or in mines where mining conditions prohibit the driving of entries wide enough to give such clearance, places of refuge must be cut in the side wall at least three feet wide, two and one-half feet deep, five feet high, and not more than twenty yards apart, but such places of refuge shall not be required in entries from which rooms have been driven at regular intervals not exceeding twenty yards. All such places of refuge must be kept clear of obstructions and no material shall be stored nor allowed to accumulate therein.

Sec. 56. AIRWAYS.) It shall be the duty of the owner of every coal mine to provide and maintain airways of sufficient dimensions and in no case shall the area of the air course be less than twenty-five square feet in mines operated on the room and pillar system.

Sec. 57. DRAINAGE, TRAVELING WAYS.) Standing or stagnant water shall not be allowed to remain in traveling ways, or shall the intake airways be used by miners or other persons as a depository for excrement or any other refuse. Obstructions of any kind must not be placed in crosscuts, rooms or entries used as main airways. Where necessary to provide a traveling way other than the main entries, slope or drift in any mine for men going to or returning from their work, the same shall be kept clear from debris or obstructions of any kind, and all loose coal, slate and rock overhead or in rib in traveling ways, where miners have to travel to or from their work, must be taken down or carefully secured.

Sec. 58. EXAMINATION BY FOREMAN.) All main airways or traveling ways in any underground workings shall be examined at least twice a week by the mine foreman or some other competent person so directed by said mine foreman and a record of such inspections shall be kept at the mine office.

Sec. 59. REMOVAL OF COMBUSTIBLE MATTER.) It shall be the duty of the mine foreman or his assistant in charge of any coal mine where coal dust or any other inflammable material may accumulate to cause the same to be properly saturated with water or with some compounds or chemicals used for such purpose as

often as necessary in either air courses or entries, or all accumulated matter, explosive in its nature, shall be removed from the mine.

Sec. 60. MINE FOREMAN AND HIS DUTIES.) In order to secure efficiency in the coal mines, the operator or superintendent shall employ a competent and practical foreman; said mine foreman shall have passed an examination and obtained a certificate of competency as required by this Act, and said mine foreman shall devote the whole of his time to his duties at the mine when in operation.

The mine foreman or his assistant shall visit and examine every working place in the mine at least once each day while the miners of such places are or should be at work and shall examine and see that each working place is secured by timbering so that the safety of the mine is assured; he shall see that a sufficient supply of timbers and material is always on hand at the working places in compliance with this Act.

When the mine foreman is personally unable to carry out the requirements of this Act as pertaining to his duties, on account of sickness or of other unavoidable conditions, a competent person shall be appointed to act in his place. The said person so appointed shall possess a certificate of competency, either as mine foreman or mine examiner as provided for in this Act, or shall receive a permit to act as such from the State Coal Mine Inspector's office within thirty days after taking charge.

Whenever such mine foreman, his assistant or assistants, shall have an unsafe place reported to him or them, he or they shall order and direct that the same be placed in a safe condition and until such is done no person or persons shall enter such unsafe place, except for the purpose of making it safe.

Sec. 61. MINE EXAMINERS AND THEIR DUTIES.) A mine examiner shall be required at all coal mines generating dangerous and explosive gases. His duty shall be to visit the mine before the men are permitted to enter it and first, he shall see that the air current is traveling in its proper course and quantity. He shall inspect all places where men are expected to pass or to work and observe if there are any recent fall or obstructions in rooms and roadways or accumulations of blackdamp or other unsafe conditions.

He shall especially examine the edges and accessible parts of recent falls and old gobs and air courses. As evidence of such examination he shall mark with chalk upon the face of the coal his initial and the date of the month and year; if there is any standing gas discovered he shall leave a danger signal across every entrance to such place.

He shall make a report on a blackboard provided on the outside of the mine, or at some other convenient place, for that purpose and arranged so that the men can inspect it while



passing to their work showing the conditions of the mine as to the presence of blackdamp and indicating the place or places where present if any is present, before he permits any person or persons to enter the mine. He shall complete his inspection before the time for the daily shift men to go to work and shall personally check each miner or loader into the mine, advising each as to the condition of his working place and holding back any man whose working place is in dangerous condition. He shall return to the mine with such miners or loaders thus held back and remain there attending to the removal of any standing gas.

He shall examine parts of the mine not in actual course of working and available, not less than once each three days. He shall see that every part of the mine is kept free from standing gas and all old workings are properly fenced off. He shall examine the mine on idle days and Sundays if any men are required to work in any part of it, and, if any time elapse between the day turn leaving and night turn starting, the places to be worked by night turn must be examined by him with a safety lamp and reported safe before persons go to them. He shall make a daily record of the conditions of the mine as he has found them, in a book kept for that purpose, which shall be preserved in the office of the company. No miner or loader, when advised by the mine inspector that his working place is dangerous, shall leave the bottom of the shaft or the main partings on slopes or drifts until accompanied by the mine examiner.

Sec. 62. STORING OF EXPLOSIVES IN MINES.) No workman shall have at any time more than one twenty-five pound keg of black powder in the mine nor more than twenty-five pounds of high explosives. Every person who has powder or other explosives in a mine shall keep it or them in a wooden or metallic box or boxes, securely locked, and said boxes shall be kept at least five feet from the track and no two powder boxes shall be kept within twenty-five feet of each other nor shall black powder nor high explosives be kept in the same box.

Sec. 63. MANNER OF HANDLING EXPLOSIVES.) Whenever a workman is about to open a box or keg containing powder or other explosives and while handling the same he shall place and keep his lamp at least five feet distant from such explosive, and in such position that the air current cannot carry sparks to it, and no person shall approach nearer than five feet to any open box containing powder or other explosive with a lighted lamp, lighted pipe or other thing containing fire.

Sec. 64. COPPER TOOLS.) In the process of charging and tamping a hole, no person shall use an iron or steel pointed needle. The needle used in preparing a blast shall be made of

copper and the tamping bar shall be tipped with at least five inches of copper. Some soft material must always be placed next the cartridge or explosive.

Sec. 65. SYSTEM OF BLASTING.) A workman who is about to explode a blast with a squib shall not shorten the match, saturate it with oil, or ignite it except at the extreme end: he shall see that all persons are out of danger from probable effects of such shots, and shall take measures to prevent anyone from approaching by shouting "Fire," immediately before lighting the fuse or squib.

When firing shots in close proximity to other workmen on rib or in crosscut driven for air or other purposes, he or they, firing such shots shall notify in person or by signals the workmen in adjoining rooms or other place of entry.

When a quib is used and a shot misses fire no person shall return until five minutes shall have elapsed. When a fuse is used and a shot misses fire no person shall return until one hour for each foot of fuse shall have elapsed.

When drawslate or blackjack is over the coal, the miner shall not go underneath the same until it is made safe from falling by securely posting it, and he shall not remove the posts until the coal is removed and he is ready to take down the drawslate or blackjack. When more than one shot is to be fired at the same time with fuse, in the same working place different lengths of fuse shall be used so as to prevent any possibility of the shots going off simultaneously.

Sec. 66. CARE OF WORKING PLACES.) Each miner shall examine his working place upon entering the same and shall not commence to mine or load until it is made safe. He shall be very careful to keep his working place in safe condition at all times.

Should he at any time find his place becoming dangerous from any cause or condition, to such an extent that he is unable to take care of the same personally, he shall at once cease work and notify the mine foreman, or his assistant as provided for hereinbefore in this Act, of such danger, and upon leaving such place he shall place some plain warning at the entrance thereto to warn others from entering into said danger and he shall not return to his place until ordered to do so by the mine foreman or his assistant. Each miner, or other person employed in a mine, shall securely prop the roof of the working place therein under his control, and shall obey any order or orders given by the superintendent or mine foreman relating to the width of his working place or safety of the same. Such miner or other person shall not be held to have violated the provisions of this section if the owner, lessee, agent, superintendent or mine foreman fail to supply the necessary props, caps, timbers or necessary material as provided for in this Act.

Each miner or other person shall avoid waste of props, caps, timber or other material. When he has props, caps, timber or other material unsuited for his purpose he shall not cover them up nor destroy them but shall place the same near the track where they can be readily seen.

Sec. 67. DUTIES OF MACHINE MEN.) Machine runners and helpers shall use care while operating mining machines. They shall not operate a machine unless the shields are in place and shall warn all persons not engaged in the operating of a machine of the danger of going near a machine while in operation. They shall examine the roof of the working place and see that it is safe before starting to operate the machinery. They shall not move the machine while the cutter chain is in motion.

When connecting the power cable to electric wires, they shall make the negative or grounded connections before connecting to the positive and, when disconnecting the power cable, shall disconnect from the positive line before disconnecting the negative or grounded. They shall use care that the cable does not come in contact with metallic rails of the track and shall avoid, where possible, leaving the cable in water. If any machine men remove props which have been placed by the miner for the security of the roof, they shall reset such props as promptly as possible.

Sec. 68. DUTIES OF MOTORMEN, TRIP RIDERS AND DRIVERS.) Motormen and trip riders shall use care in handling the motors and cars and shall see that signals or markers, as provided for, are used as provided, and shall be governed by the speed provided for in this Act in handling cars. They shall not run the motors with the trolley ahead of the motors, except in case where they cannot do the alternative, and then only at a speed of two miles an hour. They shall warn persons forbidden to ride on the motors or cars and shall not permit such persons to ride on motors or cars contrary to the provisions of this Act.

Drivers shall use care in handling cars, especially when going down extreme grades and at junction points.

Motormen, trip riders and drivers in charge of hauling trips passing through doors used as a means of directing the ventilation, shall see that such doors are closed promptly after the trip passes through.

Sec. 69. DUTIES OF OTHER EMPLOYEES.) No person shall enter a mine generating blackdamp so as to be detected by a safety lamp until the mine examiners make a report on the blackboard for that purpose as hereinbefore provided for in this Act.

No person, unless accompanied by the mine examiner, shall remove any caution board or danger signal placed at the entrance to any working place or at the entrance to any old workings in a mine.

No person shall erase or change a mark of reference or monu--

ment made in connection with a measurement; change marks or dates or any caution board, or erase or change the dates at room or entry face when made by the mine examiner; change the checks on cars, wrongfully check a car or do any act with intent to defraud. No person shall take a lighted pipe or other thing containing fire, except lanterns as provided for in this Act, into any underground stable or barn.

No person shall place refuse in or obstruct any airway or break-through used as an airway. No workman or other person shall injure a water gauge, barometer, aircourse, brattice equipment, machinery or livestock; obstruct or throw open any airway; handle or disturb any part of the machinery of the hoisting engine of a mine; open a door of a mine and neglect to close it; endanger the miners or those working therein; disobey an order given in pursuance of law, or do a wilful act whereby the lives and health of persons working therein or the security of a mine or machinery connected therewith may be endangered.

Sec. 70. PERSONS PERMITTED TO RIDE ON HAULAGE TRIPS.) No person or persons except those in charge of trips, superintendents, mine foremen, mine examiners, electrician, mechanics and blacksmiths, when required by their duty, shall ride on haulage trips, except where by mutual agreement in writing between the superintendent or agent and the employes a special trip of empty cars is run for the purpose of taking employes into or out of the mine, or empty cars are attached to loaded trips, which shall not be run at a speed exceeding six miles an hour.

Sec. 71. EMPLOYEES SHALL NOT LOITER NOR USE INTOXICANTS AROUND THE MINE.) Each employe of a mine shall go to or from his place of duty by the traveling ways provided; shall not travel around the mine or the buildings, where duty does not require, and when not on duty, shall not loiter at, in or around the mine, the buildings or machinery connected therewith, except by permission of the owner, lessee, operator, superintendent, or foreman.

No person shall go into or around a mine, the buildings or the machinery connected therewith while under the influence of intoxicants. No person shall use, carry or have in his possession at, in or around a mine, the building or the machinery connected therewith, any intoxicants.

Sec. 72. TOP AND BOTTOM MEN.) At every shaft, operated by steam or other power, the operator must station at the top and bottom of such shaft a competent man, charged with the duty of attending to signals, preserving order and enforcing rules, during the carriage of the men on cages.

Sec. 73. LIGHTS ON LANDINGS.) Whenever the hoisting or lowering of men occurs before daylight or after dark, or when the landing at which men leave or take the cage, car or cars, is at all obscured by steam or otherwise there must always be



maintained at such landing a light sufficient to show the landing and surrounding objects distinctly. Lights shall also be maintained at each landing and the bottom of all shafts while men are at work underground.

Sec. 74. REGULATIONS FOR HOISTING OR LOWERING OF MEN.) Cages in shafts or cars in any slope, on which men are riding shall not be lifted or lowered at a greater rate of speed than six hundred feet per minute.

No more than twelve (12) persons shall ride on any cage or car at any one time, except where specially constructed man cars are used on a slope.

No person shall carry any explosives, tools, timber or other material with him on a cage, car or cars, in motion, in any shaft or any slope or incline plane while the men are being hoisted or lowered, except for use in repairing the shaft or incline plane.

No cage having an unstable or self-dumping platform shall be used for the carriage of men or materials unless the same is provided with some device by which the platform can be securely locked, and unless it is so locked whenever men or materials are being conveyed thereon.

The rope rider on any slope or incline plane shall, during working hours, see that all ropes and signals are in perfect working order, and if he perceives anything wrong, he shall at once report the same to the mine foreman or his assistant.

He must be cautious when men are being hoisted or lowered into any slope and shall see that all safety appliances are properly attached and that all cars are securely coupled. He shall pay strict attention to all signals.

When more than twelve persons get on a cage or on one car on a slope or incline plane, except as above provided for, the bottom man, top man or rope rider in charge of the lowering and hoisting of such persons shall order a sufficient number to get off to reduce the number to twelve persons on the cage or car, and the person or persons so ordered shall immediately comply.

The car or cars used to hoist or lower men into or out of any slope or on any plane shall be connected by safety chains or some safety appliance must be used to maintain the trip in case of breakage of coupling or other connection.

Sec. 75. RIGHTS OF MEN TO COME OUT.) Whenever men who have finished their day's work, or who have been prevented from further work for any cause, shall come to the bottom of any shaft to be hoisted out, a cage shall be given them for that purpose, unless there is available exit by slope or stairway in an escape-ment shaft, and providing there is no coal at the bottom to be hoisted. Whenever the designated number of persons for a cage

load shall arrive at the bottom of the shaft in which persons are regularly hoisted or lowered, they shall be furnished with an empty cage and be hoisted.

Sec. 76. STRETCHERS, BLANKETS, ETC.) At every mine where men are employed underground it shall be the duty of the operator thereof to keep always on hand and at some readily accessible place a properly constructed stretcher, a woolen and waterproof blanket, and roll of bandages, in good condition and ready for immediate use, for binding, covering and carrying anyone who may be injured at the mine; also to provide a comfortable apartment near the mouth of the mine in which anyone so injured may rest while awaiting transportation home, and to provide for the speedy transportation of anyone injured in such mine to his home. When more than one hundred and fifty men are employed in any one mine two stretchers, two woolen and waterproof blankets, with a corresponding supply of bandages, shall be provided and kept on hand. There shall also be provided and kept in store a suitable supply of linseed or olive oil for use in case men are burned by an explosion or otherwise.

Sec. 77. BOUNDARY LINES.) In no case shall the workings of a coal mine be driven nearer than ten feet to the boundary line of the coal rights pertaining to said mine, except for the purpose of establishing connecting workings between properties owned by the same person or an underground communication between contiguous mines as provided for elsewhere in this Act.

Sec. 78. NOTICE TO INSPECTORS.) Immediate notice must be conveyed to the State Coal Mine Inspector by the operator interested:

First: Whenever an accident occurs whereby any person receives serious or fatal injury.

Second: Whenever work is commenced to sink a shaft, slope or drift, either for hoisting or escapement purposes.

Third: Whenever it is intended to abandon any mine or to re-open any abandoned mine.

Fourth: Upon the appearance of any large body of fire damp in mine, whether accompanied by explosion or not, and upon the occurrence of any serious fire within the mine or on the surface around the mine.

Fifth: When the workings of any mine are approaching near any abandoned mine believed to contain accumulation of water or gas.

Sixth: Upon the accidental closing or intended abandonment of any regularly established passageway to an escapement outlet.

Sec. 79. DUTY OF INSPECTORS.) When advised by an operator of any accident in a coal mine involving loss of life or serious personal injury the State Coal Mine Inspector shall, if he deem it

necessary from the facts reported, and in all cases of loss of life, immediately go to the scene of said accident, or send some competent person authorized by him. It shall, moreover, be the duty of every operator of a coal mine, or his agent, to make and preserve for the information of the Inspector, a record of all injuries sustained by any employes in the pursuance of their regular occupation.

The State Coal Mine Inspector may also make any original or supplementary investigation which he may deem necessary as to the nature and cause of any accident within his jurisdiction and shall make a record of the circumstances attending the same and of the results of his investigations for preservation in the files of his office.

To enable him to make such investigation he shall have the power to compel the attendance of the witnesses and to administer oaths or affirmations to them, and the cost of such investigation shall be paid by the county in which such accident has occurred in the same manner as the cost of coroner's inquest is paid.

Sec. 80. CORONER'S INQUEST.) If any person is killed by an explosion or other accident, the operator must also notify the Coroner of the County, his authorized deputy, or in the absence of either or the inability of either to act, any Justice of the Peace of said county for the purpose of holding an inquest concerning the cause of such death. At such inquest the State Coal Mine Inspector, his deputy or authorized representative shall offer such testimony as he may be possessed of, and he may question or cross-question any witness appearing in the case, and the owner, agent or manager of the coal mine, either in person or by counsel shall also be at liberty to examine or cross-examine any witness at such inquest.

Any person having personal interest in or employed in the management of the mine in which the accident occurred shall not be qualified to serve on the jury empanelled on the inquest; and it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the Coroner not to allow any such person to be sworn or sit on the jury; nevertheless, when possible, one-third of the jurymen shall be miners.

Unless the State Coal Mine Inspector, or some person authorized by him, is present at an inquest held upon the body of any person, where death may have been caused by any such accident, the Coroner shall adjourn the same and, by written notice or telegram delivered or sent to the State Coal Mine Inspector at least two days before holding the adjourned inquest give notice of the time and place of the holding of the same. Before

such adjournment the Coroner, his authorized deputy or the Justice of the Peace, may take evidence to identify the body and order the interment thereof.

Sec. 81. CODE OF SIGNALS AT COAL MINES.) At any coal mine operated by shaft or by slope, the manner of signaling to and from the bottom man, the top man, the rope riders and the engineer shall consist of wires or a tube or tubes through which signals shall be communicated by electricity, compressed air or other pneumatic devices.

The following signals are provided for use at coal mines where signals are required:

ONE RING OR WHISTLE.) One ring or whistle shall signify to hoist coal or the empty cars or cage, and also to stop either when in motion.

TWO RINGS OR WHISTLES.) Two rings or whistles shall signify to lower cage or car.

THREE RINGS OR WHISTLES.) Three rings or whistles shall signify that men are coming up; when return signal is received from engineer, either by bell whistle or slight movement of the trip, men will get on cage or cars and the cager or rope rider shall ring or whistle "one" to start.

FOUR RINGS OR WHISTLES.) Four rings or whistles shall signify to hoist slowly, implying danger.

FIVE RINGS OR WHISTLES.) Five rings or whistles shall signify accident in the mine and call for stretchers.

FROM TOP TO BOTTOM.) One ring or whistle shall signify—to send empty cages or cars.

PROVIDED: That the management of any mine may, with the consent of the State Coal Mine Inspector, add to or change his code of signals at their discretion for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but, whatever code may be established and in use at any mine it must be approved by the State Coal Mine Inspector, and shall be conspicuously posted at the top and at the bottom of every shaft or slope, and at the landing place on all rope haulage systems, also in all engine rooms for the information and instruction of all persons. In any coal mine where more than fifty men are employed underground, one or more telephones shall be installed communicating with the surface.

Sec. 82. DUTIES OF HOISTING ENGINEERS.) The hoisting engineer on any shaft, slope or drift at any mine shall be in constant attendance at his engine during working hours when there are workmen underground. He shall not permit anyone to enter or to loiter in the engineroom, except those authorized by their positions or duties to do so, and he shall hold no conversation with any officer of the company or other person, or leave his en-



gine while in motion or while his attention is occupied with the signals. A notice to this effect shall be posted on the door of the engine room.

The hoisting engineer must thoroughly understand the code of signals, and such signals must be delivered in the engine-room in a clear and unmistakable manner, and he shall not recognize any signals other than those provided for in this Act, or such as have been approved by the State Coal Mine Inspector; and when he has the signal that men are on the cage, car or cars, he must work his engine only at the rate of speed herein provided for in this Act. He shall permit no one to handle or meddle with any machinery under his charge, nor suffer anyone who is not a certified engineer to operate his engine except for the purpose of learning to operate it or repair same, and then only in the presence of the engineer in charge and when men are not on the cages, car or cars.

Sec. 83. QUALIFICATIONS OF MINERS.) Each person desiring to work by himself at mining or loading shall first produce satisfactory evidence in writing, to the mine foreman, of the mine in which he is employed, that he has worked at least one year with, under the direction of, or as a practical miner, and it is further understood that no miner shall be allowed to work on pillars until he has mined at least two years. Until a person has so satisfied the mine foreman of his competency, he shall not work or be permitted to work at mining or loading unless accompanied by a miner holding the foregoing qualifications. This section shall be retroactive on and after October 1st, 1919.

Sec. 84. OPERATORS MUST MAKE REPLY TO STATISTICAL INQUIRY.) Every coal mine operator, whether person, co-partnership or corporation, shall within thirty days after receipt of blanks from the State Coal Mine Inspector, asking for statistical data relative to any coal mine operated by the person, co-partnership or corporation addressed, fill in the blanks of such forms, answering all interrogations correctly and mail the same to the State Coal Mine Inspector.

Sec. 85. PENALTIES.) Any wilful neglect, refusal or failure to do things required to be done by any section, clause or provisions of this Act, on the part of the person or persons herein required to do them or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with the Inspector in the discharge of the duties herein imposed upon him or any refusal to comply with the instructions of the Inspector given by authority of this Act, shall be deemed a misdemeanor punishable by a fine not exceeding Five Hundred Dollars, or by imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court.

Provided, that in addition to the above penalties in case of the failure of any operator to comply with the provisions of this

Act in relation to the sinking of escapement shafts or slopes and the ventilation of mines, the State's Attorney for the County in which such failure occurs, or any other Attorney, in case of his neglect to act promptly, shall proceed against such operator by injunction without bond to restrain him from continuing to operate such mine until all legal requirements shall have been fully complied with.

The State Coal Mine Inspector shall, if he finds that any section of this Act, or part thereof, is being neglected or violated, order immediate compliance therewith, and in case of continued failure to comply shall have power to stop the operation of the mine, or remove any offending person or persons from the mine until the law is complied with.

Sec. 86. EMPLOYMENT OF CHILDREN.) Any person, company, firm, association or corporation engaged in the mining industry in this state or any agent, officer, foreman or other employe having control or management of employes who shall knowingly employ or permit to be employed any child under the age of sixteen years to render or perform any service or labor in any underground workings or mine, shall be guilty of a misdemeanor, and punishable as hereinafter provided.

Sec. 87. PENALTY.) Any person or corporation violating any part of Section 86 shall be deemed guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than One Hundred (\$100.00) Dollars or more than Five Hundred (\$500.00) Dollars.

Sec. 88. HOURS OF LABOR.) A period of not over eight hours shall constitute a day's work on all works or undertaking in any coal mine or open-pit mine, except in cases of emergency where life or property is in imminent danger.

Sec. 89. DEFINITIONS. (a) "MINE.") In this Act the words "mine" and "coal mine" used in their general sense are intended to signify any and all parts of the property of a mining plant which contribute, directly or indirectly, under one management, to the mining or handling of coal.

(b) "EXCAVATIONS OR WORKINGS.") The word "excavations" and "workings" signify any and all parts of a mine excavated or being excavated, including shafts, slopes, tunnels, entries, rooms and working place, whether abandoned or in use.

(c) "SHAFTS.") The term "shafts" means any vertical opening through the strata which is or may be used for the purpose of ventilation or escapement, or for hoisting or lowering of men or material in connection with the mining of coal.

(d) "SLOPE" OR "DRIFT.") The terms "slope" and "drift" mean respectively an incline or horizontal way, opening or tunnel to a seam of coal to be used for the same purpose as a shaft.

(e) "FOLLOWING SHOT.") A "following shot" is a shot which is dependent on its action on the result of another shot.

(f) "OPERATOR.") The term "operator" as applied to the party in control of a mine under this Act, signifies the person, firm or body corporate who is the immediate proprietor as owner or lessee of the plant and, as such responsible for the management and condition thereof.

(g) "MINE FOREMAN.") The "mine foreman" is a person who is charged with the general direction of the underground work, or both the underground work and the outside work of any coal mine, and who is commonly known and designated as "Mine Boss."

(h) "MINE EXAMINER.") The "mine examiner" is the person charged with the examination of the condition of the mine before the miners are permitted to enter it.

Sec. 90. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated the sum of Ten Thousand (\$10,000.00) Dollars for the purpose of carrying out the provisions of this Act.

Sec. 91. REPEALING CLAUSE.) All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 92. WHEREAS, an emergency now exists in that the coal mines of North Dakota are now being run and operated in a manner that is dangerous to the life, peace, health and safety of the miners of the State of North Dakota, and whereas it is necessary for the immediate preservation of health, safety and peace of the public; therefore, this Act is hereby declared an emergency measure and shall become and be in force immediately upon its passage and approval.

Approved February 25, 1919.

## CHAPTER 169.

(S. B. No. 85—Mostad.)

### RAILROADS—SAFETY OF EMPLOYEES AND TRAVELERS.

An Act to Promote the Safety of Employees and Travelers and the Expeditious Movement of Freight on Railroads by Compelling Common Carriers by Railroad to Properly Man Their Trains; Providing Penalties and Measuring Damages for the Violation Thereof.

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

Sec. 1. FREIGHT TRAINS OF OVER FORTY CARS. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in twenty-four (24) hours, to operate over any of its lines, or any part thereof outside of the yard limits, any freight or mixed trains consisting of more than forty (40) freight or other cars, exclusive of caboose and engine with less than a full train crew consisting of six (6) persons, to-wit: One (1) conductor,

one (1) engineer, one (1) fireman, two (2) brakemen and one (1) flagman (such flagman to have at least one year's experience in train service). This section does not apply to any branch or part of road that does not operate more than four (4) trains in any twenty-four (24) consecutive hours.

Sec. 2. FREIGHT TRAINS OF UNDER FORTY CARS. LIGHT ENGINES. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in any twenty-four (24) consecutive hours, to operate over any of its lines or any part thereof outside of the yard limits any freight or mixed trains consisting of less than forty (40) freight or other cars, exclusive of caboose and engine with less than full train crew consisting of five (5) persons, to-wit: One (1) conductor, one (1) engineer, one (1) fireman, one (1) brakeman, and one (1) flagman (such flagman to have at least one year's experience in train service); provided, however, that a light engine may be manned by a crew consisting of not less than one (1) conductor, one (1) engineer, and one (1) fireman.

Sec. 3. PASSENGER TRAINS OF MORE THAN FOUR CARS. HOW MANNED.) It shall be unlawful for any railroad company doing business in the State of North Dakota that operates more than four (4) trains in any twenty-four (24) consecutive hours to operate over any of its lines or any part thereof outside of the yard limits, any passenger train consisting of more than four (4) passenger or other cars with less than a full train crew consisting of five persons, to-wit: One (1) conductor, one (1) engineer, one (1) fireman, one (1) brakeman and one (1) flagman (such flagman to have at least one year's experience in train service); provided, that said conductor, flagman or brakeman will not be required to perform any of the duties of train baggage master, express messenger, porter or electrician.

Sec. 4. That any railroad company doing business in the State of North Dakota who shall send out on its road or cause or permit to be sent out or operated on its road, any train which is not manned in accordance with Sections One, Two and Three of this Act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each offense, and such company shall be liable in treble damages for any sickness, injury, loss, disability or accident resulting from or caused by the violation of any of the provisions of this Act; provided that nothing in this Act shall apply to relief or wrecking trains when the required number of men are not available; and provided further that in case of an accident or sickness or other unavoidable happening to any member of said crew by said train while en route that it shall not be construed as viola-

tion hereof or any of the provisions of this Chapter to run said train to railroad division point with less than a full crew.

Sec. 5. All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved February 18, 1919.

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#### CHAPTER 170.

(H. B. No. 186—Malone.)

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##### HOURS OF LABOR FOR FEMALES.

An Act Regulating and Fixing the Hours of Labor for Females, and Providing Penalties for the Violation Thereof.

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

Sec. 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or telephone or telegraph establishment or office, or in any express or transportation company, in the State of North Dakota more than eight and one-half ( $8\frac{1}{2}$ ) hours in any one day or more than six (6) days or more than forty-eight 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.

Sec. 2. Any person who violates any provision of this Act shall, upon conviction thereof, be punished by a fine of not less than Twenty-five Dollars nor more than Two Hundred Dollars.

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

Approved March 6, 1919.

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#### CHAPTER 171.

(H. B. No. 57—O'Brien.)

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##### LIMITING POWER OF COURTS TO GRANT INJUNCTIONS

An Act Limiting the Power of Courts to Grant Injunctions and Prohibiting the Issuing of Restraining Orders and Injunctions in Certain Labor Matters.

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

Sec. 1. No restraining order or injunction shall be granted by any Court of this State, any judge or judges thereof in any case involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be described with



particularity in the application, which must be in writing and sworn to by the applicant or by his agent or attorney.

Sec. 2. No restraining order or injunction shall prohibit any person or persons whether singly or in concert from terminating any relation of employment or from ceasing to perform any work or labor or from recommending, advising or persuading others so to do; or from attending at any place where any person or persons may lawfully be, for the purpose of obtaining or communicating information, or from persuading any such person to work or to abstain from working; or from ceasing to patronize any party to such dispute; or from recommending, advising, or persuading others so to do; or from paying or giving to, or withholding from any person engaged in such dispute, any strike benefits or other moneys or things of value; or from assembling in a lawful manner, and for lawful purposes; or from doing any act or thing which might lawfully be done in the absence of such dispute by a single person; nor shall any of the Acts specified in this section be considered or held to be illegal or unlawful in any Court in this State.

Sec. 3. In all cases involving the violation of the contract of employment, either by the employer or the employee where no irreparable damage is about to be committed upon the property or property right of either, no injunction shall be granted, but the parties shall be left to their remedy at law.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved February 14, 1919.

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## CHAPTER 172.

(S. B. No. 84—Mees.)

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### RAILROADS—REQUIRING SHELTER AND PROTECTION FOR EMPLOYEES.

An Act Requiring Employers to Provide Shelter and Protection for Employees While Engaged in the Repair or Construction of the Equipment of Common Carriers and Providing Penalties for the Violation Thereof.

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

Sec. 1. Every company, corporation, person or receiver engaged in repairing or constructing railway cars, trucks, locomotive engines or other railroad equipment, shall erect and maintain at every station or other point where five or more persons are regularly employed and engaged in such construction or repairing, suitable buildings or sheds covering sufficient railroad track to accommodate all of the cars, trucks, locomotive engines or other railroad equipment at any time under construction or

repair at that point, and to provide and insure shelter and protection from rain, snow or inclement weather to all of the men and women so employed and engaged in such construction or repair work. Provided, however, that the terms of this Act shall not apply to division terminals or other points where it is necessary to make light repairs only on cars, nor to any repair of cars loaded with time or perishable freight, nor to the repair of cars when trains are being held for the movement of said cars, nor to points where less than five persons are regularly employed in such repair service.

Sec. 2. Any company, corporation, person or receiver violating the provisions of this Act and failing to provide for the shelter and protection of its employes as required by the provisions of Section 1, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars for the first offense, and for each subsequent offense by a fine of not less than five hundred (\$500) dollars nor more than ten thousand (\$10,000) dollars, and shall pay in addition to the fine imposed the costs of prosecution.

Approved February 18, 1919.

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#### CHAPTER 173.

(H. B. No. 163—O'Brien.)

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#### REQUIRING THE LABEL OF INTERNATIONAL TYPOGRAPHICAL UNION ON STATE PRINTING.

An Act Requiring the Label of the International Typographical Union to be Placed Upon all Public Printing of the State of North Dakota and Providing Penalties for the Violation Thereof.

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

Sec. 1. All printing for which the State of North Dakota is chargeable, including reports of state officers, state boards, pamphlets, blanks and printed matter of every kind and description save and except letterheads, envelopes, certificates of appointment and election to office, shall have the label of the branch of the International Typographical Union of the city in which they are printed.

Sec. 2. Any officer of the state who shall accept any printed matter save and except letterheads, envelopes and certificates named in Section 1, for which the state is chargeable, which does not bear a label indicating that it was printed in an office under the jurisdiction of the International Typographical Union, shall be subject to a fine of fifty dollars for each and every offense.

Approved March 6, 1919.

## CHAPTER 174.

(H. B. No. 184—Malone.)

**LIVES, HEALTH AND MORALS OF WOMEN AND MINOR WORKERS.**

**An Act to Protect the Lives and Health and Morals of Women and Minor Workers, and to Establish Maximum Hours and Minimum Wages Therefor; Authorizing and Empowering the Workmen's Compensation Bureau to Fix Such Maximum Hours and Minimum Wages and Standard Conditions of Labor for Such Workers; Providing Penalties for Violation of this Act; Making an Appropriation Therefor and Repealing Chapter 181 of the Session Laws of North Dakota for the Year 1917, and all Acts or Parts of Acts in Conflict with the Provisions of this Act.**

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

Sec. 1. DEFINITION.) That when used in this Act the term "Bureau" means the Workmen's Compensation Bureau.

The term "Commissioner" means a member of the Workmen's Compensation Bureau.

The term "minor" means a person of either sex under the age of eighteen years.

The term "women" includes only women eighteen years of age or over.

The term "Occupation" includes a business, industry, trade or branch thereof, but shall not include agricultural or domestic service.

Sec. 2. The said Bureau is hereby authorized and empowered to ascertain and declare, in the manner hereinafter provided, the following things:

(a) Standards of hours of employment for women or minors and what are unreasonably long hours for women or for minors in any occupation within the State of North Dakota;

(b) Standards of conditions of labor for women or for minors in any occupation within the State and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women or of minors in any such occupation;

(c) Standards of minimum wages for women in any occupation in the State and what wages are inadequate to supply the necessary cost of living to any such women workers and to maintain them in good health;

(d) Standards of minimum wages for minors in any occupation within the State of North Dakota and what wages are unreasonably low for any such minor workers;

(e) To prepare, adopt and promulgate rules and regulations for the carrying into effect of the foregoing provisions of this Act, including rules and regulations for the selection of members and the mode of procedure of conferences;

(f) To employ any and all necessary help and assistance



for the purpose of carrying out the provisions of this Act and to fix their compensation and bonds, providing that the total amount of such compensation shall not exceed the amount appropriated therefor by the Legislative Assembly;

(g) To investigate and ascertain the wages and the hours of labor and the conditions of labor of women and minors in different occupations in which they are employed in the State of North Dakota;

(h) Either through any authorized representative or any Commissioner, to inspect and examine any and all books and payrolls and other records of any employer of women or minors that in any way appertain to or have a bearing upon the questions of labor or hours of labor or conditions of labor of any such women workers or minor workers in any of such occupations;

(i) To require from any such employer full and true statements of the wages paid to and the hours of labor and conditions of labor, of all women and minors in such employment.

Sec. 3. It shall be unlawful to employ women or minors in any occupation within the State for unreasonably long hours; and it shall be unlawful to employ women or minors in any occupation within the State under such surroundings or conditions, sanitary or otherwise, as may be detrimental to their health, or morals; and it shall be unlawful to employ women in any occupation within the State for wages which are inadequate to supply the necessary cost of living and to maintain them in health; and it shall be unlawful to employ minors in any occupation within the State for unreasonably low wages.

Sec. 4. Every employer of women or minors shall keep a register of the names of all women and all minors employed by him, and shall, on request, permit any Commissioner or any authorized representative of said Bureau to inspect and examine such register.

Sec. 5. Said Bureau may hold meetings for the transaction of any of its business at such times and places as it may prescribe; and said Bureau may hold public hearings at such times and places as it deems fit and proper for the purpose of investigating any of the matters it is authorized to investigate by this Act. At any such public hearing any person interested in the matter being investigated may appear and testify. Said Bureau or any Commissioner shall have power to subpoena and compel the attendance of any witness at any such public hearing or at any session of any conference called and held as hereinafter provided; and any Commissioner shall have power to administer an oath to any witness who testifies at any such public hearing or at any such session of any conference. All witnesses subpoenaed by said Bureau shall be paid the same mileage and per diem as are allowed by law to witnesses in civil cases before the District Court.

Sec. 6. If, after investigation, said Bureau is of the opinion that any substantial number of women workers in any occupation are working for unreasonably long hours or are working under surroundings or conditions detrimental to their health or morals or are receiving inadequate wages to supply them with the necessary cost of living and maintain them in health, said Bureau may call and convene a conference for the purpose and with the powers of considering and inquiring into and reporting on the subject investigated by said Bureau and submitted by it to such conference. Such conference shall be composed of not more than three representatives of the employers in said occupation and of an equal number of the representatives of the employees in said occupation and of not more than three disinterested persons representing the public and of one or more Commissioners. Said Bureau shall name and appoint all members of such conference and designate the chairman thereof. Said Bureau shall present to such conference all information and evidence in the possession or under the control of said Bureau which relates to the subject of the inquiry of such conference; and said Bureau shall cause to be brought before such conference any witness whose testimony said Bureau deems material to the subject of the inquiry of such conference. After completing its consideration of any inquiry into the subject submitted to it by said Bureau, such conference shall make and transmit to said Bureau a report containing the findings and recommendations of such conference on said subject. Accordingly as the subject submitted to it may require, such conference shall, in its report, make recommendations on any or all of the following questions concerning the particular occupation under inquiry, to-wit:

(a) Standards of hours of employment for women workers and what are unreasonably long hours of employment for women workers;

(b) Standards of conditions of labor for women workers and what surroundings or conditions, sanitary or otherwise, are detrimental to the health or morals of women workers;

(c) Standards of minimum wages for women workers and what wages are inadequate to supply the necessary cost of living to women workers and maintain them in health.

In its recommendation on a question of wages such conference shall, where it appears that any substantial number of women workers in the occupation under inquiry are being paid by piece rates as distinguished from time rate, recommend minimum piece rates as well as minimum time rate and recommend such minimum piece rates as will in its judgment be adequate to supply the necessary cost of living to women workers of average ordinary ability and maintain them in health. Two-thirds of the members of any such conference shall constitute a quorum; and the decision or recommendation or report of such two-thirds

on any subject submitted shall be deemed the decision or recommendation or report of such conference.

Sec. 7. Upon receipt of any report from any conference said Bureau shall consider and review the recommendation contained in said report; and said Bureau may approve any or all of said recommendations or disapprove any or all of said recommendations; and said Bureau may re-submit to the same conference or a new conference any subject covered by any recommendations so disapproved. If said Bureau approves any recommendations contained in any report from any conference, said Bureau shall publish notice, not less than once a week for four successive weeks in not less than two newspapers of general circulation published in the state, that it will on a date and at a place named in said notice hold a public meeting at which all persons in favor of or opposed to said recommendations will be given a hearing; and, after said publication of said notice and said meeting, said Bureau may, in its discretion, make and render such an order as may be proper or necessary to adopt such recommendations and carry the same into effect and require all employers in the occupation affected thereby to observe and comply with such recommendations and said order. Said order shall become effective in sixty days after it is made and rendered and shall be in full force and effect on and after the sixtieth day following its making and rendition. After said order becomes effective and while it is effective, it shall be unlawful for any employer to violate or disregard any of the terms or provisions of said order or to employ any woman worker in any occupation covered by said order for longer hours or under different surroundings or conditions or at a lower wage than are authorized or permitted by said order. Said Bureau shall, as far as is practicable, mail a copy of such order to every employer affected thereby; and every employer affected by any such order shall keep a copy thereof posted in a conspicuous place in each room in his establishment in which women workers work. No such order of said Bureau shall authorize or permit the employment of any women for more hours per day or per week than the maximum now fixed by law.

Sec. 8. Said Bureau may at any time inquire into wages or hours or conditions of labor of minors employed in any occupation in this State and determine suitable wages and hours and conditions of labor for such minors. When said Bureau has made such determination, it may issue an obligatory order in the manner hereinbefore provided; and, after such order is effective, it shall be unlawful for any employer in said occupation to employ a minor at less wages or for more hours or under different conditions of labor than are specified or required in or by said order; but no such order of said Bureau shall authorize or permit the employment of any minor for more hours per day or per week

than the maximum now fixed by law or at any times or under any conditions now prohibited by law.

Sec. 9. Said Bureau shall, from time to time, investigate and ascertain whether or not employers in the State are observing and complying with its orders and take such steps as may be necessary to have prosecuted such employers as are not observing or complying with its orders.

Sec. 10. All questions of fact arising under the foregoing provisions of this Act shall, except as otherwise herein provided, be determined by said Bureau, and there shall be no appeal from the decision of said Bureau on any such question of fact; but there shall be a right of appeal from said Bureau to the District Court of Burleigh County, from any ruling or holding on a question of law included in or embodied in any decision or order of said Bureau, and, on the same question of law, from said District Court to the Supreme Court of the State. In all such appeals the Attorney General shall appear for and represent said Bureau.

Sec. 11. For any occupation in which the minimum wage has been established the Bureau may issue to a female physically defective by age or otherwise or to an apprentice or learner in such occupations as usually require learners or apprentices, a special license authorizing the employment of any such licensee at a wage less than the minimum wage to be fixed by the Bureau, such license to be issued under such rules and regulations as the Bureau may establish therefor.

Sec. 12. Nothing in this Act shall authorize or empower the Bureau to increase the hours of labor for women or in any manner impair or affect the provisions of an Act entitled "For an Act regulating and fixing the hours of labor for females and providing penalties for the violation thereof," adopted at the Sixteenth Legislative Session of this State.

Sec. 13. Any person who violates any of the foregoing 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 (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars or by imprisonment in the county jail for not less than ten days nor more than three months or by both such fine and imprisonment in the discretion of the Court.

Sec. 14. Any employer who discharges or in any other manner discriminates against any employee because such employee has testified, or is about to testify, or because such employer believes that said employee may testify, in any investigation or proceedings under or relative to 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 (\$25.00) Dollars nor more than One Hundred (\$100.00) Dollars.

Sec. 15. If any woman worker shall be paid by her employer



less than the minimum wage to which she is entitled under or by virtue of an order of said Bureau, she may recover in a civil action the full amount of her said minimum wage less any amount actually paid to her by said employer, together with such attorney's fees as may be allowed by the Court; and any agreement for her to work for less than such minimum wage shall be no defense to such action.

Sec. 16. Said Bureau shall, on or before the first day of November of the year 1920 and of each second year thereafter, make a succinct report to the Governor and Legislature of its work and the proceedings under this Act during the preceding two years.

Sec. 17. APPROPRIATION.) There is hereby appropriated out of the moneys in the State Treasury, not otherwise appropriated, the sum of Six Thousand Dollars per annum, or so much thereof as may be necessary per annum, to carry into effect the provisions of this Act and to pay the expenses and expenditures authorized by or incurred under this Act.

Sec. 18. That Chapter 181 of the Session Laws of North Dakota for the year 1917 and all Acts and parts of Acts in conflict herewith, are hereby repealed.

Approved March 6, 1919.

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## LEGALIZING ACT

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### CHAPTER 175.

(S. B. No. 198—Benson.)

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#### LEGALIZING CERTAIN ACTS OF CITY AND SCHOOL DISTRICT OFFICIALS.

An Act Legalizing Certain Acts of City, Village and School District Officials.

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

Sec. 1. ACTS LEGALIZED.) Where the officers of any incorporated city, village or school district of this state shall have incurred indebtedness and issued warrants or orders for the erection, purchase, repair or maintenance, within and for said city, village, or school district for school or other buildings, or water works, gas or electric light plants, public wells, cisterns, fire apparatus, or legitimate corporate purposes for said city, village or school district, or to pay for or to raise money for any such purpose, and said warrants or orders are outstanding, or held in the general revenue or other funds of said city, village or school district, in any or all such cases where said warrants or orders are within the debt limit, the same are hereby legalized

and are declared to be the valid indebtedness of such city, village or school district, and in every case where the city council or city commissioners, village board of trustees, school board or board of education thereof shall have heretofore or shall hereafter determine by resolution or ordinance, that it was or is for the best interests of the city, village or school district to issue its negotiable bonds in the name of the city, village, or school district for the sole purpose of funding such indebtedness and shall have been or shall be authorized to issue such bonds, by a majority vote of the qualified electors of such city, village or school district, voting thereon at any regular or special election legally called and held after public notice thereof as required by law, and if such bond shall have been or shall be executed, sold and delivered for value, and the proceeds arising from such sale shall have been or shall be applied exclusively to the express purpose of funding such warrants or orders, then in every case such bonds whether engraved, lithographed or printed on bond paper shall, when executed, sold and delivered as provided by law, be deemed, and hereby are declared to be valid and subsisting indebtedness of the city, village or school district issuing the same.

Sec. 2. PENDING ACTIONS NOT AFFECTED. DEBT LIMIT.) This Act shall not affect any actions now pending in which the validity of such warrants, orders or indebtedness is called in question; providing, however, that the issue of such bonds shall not be construed to be an increase of the indebtedness of the municipality and the proceeds from sales of such bonds shall be applied exclusively towards the discharge of the indebtedness of such city, village or school district referred to in Section 2 of this Act.

Approved February 26, 1919.

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## LIENS

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### CHAPTER 176.

(S. B. No. 127—Levang)

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### BANKERS' LIENS.

An Act Repealing Section 6868 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Bankers' Liens.

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

Sec. 1. That Section 6868 of the Compiled Laws of the State of North Dakota for the year 1913 be and the same is hereby repealed.

Approved February 26, 1919.

## CHAPTER 177.

(H. B. No. 19—Maddock.)

## SEED GRAINS—ISSUANCE OF BONDS AND WARRANTS.

An Act to Amend and Re-enact Section 3481 and 3482 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Sections Nine and Ten of Chapter Thirteen of the Laws of North Dakota for the Year 1918, Relating to the Issuance of Bonds and Warrants to Procure Seed Grain and Feed.

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

Sec. 1. AMENDMENT.) That Section 3481 of the Compiled Laws of North Dakota for the year 1913 as amended by Section nine of Chapter thirteen of the Laws of North Dakota for the year 1918 be and the same is hereby amended and re-enacted to read as follows, to-wit:

Sec. 3481. CONTRACT FOR REPAYMENT. DELINQUENT PAYMENTS EXTENDED. PLACED IN JUDGMENT OR LIENS FORECLOSED.) The County Auditor of each County shall as soon as the County Commissioners shall have performed the duty prescribed in the preceding sections, issue to each applicant demanding it an order for the number of bushels of each kind of seed grain and amount of feed which has been allowed to said applicant, unless otherwise directed by the board or the chairman thereof: provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, which contract shall have the same force and effect as a promissory note, attested by the County Auditor to the effect that said applicant for and in consideration of the ..... bushels of seed grain and ..... of feed received from ..... county, promises to pay to said county ..... dollars, the amount of the cost of said seed grain and feed; that the amount of such indebtedness shall become due and payable on the first day of October in each year in which said seed grain and feed is furnished, together with interest, on such amount from the date of the bonds provided for herein at a rate not to exceed six per cent per annum.

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

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

It shall further be the duty of the County Treasurer to deliver to the Board of County Commissioners a statement of all contracts which remain unpaid on the first day of January in



the year following. At any time after such contracts fall due, it shall be the duty of the Board of County Commissioners when it deems such action advisable to order the States Attorney to immediately commence an action in behalf of and in the name of said county for the placing of such indebtedness in judgment or for the foreclosure of the lien in accordance with the laws providing for the foreclosure of mortgages by advertisement.

Provided, however, the Board of County Commissioners may in cases where the enforcement of such payment would prevent the debtor from putting in a crop the following spring, extend the time of payment of such debtor's contract for the period of one year.

Sec. 2. AMENDMENT.) That Section 3482 of the Compiled Laws of North Dakota for the year 1913 as amended by Section ten of Chapter thirteen of the Laws of North Dakota for the year 1918 be and the same is hereby amended and re-enacted to read as follows, to-wit:

Sec. 3482. CONTRACT RECORDED AND MADE FIRST LIEN.) The County Auditor shall cause certified copies of such contracts to be filed and recorded in the office of the Register of Deeds of said county and thereupon deliver the originals to the County Treasurer. Immediately upon filing and recording certified copies of said contract, the county shall acquire a just and valid lien upon the crops of grain and feed raised each year by the person receiving seed grain and feed to the amount of the sum then due to the county upon said contract, which shall as to the crops covered thereby have priority over all other liens and incumbrances thereon, except threshers and labor liens.

The county shall in addition have a lien from the date of record, if the owner of the real estate has signed the application and note, upon all real estate described in the application upon which said grain is to be sown, which shall have priority over all incumbrances thereafter recorded. And the filing and recording of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien upon said crops of grain and feed raised, and upon said land, which shall continue in force until the amount covered by said contract shall be fully paid.

Sec. 3. EMERGENCY CLAUSE.) Whereas an emergency exists in that much unnecessary expense will be incurred in litigating seed and feed liens under the laws heretofore governing the same, and, whereas, it is necessary for the immediate preservation of the health, safety and peace of the public; therefore this Act is hereby declared an emergency measure and shall become and be in effect and in force immediately upon its passage and approval.

Approved January 20, 1919.

## LIGNITE SURVEY

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### CHAPTER 178.

(S. B. No. 96—Hunt.)

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#### INDUSTRIAL COMMISSION TO MAKE SPECIAL INVESTIGATIONS OF LIGNITE DEPOSITS.

An Act Authorizing the Industrial Commission of North Dakota to Have Made Special Investigations of Lignite Deposits and Lignite Within the State and Providing Funds Therefor.

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

Sec. 1. AUTHORIZATION.) The Industrial Commission of North Dakota is hereby authorized to arrange with the director of the State Geological Survey at the University of North Dakota to make a suitable survey of the coal lands within the state to ascertain their extent, character, location, etc., and with the Dean of the School of Mines for such special investigations of these deposits or the lignite as he may consider necessary to determine its character, value and adaptation to special uses and the desirability of the state holding such lands.

Sec. 2. APPROPRIATION.) To provide facilities and cover the expenses of these investigations the sum of Eighteen Thousand Dollars or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Approved March 6, 1919.

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## MEAT INSPECTION

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### CHAPTER 179.

(H. B. No. 129—Eckert.)

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#### MEAT INSPECTION.

An Act Amending and Re-enacting Section 2698 of the Compiled Laws of the State of North Dakota for the Year 1913, Providing for the Inspection of Meat and All Animals to be Slaughtered.

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

Sec. 1. AMENDMENT.) Section 2698 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

2698. DUTY OF OWNERS OF STOCK. ANIMALS IN TRANSIT. MEATS TO BE LABELED.) The following regulations shall be observed in all cases of disease covered by this article:

First. It shall be unlawful to sell, give away or in any manner part with any animal affected with or suspected of being affected with any contagious or infectious disease, with such exception as shall be provided for by the rules and regulations of the Live Stock Sanitary Board, and in case of any animal that may be known to have been affected with or exposed to any such disease within one year or prior to such disposal due notice of the fact shall be given in writing to the person receiving the animal.

Second. It shall be unlawful to kill for butcher purposes any such animals, or to sell, give away or use any part of it or its milk, or to remove any part of the skin, with such exceptions as shall be provided for by the rules and regulations of the Live Stock Sanitary Board. Provided, that in all cases where, under the rules and regulations of the Live Stock Sanitary Board of this state, it shall be lawful to sell, barter or give away for human consumption the meat from any animal affected with contagious or infectious diseases, there shall be placed upon each quarter of the animal so affected in at least ten separate places a stamp or label clearly showing the words "affected meat." No meat from any affected or diseased animal shall be placed upon the block or table on which meat not so affected is handled. Failure to observe these provisions shall be a misdemeanor and on conviction shall be punished by a fine of not less than one hundred dollars, or by imprisonment in the county jail for a term of not less than thirty days nor more than one year. It shall be the duty of the owner, agent or person having in charge any animal infected or suspected of being infected with any contagious disease, immediately to confine the same in a safe place, isolated from all other animals and with all necessary restrictions prevent the dissemination of the disease until the arrival of an accredited agent of the Live Stock Sanitary Board; provided, however, the provisions of this Section shall not apply to industries which are under the supervision of the United States Department of Agriculture, Bureau of Animal Industry.

Approved February 26, 1919.

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## MEMORIALS

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### CHAPTER 180.

(H. B. No. 121—McDonnell.)

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#### LIBERTY MEMORIAL BUILDING.

An Act Authorizing the Board of Control of the State of North Dakota to Erect Upon the Capitol Grounds a Building to be Used for Executive Purposes and to be Known as the Liberty Memorial Building of

North Dakota in Memoriam of the Soldiers, Sailors and Marines of North Dakota Who Served the Nation in the Great World War; Said Building may Contain a Suitable Memorial to Theodore Roosevelt; and Any Other Soldier or Sailor Whose Life Has Been Closely Connected with the History of the State; and Prescribing the Object, Purpose and Use of Such Building; for Locating and Improving a Site for the Same to be Known as Memorial Park; and to Authorize the Employment of a Landscape Architect to Advise Concerning the Selection and Planning of the Grounds for Such Park and Building; and to Make Appropriations Therefor.

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

Sec. 1. THE LIBERTY MEMORIAL BUILDING TO BE ERECTED.) The State Board of Control shall proceed to erect, construct and complete a suitable and adequate building upon the Capitol grounds for executive purposes to be known as the Liberty Memorial Building of North Dakota. Said building may contain a suitable memorial to Theodore Roosevelt; and any other soldier or sailor whose life has been closely connected with the history of the state. Such building is hereby forever dedicated to the memory of the soldiers, sailors and marines of North Dakota who served the nation in the great World War. The building shall be fireproof and shall be built according to the plans and specifications furnished by the State Architect or other architects. Reputable sculptors shall be employed to design said memorial.

Sec. 2. DUTY OF THE STATE ARCHITECT.) It shall be the duty of the State Architect to consult with the landscape architect, whose employment by the Board of Control is hereinafter authorized, with the Governor, Adjutant General, Curator and the Board of Directors of the State Historical Society and to advise with them concerning the plans and specifications of such building. When the plans and specifications are completed by said architect he shall submit the same to the Board of Control of the State of North Dakota, which shall proceed at once to contract for the purchase of necessary material and to employ the necessary mechanics, skilled workmen and other laborers required in the erection of said building to the end that it may be completed as soon as possible.

Sec. 3. OBJECT AND USE.) It shall be the duty of those entrusted with authority necessary to carry out the provisions of this Act to so plan the Liberty Memorial Building that it may be used for the accommodation of the Adjutant General and other State Officials, the State Historical Society, its museum, library, records, trophies and historical data, particularly such as shall pertain to the services of the sailors, soldiers and marines in the recent World War, collections of historical and ethnological objects, books, pamphlets, documents, manuscripts, maps, pictures, etc. Also the staff office of the State Historical Society and such other purpose or purposes as the State Board of Control might accommodate therein.

Sec. 4. SITE.) There is hereby set aside a portion of the Capitol Grounds not more than ten acres nor less than five acres in extent to afford a site for such building, and its surrounding park, which building plat shall be known as Memorial Park. Said park shall be located and improved by the Board of Control according to the advice of the landscape architect and in consultation with the Governor, Board of Directors of the State Historical Society and the Curator of the museum, which improvements shall conform as nearly as may be to the following general plan: The building to be located a sufficient distance from the Capitol building to avoid danger by fire and yet not too remote to render heating and lighting from the existing central plant impractical. The park to be planted and laid out in such manner as to afford an appropriate outdoor museum and grounds to be planted with trees, shrubs, vines, grasses, flowers and other plants native to the State, and if possible provision shall be made to plant a memorial Elm tree to every soldier, sailor and marine of this State who lost his life in the service of his country in the Great World War.

Sec. 5. BOARD OF CONTROL TO EMPLOY LANDSCAPE ARCHITECT.) The Board of Control is hereby empowered to employ a competent landscape architect for the purpose of selecting a site for such park and building and to survey and lay out the same.

Sec. 6. APPROPRIATION.) There is hereby appropriated out of any moneys in the interest and income of the Capitol building fund the sum of \$200,000 or so much thereof as may be necessary for the purpose of erecting such building and the construction and erection of such memorial therein, and improving the site thereof.

Approved March 7, 1919.

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#### CHAPTER 181.

(S. B. No. 212—Porter.)

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#### AUTHORIZING COUNTY COMMISSIONERS TO ERECT MEMORIALS.

An Act to Give County Commissioners Authority to Erect Memorials or Other Suitable Recognition in Commemoration of Those of the County Who Rendered Service or Who Lost Their Lives in the Service of Their County (Country) in the Great World War; Create a Memorial Fund and Make a Levy Therefor.

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

Sec. 1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT MEMORIALS OR OTHER SUITABLE RECOGNITION; TO LEVY TAXES.) The Board of County Commissioners of the different counties in the State of North Dakota are hereby authorized to erect memorials



or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the great World War, and may for such purposes use funds out of the general fund of the county if there is sufficient money in the said fund, or may at the time fixed for levying assessment of taxes levy a tax for that purpose, not in excess, however, of four mills on the dollar upon the assessed valuation of all the property in the county; the proceeds of which levy shall be used solely for the purpose of erecting and maintaining such Memorial, or other suitable recognition; provided, however, that in no case shall the County Commissioners have authority to expend for such purposes a sum larger than that produced by the tax levy herein provided for. Such Memorial, or other recognition shall be erected within the county at a place determined upon by the County Commissioners and thereafter shall be maintained by the Board of County Commissioners by necessary expenditures from the General Fund of the County.

Sec. 2. A MEMORIAL FUND CREATED. HOW EXPENDED.) Funds provided to be raised in accordance with the last Section shall be designated as the Memorial Fund, and shall be kept separate and distinct from other moneys by the County Treasury and shall be expended by and under the directions and control of the Board of County Commissioners.

Approved March 7, 1919.

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## MOTOR VEHICLES

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### CHAPTER 182.

(S. B. No. 97—King.)

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#### TAXING AND LICENSING OF MOTOR VEHICLES.

An Act to Provide for the Taxing and Licensing of Motor Vehicles, the Appointment of a Registration Clerk, His Duties and Compensation; Providing for the Expenditures of the State Highway Commission in Administering the Same; Establishing the Method of Distributing the Fees Received Therefrom; Fixing Penalties for the Violation of this Act and Providing an Appropriation for Administering the Same and for the Use of the State Highway Commission; and Repealing Chapter 156 of the Laws of North Dakota, 1917, and all Acts and Parts of Acts in Conflict Therewith.

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

Sec. 1. The term "motor vehicles" as used in this Act, except where otherwise expressly provided, shall include all vehicles propelled by any other than muscular power, except traction engines, road rollers, fire wagons and engines, police patrol wag-

ons, ambulances, and such vehicles as run only upon rails or tracks. The term "local authorities" shall include all officials of counties, cities, towns or villages.

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

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

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

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

Sec. 2. Every dealer or owner of a motor vehicle before operating or driving his motor vehicle upon the public highways of this state, for each motor vehicle owned, except as herein otherwise provided, shall file or cause to be filed, by mail or otherwise, in the office of the State Highway Commission a verified application for registration of such motor vehicle on a blank to be furnished by the Commission for that purpose. Such blank shall contain:

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

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



receipt and registration tag shall be transferred to the purchaser of said motor vehicle upon the payment of the fee provided in Section 4 of this Act.

Sec. 3. Upon receipt of an application for registration of a motor vehicle as provided in the next preceding Section, the same shall be filed in the office of the Commission, and such motor vehicle shall be registered with the name and residence and business address of the owner, together with the facts stated in such application, in a book or index to be kept for that purpose under the distinctive number assigned to such motor vehicle, which book or index shall be open to inspection during reasonable hours.

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

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

In the event of the loss, mutilation, or destruction of the registration tags herein provided for, the owner of any registered motor vehicle may obtain from the Commission, on making an affidavit showing the facts, and upon the payment of a fee of \$1.00, a new set of duplicates.

Sec. 6. Every motor vehicle shall be registered annually, each registration certificate and set of tags being valid until the 31st day of December next following the date of registration. The fee to be paid on all motor vehicles except motorcycles and those used for commercial purposes for registration, re-registration and operation shall be based on the factory selling price in force January 1, each year to which the registration applies. The net weight and horsepower, which horsepower shall be obtained by multiplying the square of the diameter of the cylinder in inches by the number of cylinders and dividing this product by two and one-half. The basic fee shall be calculated at the

rates of 5 mills per dollar of said selling price, 20 cents per 100 pounds or major portion thereof the net weight of vehicle and 10 cents per horsepower as above determined. The registration fee for motor vehicles except as hereinafter stated, in the year in which they are first purchased from the dealer, shall be the above basic fee. The registration fee for the years subsequent from the year for which the vehicle was purchased from dealer shall be the basic fee as above determined less a 10 per cent reduction for second year; a twenty-five per cent reduction for the third year, and thereafter a forty per cent reduction from 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 model or make regarding which it is difficult to secure information, and on models not on the market January 1, 1919, the Registration Clerk shall set the valuation in a manner as nearly as possible consistent with the prices prevailing January 1 of the year to which the registration applies. For motor trucks, in addition to the foregoing factors, the fee shall be based on its load capacity at the rate of \$3.00 per ton up to and including 3 tons capacity, \$5.00 per ton of capacity greater than 3 tons but not greater than 4 tons and \$10.00 per ton for capacity greater than 4 tons. For motor buses or other motor vehicles carrying passengers for which a fee is charged the license shall be increased by 25 cents per passenger carrying capacity of vehicle, seating capacity to be based on a seating room of 16 inches per passenger.

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

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

Sec. 8. Such license tags shall be of distinctly different color or shade each year, and at all times there shall be a marked contrast between the color of the number plate and that of the numerals or letters thereon. Such registration tag shall be substantially of the following size and form, viz: A plate or placard of metal or enamel with metal letters 8½ inches in length and 5 inches in width for one or two numerals; 10 inches in length and 5 inches in width for three numerals; 12 inches in length and 5 inches in width for four or more numerals; and on the left end of this plate with letters running vertically from the top, there shall be two letters "N. D.," each of which shall be approximately one inch in length; and on the right end, arranged

in the same manner and the same size there shall be the four numerals of the year in which the license is issued; and on the body of such plate there shall be the distinctive numbers assigned to the vehicle in numerals four inches long, each stroke of which shall at least  $\frac{1}{2}$  inch in width; provided, that motor cycles shall be assigned tags three inches in width and of a height to permit numerals to be placed vertically, across the top of this tag, with letters running horizontally, shall be the two letters "N. D." and across the bottom, arranged in the same manner, there shall be the four numerals of the year in which the license is issued, except that the last shall be in proportionate size to the small plate.

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

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

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

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

(3) A sum not exceeding fifty per cent of the balance following the above deduction from the above gross receipts shall be paid by the State Treasurer out of such funds upon certificate from the Commission, approved by the State Auditing Board, to the several County Treasurers to the account of the Special Road

Maintenance Fund. The Registration Clerk 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 are received. The expenses of maintaining the state highways in any county as directed and supervised by the Commission shall be paid from the Special Road Maintenance Fund and the remainder thereof shall be expended under the direction of the County Commissioners on other highways within the county.

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

Sec. 12. All claims for moneys expended by the State Highway Commission under the provisions of this Act shall be paid out of the State Highway Fund by the State Treasurer upon the presentation of properly prepared vouchers approved by the State Auditing Board and approved by the Secretary of the State Highway Commission.

Sec. 13. The Motor Vehicle Registration Clerk shall furnish to any notary public applying therefor, application blanks for motor vehicle licenses. Every notary public is hereby authorized to accept applications for the registration of motor vehicles and the license fee therefor, which he shall immediately remit, together with such application to the motor vehicle registration clerk. Such notary public shall furnish to each person making application for a motor vehicle license through him, a certificate under seal showing the name of the applicant, the amount of fee paid, the make, model and manufacturer's number of the motor vehicle which such application described, and the date of such application. The possession of such a certificate shall be prima facie evidence of compliance with the motor vehicle law with reference to the motor vehicle therein described.

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

Sec. 15. The Commission shall have the power, and it is hereby declared to be its duty, to see that all the provisions of this Act are enforced, and for the enforcement of the same it shall have the assistance of the Attorney General of the state



and of all prosecuting officers, and may authorize any county or local officer or employee to act for it in any matter pertaining to the enforcement of any of such provisions.

Sec. 16. Within ten days after this Act goes into effect the Commission shall appoint, on the nomination of the Secretary of the Commission, a suitable person to act as motor vehicle registration clerk. Said registration clerk shall qualify by taking and subscribing to the oath of office prescribed by law for state officers, and shall file a bond with sufficient security to be approved by the Commission, in the sum of five thousand dollars (\$5,000.00) conditioned upon the faithful performance of his (or her) duties and the full accounting for all moneys received as taxes or fees under the provisions of this Act, the cost of such bond to be paid by the Commission. The registration clerk shall have an office at the State Capitol, in connection with the offices of the Commission, which shall be open and accessible to all applicants for motor vehicle licenses during all reasonable office hours. The salary of said registration clerk, not to exceed \$2,000.00 annually, shall be fixed by the Commission and paid out of the State Highway Fund on the order of the Secretary of the Commission.

Sec. 17. With the approval of the Commission the Secretary shall appoint all such deputies, experts, assistants, or employees as he may deem necessary for the carrying out of the purposes of this Act, the compensation of such appointees to be fixed by the Commission, on the recommendation of the Secretary and paid, together with all reasonable traveling and other expenses, out of the State Highway Fund, on the order of the Secretary of the Commission.

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

Sec. 19. It is hereby made the duty of every county superintendent of highways, when such are appointed, and otherwise of the Board of County Commissioners, sheriff's and other county road or police officers, and of all police officers of incorporated cities and villages to enforce the provisions of this Act.

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

Sec. 21. All books, records, supplies, office equipment, etc., in the office of the Secretary of State, purchased under the provisions of law for the registration of motor vehicles shall come

under the control of the State Highway Commission upon the passage and approval of this Act.

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

Sec. 23. 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 3, 1919.

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### CHAPTER 183.

(S. B. No. 129—Weber.)

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#### LISTING OF MOTOR VEHICLES.

An Act to Require the Listing of Motor Vehicles by Tax Assessors Within the State, and Prescribing the Duties of County Auditors and the State Highway Commission in Connection Therewith.

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

Sec. 1. Every tax assessor, at the time of listing general property for taxation, shall make a list of all motor vehicles owned, leased or controlled by persons, companies, or corporations in his district. Such list shall be in such form and upon such blanks as the State Highway Commission may prescribe, and the returns thereon shall be made at the time of making return of the assessor's lists to the County Auditor. Within ten days after receiving such lists from assessors, every county auditor shall send the same by registered mail to the State Highway Commission at the Capitol.

The said Commission shall furnish to each county auditor in the state a sufficient supply of such blanks, which shall be distributed to the several assessors in such county together with the blanks for the listing of personal property for assessment. All duties imposed upon any state, county or local official by the provisions of this Act shall be performed without additional compensation, and all penalties provided by law for non-performance of other duties of such officers shall apply in like manner to the duties herein imposed upon them.

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

Approved February 28, 1919.

## OFFICERS

### CHAPTER 184.

(S. B. No. 29—Ingerson.)

#### REMOVAL OF OFFICERS.

An Act to Amend and Re-enact Section 685 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Removal of Certain County, Township, Municipal and Other Officers.

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

Sec. 1. AMENDMENT.) That Section 685 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

Sec. 685. WHAT OFFICERS REMOVABLE BY GOVERNOR, GROUNDS.) The Governor may remove from office any county commissioner, clerk of the district court, county judge, sheriff, coroner, county auditor, register of deeds, state's attorney, county treasurer, superintendent of schools, county commissioners, surveyor, public administrator, city auditor, city treasurer, any city commissioner, mayor, chief of police, police magistrate, deputy sheriff, or other police officer, or any custodian of public moneys, except the State Treasurer, whenever it appears to him by competent evidence and after a hearing as hereinafter provided that such officer has been guilty of misconduct, malfeasance, crime in office, neglect of duties in office, or for habitual drunkenness or gross incompetency.

Approved February 11, 1919.

## OIL INSPECTION

### CHAPTER 185.

(S. B. No. 15—Haggart.)

#### INSPECTION OF OILS AND PETROLEUM PRODUCTS.

An Act Providing for the Inspection of Refined Petroleum, Petroleum Products, Illuminating Oils, Gasolines and Other Low Flash Test Petroleum Products; Providing for the Establishment of Ports of Entry; Appointment of Deputies and Inspectors; Defining Chemical Tests, Inspection Fees; and Providing Appropriations for Carrying Out the Provisions of this Act; and to Repeal Chapter 188 of the Session Laws of North Dakota for 1915 and Chapters 161 and 162 for the Year 1917.

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

Sec. 1. OIL INSPECTOR. APPOINTMENT OF DEPUTY INSPECTORS AND CHEMISTS.) The food commissioner stationed at the Agricultural College at Fargo shall be and is ex-officio State Inspector



of Oils and shall perform all the duties thereof as now prescribed by law, without further or additional compensation. The State Inspector of Oils shall appoint the necessary inspectors or deputies and fix the salaries for the same. The duties of said inspectors shall be that of regular inspectors and employees of the Food Commission; to make such inspections and to perform all other duties required of them by the Food Commissioner under the various Acts of the Legislature made a part of the duties of the regulatory work at the Agricultural College. The State Inspector of Oils shall also employ deputies, inspectors, chemists and such clerical and office help as may be required. Said Commissioner and his deputies or inspectors shall have the right, and it shall be their duty, to enter into or upon the premises of any manufacturer, dealer, or vendor of refined petroleum oils or gasoline, at any time, for the inspection of such oils or gasoline or other petroleum products; and to inspect any books or papers of such manufacturers, dealers or transportation companies, pertaining to the shipment or sale of such oils or gasolines, and all receptacles in which such oils or gasoline are or may be contained. The said Deputy State Inspector of Oils shall receive an annual salary of not to exceed two thousand four hundred dollars payable monthly, and all other deputies shall receive salaries payable monthly unless otherwise ordered by said commissioners and chemists as follows:

The Commissioner as State Inspector of Oils may establish ports of entry at such points as he deems necessary or discontinue such ports of entry when he finds they are not needed and for such ports of entry as established the State Inspector of Oils shall appoint deputies or inspectors for each point designated as a port of entry as hereby provided.

At ports of entry where the total number of barrels inspected is in excess of 8,000 per annum, the salary shall be fifty dollars per month.

At ports of entry where the total number of barrels inspected is in excess of 15,000 per annum the salary shall be seventy-five dollars per month.

At all ports of entry where the total number of barrels inspected is in excess of 25,000 per annum, the salary of deputy oil inspectors shall be one hundred dollars per month; provided that the salaries of the deputy oil inspectors at the designated points of entry shall be based upon the last annual report of the State Oil Inspector as to the number of barrels of oil inspected.

All other deputies shall receive such salary, of not less than ten dollars nor more than thirty dollars, per month, as in the judgment of the Food Commissioner is deemed just compensation for services performed.

The Commissioner as State Inspector of Oils ex-officio, shall make and file with the State Auditor on or before the fifth day

of each month, a monthly statement under oath, of all inspections made by himself and his deputies under the provisions of this article.

The Food Commissioner or State Inspector of Oils is authorized to employ as needed trained men as traveling inspectors or deputies not to exceed five in number who shall be regular employees of the Food Commission for the State of North Dakota whose duties it shall be to aid in the inspection and enforcement of all laws assigned by legislative action to the department under the provisions of this Act.

Sec. 2. STATE AUDITOR'S DUTIES.) It shall be the duty of the State Auditor to furnish the State Treasurer with a summary of inspection fees due the State of North Dakota, designating the name and address of consignors and the amount of inspection fees on or before the tenth day of each month.

Sec. 3. STATE TREASURER'S DUTIES.) It shall be the duty of the State Treasurer to receive all inspection funds, fees, or fines from the State Oil Inspector and to furnish receipt therefor. The said fund shall be known as the "Oil Inspection Fund" against which all necessary expenses incurred in connection with the enforcement of this Act, court or attorney's fees, or matters of record, shall be charged against the fund.

Sec. 4. PAYMENT OF FEES.) On the first day of each and every month every deputy inspector of oils shall transmit to the State Inspector of Oils all inspection fees received during the preceding month. The State Inspector of Oils shall on or before the tenth of each and every month transmit to the State Treasurer all funds received for inspection fees during the month preceding. All inspection fees due to the State of North Dakota where oil companies or others execute bonds to guarantee payment of fees shall be made direct by the consignor or consignee of said petroleum products to the State Oil Inspector on or before the fifteenth day of each calendar month.

Sec. 5. OATH. BOND.) The State Inspector of Oils and the deputy inspectors shall, before entering upon the discharge of their duties, take oath or affirmation, according to the Constitution of this State, and the laws thereof, and shall file the same with the Secretary of State. The said inspector of oils shall execute a bond to the State of North Dakota in the penal sum of Five Thousand Dollars, with such surety as shall be approved by the Governor of the State, conditioned for the faithful performance of the duties herein imposed, which bond shall be for the use of the State of North Dakota, and of all persons aggrieved by the act or failure of act of the State Inspector of Oils, and the same shall be filed with the Secretary of State and the costs therefor shall be charged against the Oil Inspection Fund. Each such deputy inspector of oils shall, before entering upon the discharge of his duties, execute a bond to the State of North

Dakota in the penal sum of not less than One thousand dollars nor more than Five thousand dollars, as the State Inspector of Oils shall prescribe, which bond shall be approved by the Governor and filed with the Secretary of State; and such bond shall be conditioned for the faithful performance of the duties herein imposed and shall be for the use of the State of North Dakota and all persons aggrieved by the act or failure of act of such deputy inspector of oils.

Sec. 6. OIL COMPANIES SHALL EXECUTE BOND TO GUARANTEE PAYMENT OF FEES.) Any person, firm or corporation shipping into the state petroleum, illuminating oils, gasoline, or other petroleum products for sale, or manufacturing within the state such petroleum, illuminating oils, gasoline, or other petroleum products, shall execute a bond to the State of North Dakota in the penal sum of not less than five hundred dollars. In case the inspection fees of any person, firm or corporation exceed the amount of five hundred dollars for any calendar month, such person, firm or corporation shall execute a bond to the state of North Dakota for twice the amount of the maximum fees paid by such person, firm or corporation for any month of the preceding calendar year, with such surety as shall be approved by the Governor of the State, conditioned for the faithful payment of inspection fees herein imposed, which bond shall be for the use of the State of North Dakota, and shall be filed with the Secretary of State not later than July 1, 1919. Provided, that any person, firm or corporation doing business in the state at the time of the taking effect of this Act, shall file such bond not more than thirty days after shipment of the first consignment into the state. Provided that any person, firm or corporation doing business in this state as herein provided for, not furnishing a bond, shall pay the amount due for each and every inspection before such petroleum products are released by the inspector.

Sec. 7. INSPECTOR'S APPARATUS TO BE FURNISHED. CHEMIST EMPLOYED.) The State Inspector of Oils shall immediately upon the appointment and qualification of the deputies named in Section One, procure and furnish to such deputies such apparatus as may be necessary to carry out the provisions of this article. He may also purchase from time to time the apparatus for making tests of petroleum, illuminating oils, gasolines and other petroleum products as hereinafter provided and pay the necessary office, travel and other expenses of the department. For the purpose of making chemical and photometric tests, as hereinafter provided for, the State Oil Inspector shall provide the necessary apparatus and employ to work under his direction competent chemists to make such tests as are called for by the provisions of this Act or as in the judgment of the State Oil Inspector are essential for the better enforcement of the laws pertaining to petroleum products and to afford full protection to the public.

It shall be the duty of the chemists to make tests of such illuminating, fuel, power and lubricating oils as are submitted to them to determine the value of the oils for the purposes claimed, said tests being made under such provisions and regulations as may be established by the State Oil Inspector.

Sec. 8. INSPECTOR'S DUTIES.) Except as hereinafter provided, all illuminating, fuel, power or lubricating oils, the product of petroleum, or into which petroleum or any products of petroleum enters or is found as a constituent, whether manufactured in this state or not, shall be guaranteed by the manufacturer or shipper as provided in this article before being sold or offered for sale or used for illuminating, fuel or power purposes in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such oils held or offered for sale or sold by any manufacturer, vendor, person, firm or corporation in this state for illuminating, fuel, or power purposes, and if upon such tests and examinations, said oils shall meet the requirements hereinafter specified, he shall affix to the receptacle containing same, his brand showing the date of his inspection, his name and the words "Approved, flash test not less than one hundred (100) degrees, fire test not less than one hundred twenty-five (125) degrees Fahrenheit." But if such illuminating oils, so tested, shall not meet such requirements, hereinafter specified, the words "Rejected for illuminating purposes," shall be marked in plain letters upon the receptacle containing the same.

All oils, the products of petroleum or into which petroleum or any product of petroleum enters or is found as a constituent, sold or offered for sale or used in this state for illuminating purposes shall conform to the following requirements:

The color shall be water white when viewed by transmitted light through a layer of oil four inches deep. It shall not give a flash test below one hundred (100) degrees Fahrenheit, closed cup test, Elliot cup, and shall not have a fire test below one hundred twenty-five (125) degrees Fahrenheit, Elliot cup.

Every person, firm or corporation selling or delivering said illuminating oils in bulk by means of portable tanks, or tank wagons, or at retail, shall, in lieu of the stamp or brand above provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof, in the following words, figures and terms:

"This is to certify that the illuminating oil covered by this sale has a flash test of not less than one hundred (100) degrees, and a fire test of not less than one hundred twenty-five (125) degrees, and has been inspected and approved by the State Oil Inspector and complies with North Dakota chemical tests."

Provided so-called fuel oils and other petroleum products test forty (40) degrees Beaume or lower at a temperature of sixty (60) degrees Fahrenheit, shall be inspected as in this Act



provided and the same shall be labeled "fuel oil" or "distillate," as the case may be, and the fee for inspecting and testing all petroleum and petroleum products shall be three (3) cents per barrel. It is not the intent of this provision to include lubricating oils.

The State Oil Inspector shall take or cause to be taken samples of all products provided for in this article at such time as he deems necessary and as found in the possessions of dealers or users of said products and cause the same to be examined.

The State Oil Inspector is authorized to publish and distribute bulletins giving information with regard to oils, gasolines and their usage.

Sec. 9. DUTY OF SELLER. PENALTY.) All oils, the product of petroleum or into which petroleum or any product of petroleum enters or is found a constituent, sold or offered for sale or used in this state for illuminating purposes shall likewise conform to the following, which shall be known as the chemical tests, to-wit:

(a) Such illuminating oils shall not contain water or tar-like matter, nor shall they contain more than a trace of any sulphur compound.

(b) After being subjected to inspection as herein provided, and having withstood all inspection tests, any such so inspected oil may, with the consent of the Oil Inspector, be colored.

(c) It shall be the duty of the State Inspector or his deputy to at least once in each thirty days have a chemical test made by a competent chemist appointed by the State Oil Inspector, demonstrating whether or not such oils contain more than four (4) per cent residue after being distilled at a temperature of five hundred and seventy (570) degrees Fahrenheit, and shall not contain more than six (6) per cent of oil distilling at three hundred and ten (310) degrees Fahrenheit when one hundred (100) cubic centimeters of the oil are distilled from a side-neck distilling flask two and three-fourths inches in diameter, the length of the neck between the body of the flask and the side tube being two and one-half inches, said flask to be covered with a closely adherent jacket of asbestos paper; also determination of the amount of sulphur compounds in said oils, which shall not contain more than a trace of any sulphur compound, together with such burning tests as may be necessary to determine the photometric value of the oils, which shall not, in the photometric test, when burning under normal conditions, show a fall of more than twenty-five per cent in candle power in a test of not less than six or more eight hours' duration, consuming ninety-five per cent of the oil. The result of such chemical tests shall be included in the annual report of the State Inspector of Oils to the Governor. The failure of the State Inspector of Oils to have the above tests made shall render him liable to a fine of one hundred dollars

for each offense. In case any corporation, company or individual, manufacturer or vendor has or offers for sale for illuminating purposes oils which do not comply with the hereinbefore prescribed tests, the State Inspector of Oils shall reject such oils for illuminating purposes, and the offending officer of any such corporation or company or the manufacturer, vendor, or individual having or offering for sale for illuminating purposes such oils be deemed guilty of a misdemeanor.

Sec. 10. DUTY OF SELLER. PENALTY.) All gasolines and all petroleum products having a flash test of less than one hundred (100) degrees Fahrenheit, closed cup test, Elliot cup, whether manufactured in this state or not, shall be inspected as provided in this article before being sold or offered for sale or used in this state. It shall be the duty of the State Inspector of Oils, or his deputies, to examine and test within this state all such gasolines and petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, held or offered for sale in this state, for gravity. The gravity of said gasoline and said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall be determined by the Tagliabue standard registered hydrometer, Beaume scale at a temperature of sixty (60) degrees Fahrenheit. After making said examination and test, he shall affix to the receptacle containing the same, his brand showing the date of inspection, his name and the word "Inspected."

Every person, firm or corporation selling or delivering any of said gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in this state, in barrels or packages, shall plainly stencil or label on each barrel or package containing the same, the words, "Gravity not less than.....degrees Beaume. Unsafe for illuminating purposes. For power purposes only," inserting in the blank space, left therefor, a Beaume gravity not higher than the actual Beaume gravity of the contents of said barrel or package, at a temperature of sixty (60) degrees Fahrenheit. Every person, firm or corporation selling or delivering said gasoline or petroleum productions of less than one hundred (100) degrees Fahrenheit, flash test, by means of portable tanks or tank-wagons, or at retail, shall in lieu of the stamp, brand or label hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery of the same in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes, has a gravity test of not less than ..... degrees Beaume, and has been inspected by the State Inspector of Oils. For power purposes only."

Inserting in blank space left therefor a Beaume gravity not higher than the actual Beaume gravity, at a temperature of sixty

(60) degrees Fahrenheit, of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said scale. Provided, nevertheless, that all gasolines sold or offered for sale in this state for household purposes, shall, when one hundred cubic centimeters are subjected to a distillation in a flask as described for distilling of oil, show not less than three (3) per cent distilling at one hundred and fifty-eight (158) degrees Fahrenheit, and there shall not be more than six (6) per cent residue at two hundred and eighty-four (284) degrees Fahrenheit, which shall be known as the Chemical test for gasoline sold or offered for sale in this state for household purposes.

Every person, firm or corporation selling or delivering any such gasoline in barrels or packages shall plainly stencil or label on each barrel or package containing the same, the words "Gravity not less than ..... degrees Beaume. Unsafe for illuminating purposes. Sold for household purposes."

Every person, firm or corporation, selling or delivering such gasoline in bulk by means of portable tanks or tank-wagons, or at retail, shall, in lieu of the stamp or brand hereinbefore provided for, furnish and deliver to the purchaser a certificate covering each delivery thereof in the following words, figures and terms:

"This is to certify that the gasoline or petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, covered by this sale, is unsafe for illuminating purposes; has a gravity test of not less than ..... degrees Beaume; has been inspected by the State Inspector of Oils and complies with the North Dakota chemical test for gasoline for household purposes."

Inserting in the blank space left therefor a Beaume gravity not higher than the Beaume gravity of the gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, covered by said sale, at a temperature of sixty (60) degrees Fahrenheit.

Any person, firm or corporation, selling or offering to sell within this state, gasoline for household purposes which does not comply with the foregoing requirements, shall be guilty of a misdemeanor.

Sec. 11. BRAND TO BE STAMPED ON CONTAINERS.) Every person, firm or corporation offering for sale or selling or manufacturing within the state, such illuminating oils, gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, shall stamp or brand every package, barrel or cask containing the same with the name of the brand contained in such package, cask or barrel. Every package, cask or barrel which contains gasoline or any petroleum product of less than one hundred (100) degrees Fahrenheit, flash test, shall be branded before being shipped into the state, "Unsafe for illuminating purposes."



Sec. 12. DUTY OF INSPECTOR, OR TRANSPORTATION COMPANY. PENALTY.) It shall be the duty of the State Inspector of Oils upon entering upon the duties of his office to at once forward to each of the transportation companies whose lines enter the state, and to the State Auditor, a list of ports of entry which have been created and to report to such companies and State Auditor new ports of entry as they may be established, together with the names of the deputies at each port; also the names of all deputies or inspectors authorized to make inspections of petroleum products, and the transportation company bringing petroleum, illuminating oils, gasolines, petroleum products, of less than one hundred (100) degrees Fahrenheit, flash test, into the state, subject to the inspection as herein provided, shall stop and hold for inspection at points designated as ports of entry, all consignments of such goods, and a failure to do so will be a misdemeanor on the part of the transportation company and its representative in charge, and punishable by a fine not to exceed one hundred and fifty (150) dollars, or by imprisonment not to exceed thirty (30) days or both. Any person, firm or corporation or individual bringing into the state such goods in the same manner are subject to the same regulations and penalties, except as to notification of ports of entry and deputies; and for their notification, notices shall be posted at every transportation company's station in each port of entry. Provided, oil companies having bond with the State of North Dakota may be authorized upon proper guarantee to the State Inspector of Oils under regulations to be established from time to time be permitted to ship direct to dealer or distributor.

Sec. 13. INSPECTION FEES.) Each and every inspector and deputy inspector who shall inspect any consignment of illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, as provided in this article, shall charge the consignor or consignee of such goods the sum of three (3) cents for testing a barrel or less quantity. Fifty gallons shall constitute a barrel. Where shipment under guarantee is made the shippers shall pay the inspection fee direct to the State Treasurer each month as herein provided for. Every such inspector and deputy inspector shall keep an accurate record of all such goods inspected, rejected, branded or certified to by him, which record shall state the date of such inspection, the number of packages, barrels, casks, or tanks approved, the number rejected, the name of the person for whom inspected, the name of the person to whom consigned, with his address, the sum of money charged for such inspection, and such records shall be open to all persons interested. The State Inspector of Oils shall, in the month of January, in each year, make and deliver to the Governor a report of his acts, and those of his deputies, during the year preceding, together with remarks and suggestions for

the benefit of the service, which shall include a copy and summary of the report submitted by said deputies as provided for in this section.

Sec. 14. INSPECTION REPORTS.) A record of all inspections shall be made in quadruplicate in a carbon copy book; one copy shall be retained at the port of entry where inspection is made; on the day of inspection one copy of the report shall be forwarded to the consignor or consignee, one copy to the State Inspector of Oils, and one copy to the State Auditor, either on the date of inspection or on or before the fifth day of the succeeding month at the discretion of the State Inspector of Oils. On the first day of each month each deputy shall furnish to the State Inspector of Oils and State Auditor a summary of any and all inspections made by him during the preceding month, including the name and address of every consignor or consignee and the amount of inspection fees due. One copy of the monthly summary shall be retained at each port of entry.

Sec. 15. INSPECTOR AND DEPUTIES SHALL NOT DEAL IN PETROLEUM PRODUCTS.) It shall be unlawful for the State Inspector of Oils, or his deputies, to directly or indirectly while in office, traffic in any of the illuminating oils, gasoline or petroleum products which he has been appointed to inspect. Any person violating the provisions of this section shall be subject to a penalty of not exceeding five hundred (500) dollars and be removed from office.

Sec. 16. STATE'S ATTORNEY SHALL PROSECUTE IN CERTAIN CASES.) It shall be the duty of the State Inspector of Oils, or any of his deputies, or any person having cognizance of any violation of the provisions of this articles, to forthwith make complaint to the State's Attorney for the county in which the offense is alleged to have committed, against the person or persons so offending; and it is hereby made the duty of such State's Attorney to represent and prosecute on behalf of the state all cases of offense arising under the provisions of this article. Any inspector or State's Attorney who wilfully refuses or neglects to carry out the provisions of this section shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be removed from office.

Sec. 17. FALSE BRAND. ADULTERATIONS. PENALTY.) It shall be unlawful for any person, firm or corporation, whether vendor, dealer or manufacturer, to have, use, sell, attempt to sell or deliver to any person in this state for illuminating purposes any of the illuminating oils hereinbefore mentioned, until the same shall have been guaranteed by the shipper or have been inspected and approved, and branded, labeled, or certified, according to the provisions of this Act. It shall be unlawful for any person, firm or corporation, whether vendor, dealer, or manufacturer, to have, use, sell, attempt to sell, or deliver to any person in this

state any of the gasolines or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, until the same shall have been inspected and branded, labeled or certified, according to the provisions of this Act. It shall be unlawful for any person to falsely brand and label any package, barrel or cask or falsely certify to the contents of any tank, vat, tank or tank-wagon containing said illuminating oils or said gasoline or said petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, or to deliver therefrom, for the purpose of deceiving the purchaser thereof in any manner, as to the contents of the same. It shall be unlawful for any person to dispose of any empty barrel, cask or package that has once been used for said illuminating oils or gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, and has been branded or labeled in accordance with this Act, before thoroughly cancelling, removing or effacing the inspection brand of the same.

It shall be unlawful for any person, firm or corporation to adulterate with paraffin or other substances, for the purposes of sale or use, any of the illuminating oils specified in this article, nor shall any person sell or offer for sale for illuminating purposes, oils which shall emit a combustible vapor at a temperature of less than one hundred (100) degrees Fahrenheit, according to the test herein described.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be subject to a penalty not to exceed five hundred (500) dollars fine, or imprisonment in the State Penitentiary not to exceed one year, or both such fine and imprisonment.

Sec. 18. CONTAINERS. PENALTY.) It shall be unlawful for any person, firm or corporation to keep for sale or use, or to sell any gasoline or petroleum products of less than one hundred (100) degrees Fahrenheit, flash test, in any barrel, cask, package, can or receptacle, unless the same is painted red, or to keep for sale or use or to sell any petroleum, illuminating oils, in any barrel, cask, package, can or container if the same is painted red: provided, however, that in the case of gasoline, benzine or naphtha being sold in bottles for cleaning and similar purposes, it shall be deemed sufficient if the contents are so designated by red label securely pasted or attached thereto, bearing the words, "Gasoline," "Benzine," "Naptha," as the case may be; provided, however, that the provisions of this section shall not apply to any barrel, cask, or other receptacle, the capacity of which is over sixty gallons.

Any person, firm or corporation violating any of the provisions of this section shall be punished by a fine of not more than twenty-five (25) dollars, or by imprisonment in the county jail of not to exceed sixty (60) days or both.

Sec. 19. PENALTY.) Whoever shall use, sell or cause to be sold unlawfully for illuminating purposes, any of the illuminating oils specified in this article, which are below one hundred (100) degrees Fahrenheit, flash test, as tested by the official test as herein described, shall be liable to any person purchasing such oils or to any person injured thereby for any damage to any person or property arising from the explosion thereof.

Sec. 20. REMOVED FROM OFFICE IN CERTAIN CASES.) It shall be the duty of the Governor whenever he shall find that the State Inspector of Oils is guilty of refusal or neglect to discharge any of the duties enjoined upon him by this article, to promptly remove him from office. It shall be the duty of the State Inspector of Oils to promptly remove from office any of his deputies who shall prove to be unfaithful or dishonest in the discharge of his duties.

Sec. 21. PORTS OF ENTRY DESIGNATED. How.) The State Inspector of Oils is authorized to designate as ports of entry points where public necessity requires inspections should be made; but in no case shall any place be designated as a port of entry unless there shall have received at such place at least one thousand barrels during the preceding year.

Sec. 22. EXPENSES PAID OUT OF OIL INSPECTION FUND.) All expenses and salaries shall be paid out of the Oil Inspection Fund on the order of the State Inspector of Oils.

Sec. 23. Nothing in this Act shall be construed to exempt from inspection and payment of fees any illuminating or lubricating or fuel oils, gasolines, power oils or distillates.

Sec. 24. REPEAL.) Chapter 188 of the Session Laws of North Dakota for the year 1915, and Chapters 161 and 162 of the Session Laws of 1917, and all Acts and parts of Acts insofar as they are in conflict herewith are hereby repealed.

Sec. 25. EMERGENCY.) This Act is hereby declared an Emergency Measure and shall be in full force and effect from and after its passage and approval.

Approved February 26, 1919.

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POOR FARMS

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## CHAPTER 186.

(H. B. No. 152—Wadeson.)

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DUTIES OF SUPERINTENDENTS OF COUNTY ASYLUMS AND  
POOR FARMS.

An Act to Amend and Re-enact Section 2530 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Duties of Superintendents of County Asylums and Poor Farms, and to Provide for the Payment of Hospital Fees by Patients Received at County Asylums and Poor Farms Maintaining Hospitals, in Certain Cases.

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

Sec. 1. That Section 2530 of the Compiled Laws of North Dakota for the year 1913 be hereby amended and re-enacted to read as follows:

Sec. 2530. DUTY OF SUPERINTENDENT OF ASYLUM.) The Superintendent shall receive into his care and custody all persons who may become a county charge as paupers and take such measures for the employment and support of such paupers, and perform such other duties as the Board of County Commissioners shall from time to time order and direct, consistent with the laws of this State: provided that the Superintendent shall not admit a patient or pauper without first obtaining an order from the Commissioner of the district where such patient or pauper resides or belongs, except in cases where immediate attention is required, the Superintendent may admit such paupers or patients, but shall immediately thereafter notify such Commissioner. In the case of asylums and poor farms maintaining a hospital and having hospital facilities, the County Commissioner furnishing an order for admission of a patient may arrange with such patient that such patient shall pay a reasonable sum for his or her care at such hospital, provided such patient or the parent or guardian of such patient has ability to pay therefor, and in case of a patient admitted to such hospital as a pauper, if it shall develop that such patient owned property or otherwise had the ability to pay for his care in such hospital, the county shall have the right to recover from such patient the reasonable value of his care in such hospital. The Commissioner ordering the admittance of a patient to such hospital shall notify the Superintendent at the time of making such order whether the patient is admitted as a pauper or as a pay patient.

Sec. 2. REPEAL.) All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1919.



## PRINTING—PUBLIC

## CHAPTER 187.

(S. B. No. 158—Committee on Public Printing.)

DESIGNATION OF STATE, COUNTY AND MUNICIPAL OFFICIAL  
NEWSPAPER.

An Act Providing for the Selection and Designation of One State, County and Municipal Official Newspaper in Each County in the State, Prescribing the Manner of its Selection and Duties.

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

Sec. 1. In each organized county in the State of North Dakota there shall be selected and designated one newspaper in said county which shall be the state, county and municipal official newspaper therein.

Sec. 2. MANNER OF SELECTION AND DESIGNATION OF SUCH OFFICIAL NEWSPAPER.) At the first general election held throughout the State of North Dakota after the passage and approval of this Act, and at the general election in each even numbered year thereafter the legal voters in each organized county in the state shall be entitled to vote for such newspaper in said county as such voter desires to be selected as the official newspaper therein.

Sec. 3. At least thirty days prior to any general election held throughout the state, any person, persons, or co-partnership or corporation owning or operating a newspaper printed and published within the county and admitted to the United States mails, and having complied with the requirements of the Federal laws governing second-class mail matter, 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 general ballot to be voted for as official newspaper at said 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 by the county auditor placed upon the general official ballot at the bottom of the first column on the left-hand side, the names of such newspapers to be rotated as now required by law for the names of candidates on the primary election ballots. The place upon the ballot for the names of such newspapers shall be designated as follows:

“For Official Newspaper” (vote for one only). Immediately opposite the name of each newspaper there shall be printed a square and the voter shall designate his choice by marking an X

within the square. A blank line and square shall be printed following the printed names of said newspapers wherein the voter may write or paste the name of a newspaper and mark an X in the square opposite it.

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

Sec. 5. DEFINING DUTIES OF SUCH OFFICIAL NEWSPAPER.) Such official newspaper as shall be chosen by the voters in said county as the state, county and municipal official newspaper therein, shall publish all official proceedings of the Board of County Commissioners in said county and all other notices and publications that are now required by law to be published by county officers; all summons, citations, notices, orders and other process in actions or proceedings in the supreme, district, county or justice courts, which are or may hereafter be required by law to be published in the respective counties of the state. All publications of every nature that now are or may hereafter be required to be published by state officers, elective or appointive; all notices of foreclosure of real estate or chattel mortgages or other liens on real estate or personal property foreclosed by advertisement in said county; and all legal notices of whatsoever kind and character required by law to be published or which may hereafter be required to be published in said county. Provided, however, that in organized cities, towns and villages where no official newspaper is published, said city, town or village, board, council or commission may designate an official newspaper for the publication of such notices and legal publications as are now or hereafter may be required by law for said cities, towns and villages, including legal notices and official statements of the schools within such cities, towns and villages, and the statements of banks and other corporations therein; but, in cities, towns or villages where the state, county and municipal official newspaper is published such notices and legal publications as are now or may hereafter be required by law to be published, shall be published in such official newspaper.

Sec. 6. No legal publication of any kind or character hereinbefore described, which is not published in such duly elected



official newspaper, except hereinbefore provided, shall be legal but shall be null and void.

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

Approved March 15, 1919.

#### CHAPTER 188.

(S. B. No. 157—Committee on Printing.)

##### STATE PUBLICATION AND PRINTING COMMISSION.

An Act Creating a State Publication and Printing Commission; Prescribing its Duties and Powers; and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. In lieu of the Commissioners of Public Printing, there is hereby created a commission to be known as the State Publication and Printing Commission.

Sec. 2. The said Commission shall be composed of the Secretary of State, the Commissioner of Agriculture and Labor, and the Chairman of the Board of Railroad Commissioners. It shall hold its first meeting in the office of the Secretary of State within twenty days after the passage and approval of this Act.

Sec. 3. The said Commission is authorized to appoint a State Printer, who shall also be Secretary to the Commission, and such appointee may, by the Commission, be removed with or without cause. The person so appointed must at the time of his appointment have been a resident of the State of North Dakota for at least one year last past, and must be a practical expert printer. He shall receive an annual salary of Twenty-four Hundred (\$2,400.00) Dollars; he shall perform all the duties now required of the expert printer, and such other duties as may be assigned to him by the Commission hereby established, and shall maintain his office in the State Capitol.

Sec. 4. In addition to the duties and powers now vested by law in the board heretofore known as the Commissioners of Public Printing, the Commission shall have the power to make all printing contracts in all matters of state printing, and the power to designate a newspaper in every county in the state, and a newspaper or newspapers in the state, in which publications required by law to be published by state officials, must be made. It shall be the duty of said Commission to designate in every county of this state a newspaper, which shall be the official newspaper, which shall be the official newspaper in each county in which it is designated, until its successor shall be chosen as provided by law; and in said newspapers in each county as designated, shall be published official proceedings of the Board of County Commissioners in each county respectively, and all other notices and publications that are now required

by law to be published by county officers in the several counties: all summons, citations, notices, orders and other processes in all actions or proceedings in the supreme, district or county or justice courts, which are or may be hereafter required by law to be published in the respective counties of the state; all publications of every nature that are now or may hereafter be required to be published by state officers; all notices of foreclosure by advertisement or real estate or chattel mortgages or of other liens on real or personal property; all notices of whatsoever kind and character now or hereafter required by law to be published, in said county; provided, however, that in organized cities, towns or villages, where no official newspaper is published, said city, town or village, council, commission or board, may designate an official newspaper for the publication of such notices and legal publications, as are now or may hereafter be required by law for said cities, towns or villages, including legal notices and official statements of the schools within such cities, towns and villages, and the statements of banks and other corporations therein; but in cities, towns or villages where the Commission designates an official newspapers, such notices and legal publications as are now required by law to be published by cities, towns or villages, shall be published in the official newspaper designated by the Commission. The Commission shall have the power and it shall be its duty to select one or more legal newspapers in this state for the publication of all state legal notices, including notices for the publication of any reports of corporations doing business in this state, now required by law to be published, either from the office of the Insurance Commissioner or Secretary of State or other state officers, and it shall have the power, in addition to the provisions of law now existing, to make contracts with any printer, newspaper publisher, person or corporation, for the publication of any state legal notice, for the printing of the state documents, laws, journals or other state matters, or for the making or providing of state stationery, of blanks and other documents whatsoever in their judgment they may determine so to do. It shall be the duty of every newspaper in this state thus designated by the Commission to send to the Secretary of such Commission, at Bismarck, weekly, two copies of every issue published by it, and the Secretary shall keep on file in his office in the State Capitol a complete file of every such newspaper, and shall furnish to any person certified copies of matter contained in any of such papers, upon the payment by such person of the sum of ten cents per folio for each copy so furnished by him: the fee for such certified copies shall be turned over to the State Treasurer on the first business day of each month.

Sec. 5. The intent of this Act is to co-ordinate publication of all state legal notices, publications, reports and laws of every kind and nature under one supervising head, to have definite and

certain legal newspapers in this state, so that information can be readily secured concerning any legal publication, and to economize in the matter of state printing; and to keep a complete system of files where legal publications of every kind in this state can be readily found. This Act shall receive a liberal construction in order to effectuate the purposes and intent thereof.

Sec. 6. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 15, 1919.

## PROBATE

### CHAPTER 189.

(S. B. No. 2—Jacobsen.)

#### HEARING PETITIONS FOR LETTERS OF ADMINISTRATION AND PROBATING OF WILLS.

An Act Providing for Hearing Petitions for Letters of Administration, and Probating of Wills.

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

Sec. 1. When a petition has been presented to the County Court for the probating of a Will, or for letters of administration of the estate of an intestate, if all of the persons who must be cited to appear in each case join in the petition or signify in writing their assent thereto the hearing upon such petition may be had at any time.

Approved February 26, 1919.

## PROSTITUTION

### CHAPTER 190.

(S. B. No. 61—Ward.)

#### IMMORALITY.

An Act Defining Prostitution, Lewdness and Assignment; Prohibiting the Same; and Providing Rules of Evidence, Penalty and for Repeal of Laws in Conflict Therewith.

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

Sec. 1. That from and after the passage of this Act it shall be unlawful:

(a) To keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignment;

(b) To occupy any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignment or

for any person to permit any place, structure, building or conveyance owned by him or under his control to be used for the purpose of prostitution, lewdness or assignation, with knowledge or reasonable cause to know that the same is, or is to be, used for such purpose;

(c) To receive or to offer or agree to receive any person into any place, structure, building or conveyance for the purpose of prostitution, lewdness or assignation or to permit any person to remain there for such purpose;

(d) To direct, take or transport, or to offer or agree to take or transport any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution, lewdness or assignation;

(e) To procure or to solicit or to offer to procure or solicit for the purpose of prostitution, lewdness or assignation;

(f) To reside in, enter or remain in any place, structure or building, or to enter or remain in any conveyance, for the purpose of prostitution, lewdness or assignation;

(g) To engage in prostitution, lewdness or assignation or to aid or abet prostitution, lewdness or assignation by any means whatsoever.

Sec. 2. That the term "prostitution" shall be construed to include the offer or receiving of the body for sexual intercourse for hire, and, shall also be construed to include the offer or receiving of the body for indiscriminate sexual intercourse without hire. That the term "lewdness" shall be construed to include any indecent or obscene act. That the term "assignation" shall be construed to include the making of any appointment or engagement for prostitution or lewdness or any act in furtherance of such appointment or engagement.

Sec. 3. That in the trial of any person charged with a violation of any of the provisions of Section 1 of this Act, testimony of a prior conviction or testimony concerning the reputation of any place, structure or building and of the person or persons who reside in or frequent the same and of the defendant shall be admissible in evidence in support of the charge.

Sec. 4. That any person who shall be found to have committed two or more violations of any of the provisions of Section 1 of this Act within a period of one year next preceding the date named in an indictment, information or charge of violating any of the provisions of Section 1 of this Act shall be deemed guilty in the first degree. That any person who shall be found to have committed a single violation of any of the provisions of this Act shall be deemed guilty in the second degree.

Sec. 5. (a) That any person who shall be deemed guilty in the first degree, as set forth in Section 4, shall be subject to imprisonment in, or commitment to, any penal or reformatory institution in this state for not less than One nor more than Three Years; provided, that in case of a commitment to a reformatory institution the commitment shall be made for an indeterminate period of time of not less than One nor more than Three Years in duration, and the Board of Control shall have authority to discharge or to place on parole any person so committed after the service of the minimum term, or any part thereof, and to require the return to the said institution for the balance of the maximum term of any person who shall violate the terms or conditions of the parole.

(b) That any person who shall be deemed guilty in the second degree, as set forth in Section 4, shall be subject to imprisonment for not more than One Year; provided, that the sentence imposed, or any part thereof, may be suspended, and provided further that the defendant may be placed on probation in the care of a probation officer designated by law or theretofore appointed by the Court upon the recommendation of five responsible citizens.

(c) That probation or parole shall be granted or ordered in the case of a person infected with a venereal disease on such terms and conditions only as shall insure medical treatment therefor and prevent the spread thereof, and the court may order any convicted defendant to be examined for venereal disease.

(d) That no girl or woman who shall be convicted under this Act shall be placed on probation or on parole in the care or charge of any person except a woman probation officer.

Sec. 6. That the declaration by the courts of any of the provisions of this Act as being in violation of the Constitution of the State shall not invalidate the remaining provisions.

Sec. 7. That all laws or parts of laws in conflict with the provisions of this Act, be and the same are hereby repealed.

Sec. 8. EMERGENCY.) Whereas, it is necessary for the immediate preservation of the public peace, health and safety that this Act shall become effective without delay, there being at present no law covering such Acts and the lack of the same resulting in widespread vice and venereal disease; therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1919.



## PUBLIC MEETINGS

### CHAPTER 191.

(S. B. No. 113—Liederbach.)

#### PUBLIC BUILDINGS AND PUBLIC PARKS.

An Act Providing for the Use of Public Buildings and Public Parks for Public Meetings.

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

Sec. 1. That any officer or officers of the State of North Dakota, any municipality therein or any subdivision thereof, who shall have custody and control of any public building or public park suitable for holding public meetings therein shall, when petitioned so to do by twenty-five resident tax payers of the municipality or political subdivision owning said building or public park, open said building or park for any public meeting which is to be non-sectarian and non-fraternal in character; provided, however, that no such public building shall be used for such purpose when in actual and necessary use in carrying out the purpose for which it was constructed.

Sec. 2. Any person or persons violating the provisions of this Act shall be guilty of a misdemeanor.

Approved March 7, 1919.

## PUBLIC UTILITIES

### CHAPTER 192.

(H. B. No. 97—Labor Committee.)

#### RAILROAD COMMISSIONERS WITH REFERENCE TO PUBLIC UTILITIES.

An Act Authorizing the Board of Railroad Commissioners of the State of North Dakota to Regulate, Control and Fix Rates, Charges and Services of all Public Utilities; Prescribing the Powers and Duties of Public Utilities; Defining Public Utilities; Providing an Appropriation to Carry Out its Provisions; and Repealing Sections 584 and 4736 of the Compiled Laws of North Dakota for 1913 and Chapter 208 and Section 9 of Chapter 209, Laws of North Dakota for 1915 and all other Acts or Parts of Acts in Conflict with the Provisions of this Act; Providing Penalties for the Violation Thereof.

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

Sec. 1. (a) The term "Commissioners" when used in this Act, means the Board of Railroad Commissioners of the State of North Dakota. (b) The term "Commissioner" when used in this Act means one of the members of the Board of Railroad Commissioners.

Sec. 2. The jurisdiction of the Commissioners shall extend to and include: (a) common carriers, railroads, street railroads, express companies, sleeping car companies, toll bridges, ferries and steam and other boats engaged in the transportation of freight and passengers; (b) telegraph and telephone companies engaged in the transmission of messages or conversations; (c) pipe line companies for the transportation of gas, oil and water; (d) electric light companies for the purpose of generating and distributing light, heat or power; (e) gas companies for the manufacture or distribution of gas, natural or artificial; (f) water companies for the storage and distribution of water for domestic and all beneficial uses; (g) all heating companies for the distribution of heat; (h) warehouse, packing and cold-storage companies for the marketing, storage or handling of food and other agricultural products; (i) stock yard companies engaged in the business of caring for, feeding and watering live stock; (j) all other public utility corporations and all persons, associations, corporations, or agencies employed or engaged in any of the businesses hereinafter enumerated.

The words "Public Utility" used in this Act shall include all associations, persons, firms, corporations and agencies engaged or employed in any business herein enumerated or in any other public utility business, whether above enumerated or not and whether incorporated or not. The jurisdiction of the Commissioners shall extend to and include all such public utilities engaged in business in this State or in any county, city, town, township or village of the State or any political subdivision of the State.

Sec. 3. The Commissioners are hereby given the power to investigate all methods and practices of public utilities or other persons, subject to the provisions of this Act; to require them to conform to the laws of this State and to all rules, regulations and orders of the Commissioners not contrary to law; to require copies of reports, rates, classifications, schedules and time tables in effect and used by such utilities or other persons to be filed with the Commissioners and all other information desired by the Commissioners relating to such investigations and requirements.

The Commissioners may compel obedience to its lawful orders by proceedings of mandamus or injunction or other proper proceedings in the name of the State in any court having jurisdiction of the parties or of the subject matter, and such proceedings shall have priority over all pending cases.

The Commissioners may change any intra-state rate, charge or toll which is unjust or unreasonable and may, after hearing and notice, prescribe such rate, fare, charge or toll as is just and reasonable, and change or prohibit any particular device or method of service in order to prevent undue discrimination or favoritism between persons, localities, or classes of freight.

Every order entered by the Commissioners shall continue



in force until the expiration of the time, if any, named by the Commissioners in such order or until revoked or modified by the Commissioners, unless the same be suspended, modified or revoked by order or decree of a court of competent jurisdiction.

Sec. 4. The Commissioners shall have the power, after notice and hearing, to enforce, originate, establish, modify or adjust and promulgate tariffs, rates, joint rates, tolls and charges of all public utility corporations and whenever the Commissioners shall, after hearing, find any existing rates, tolls, tariffs, joint rates or schedules unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any of the provisions of this Act, the Commissioners shall, by an order, fix reasonable rates, joint rates, tariffs, tolls, charges or schedules to be followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or otherwise in violation of any provision of law.

Provided, that when any public utility corporation, company or person operating said public utility shall in any proceeding before the Commission, ask to have its rates raised, above the maximum rate contained in its charter, such public utility shall furnish the Commission, the original cost of all its property, the date of the acquisition of said property, the amount of money invested in said property, the amount of stock outstanding, the amount of bonds outstanding against said property, blueprints showing the location and position of all mains, pole lines, wires, and all other property belonging to the company, and shall furnish the Commission with all books, papers and memoranda of the company showing the financial condition of said utility and shall furnish the Commission with the number of persons in its employ, the salary paid such employees, its total monthly salaries and wage expense for such time as the Commission may request. Also an itemized statement of its expenditures and the details of its profit and loss account and any and all other books, papers, vouchers, accounts which the said Board of Railroad Commissioners shall ask to have produced as evidence at such hearing.

Sec. 5. Whenever the Commissioners shall find, after hearing, that the rules, regulations, practices, equipment, appliances, facilities or service of any public utility, or the methods of manufacture, distribution, transmission, storage, or supply employed by it are unjust, unreasonable, unsafe, improper, inadequate or insufficient, the Commissioners shall determine the just, reasonable, safe, proper, adequate or sufficient rules, regulations, practices, equipment, appliances, facilities, service, or methods to be observed, furnished, constructed, enforced or employed, and shall, after hearing, fix the same by its order, rule or regulation. The Commission shall prescribe, after hearing, rules and regulations for the performance of any service or the furnishing of any commodity, of a character furnished or supplied by any public utility and, on demand and tender of rates, such public utility

shall furnish such commodity and render such service within the time and upon the conditions provided in such rules.

Whenever the Commissioners shall find that application has been made by any corporation or person to a railroad corporation for a connection or spur line track and that the railroad corporation has refused to provide such connection or spur and that the applicant is entitled to have the same provided for him, the Commissioners shall make an order requiring and providing for such connection or spur and the maintenance and use of the same upon reasonable terms which the Commissioners shall have the power to prescribe.

The Commissioners shall likewise have the power to require any railroad corporation to switch to private spurs and industrial tracks upon its own railroad, the cars of a connecting railroad corporation, and to prescribe the rules and compensation for such service.

Sec. 6. The Commissioners shall have the power to order and require the installation of track scales by common carriers at all points in the State where the same are deemed to be necessary and to enforce reasonable regulations for the weighing of cars and freight.

Sec. 7. Whenever the Commissioners shall find, after hearing, that a physical connection can reasonably be made between the lines of two or more telephone corporations, or two or more telegraph corporations by the construction and maintenance of suitable connections for the transfer of messages or conversations, public conveniences and necessity will be subserved thereby, the Commissioners may, by their order, require that such connection be made.

The Commissioners may, after hearing, establish rates for the transfer of messages or conversations over two or more telephone companies or over two or more telegraph companies and order that conversations be transmitted and messages transferred by such companies.

Sec. 8. Whenever the Commissioners have found that public convenience and necessity require the use by one public utility of the conduits, subways, tracks, wires, poles, pipes or other equipment or any part thereof, on, over or under any street or highway, and belonging to another public utility, and that such use will not result in irreparable injury to the owner or other users of such conduits, subways, tracks, wires, poles, pipes or other equipment, or any substantial detriment to the service and that such public utilities have failed to agree upon such use or the terms and conditions or compensation for the same, the Commissioners may, by order, direct that such use be permitted and prescribe reasonable compensation and reasonable terms and conditions for the joint use. If such use be directed, the public utility to whom the use is permitted shall be liable to the owner or other users of such conduits, tracks, wires, poles, pipes or other

equipment for such damage as may result therefrom to the property of such owner or other users thereof.

Sec. 9. (a) The Commissioners and their officers and employees shall have the power to enter upon any premises occupied by any public utility for the purpose of making examinations and tests and exercising any of the powers provided for in this Act and to set out and use on said premises any weights or appliances necessary therefor. (b) Any consumer or user of any produce or commodity or service of a public utility may have any appliance used in the measurement thereof tested by paying the fees fixed by the Commissioners. The Commissioners shall establish and fix reasonable fees to be paid for testing such appliances. (c) The Commissioners shall have the power to ascertain and fix just and reasonable standards, classifications, regulations, practices, measurements or services to be furnished, imposed, observed and followed by all public utilities; to ascertain and fix adequate and serviceable standards for the measurement, quantity, quality, pressure, initial voltage or other condition pertaining to the supply of the product, commodity or service furnished or rendered by any such public utility; to prescribe reasonable regulations for the examination and testing of such products, commodity or service and for the measurement thereof; to establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and to provide for the examination and testing of any and all such appliances used for the measurement of any product, commodity or service of any public utility.

Sec. 10. The Commissioners shall have the power to ascertain the value of the property of every utility in this State and every fact which, in its judgment, may or does have any bearing on such value. The Commissioners shall have power to make re-valuations from time to time and to ascertain the value of all new construction, extensions, or additions to the property of every public utility.

Sec. 11. The Commissioners shall have power to establish a system of accounts to be kept by the public utility, subject to its jurisdiction, or to classify said public utilities and to establish a system of accounts for each class and to prescribe the manner in which such accounts shall be kept. It may also, in its discretion, prescribe the forms for accounts, records and memoranda to be kept by such public utilities, including the accounts, records and memoranda of the movement of traffic, as well as the receipts and expenditures of moneys, which, in the judgment of the Commissioners may be necessary to carry out any of the provisions of this Act.

When the Commissioners shall have prescribed the forms for accounts, records or memoranda to be kept by any public utility for any of its business, it shall thereafter be unlawful for such public utility to keep any accounts, records or memoranda

of such business other than those as prescribed by or under authority of any other state or of the United States excepting such accounts, records, or memoranda as shall be explanatory of and supplemental to the accounts, records or memoranda prescribed by the Commissioners.

Sec. 12. All charges made, demanded or received by any public utility or by any two or more public utilities of any produce or commodity furnished or to be furnished, or any service rendered or to be rendered, shall be just and reasonable. Every unjust and unreasonable charge made, demanded or received for such produce, commodity or service is hereby prohibited and declared unlawful.

Sec. 13. Every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall be in all respects adequate, convenient, just and reasonable and without any unjust discrimination or preference.

Sec. 14. No change shall be made by any public utility in any tariffs, rates, joint rates, fares, tolls, schedules or classifications, or service in force at the time this Act takes effect, except after thirty days' notice to the Commissioners, which notice shall plainly state the changes proposed, and, upon a showing before the Commissioners and a finding by the Commissioners that such increase is justified.

(b) Whenever there shall be filed with the Commissioners a notice or any schedule stating an individual or joint rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation, increasing or resulting in an increase in any rate, fare, toll, rental or charge, the Commissioners shall have power and it is hereby given authority, either upon complaint or upon its own initiative without complaint, at once and, if it so orders, without answer or other formal pleadings by the interested public utility or utilities, but upon reasonable notice, to enter upon a hearing concerning the propriety of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation and, pending the hearing and decision thereon, such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not go into effect, provided that the period of suspension of such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation shall not extend beyond 120 days beyond the time when such rate, fare, toll, rental, charge, classification, contract, practice, rule or regulation would otherwise go into effect unless the Commissioners, in their discretion, extend the period of suspension for a further period not exceeding six months. On such hearing, the Commissioners shall establish the rates, fares, tolls, rentals, charges, classifications, contracts, practices, rules or regulations proposed, in whole or in part, or others in lieu thereof, which it shall find to be just and reasonable. At



any such hearing, after the passage of this Act, the burden to show that the increased rate or proposed change of fare, charge, classification, regulation or practice is just and reasonable shall be upon the public utility making application for such change. All such rates, fares, tolls, rentals charges, classifications, contracts, practices, rules or regulations not so suspended shall, on the expiration of thirty days from the time of filing the same with the Commissioners, or of such lesser time as the Commissioners may grant, go into effect and be the established and effective rates, tolls, fares, rentals, charges, classifications, contracts, practices, rules and regulations, subject to the power of the Commissioners, after a hearing had on its own motion or upon complaint, as herein provided, to alter or modify the same.

Sec. 15. All rules and regulations made by any public utility affecting or pertaining to its charges or service to the public shall be just and reasonable.

Sec. 16. It shall be unlawful for any public utility corporation subject to the provisions of this Act to make or give any undue or unreasonable preference or advantage to any particular person, company, firm, corporation or locality or any particular character of traffic or service in any respect whatsoever, or to subject any particular person, firm, corporation, company or locality or any particular character of traffic or service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever. No public utility corporation subject to the provisions of this Act shall, directly or indirectly, by any special rate, rebate, drawback or other device or method, charge, demand, collect, charge or receive from any person, firm or corporation a greater or less compensation for any service rendered or to be rendered than he charges, demands, collects or receives from any other person, firm or corporation for doing a like and contemporaneous service under the same or substantially similar circumstances and conditions.

Nothing in this Act shall prohibit a public utility from entering into any reasonable agreement with its customers, consumers or employees, or for providing for a sliding scale of charges, unless the same is prohibited by the terms of the franchise or permit under which such public utility is operated. No such agreement or sliding scale shall be lawful unless and until the same shall be filed with and approved by the Commissioners.

Sec. 17. Every telephone corporation and telegraph corporation operating in this State shall receive, transmit and deliver, without discrimination or delay, the conversations and messages of every other telephone and telegraph corporation with whose line a physical connection may have been made.

Sec. 18. Every public utility shall annually furnish to the Commissioners, at such time and in such form as the Commissioners may require, a report in which the public utility shall specifically answer all questions propounded by the Commission-

ers upon or concerning which the Commissioners may desire information, and any and all other information required by it to carry into effect the provisions of this Act. The Commissioners shall have the authority to require any public utility to file monthly reports of earnings and expenses and to file periodical or special reports concerning any matter about which the Commissioners are authorized by this or any other Act to inquire or to keep itself informed or which it is required to enforce. The reports shall be under oath when required by the Commissioners.

Sec. 19. Every public utility shall obey and comply with all and every requirement of every order, decision, direction, rule or regulation made or prescribed by the Commissioners in the matters herein specified or any other matter in any way relating to or affecting its business as a public utility and shall do everything necessary or proper in order to secure compliance with any observation of every such order, decision, direction, rule or regulation by all of its officers, agents or employees.

Sec. 20. The power of public utilities to issue stocks, bonds, notes, and other evidence of indebtedness, to create liens upon their property situated in this State, except such as are payable within one year from date of issue, is a special privilege and shall be exercised by such utilities under the supervision, regulation, restriction and control of the Commissioners, subject to such rules and regulations as the Commissioners may prescribe.

No provision of this Act and no deed or Act done or performed under or in connection therewith, shall be held or construed to obligate the State of North Dakota to pay or guarantee in any manner whatsoever, any stock, or stock certificate or bond, note or other evidence of indebtedness authorized, issued or executed under the provisions of this Act.

Sec. 21. No public utility shall hereafter sell, assign, lease, transfer, mortgage or otherwise dispose of or encumber the whole or any part of its franchise, works or system, necessary or useful in the performance of its duties to the public not, at any time, directly or indirectly, merge or consolidate such works or system or franchise, or any part thereof with any other person, corporation or public utility, without first having secured from the Commissioners an order authorizing it to do so. Every such sale, assignment, lease, transfer, mortgage, disposition, encumbrance, merger or consolidation made, other than in accordance with the order of the Commissioners authorizing the same, shall be void.

Sec. 22. No public utility shall, directly or indirectly acquire the stock or business of any other corporation incorporated for or engaged in the same or similar business or proposing to operate or operating under a franchise from the same or any other authority unless authorized to do so by the Commissioners. Every such transaction made, other than in accordance with the order of the Commissioners authorizing the same shall be void.

Sec. 23. Nothing in this Act shall authorize the Commis-

sioners to make any order affecting rates, tolls or charges, contracts, or services rendered or the safety, adequacy, sufficiency of facilities, or the rules or regulations of any public utility owned and operated by the State, city, county, township, town or village or any other political subdivision of the State, or any public utility that is not operated for profit, but all other provisions herein shall apply to such utilities.

Provided, however, that any and all telephone and telegraph utilities so owned or operated shall be subject to the jurisdiction of the Commissioners and to the provisions contained in Sections 7 and 8 of this Act.

Sec. 24. All hearings, investigations and proceedings shall be public and shall be governed by this Act and by the rules of practice and procedure to be adopted by the Commissioners and in the conduct thereof the technical rules of evidence shall not be applied. No informality in any hearing, investigation or proceeding or in the manner of taking testimony, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the Commissioners.

The Commissioners shall have authority and power to employ any and all rate experts, engineers, accountants and any and all other experts, help and assistance, and fix the compensation and the bond of all such employees, provided, that the same shall not exceed the amount appropriated for the purpose of carrying out the provisions of this Act.

Sec. 25. The Commissioners and each Commissioner shall have power to administer oaths, certify to all official acts, and to issue subpoenas for the attendance of witnesses and the production of papers, waybills, books, accounts, documents and testimony in any inquiry, investigation, hearing or proceeding in any part of the State. Each witness who shall appear, by order of the Commissioners or a Commissioner, shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases. All subpoenas issued by the Commissioners shall extend to all parts of the State and shall be served in the manner provided for such service in courts of record.

Sec. 26. (a) Any court of record in and for the county in which any inquiry, investigation, hearing or proceeding may be held by the Commissioners or any Commissioner, shall have the power, upon petition therefor, to compel the attendance of witnesses, the giving of testimony and the production of papers, including waybills, books, accounts and documents as required by any subpoena issued by the Commissioners or any Commissioner.

(b) The Commissioners or any Commissioner or any party may in any investigation or hearing before the Commissioners, cause the deposition of witnesses residing within or without the State to be taken in the manner prescribed by law for like depositions in civil actions in the district courts of this State.



(c) No person shall be excused from testifying or giving evidence in any investigation or inquiry by or hearing before the Commissioners or any Commissioner, when ordered to do so, upon the ground that the testimony or evidence required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any Act, transaction, matter or thing concerning which he shall, under oath, have testified to produced documentary evidence; provided, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained shall be construed as in any manner giving to any public utility immunity of any kind.

Sec. 27. Copies of all official documents and orders filed or deposited according to law in the office of the Commissioners certified by a Commissioner or by the Secretary or assistant secretary under the official seal of the Commissioners to be true copies of the originals, shall be evidence in like manner as the originals.

Sec. 28. The Commissioners shall determine and fix all charges for furnishing copies, records, reports and evidence and in all proceedings by the Commissioners. All fees charged and collected under this section shall be paid into the State Treasurer to the credit of the fees appropriated for the use of the Commissioners.

Sec. 29. The Commissioners, each Commissioner and each officer and person duly authorized by the Commissioners shall have the right, at any and all times, to inspect the accounts, books, papers and documents of any public utility and the Commissioners and each Commissioner and any officer of the Commissioners or any employee authorized to administer oaths shall have power to examine, under oath, any officer, agent or employee of such public utility in relation to the business and affairs of said public utility.

Sec. 30. Complaint may be made by the Commissioners of its own motion or by any corporation or person, chamber of commerce, board of trade, or any civic, commercial, mercantile, traffic, agricultural or manufacturing association or organization or any body politic or municipal corporation, by petition or complaint in writing, setting forth any fact or thing done or omitted to be done by any public utility, including any rule, regulation or charge heretofore established or fixed by or for any public utility, in violation or claimed to be in violation of any provision of law or of any order or rule of the Commissioners. The Commissioners shall fix the time when and place where a hearing will be had upon the complaint and shall serve notice thereof upon the complainant and the utility affected thereby not less than ten days before the time set for such hearing, unless the Commissioners shall find that public necessity requires that such

hearing be held at an earlier date, provided, that no complaint shall be entertained by the Commissioners, except on its own motion, as to the reasonableness of any rates or charges, of any heat, gas, electrical, water or telephone utility, unless the same be signed by the mayor, council, commission or other legislative body of the county, city, town or village, if any, within which the alleged violation occurred, or not less than fifteen consumers or purchasers or prospective consumers or purchasers of such heat, gas, electrical, water or telephone service.

Sec. 31. At the time fixed for a hearing before the Commissioners or a Commissioner, or the time to which the same may have been continued, the complainant and the utility or person complained of, and such corporations or persons as the Commissioners may allow to intervene, shall be entitled to be heard and to introduce evidence. After the conclusion of the hearing, the Commissioners shall make and file their order containing their decision. A copy of such order, certified under the seal of the Commissioners, shall be served upon the corporation or person complained of or his or its attorney by registered mail. Said order shall become final twenty days after the service thereof.

Sec. 32. The Commissioners may, at any time, upon notice to the public utility affected and after opportunity to be heard as provided in the case of complaints, rescind, alter or amend any decision made by it. Any order rescinding, altering or amending a prior order or decision shall, when served upon the public utility affected, have the same effect as is herein provided for original orders or decisions.

Sec. 33. In all collateral actions or proceedings, the orders and decisions of the Commissioners which have become final shall be conclusive.

Sec. 34. Any party to any controversy heard by the Commissioners feeling aggrieved by the decision or by the entry of any final order of the Commissioners therein may appeal therefrom from the District Court in the district in which the hearings of the Commissioners were held in the matter, by serving notice in writing on all other parties to said controversy and on the Commissioners within thirty days after the rendering of said decision and entry of the final order therein by the Commissioners.

Sec. 35. On such appeal the lawfulness of the decision or final order shall be inquired into and determined on the record of the Commissioners as certified to by it. No new or additional evidence shall be taken on such appeal or introduced in evidence by any party to such hearing on appeal in the district court. Any appeal from any final order of the Commissioners shall not suspend or delay the execution or operation thereof pending the appeal and final determination thereof, but the court in which such appeal is pending may in its discretion suspend in whole or in part the operation of the Commissioners' order or decision.

(b) In case the order or decision of the Commissioners is

stayed or suspended, the order of the court shall not become effective until a suspending bond shall first have been executed and filed with and approved by the Commissioners (or approved on appeal by the district court), payable to the people of the State of North Dakota, and sufficient in amount and security to insure the prompt payment, by the party appealing, of all damages caused by the delay in the enforcement of the order or decision of the Commissioners, and of all the moneys which any person or corporation may be compelled to pay, pending the appeal, for transportation, transmission, product, commodity or service in excess of the charges fixed by the order or decision of the Commissioners, in case said order or decision is sustained. The district court, in case it stays or suspends the order or decision of the Commissioners in any matter affecting rates, fares, tolls rentals, charges or classifications, shall also by order direct the public utility affected to pay into court, from time to time, there to be compounded until the final decision of the case, or into some bank or trust company paying interest on deposits, under such conditions as the court may prescribe, all sums of money which it may collect from any corporation or person in excess of the sum which corporation or person would have been compelled to pay if the order or decision of the Commissioners had not been stayed or suspended. The Commissioners, any public utility or person or complainant may after the entry of judgment in the district court in any such action, prosecute an appeal to the Supreme Court of this State. Such appeal shall be prosecuted as appeals from the judgment of the district court in civil cases except as otherwise provided in this Act. The record and testimony and exhibits, certified to by the Commissioners and filed in the district court in any such action, together with a transcript of the proceedings in the district court shall constitute the record on appeal to the Supreme Court. The general laws relating to appeals to the Supreme Court shall, so far as applicable and not in conflict with the provisions of this Act, apply to appeals taken under the provisions of this Act.

Sec. 36. All actions and proceedings under this Act and all actions or proceedings to which the Commissioners or the State of North Dakota may be parties, and in which any question arises under this Act, or under or concerning any order or decision of the Commissioners, shall be preferred over all other civil causes and shall be heard and determined in preference to all other civil business, irrespective of position on the calendar. The same preference shall be granted upon application of the attorney of the Commissioners in any action or proceeding in which he may be allowed to intervene.

Sec. 37. The Commissioners, for the purpose of ascertaining the reasonableness and justice of the rates and charges of public utilities, or for any other purpose authorized by law, shall investigate and determine the value of the property of every public

utility used and useful for the service and convenience of the public, excluding therefrom the value of any franchise or right to own, operate or enjoy the same in excess of the amount (exclusive of any tax or annual charge) actually paid to any political subdivision of the State or County as a consideration for the grant of such franchise or right by reason of a monopoly or merger. The Commissioners shall prescribe the details of the inventory of the property of each public utility.

In ascertaining the value of the various kinds and classes of property of each public utility, the Commissioners shall have authority to ascertain and report, in such detail as it may deem necessary, as to each piece of property owned or used by such public utility to show separately the following facts:

(a) The original cost, if any, of each parcel of land owned and used by such public utility and a statement of the conditions of acquisition, whether by direct purchase, by donation, by exercising the power of eminent domain or otherwise.

(b) The value, as of a date certain, of each parcel of land owned and used by such public utility by comparison with the value of contiguous and neighboring parcels of land and land of similar character as to location and use.

(c) If there should be any additional value to such utility by reason of the ownership by it of one or more parcels of land, and it is used as a continuous right of way for transportation purposes, or for other purposes, such additional value shall be separately and specifically set forth for each parcel.

(d) The cost of new production, as of a date certain, of all physical property other than land, owned and used by such public utility showing the valuation of the separate item comprising such property, together with the unit basis of such valuation.

(e) Depreciation, if any, from the new reproductive cost, as of a date certain, of existing mechanical deterioration, of age, of obsolescence, of lack of utility or for any other cause, the percentage and amount of each class of depreciation, if any, to be specifically set forth in detail.

(f) The net value, as of a date certain, of all physical property other than land owned by such public utility, to be derived by deducting the sum of the amounts of depreciation from the sum of the new reproductive costs.

(g) The value of the property of a public utility company, as determined by the Commissioners, shall be such sum as represents, as nearly as can be ascertained, the money honestly and prudently invested in the property. In valuing the property on the basis of the cost to reproduce the same, unit prices of material and labor entering into construction shall be based on the average prices of a sufficient period of years to secure normal results. Equipment shall be valued on the average prices of a sufficient period of years to secure normal results, and there shall be deducted from the total amounts, as thus determined,



such sum as is properly chargeable to depreciation under the provisions of sub-division (e), Section 37. The Commissioner shall exclude from such valuation all unearned values or unearned increment.

Such investigation and report shall also show, whenever the Commissioners may deem necessary, the amounts and dates and rates of interest of all bonds outstanding against each utility, the property on which they are a lien, the amounts paid therefor and, in such detail as may be necessary the original capital stock and the moneys received by any such utility by reason of any issue of stock, bonds or other securities; the net and gross receipts of such utility; the method by which moneys were expended and the purpose of such payments. The Commissioners shall have the power to establish rules and regulations to be followed in making such investigation and valuation.

Sec. 38. The Commissioners, during the making of the valuation herein provided for and for the purpose thereof, shall thereafter in like manner keep itself informed through its experts and other assistants of all extensions and improvements or other changes in the conditions and value of the property of all public utilities and shall ascertain the value of such extensions, improvements and changes and shall from time to time, as may be required for the proper regulation of such utilities, revise and correct its valuation of such property. Such revaluation and correction shall be filed in the same manner as is provided for original reports.

Sec. 39. The Commissioners, whenever they shall have completed a valuation of the property of any public utility and before such valuation shall have become final, shall give notice by registered letter to such public utility. If, within thirty days after such notice, no protest shall have been filed with the Commissioners, then said valuation shall become final. If notice of protest shall have been filed, however, by any such public utility, the Commissioners shall fix the time of hearing the same and shall consider at such hearing any matter material thereto presented by such public utility in support of its protest. If, after the hearing of any protest (if any valuation was fixed), the Commissioners shall be of the opinion that its inventory is incomplete or incorrect or that its valuation is incorrect, it shall make such changes as may be necessary and shall issue an order making such corrected valuation final. The final valuation by the Commissioners and all classifications made for the ascertainment of such valuations shall be public and shall be prima facie evidence relative to the value of the property.

Sec. 40. For the purpose of ascertaining the reasonableness and justice of the rates and charges of public utilities or for any other purpose authorized by law, the Commissioners may cause a hearing or hearings to be held at such time or times and place or places as the Commissioners may designate to determine the

value of the property of public utilities actually used or useful for the convenience of the public, excluding therefrom the value of any franchise or right, to own, operate or enjoy the same in excess of the amount (exclusive of any tax or annual charge) actually paid to any political subdivision of the State or county as a consideration of such franchise or right; and exclusive of any value to the right by reason of a monopoly or merger.

Sec. 41. Before any hearing is had, the Commissioners shall give the public utility affected thereby at least thirty days' written notice, specifying the time and place of said hearing. This provision shall not prevent the Commissioners from making any preliminary examination or investigation into the matters herein referred to or from inquiring into such matters in any other investigation or hearing.

Sec. 42. The public utilities affected shall be entitled to be heard and to introduce evidence at such hearing or hearings. The Commissioners are empowered to resort to any other source of information available. The evidence introduced at such hearing shall be reduced to writing and certified under the seal of the Commissioners. The Commissioners shall make and file their findings of fact in writing upon all matters concerning which evidence shall have been introduced before it which, in its judgment, have a bearing on the value of the property of the public utility. Such findings shall be subject to review by the Supreme Court of this State in the same manner and within the same time as other orders and decisions of the Commissioners.

Sec. 43. The findings of the Commissioners, as made and filed, when properly certified by the Commissioners, shall be admissible as evidence in any proceeding or hearing before the Commissioners or any court in which the Commissioners, the State or any officer, department or institution thereof or any county, city, municipality or other body politic and the public utility affected thereby may be interested, whether arising under the provisions of this Act or otherwise, and such findings, when so introduced, shall be conclusive evidence of the facts therein stated as of the date therein stated under conditions then existing and such facts can only be controverted by showing a subsequent change in conditions bearing upon the facts therein determined. The Commissioners may, from time to time, cause further hearings and investigations to be had for the purpose of making re-valuations or ascertaining the value of any betterments, improvements, additions or extensions made by any public utility subsequent to any prior hearing or investigation and may examine into all matters which may change, modify or affect any finding of fact previously made and may at such time make findings of fact supplementary to those theretofore made. Such hearings shall be had upon the same notice and be conducted in the same manner and the findings so made shall have the same force and

effect as is provided herein for such original notice, hearing, and finding, provided that such findings made at such supplemental hearings or investigations shall be considered in connection with and as a part of all original findings except insofar as such supplemental findings shall change or modify the findings made at the original hearing or investigation.

Sec. 44. When complaint has been made to the Commissioners concerning any rate, fare, toll, rental or charge for any product or commodity furnished or service performed by any public utility and the Commissioners have found after investigation that the public utility has charged an excessive or discriminatory amount for such product, commodity or service, in excess of the schedules, rates and tariffs on file with the Commissioners, or has discriminated under said schedules against the complainant, the Commissioners may order that the public utility make due reparation to the complainant therefor, with interest from the date of collection; provided, no discrimination will result from such reparation.

Sec. 45. Upon the request of the Commissioners, it shall be the duty of the Attorney General or the States Attorney of the proper district or county to aid in any investigation, hearing or trial under the provisions of this Act, and to institute and prosecute actions or proceedings for the enforcement of the provisions of the constitution and statutes of this State affecting public utilities and for the punishment of all violations thereof.

Sec. 46. In case any public utility shall do, cause to be done or permit to be done, any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by the constitution, any law of this State or any order or decision of the Commissioners, such public utility shall be liable to the persons or corporations affected thereby for all loss, damages, or injury caused thereby or resulting therefrom, and if the court shall find that the act or omission was wilful, the court shall, in addition to the actual damages, award damages for the sake of example and by way of punishment. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any corporation or person.

(b) No recovery as in this section provided shall in any manner affect a recovery by the State of the penalties in this Act provided or the exercise by the Commissioners of their power to punish for contempt.

Sec. 47. All penalties accruing under this Act shall be cumulative of each other, and a suit for the recovery of one penalty shall not be a bar to or affect the recovery of any other penalty or forfeiture or be a bar to any criminal prosecution against any public utility or any officer, director, agent or employee thereof, or any other corporation or person, or be a bar to the exercise by the Commissioners of its power to punish for contempt.



Sec. 48. (a) Any public utility which violates or fails to comply with any provision of the Constitution of this State or of this Act, or which fails, omits or neglects to obey, observe or comply with any order, decision, decree, rule, direction, demand or requirement or any part or provision thereof of the Commissioners, in a case in which the penalty has not hereinbefore been provided for such public utility, is subject to a penalty of not less than five hundred dollars nor more than two thousand dollars for each and every offense.

(b) Every violation of the provisions of this Act or of any order, decision, decree, rule, direction, demand or requirement of the Commissioners, or any part or portion thereof by any corporation or person is a separate and distinct offense, and in case of a continuing violation, each day's continuance thereof shall be and be deemed to be a separate and distinct offense.

(c) In construing and enforcing the provisions of this Act relating to penalties, the act, omission or failure of any officer, agent or employee of any public utility, acting within the scope of his official duties or employment, shall in every case be and be deemed to be the act, omission or failure of such public utility.

Sec. 49. Every officer, agent or employee of any public utility, who violates or fails to comply with, or who procures, aids or abets any violation by any public utility of any provisions of the Constitution of this State or of this Act, or who fails to obey, observe or comply with any order, decision, rule, direction, demand or requirement or any part or provision thereof, of the Commissioners, or who procures, aids or abets any public utility in its failure to obey, observe and comply with any such order, decision, rule, direction, demand, requirement or any part or provision thereof, in a case in which the penalty has not hereinbefore been provided for such officer, agent or employee, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars or by imprisonment in a county jail not exceeding one year, or by both such fine and imprisonment.

Sec. 50. Every person who, either individually or acting as an officer, agent or employee of a corporation other than a public utility, violates any provision of this Act, or fails to observe, obey or comply with any order, decision, rule, direction, demand or requirement, or any part or portion thereof, of the Commissioners, or who procures, aids or abets any such public utility in its violation of this Act, or in its failure to obey, observe or comply with any such order, decision, rule, direction, demand or requirement, or any part or portion thereof, in a case in which a penalty has not hereinbefore been provided for such person, is guilty of a misdemeanor and is punishable by a fine not exceeding one thousand dollars, or by imprisonment in a county

jail not exceeding one year, or by both such fine and imprisonment.

Sec. 51. Neither this Act nor any provisions thereof, except when specifically so stated, shall apply or be construed to apply to commerce with foreign nations or commerce among the several states of this Union, except insofar as the same may be permitted under the provisions of the Constitution of the United States and the Acts of Congress.

Sec. 52. The Commissioners may, by one or more of the Commissioners, prosecute any inquiry necessary or hearing, into any matter or question of fact pertaining to the business of any public utility, subject to the provisions of this Act.

Sec. 53. The provisions of this Act shall not impair or affect any Act of the Legislative Assembly establishing rates and charges for the transportation of freight or passengers by common carriers in this State and shall not authorize the Commissioners or any common carrier to increase any such rates or charges, except in the manner provided by an Act entitled "An Act relating to freight rates in North Dakota; the transportation of freight within the State; the classification of freight for the purpose of such transportation and the application of rates thereon; fixing the maximum rates and charges for transportation of freight intra-state; providing penalties and punishments for the violations of the provisions thereof and defining certain duties and powers of the Board of Railroad Commissioners which Act was adopted by the Sixteenth Legislative Assembly of the State of North Dakota. Nor shall this Act affect or impair the provisions of an Act adopted at the Sixteenth Legislative Assembly defining the powers and duties of the State Inspector of Grades, Weights and Measures.

Sec. 54. This Act is to be construed and interpreted with all other Statutes of this State, having for their purpose the regulation and control of public utilities and is intended to be supplemental to such statutes and Chapter 14 of the Compiled Laws of North Dakota for 1913, Chapters 202, 203 and 204 of the Laws of North Dakota for 1915; Chapters 185, 186, 187, 188, 191 and 192 of the Laws of North Dakota for 1917, except insofar as such statutes conflict with the provisions of this Act, shall apply to such utilities.

Sec. 55. Sections 584 and 4736 of the Compiled Laws of the State of North Dakota for 1913; Chapter 208 and Section 9 of Chapter 209, Laws of North Dakota for 1915; and all other Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 56. The sum of Fifty Thousand Dollars (\$50,000.00) or as much thereof as shall be necessary, is hereby appropriated for the purpose of carrying out the provisions of this Act.

Sec. 57. An emergency is hereby declared to exist and does exist and this Act shall be in force and effect from and after its passage and approval.

Approved March 5, 1919.

## RAILROADS

### CHAPTER 193

(S. B. No. 36—Ingerson.)

#### RAILROADS—REQUIRED TO BUILD AND MAINTAIN FENCES, ETC.

An Act to Amend and Re-enact Section 4646 of the Compiled Laws of the State of North Dakota for the Year of 1913, as Amended by Chapter 202 of the Laws of North Dakota for the Year 1915, Requiring Railroads to Build and Maintain Fences, Cattle Guards, Swinging Gates, and Providing Penalties for Failure to Comply Therewith.

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

Sec. 1. AMENDMENT.) Section 4646 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 202 of the Laws of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

Sec. 4646. RIGHT OF WAY TO BE FENCED.) Every person, company or corporation owning or operating any line of railroad or railway within the State, shall, within eighteen months from the taking effect of this Act, or within six months from the completion of any railway or railroad, construct, maintain and keep in repair on each side of its right of way a suitable fence. Such fences shall be constructed of not less than four barbed wires, securely fastened to good posts firmly set in the ground not more than twenty feet apart, the top wire to be not less than fifty-four inches above the ground, the bottom wire approximately sixteen inches above the ground, and two center wires equally distant between the two; or such fences shall be constructed of good posts firmly set in the ground not more than twenty feet apart with woven wire not less than forty-eight inches wide; provided, however, that every owner or lessee of any tract of land abutting upon or through which any railroad has or may be constructed, who shall have built a hog-tight fence upon said tract of land on all sides, excepting that abutting against the railroad right of way, may demand of the owners or operators of such railroad that it enclose its right of way adjacent to such tract of land with a hog-tight fence and maintain the same in good repair and condition so long as the owner of said tract shall continue to maintain a hog-tight fence around the other sides of such enclosure. A hog-tight fence for the purpose of

this Act shall be: A woven wire fence not less than twenty-six inches high with not less than seven cables and meshes not to exceed six inches in length. The bottom mesh shall be not more than three inches wide; the second not more than three and one-half inches wide; the third not more than four inches wide; the fourth not more than four and one-half inches wide; the fifth not more than five inches wide; and the sixth not more than six inches wide. The bottom wire of the said woven wire fence shall be placed not to exceed two inches from the surface of the ground. And in addition to the woven wire already prescribed there shall be not less than three barbed wires placed above said woven wire. The first barbed wire above the woven wire shall be placed four inches above the top of the woven wire fence. The second barbed wire shall be placed eight inches above the first barbed wire; and the third barbed wire shall be placed eight inches above the second barbed wire; in all, forty-eight inches. The posts shall be of ordinary size for fence purposes and set in the ground at least two feet deep and not to exceed sixteen feet apart. The barbs on the barbed wire shall not exceed six inches apart, said wire to be of not less than No. 13 standard gauge.

Sec. 2. CATTLE GUARDS. SWINGING GATES.) It shall be the duty of every person, company or corporation owning or operating any line of railroad within the State to construct and maintain on both sides of all public crossings, suitable and safe cattle guards and on both sides of all private crossings suitable and safe swinging gates.

Sec. 3. NOT TO APPLY IN CORPORATE LIMITS.) This Act shall not apply to street railways or to the right of way of railroads within the limits of any incorporated city or village.

Sec. 4. PENALTIES.) Any person, company or corporation owning or operating any line of railroad within the State that refuses or neglects to comply with any of the provisions of this Act shall be guilty of a misdemeanor, and every thirty days' continuance of such refusal or neglect shall constitute a separate and distinct violation of this law. Provided, that no prosecution or conviction under this Act shall be construed to relieve such person, company or corporation from liability for the maiming or killing of live stock on such right of way by reason of their negligence or the negligence of their employees.

Approved February 19, 1919.

#### CHAPTER 194.

(H. B. No. 48—State Affairs Committee.)

#### FREIGHT RATES

An Act Relating to Freight Rates in North Dakota; the Transportation of Freight Within the State; the Classification of Freight for the Purpose of Such Transportation and the Application of Rates Thereto; Fixing the Maximum Rates and Charges for the Transportation of

Freight intra-state; Providing Penalties and Punishments for the Violation of the Provisions Thereof and Defining Certain Duties and Powers of the Board of Railroad Commissioners.

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

Sec. 1. The provisions of this Act shall apply to every railroad operated as a common carrier of freight in the State of North Dakota and to the transportation of property over lines wholly within this State from any point therein to any other point therein over any railroad. The term railway and railroad as used in this Act shall include all bridges and ferries used or operated in connection with any railroad within the State and also the railroads within the State used by any corporation, receiver, trustee, director, administrator or other person or association operating a railroad in the State under contract agreement, license, lease or otherwise; and the term railway corporation shall mean all corporations, companies, associations or individuals owning or operating any railroad in whole or in part in this State; and the term transportation shall include all acts and instrumentalities of shipment or carriage. The provisions of this Act shall also apply to all persons, firms, companies and associations whether incorporated or otherwise that shall do business as common carrier of freight upon any line or lines of railway in this State. Provided, that nothing in this Act shall be held or construed to prohibit the transportation, storage or handling of property within the State for nothing or at reduced rates for the United States or for North Dakota or any of the municipal corporations therein or to the transportation to and from any fair or exposition held under the authority of the State of North Dakota, or by any county or municipality therein for exhibition purposes: And, provided further, that the maximum rates fixed by the provisions of this Act shall not apply to any railroad in this State classified by order of the Board of Railroad Commissioners of North Dakota as a class "C" railroad, under the terms of Chapter 188 of the Laws of North Dakota for the year 1917, except, and to the extent that said rates are applied to such railroad by order of said Board of Railroad Commissioners.

Sec. 2. In the application of the maximum rates and charges, for the transportation of freight within this State as fixed by the provisions of this Act, to the different classes and commodities defined, or named in this Act, Western Classification No. 55, with amendments thereto, now on file in the office of the Board of Railroad Commissioners of the State of North Dakota, shall govern, except as to those commodities that are specifically named in Section 4 of this Act and classified as constituting for the purposes of this legislation, Eleventh (11th) Class, Twelfth (12th) Class, Thirteenth (13th) Class, Fourteenth (14th) Class, Fifteenth (15th) Class, Sixteenth (16th) Class, Seventeenth (17th)



Class, Eighteenth (18th) Class, Nineteenth (19th) Class, Twentieth (20th) Class, and all merchandise and commodities, not specifically named in Section 4 of this Act and otherwise classified therein, shall for all purposes of this Act when transported or offered or received for transportation, on any and all railroads in this State, from one point to another over lines wholly within the State, be classified and transported as First Class (1), Second Class (2), Third Class (3), Fourth Class (4), Fifth Class (5), Class A, Class B, Class C, Class D, or Class E freight, according to the listings, descriptions, regulations, rules, rating, maximum weights and classification of and in the so-called Western Classification with amendments now in force in the State of North Dakota, and known as Western Classification No. 55 (I. C. C. No. 13), and shall be subject to the reasonable maximum rates and charges for such transportation as are established under Section 3 of this Act for the carriage intra-state of such classes of freight by common carriers.

Sec. 3. The following are hereby established and declared to be the reasonable maximum rates to be charged by railroad companies as common carriers of property in the State of North Dakota for the transportation over lines wholly within the State of the merchandise and commodities (excepting only those commodities that are specifically named and otherwise classified in Section four (4) of this Act), listed in and belonging to the classes named in Western Classification No. 55 on file in the office of the Board of Railroad Commissioners of North Dakota, between stations in the State of North Dakota for the distance named in the following schedule of

## CLASS RATES IN CENTS PER 100 POUNDS

Distance	1st Class	2nd Class	3rd Class	4th Class	5th Class	Class A	Class B	Class C	Class D	Class E
5 Miles..	12	10	8	6	4.8	5.4	4.2	3.6	3	2.4
10 Miles..	13	10.8	8.6	6.5	5.2	5.8	4.5	3.9	3.2	2.6
15 Miles..	14	11.6	9.3	7	5.6	6.3	4.9	4.2	3.5	2.8
20 Miles..	14.9	12.4	10	7.5	6	6.7	5.2	4.5	3.7	3
25 Miles..	15.9	13.3	10.6	8	6.4	7.2	5.6	4.8	4	3.2
30 Miles..	16.9	14.1	11.3	8.4	6.8	7.6	5.9	5.1	4.2	3.4
35 Miles..	17.9	14.9	11.9	8.9	7.1	8	6.3	5.3	4.5	3.6
40 Miles..	18.9	15.7	12.6	9.4	7.5	8.5	6.7	5.7	4.7	3.8
45 Miles..	19.8	16.5	13.2	9.9	7.9	8.9	6.9	5.9	5	4
50 Miles..	20.8	17.3	13.9	10.4	8.3	9.4	7.3	6.2	5.2	4.2
55 Miles..	21.8	18.2	14.5	10.9	8.7	9.8	7.6	6.5	5.4	4.4
60 Miles..	22.8	19	15.2	11.4	9.1	10.2	8	6.8	5.7	4.6
65 Miles..	23.8	19.8	15.8	11.9	9.5	10.7	8.3	7.1	5.9	4.7
70 Miles..	24.7	20.6	16.5	12.4	9.9	11.1	8.7	7.4	6.2	4.9
75 Miles..	25.7	21.4	17.1	12.9	10.3	11.6	9	7.7	6.4	5.1
80 Miles..	26.7	22.2	18.4	13.3	10.7	12	9.3	8	6.7	5.3
85 Miles..	27.7	23.1	18.8	13.8	11.1	12.5	9.7	8.3	6.9	5.5
90 Miles..	28.7	23.9	19.1	14.3	11.5	12.9	10	8.6	7.2	5.7
95 Miles..	29.6	24.7	19.8	14.8	11.9	13.3	10.4	8.9	7.4	5.9
100 Miles..	30.6	25.5	20.4	15.3	12.2	13.8	10.7	9.2	7.7	6.1
105 Miles..	31.6	26.3	21.1	15.8	12.6	14.2	11.1	9.5	7.9	6.3
110 Miles..	32.6	27.2	21.7	16.3	13	14.7	11.4	9.8	8.1	6.5

Distance	1st Class	2nd Class	3rd Class	4th Class	5th Class	Class A	Class B	Class C	Class D	Class E
115 Miles..	33.6	28	22.4	16.8	13.4	15.1	11.7	10.1	8.4	6.7
120 Miles..	34.5	28.8	23	17.3	13.8	15.5	12.1	10.4	8.6	6.9
125 Miles..	35.5	29.6	23.7	17.8	14.2	16	12.4	10.7	8.9	7.1
130 Miles..	36.5	30.4	24.3	18.2	14.6	16.4	12.8	10.9	9.1	7.3
135 Miles..	37.5	31.2	25	18.7	15	16.9	13.1	11.2	9.4	7.5
140 Miles..	38.5	32	25.6	19.2	15.4	17.3	13.5	11.5	9.6	7.7
145 Miles..	39.4	32.9	26.3	19.7	15.8	17.7	13.8	11.8	9.9	7.9
150 Miles..	40.4	33.7	26.9	20.2	16.2	18.2	14.1	12.1	10.1	8.1
155 Miles..	41.4	34.5	27.6	20.7	16.6	18.6	14.5	12.4	10.3	8.3
160 Miles..	42.4	35.3	28.2	21.2	16.9	19.1	14.8	12.7	10.6	8.5
165 Miles..	43.4	36.1	28.9	21.7	17.3	19.5	15.2	13	10.8	8.7
170 Miles..	44.3	36.9	29.6	22.2	17.7	19.9	15.5	13.3	11.1	8.9
175 Miles..	45.3	37.8	30.2	22.7	18.1	20.4	15.9	13.6	11.3	9.1
180 Miles..	46.3	38.6	30.9	23.1	18.5	20.8	16.2	13.9	11.6	9.3
185 Miles..	47.3	39.4	31.5	23.6	18.9	21.3	16.5	14.2	11.8	9.5
190 Miles..	48.3	40.2	32.2	24.1	19.3	21.7	16.9	14.5	12.1	9.6
195 Miles..	49.2	41	32.8	24.6	19.7	22.2	17.2	14.8	12.3	9.8
200 Miles..	50.2	41.8	33.5	25.1	20.1	22.6	17.6	15.1	12.6	10
210 Miles..	51.2	42.7	34.1	25.6	20.5	23	17.9	15.4	12.8	10.2
220 Miles..	52.2	43.5	34.8	26.1	20.9	23.5	18.3	15.6	13	10.4
230 Miles..	53.2	44.3	35.4	26.6	21.3	23.9	18.6	15.9	13.3	10.6
240 Miles..	54.1	45.1	36.1	27.1	21.7	24.4	18.9	16.2	13.5	10.8
250 Miles..	55.1	45.9	36.7	27.6	22	24.8	19.3	16.5	13.8	11
260 Miles..	56.1	46.7	37.4	28	22.4	25.2	19.6	16.8	14	11.2
270 Miles..	57.1	47.6	38	28.5	22.8	25.7	20	17.1	14.3	11.4
280 Miles..	58.1	48.4	38.7	29	23.2	26.1	20.3	17.4	14.5	11.6
290 Miles..	59	49.2	39.4	29.5	23.6	26.6	20.7	17.7	14.8	11.8
300 Miles..	60	50	40	30	24	27	21	18	15	12
310 Miles..	61	50.8	40.7	30.5	24.4	27.4	21.3	18.3	15.2	12.2
320 Miles..	62	51.6	41.3	31	24.8	27.9	21.7	18.6	15.5	12.4
330 Miles..	63	52.5	42	31.5	25.2	28.3	22	18.9	15.7	12.6
340 Miles..	63.9	53.3	42.6	32	25.6	28.8	22.4	19.2	16	12.8
350 Miles..	64.9	54.1	43.3	32.5	26	29.2	22.7	19.5	16.2	13
360 Miles..	65.9	54.9	43.9	32.9	26.4	29.7	23.1	19.8	16.5	13.2
370 Miles..	66.9	55.7	44.6	33.4	26.7	30.1	23.4	20.1	16.7	13.4
380 Miles..	67.9	56.5	45.2	33.9	27.1	30.5	23.7	20.4	17	13.6
390 Miles..	68.8	57.4	45.9	34.4	27.5	31	24.2	20.6	17.2	13.8
400 Miles..	69.8	58.2	46.5	34.9	27.9	31.3	24.4	20.9	17.5	14

Sec. 4. For the purposes of this Act the commodities hereunder named are classified as follows: Flax seed, broom corn seed, hemp seed, millet seed, pop corn, castor beans, and Hungarian seed shall constitute the Eleventh (11th) Class; wheat, corn, rye, oats, barley, alfalfa feed, alfalfa meal, wheat flour, corn flour, corn meal, gluten meal, bran, grain screenings, hominy feed, Kaffir corn, linseed cake, linseed meal, middlings, shorts, sorghum seed, speltz, wild mustard seed, oat groats, rolled oats, oat dust, oat hulls, oat meal, rolled rye, rye flour, malt, pearl barley, and all uncooked grain or cereal products shall constitute the Twelfth (12th) Class; potatoes and sugar, cane or beet, shall constitute the Thirteenth (13th) Class; lumber, lath, shingles, lime, cement, plaster, stucco, sash doors, baseboards, blinds, blocks, lath, poles, shavings, shingles, ties, fence posts, vats, boxes, barrels and crates, shall constitute the Fourteenth (14th) Class; sheep, hogs and goats (when carried in double deck cars)



and cattle and calves, shall constitute the Fifteenth (15th) Class; horses, hogs, sheep and goats when carried in single deck cars and mixed carloads of cattle or calves with sheep or hogs or both shall constitute the Sixteenth (16th) Class; sugar beets, wet beet pulp and lime refuse shall constitute the Seventeenth (17th) Class; hard coal, coke, coke and coal dust shall constitute the Eighteenth (18th) Class; soft coal, sand, gravel and common brick shall constitute the Nineteenth (19th) Class; lignite coal and lignite briquettes shall constitute the Twentieth (20th) Class.

Sec. 5. The following are hereby established and declared to be the reasonable maximum rates to be charged by railway companies as common carriers of property in the State of North Dakota for the transportation over lines wholly within the State in carload lots of the commodities listed in and belonging to the classes named in Section 4 of this Act, between stations in the State of North Dakota for the distance named in the following schedule:

Distance in Miles	11th Class rate in cents per 100 pounds	12th Class rate in cents per 100 pounds	13th Class rate in cents per 100 pounds	14th Class rate in cents per 100 pounds	15th Class rate in cents per 100 pounds	16th Class rate in cents per 100 pounds	17th Class rate in cents per 100 pounds	18th Class rate in dollars and cents per ton, 2000 pounds	19th Class rate in dollars and cents per ton, 2000 pounds	20th Class rate in dollars and cents per ton, 2000 pounds
5. . . .	4.8	4.2	4.1	4	5.5	6.0	2.3	.54	.48	.48
10. . . .	4.9	4.3	4.2	4.1	6.0	6.5	2.4	.62	.50	.50
15. . . .	5.0	4.4	4.3	4.2	6.5	7.0	2.5	.63	.51	.50
20. . . .	5.1	4.5	4.4	4.3	7.1	7.5	2.6	.65	.52	.50
25. . . .	5.2	4.6	4.5	4.4	7.5	8.0	2.7	.69	.54	.50
30. . . .	5.3	4.7	4.6	4.6	7.9	8.5	2.8	.70	.57	.50
35. . . .	5.4	4.8	4.8	4.8	8.3	9.0	2.9	.72	.58	.55
40. . . .	5.6	4.9	5.0	5.0	8.7	9.5	3.0	.74	.59	.57
45. . . .	5.7	5.0	5.3	5.2	9.1	10.0	3.2	.75	.61	.57
50. . . .	5.8	5.1	5.6	5.3	9.4	10.5	3.3	.77	.62	.59
55. . . .	5.9	5.2	5.9	5.5	9.7	10.7	3.5	.81	.64	.59
60. . . .	6.1	5.4	6.3	5.6	9.9	10.9	3.6	.83	.65	.60
65. . . .	6.3	5.5	6.7	5.7	10.1	11.1	3.7	.85	.69	.60
70. . . .	6.5	5.8	7.1	5.8	10.3	11.3	3.9	.87	.70	.62
75. . . .	6.7	6.0	7.5	6.0	10.5	11.5	4.0	.89	.72	.63
80. . . .	7.0	6.2	7.9	6.1	10.7	11.8	4.1	.93	.74	.65
85. . . .	7.2	6.3	8.3	6.3	10.9	12.1	4.3	.95	.75	.67
90. . . .	7.4	6.5	8.7	6.4	11.1	12.3	4.4	.97	.77	.70
95. . . .	7.6	6.7	9.1	6.5	11.3	12.5	4.5	.99	.80	.73
100. . . .	7.8	7.0	9.5	6.6	11.5	12.7	4.6	1.01	.82	.75
105. . . .	7.9	7.0	9.8	6.8	11.7	13.0	4.8	1.04	.83	.76
110. . . .	8.1	7.0	10.0	6.9	11.9	13.2	4.9	1.06	.84	.77
115. . . .	8.2	7.2	10.2	7.0	12.1	13.4	5.0	1.07	.85	.78
120. . . .	8.2	7.2	10.5	7.1	12.3	13.6	5.1	1.08	.86	.79
125. . . .	8.3	7.3	10.7	7.2	12.5	13.8	5.2	1.10	.87	.80
130. . . .	8.4	7.4	10.9	7.3	12.7	14.0	5.3	1.11	.88	.82
135. . . .	8.5	7.4	11.1	7.4	12.9	14.2	5.4	1.12	.92	.83
140. . . .	8.5	7.5	11.3	7.5	13.1	14.4	5.5	1.16	.93	.85

Distance in Miles	11th Class rate in cents per 100 pounds	12th Class rate in cents per 100 pounds	13th Class rate in cents per 100 pounds	14th Class rate in cents per 100 pounds	15th Class rate in cents per 100 pounds	16th Class rate in cents per 100 pounds	17th Class rate in cents per 100 pounds	18th Class rate in dollars and cents per ton, 2000 pounds	19th Class rate in dollars and cents per ton, 2000 pounds	20th Class rate in dollars and cents per ton, 2000 pounds
145....	8.6	7.6	11.5	7.6	13.3	14.6	5.6	1.17	.94	.86
150....	8.7	7.6	11.7	7.7	13.5	14.8	5.7	1.19	.95	.88
155....	8.8	7.7	11.9	7.8	13.7	15.0	5.8	1.20	.96	.89
160....	8.8	7.8	12.1	8.0	13.8	15.2	6.0	1.22	.98	.91
165....	9.0	7.9	12.3	8.1	14.0	15.4	6.1	1.24	1.00	.92
170....	9.0	7.9	12.4	8.2	14.2	15.6	6.2	1.29	1.01	.94
175....	9.1	8.1	12.5	8.3	14.3	15.8	6.3	1.31	1.05	.95
180....	9.1	8.1	12.6	8.4	14.5	16.0	6.4	1.33	1.07	.96
185....	9.3	8.2	12.7	8.5	14.7	16.2	6.5	1.35	1.09	.97
190....	9.4	8.3	12.8	8.6	14.8	16.3	6.6	1.37	1.10	.98
195....	9.5	8.3	12.9	8.7	14.9	16.4	6.7	1.42	1.12	.99
200....	9.6	8.4	13.0	8.8	15.0	16.5	6.8	1.44	1.16	1.00
210....	9.7	8.5	13.2	9.0	15.2	16.8	7.1	1.48	1.19	1.02
220....	9.8	8.6	13.4	9.2	15.4	17.0	7.2	1.54	1.22	1.04
230....	9.9	8.7	13.6	9.3	15.6	17.2	7.3	1.58	1.28	1.06
240....	10.0	8.8	13.8	9.5	15.8	17.4	7.5	1.63	1.31	1.08
250....	10.2	8.9	14.0	9.7	16.0	17.6	7.7	1.68	1.34	1.10
260....	10.3	9.1	14.1	9.8	16.2	17.9	7.8	1.72	1.37	1.12
270....	10.5	9.3	14.3	10.0	16.4	18.2	8.0	1.78	1.42	1.14
280....	10.6	9.4	14.4	10.2	16.6	18.5	8.2	1.82	1.46	1.16
290....	10.8	9.5	14.6	10.3	16.8	18.8	8.3	1.87	1.49	1.18
300....	10.9	9.6	14.7	10.5	17.0	19.0	8.5	1.92	1.54	1.20
310....	11.0	9.7	14.8	10.6	17.2	19.2	8.7	1.94	1.56	1.22
320....	11.1	9.8	15.0	10.8	17.4	19.4	8.8	1.96	1.57	1.24
330....	11.2	9.9	15.3	11.0	17.6	19.6	9.0	1.99	1.59	1.26
340....	11.3	9.9	15.6	11.1	17.8	19.8	9.2	2.02	1.60	1.28
350....	11.4	10.0	15.8	11.3	18.0	20.0	9.3	2.04	1.63	1.30
360....	11.5	10.1	16.1	11.5	18.2	20.2	9.4	2.06	1.66	1.32
370....	11.7	10.2	16.4	11.6	18.4	20.4	9.5	2.08	1.67	1.34
380....	11.8	10.3	16.7	11.8	18.6	20.6	9.7	2.11	1.69	1.36
390....	11.9	10.5	17.0	12.0	18.8	20.8	9.8	2.13	1.70	1.38
400....	12.0	10.6	17.2	12.1	19.0	21.0	10.1	2.16	1.72	1.40

Provided, however, that the reasonable maximum rate to be charged for the transportation intra-state of stock or feeding cattle in carload lots from either Fargo, North Dakota or Grand Forks, North Dakota, to any other station in North Dakota will be seventy-five per cent of the rate on cattle provided for in the foregoing schedule.

Sec. 6. When the exact distance which freight is transported is not shown by the foregoing schedules, the carrier shall charge the rate specified in the schedule for the next nearest distance shown.

Sec. 7. In order to constitute a carload within the meaning of this Act and for the application of the rates specified in Section 5 thereof, the minimum weight of the commodity constituting

such carload shall be twenty-four thousand pounds for the commodities listed in the Eleventh (11th) and Twelfth (12th) classes; thirty thousand pounds for the commodities listed in the Thirteenth (13th) Class; twenty thousand pounds for all of the commodities listed in the Fourteenth (14th) class, except lime, cement, plaster and stucco on which the minimum weight to be applied shall be forty thousand pounds; twenty-two thousand pounds for commodities listed in the Fifteenth (15th) class; seventeen thousand pounds for hogs; twelve thousand pounds for sheep and goats; twenty-two thousand pounds for horses and mixed carloads of commodities listed in the Sixteenth (16th) class; thirty-six thousand pounds on commodities listed in the Seventeenth (17th) class; and forty thousand pounds for the commodities listed in the Eighteenth (18th), Nineteenth (19th) and Twentieth (20th) classes.

Sec. 8. When it is necessary or possible for the transportation of freight by railroad, over the shortest railroad route, from one point in North Dakota to another point in North Dakota over lines wholly within the State, for the shipment to move over lines of two or more connecting railroads, reasonable through joint rates which shall not exceed eighty-five per cent of the sum of the local rates for shipments in less than carload lots, nor seventy-eight per cent of the sum of the local rates for shipments in carload lots, shall be made, published and collected by the railroads participating in the haul, and the maximum rate that may be lawfully asked, received or collected by any such connecting railroad for the part or portion of the haul made and the service rendered by it as a common carrier in such transportation shall not, when the shipment is in less than carload lots, exceed eighty-five per cent of the maximum rate fixed by this Act for the transportation for an equal distance of the same class of freight in less than carload lots, and shall not, when the shipment is by carload, exceed seventy-eight per cent of the maximum rate fixed by this Act for the transportation for an equal distance of the same class of freight in carload lots: Provided, however, that it shall be lawful for such connecting carriers to add to such joint rates for shipments in less than carload lots the actual drayage charge paid at transfer points when such drayage charges are published in their regular tariff sheets and filed with the approval of the Board of Railroad Commissioners of North Dakota, and, provided, further, that the joint rates required to be published and observed under this section shall not apply to traffic passing over two lines, one of which handles the shipment on a switching rate approved by the Board of Railroad Commissioners, and, provided, further, that the minimum charge under this section shall in no case be less than twenty-five (25) cents for the entire movement. And, provided further, that this Act shall not affect the duty of any railroad

company, nor the powers of the Board of Railroad Commissioners as set forth in Sections 4777, 4778, 4779 and 4780 of the Compiled Laws of North Dakota, 1913.

Sec. 9. No railroad company which is a common carrier of property within the State of North Dakota shall charge, take or receive any greater sum for carrying over its lines wholly within this State between stations therein any merchandise or property, or any of the commodities classified or named in this Act, than the respective amounts set forth and provided in Sections 3 and 5 of this Act for the respective distances named in said Sections 3 and 5 respectively, and no railroad companies shall take or receive for carrying over their lines wholly within the State from one point to another within the State in making a joint haul over lines of more than one railroad, of any merchandise or commodity, more than the maximum joint rates provided for in Section 8 of this Act.

Sec. 10. This Act shall not in any manner affect the power or authority of the Board of Railroad Commissioners of North Dakota, except that the said Board of Railroad Commissioners shall not have the power by rule, order or regulation to fix or authorize any railroad company to charge or receive higher rates for the transportation of merchandise or commodities herein mentioned over any railroad in this State, than the maximum rates herein prescribed until and unless the railroad company asking to have such rate or rates over its line or lines fixed higher than the maximum rate or rates herein declared to be reasonable, produces the evidence and shows in a proceeding brought for that purpose and pending before said Board, first, the original cost and date of acquisition of the right of way and all terminals of said railroad in North Dakota, second, the cost of construction of all the lines of said railroads and all the railroad terminals and improvements thereon in North Dakota; third, the complete schedule of all of the property of said railroad on which it pays taxes in the State of North Dakota, and the cost and value thereof; fourth, that the rates which it petitions to have raised higher than the maximum rate herein prescribed are unreasonable and confiscatory; fifth, the original general books of account of said railroad company giving the details of its profit and loss account, its legal departments' expenditures and disbursements, all of its general officers' salary and expense accounts and the details thereof, and any other book paper, voucher or account which the said Board of Railroad Commissioners shall ask to have produced as evidence at such hearing. And until such railroad company produces before said Board in such proceeding the proof above specified and required to be shown and establishes by competent testimony that the rates herein prescribed and sought to be modified and raised by such proceedings are

unreasonable or confiscatory, and until an order is made on such showing and proof that the rates attacked in such hearing are unreasonable or confiscatory, and are modified by said Board fixing higher rates, such rates as herein fixed shall be the exclusive legal maximum rates for the transportation of the merchandise or commodities between the points to which such rates apply.

Sec. 11. Every railroad company transacting the business of a common carrier within this State shall adopt and publish and put into effect rates not exceeding the charges specified herein for the transportation by it between stations upon its line of road in this State of the commodities named in this Act; and every officer, director, traffic manager or agent or employee of such railroad company, exercising any authority or being charged with any duty in establishing freight rates for such railroad company, shall cause the adoption, publication and use by such railroad company of rates not exceeding those specified in this Act.

Sec. 12. Any person or corporation guilty of violating the provisions of this Act shall upon conviction thereof be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense and for each subsequent offense not less than five hundred dollars (\$500.00) nor more than ten thousand dollars (\$10,000) and shall pay in addition to said fine so imposed the costs of prosecution.

Sec. 13. Should the Courts declare any section, clause or item of this Act invalid or unconstitutional, such decision shall affect only the section, clause or item so declared to be invalid or unconstitutional, and shall not affect any other section, clause or item of this Act.

Sec. 14. All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 19, 1919.

## REPAIRS

### CHAPTER 195.

(H. B. No. 87—Nesvig.)

#### MACHINERY AND ENGINE REPAIRS TO BE KEPT WITHIN THE STATE.

An Act Providing for the Keeping of Repairs Within the State for all Gas or Oil Burning Tractors, Steam or Gas Engines, Harvesting and Threshing Machinery, Automobiles, and Auto Trucks, and Prescribing the Duties of the Manufacturers Thereof.

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

Sec. 1. On and after the taking effect of this Act it shall be unlawful for the manufacturers of any gas or oil burning tractors, steam or gas engines, harvesting and threshing ma-



chinery, automobiles and auto trucks; to sell or deliver within this State any such gas or oil burning tractor, steam or gas engine, harvesting and threshing machinery, automobiles or auto trucks, without having first established at least one supply depot within the State where shall be kept constantly on hand a full and complete supply of repairs for the same.

Any manufacturer selling or delivering, or causing to be sold or delivered any such machinery in violation of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than \$25.00 and not to exceed \$200.00 for each offense.

Approved February 14, 1919.

## SCHOOL DISTRICTS

### CHAPTER 196.

(S. B. No. 71—Church.)

#### ADJACENT TERRITORY IN SPECIAL SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1240 of the Compiled Laws of North Dakota for the Year 1913, Relating to Adjacent Territory in Special School Districts.

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

Sec. 1. AMENDMENT.) That Section 1240 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

Sec. 1240. ADJACENT TERRITORY. HOW ATTACHED FOR SCHOOL PURPOSES.) When any special school district has been organized and provided with a Board of Education under any general law, or Special Act, or under the provisions of this article, territory outside the limits thereof but adjacent thereto may be attached to such special school district by the Board of County Commissioners, upon application in writing signed by two-thirds of the voters of such adjacent territory; provided, that no territory shall be annexed from any school district where the part remaining after such proposed annexation would have an assessed valuation of less than One Hundred Thousand Dollars for each teacher employed in such remaining territory.

Such adjacent territory shall be attached for voting purposes to such corporation, or if the election is held in wards, to the ward or wards or election precinct or precincts to which it lies adjacent; and the voters thereof shall vote only for school officers and on school questions; provided, that nothing in this Act shall prevent any such adjacent territory from being annexed because of such adjacent territory being in an adjoining county and provided that the County Commissioners shall detach any part of such adjacent territory which is at a greater distance

than three miles from the central school in such special district and attach it to any adjacent common or special school district or districts on petition to do so signed by two-thirds of the legal voters of such adjacent territory, provided, further, that in all cases of annexation or detaching of territory fourteen days' notice of hearing before the Board of County Commissioners shall be given by posted notices in conspicuous places, three to be in the special district, three in the territory sought to be annexed or detached, and three in the district from which the territory is to be taken or to which it is to be attached. If the Board of County Commissioners decide to annex or detach as the case may be, then such territory shall become a part of the special district or be detached therefrom within five days after such hearing and all assets and liabilities shall be equalized according to Section 1327 of the Compiled Laws of North Dakota for 1913. Provided, also, that any special school district to which adjacent territory has been attached under this or any other Act shall furnish transportation for all pupils residing in said special school district more than one and one-half miles from the central school house thereof in accordance with Section 1190 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 127 of the Session Laws for 1915, and other amendments thereto.

Approved March 7, 1919.

CHAPTER 197.  
(H. B. No. 179—Nesvig.)

FORMATION OF NEW SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1147, Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 135 of the Session Laws for the Year 1915, Relating to the Formation of New School Districts.

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

Sec. 1. AMENDMENT.) That Section 1147 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 135, Session Laws 1915, is hereby amended to read as follows:

Sec. 1147. NEW COMMON SCHOOL DISTRICTS. HOW ORGANIZED.) The Board of County Commissioners and County Superintendent may organize a new school district from another district or from portions of districts already organized, if in their judgment the organization of a new district is desirable and necessary, upon being petitioned so to do by at least two-thirds of the school voters residing in the proposed district. When two or more adjoining counties are affected, such proposed new district shall be organized by the concurrent action of the Boards of County Commissioners and County Superintendents of such counties. Action on such organization shall be taken only at the July meeting of the County Commissioners. Pro-



vided, that all assets and liabilities shall be equalized according to Section 1327 of the Compiled Laws of North Dakota for the year 1913.

Approved March 7, 1919.

## SCHOOL FUNDS

### CHAPTER 198.

(S. B. No. 49—Pendray.)

#### INVESTMENT OF UNIVERSITY AND SCHOOL LAND FUNDS

An Act to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 241 of the Session Laws of the State of North Dakota for the Year 1915, and as Amended by Chapter 204, Session Laws of the State of North Dakota for the Year 1917, Relating to the Investment of University and School Land Funds.

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

Sec. 1. AMENDMENT.) Section 287 of the Compiled Laws of the State of North Dakota for the year 1913, as amended by Chapter 241 of the Session Laws of the State of North Dakota for the year 1915, and as amended by Chapter 204, Session Laws of the State of North Dakota for the year 1917, is hereby amended and re-enacted to read as follows:

Sec. 287. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITIONS OF LOANS.) Said Board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, University, School of Mines, Reform School, Agricultural College and the School for the Deaf and Dumb, Normal Schools, and other permanent funds derived from the sale of public lands or from any other source in bonds of school corporations or of counties, or of townships, or of municipalities within the State, bonds issued for the construction of drains under the authority of law within the State, bonds of the United States, bonds of the State of North Dakota, bonds of other states; provided, such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this State, not exceeding in amount one-third of the actual value of any subdivision on which the same may be loaned, such value to be determined by the Board of Appraisal of School Lands; provided, that at least one-third of the whole amount of the several permanent funds aforesaid as computed by the Commissioner of University and School Lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this State, if there is a sufficient demand for investment in such loans; provided further, that for said services as such Board of Appraisal the County Auditor and County

Superintendent of Schools shall receive only the necessary traveling expenses, but that the Chairman of the Board of County Commissioners shall be entitled to the same mileage and per diem as when serving on the Board of County Commissioners. The first mortgages on farm lands in this State shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the County Treasurer of the County in which such lands are located. The borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be converted into and become a part of the interest and income fund.
2. First mortgage loans shall only be made upon cultivated land within the State and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums not more than five thousand dollars to any person, firm or corporation.
3. Any or all of said mortgages may be satisfied at any interest paying date on payment of the whole amount due thereon. All proceedings in regard to investments in first mortgages as provided in this Chapter shall conform to and be governed by the laws of the State of North Dakota in such case made and provided. Said Board of University and School Lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the Board is notified by the secretary of said Board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the Board.
4. PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.) The borrower shall submit to the State Land Commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the Land Commissioner, together with an appraisal of the land signed by at least two members of the County Board of Appraisal and other information which may be required by the Land Commissioner to be furnished by said Board. Such application and appraisal shall be presented to the Board of University and School Lands at their next meeting for consideration. Immediately after a loan is authorized the Land Commissioner shall notify the applicant in writing,

stating the amount that will be loaned. If the amount is satisfactory to the applicant he shall present to the Attorney General of the State an abstract continued to date.

The Attorney General shall carefully examine the same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the Attorney General a mortgage and note executed by the owner of said premises, by wife or husband or both as the case may be, with the State of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to date subsequent. The Attorney General shall then certify in duplicate to the Land Commissioner and State Auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the State Auditor. If the Attorney General finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificate and abstract before the State Auditor, who shall draw his warrant in favor of the County Treasurer of the county in which the loan is made for the amount of the loan. The County Treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The County Treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file a statement of such fees with the State Land Commissioner. The County Treasurer shall then draw checks disbursing the proceeds of the loan in the following manner:

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof;

Second: The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the State Land Commissioner, the abstract and all other instruments in connection with the loan.

Approved February 25, 1919.

## SCHOOLS

### CHAPTER 199.

(S. B. No. 142—Mortenson.)

#### CONSOLIDATION OF SCHOOLS.

An Act to Amend and Re-enact Section 1190 of the Compiled Laws of North Dakota for the Year 1913, as Amended by Chapter 127 of the Session Laws of 1915, Relating to the Consolidation of Schools.

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

Sec. 1. AMENDMENTS.) That Section 1190 of the Compiled Laws of North Dakota for the year 1913, as amended by Chap-

ter 127 of the Session Laws of 1915 be amended and re-enacted so as to read as follows:

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

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

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

Said election shall be conducted, both as to notices and as to manner of canvassing the votes, in the same manner as the annual school elections. If a majority of the votes cast at such an election are in favor of either proposal, then the board shall carry out the decision of the district within four months thereafter. In the event of carrying out either proposal prior to or after the passage of this Act, it shall be the duty of the board to provide for the transportation of the pupils at public expense to and from the consolidated school, except to those pupils living less than one and one-half miles from such school; and it shall also be the duty of the board, if deemed expedient, to move to the site selected school houses already built or to sell such school houses. Provided, that transportation may be furnished either by public conveyance or by allowing to each family as compensation a sum of not less than twenty cents nor more than one dollar and twenty-five cents per school day of attendance, such compensation to be equitably based upon the distance traveled and the number of children transported. Provided, further, that the sum total of expenses to a district for transportation shall not be greater where the family system of payment is used than would be the case under a system of public conveyances.

Approved February 28, 1919.

## CHAPTER 200.

(S. B. No. 80—Hunt.)

### SCHOOLS—HEALTH INSPECTION.

An Act to Amend and Re-enact Section 1346 of the Compiled Laws of North Dakota for 1913, as Amended by Section 1 of Chapter 133 of the Session Laws of 1915, and Section 1 of Chapter 210 of the Session Laws of 1917, Relating to Health Inspection of Pupils in Public Schools.

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

Sec. 1. AMENDMENT.) That Section 1346 of the Compiled Laws of 1915 as amended by Section 1 of Chapter 133 of the Session Laws of 1915, and Section 1 of Chapter 210 of the Session Laws of 1917 be amended and re-enacted to read as follows:

Sec. 1346. HEALTH INSPECTION OF PUPILS IN PUBLIC SCHOOLS.) Upon being petitioned in writing by a majority of the school directors of the county, the Board of County Commissioners shall employ one or more licensed physicians or graduate nurses, duly registered and licensed to practice nursing under the laws of this State, whose duty it shall be to visit the schools in the county and to inspect and examine the pupils attending said schools. The nurse or physician so appointed shall, under the supervision of the county board of health, examine at least once annually all children enrolled in the public schools of the county, except those who present a certificate of health from a licensed physician; and such nurse or physician shall make out suitable records for each child, a copy of which shall be filed with the County Superintendent of Schools and a copy with the County Superintendent of Public Health. Notice of physical defects or abnormalities of diseased or abnormal children shall be sent to the parents, with recommendations for the guidance of the parents in conserving the health of such child. The nurse or physician thus appointed shall co-operate with the state, county, city and township boards of health in dealing with contagious and infectious diseases and in securing medical treatment for abnormal or diseased indigent children.

The school board or board of education of any school corporation in the state may, and when petitioned by a majority of the persons having children attending the schools of the district shall, employ one or more licensed physicians or graduate nurses, duly registered and licensed to practice nursing in this state. The school nurse or physician thus appointed shall, under the supervision of the local board of health, inspect and examine at least once annually all children enrolled in the public schools of the district, except those who present a certificate of health from a licensed physician, and such inspector shall make out suitable records for each child examined, one copy of which shall be filed with the County Superintendent of Schools and one with the County Superintendent of Health; but in districts within incorporated cities, one copy of such report shall be filed with the City Superintendent of Schools, one with the County Superintendent of Schools and one with the County Superintendent of Health. Notice of physical defects or abnormalities of diseased or abnormal children shall be given to the parents or guardians as prescribed in the preceding paragraph of this section, and such inspector shall co-operate with the state, county, city and township boards of health in the manner provided in the preceding paragraph of this Section. It shall be the duty of the city and county superintendents of schools to co-operate with school boards and boards of education in promoting health inspection. Where health inspection is provided by the school district, the board of education or the school board therein shall furnish all blanks



and other needed supplies; and where inspection is furnished by the County Commissioners, the county shall furnish the blanks and all necessary supplies.

Approved February 14, 1919.

CHAPTER 201.  
(H. B. No. 94—Harris.)

NIGHT SCHOOLS.

An Act Providing for an Appropriation and Levy by the County Commissioners of Each County in the State for the Purpose of Furnishing Aid to Night Schools.

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

Sec. 1. APPROPRIATION AND LEVY TO BE MADE BY COUNTY COMMISSIONERS FOR NIGHT SCHOOLS.) The Board of County Commissioners of each county in the state shall when petitioned by the school board of any common, independent, special, or consolidated school district, or the school board of any organized territory annually make an appropriation of five hundred dollars and may levy a tax upon all of the taxable property of the county to raise that amount for the purpose of aiding and promoting night schools established by the school boards of any common, independent, special or consolidated school district, or the school board of any organized territory. Provided, that the school board or board of education in any district receiving aid from the county shall contribute to the maintenance of such evening school an amount equal to the amount received from the county.

Sec. 2. FUND. HOW EXPENDED.) The fund raised in accordance with the provisions of this Act shall be expended by and under the direction and control of the County Superintendent of Schools in such manner as he deems best adapted to accomplishing the purpose set forth herein.

Approved February 28, 1919.

CHAPTER 202.  
(S. B. No. 112—Hunt.)

TESTING AND CLASSIFYING AGRICULTURAL PRODUCTS IN  
PUBLIC SCHOOLS.

An Act to Encourage and Promote the Teaching of Grading, Testing and Classifying Agricultural Products in the Public Schools of the State; Providing that the Necessary Equipment shall be Furnished for Such Purposes in Certain Instances by the County Commissioners and in Others by School Board; and Designating the Duties of Various Officials with Respect Thereto.

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

Sec. 1. COUNTY COMMISSIONERS MUST FURNISH EQUIPMENT.) The County Commissioners of each county in this State shall, on or before July 1, 1919, provide and purchase one or more stand-

ard grain grading and cream testing outfits and any other necessary equipment which is ordinarily used for grading, testing and classifying agricultural products.

Sec. 2. DISPOSITION OF EQUIPMENT.) Said equipment shall at all times be kept in good repair and shall remain the property of the county, to be replaced or added to as circumstances require, and the same shall be placed in the custody of the County Superintendent of Schools as a part of the educational equipment of that office.

Sec. 3. HOW USED.) It shall be the duty of the County Superintendent of Schools to arrange a plan so that such equipment shall be in continuous use in the schools of the county which are not consolidated, and to arrange for the instruction of teachers therein in the use of such equipment.

Sec. 4. SCHOOL BOARDS OF CONSOLIDATED DISTRICTS SHALL FURNISH EQUIPMENT.) It may be the duty of the school board of each consolidated school district in this state to provide and purchase, within six months after the passage and approval of this Act, a standard grain grading and cream testing outfit, as provided for in Section 1 of this Act.

Sec. 5. EQUIPMENT. HOW USED.) Said equipment shall at all times be kept in good repair, to be replaced or added to as circumstances require, and it shall be the duty of the County Superintendent of Schools to supervise the use of such equipment in the various consolidated schools in his district, and to arrange for the instruction of teachers therein in its use.

Sec. 6. MAY CONSULT STATE GRAIN INSPECTOR, STATE DAIRY COMMISSIONER AND COUNTY AGENT.) It shall be the duty of the State Grain Inspector, his deputy or assistants, the State Dairy Commissioner and his assistants and the county agent to advise and assist the County Commissioners and the school board of consolidated school districts in purchasing such equipment; also to aid the County Superintendent of Schools and teachers to successfully establish the teaching of grading, testing and classifying agricultural products in such schools.

Approved February 28, 1919.

#### CHAPTER 203.

(S. B. No. 63—Church.)

#### VOCATIONAL EDUCATION.

An Act to Provide for the Acceptance of the Benefits of an Act to Promote Vocational Education Passed by the Senate and House of Representatives of the United States of America, in Congress Assembled, and Approved February Twenty-third, Nineteen Hundred Seventeen; and to Make an Appropriation for Providing Vocational Education Within the State.

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

Sec. 1. ACCEPTANCE OF PROVISIONS.) The State of North Dakota hereby accepts all the provisions and benefits of an Act



passed by the Senate and the House of Representatives of the United States of America in Congress assembled, entitled "An Act to provide for the promotion of vocational education, to provide for co-operation with the states in the promotion of such education in agriculture and trades and industries; to provide for co-operation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditures" and approved February twenty-third, nineteen hundred seventeen.

Sec. 2. STATE TREASURER TO BE CUSTODIAN OF FUNDS.) The State Treasurer is hereby designated and appointed custodian of all moneys received by the State from the appropriation made by said Act of Congress, and he is authorized to receive and to provide for the proper custody of the same and to make disbursement thereof in the manner provided in said Act and for the purposes therein specified. He shall also pay out any moneys appropriated by the State of North Dakota for the purposes of carrying out the provisions of this Act upon the order of the State board for vocational education.

Sec. 3. STATE BOARD FOR VOCATIONAL EDUCATION.) The State Board of Education shall be the board designated as the state board for vocational education and shall have all necessary authority to co-operate with the federal board for vocational education in the administration of said Act of Congress; to administer any legislation pursuant thereto enacted by the State of North Dakota; and to administer the funds provided by the Federal government and the State of North Dakota under the provisions of this Act, for the promotion of vocational education in agricultural subject, trade and industrial subjects, and home economics subjects. It shall have full authority to formulate plans for the promotion of vocational education in such subjects as are an essential and integral part of the public school system of education in the State of North Dakota, and to provide for the preparation of teachers of such subjects. It shall have authority to fix the compensation of such officers and assistants as may be necessary to administer the Federal Act and the Act for the State of North Dakota and to pay such compensation and other necessary expenses of administration from funds appropriated in this Act. It shall have authority to make studies and investigations relating to vocational education in such subjects; to promote and aid in the establishment by local communities of schools, departments, or classes giving training in such subjects; to co-operate with local communities in the maintenance of such schools, department, or classes; to prescribe the qualifications for the teachers, directors and supervisors of such subjects and to have full authority to provide for the certification of such teachers, directors and supervisors; to co-operate in the maintenance of classes, supported and controlled by the public for the preparation of teachers, directors and supervisors of such

subjects or to maintain such classes under its own direction and control; to establish and control by general regulations the qualifications to be possessed by persons engaged in the training of vocational teachers.

Sec. 4. POWERS AND DUTIES OF STATE BOARD.) The State Board of Education shall have power to appoint and shall appoint a State Director for Vocational Education and such assistants as may be necessary to carry out the provisions of this Act. The duties, term of office and compensation of such director and assistants shall be as may be determined by the State Board of Education. The State Director shall be a graduate of a standard college or university and shall have had at least five years of experience as Superintendent of Schools.

Sec. 5. CO-OPERATION OF SCHOOL BOARDS.) The School Board or Board of Education of any school district or the Board of Trustees for the county training and agricultural schools may co-operate with the State Board of Education in the establishment and maintenance of vocational schools, departments, or classes, giving instruction in agricultural subjects, in trade or industrial subjects, or in home economics subjects, and may use any moneys raised in public taxation in the same manner as moneys for other school purposes are used for maintenance and support of public schools. Whenever any school, department, or class giving instruction in vocational subjects, as provided for in this Act and the rules and regulations adopted by the State Board of Education shall have been approved by the State Board of Education, it shall be entitled to share in the Federal and State funds available.

Sec. 6. REIMBURSEMENT OF SCHOOLS.) The State Board of Education shall reimburse such approved vocational schools, departments or classes from Federal funds to the extent of one-half of the salaries of teachers of such vocational subjects; provided that if the amounts of Federal funds shall not be sufficient to reimburse to the full extent the amount due the schools, departments or classes as reimbursement, the State Board of Education may prorate the sums available among the various schools, departments or classes, meeting the requirements of this Act and the rules and regulations of the State Board of Education.

Sec. 7. APPROPRIATION.) There is hereby appropriated for the purpose of carrying out the provisions of this Act out of any moneys in the State Treasury not otherwise appropriated the sum of twelve thousand dollars annually or so much thereof as may be deemed necessary by the State Board of Vocational Education.

Sec. 8. APPROPRIATION. HOW USED.) The moneys appropriated by Section 7 of this Act shall be used by the State Board of Education for the promotion of vocational education as provided for in the Federal Act and for the purposes set forth in this Act.

Sec. 9. REPORT TO GOVERNOR.) The State Board of Education shall make a report biennially to the Governor, setting forth the condition of vocational education in the State of North Dakota, a list of the schools to which Federal and State aid has been given, and a statement of the expenditures of Federal funds and the State funds provided in Section 7 of this Act.

Sec. 10. REPEAL.) All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 11. 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 4, 1919.

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## SIMULATION

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### CHAPTER 204.

(H. B. No. 133—Judiciary Committee.)

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#### CORPORATION NAMES.

An Act Making the Simulation of Organization Names a Crime.

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

Sec. 1. The officers, members and agents of any voluntary association, organization or corporation, which shall adopt and use as its own a name so similar to that of some existing association, organization, corporation or stock company as to confuse or tend to confuse the identities of such association, organization or corporation with intent to cause confusion of identity, shall be guilty of a misdemeanor.

Approved February 18, 1919.

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## SLEDS

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### CHAPTER 205.

(S. B. No. 25—Pendray.)

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#### SLEDS AND SLEIGHS.

An Act Prohibiting the Sale of Any New Draft Sleds or New Sleighs Within the State of Which the Runners Measure Less than Four Feet, Six Inches from Center to Center and Making the Sale of Same a Misdemeanor.

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

Sec. 1. That on or after the first day of May, 1919, it shall be unlawful for any person, firm or corporation to sell in this State any first hand or new draft sleds to any person or persons residing in this State for use therein unless the width of such sleds measured from center to center of the runners are four feet and six inches apart.

Sec. 2. Any person, firm or corporation violating any of the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than One Hundred Dollars nor more than Three Hundred Dollars.

Sec. 3. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved February 14, 1919.

## SOLDIERS' FUND

### CHAPTER 206.

(H. B. No. 128—Caddell.)

#### RETURNED SOLDIERS' FUND.

An Act Levying a Tax of One-half of One Mill Upon Each Dollar of Assessed Valuation of all Taxable Property Within the State for each Year for the Purpose of Creating a Fund to be Known as the "Returned Soldiers' Fund"; Providing for the Payment Thereof to Returned Soldiers; Defining the Powers and Duties of the Adjutant General and of the Industrial Commission with Reference Thereto; Making an Appropriation Therefor.

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

Sec. 1. There shall be levied upon each dollar of assessed valuation of all taxable property within this State for the year 1919 and every year thereafter, to be paid during said years, one-half of one mill, and all such revenues as may be collected thereby shall be paid into a special fund to be known as the "Returned Soldiers' Fund," which shall be used for the following and no other purpose:

To enable returned soldiers to secure a home or a farm home, or to complete their education as hereinafter provided. Whenever there is sufficient money in said fund to fully pay said sums as hereinafter provided, the said levy shall cease and any moneys remaining therein shall be returned to the general fund.

Sec. 2. The term "returned soldier," as used in this Act, shall include any citizen of this State who has been honorably discharged from the military or naval service of the United States, or any citizen of this State who has been engaged or associated with either the military or naval forces of any of the governments associated with the United States government in the present war and who has been honorably discharged from such service. The term "any citizen" as used in this Act shall include any person who at the time of enlistment or induction into any such military or naval service was a resident of the State of North Dakota.

Sec. 3. Any returned soldier, as herein defined, upon proof thereof to the satisfaction of the Adjutant General of the State of North Dakota, and after application, in such form as the

Adjutant General may prescribe therefor, shall be entitled to receive from said fund twenty-five dollars per month for each and every month or fraction thereof that any such returned soldier was engaged in the service of the United States or the service of any government associated with the United States in the present war, for the purpose of purchasing a home or farm home, under the terms and in compliance with the provisions of an Act of the Sixteenth Legislative Assembly entitled "For an Act declaring the purpose of the State of North Dakota to engage in the enterprise of providing homes for residents of this State and to that end to establish a business system operated by the State under the name of the Home Building Association of North Dakota, and defining the scope and manner of its operation and the powers and duties of the persons charged with its management."

Or, in lieu thereof, a like sum of twenty-five dollars per month for each month of said service to enable any such returned soldier to pursue or complete his educational training.

Payment shall be made from said fund annually to such returned soldiers, pro rata, out of any funds available therefor, on vouchers issued by the Adjutant General and approved by the State Auditor.

Sec. 4. The Adjutant General of the State of North Dakota, under the supervision of the Industrial Commission, shall have charge and supervision of all such payments and the carrying out of the provisions of this Act. The Adjutant General is hereby authorized and empowered to adopt and establish all rules and regulations necessary for the purpose of carrying out the provisions of this Act.

Sec. 5. It shall be the duty of the Industrial Commission and the Adjutant General to co-operate with the United States government and endeavor to secure further and additional aid and assistance for such returned soldiers.

Sec. 6. The Adjutant General of the State of North Dakota, subject to the supervision of the Industrial Commission, is hereby authorized and empowered to employ the necessary clerical help for the purpose of carrying out the provisions of this Act and shall fix the compensation and bond of all such help and pay such compensation, together with all other expenses, on vouchers therefor approved by the State Auditor; provided, that the total amount of such salaries, compensation and other expenses shall not exceed the amount appropriated therefor by the Legislative Assembly.

Sec. 7. For the purpose of carrying out the provisions of this Act, there is hereby appropriated, out of any moneys in the State Treasury not otherwise appropriated, the sum of Twenty Thousand Dollars.

Approved March 6, 1919.



## STREET CAR LINE

### CHAPTER 207.

(S. B. No. 53—Appropriation Committee.)

#### APPROPRIATION—EXTENSION STREET CAR LINE.

An Act Providing for the Extension of the State Street Car Line from the McKenzie Hotel to Tenth Street, thence North and West to the Capitol for the Purpose of Transferring Materials for the Erecting, Constructing and Completing Buildings at the Capitol; and Making an Appropriation Therefor.

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

Sec. 1. In connection with the erection and construction of public buildings at the Capitol and for the purpose of transferring locomotive engines, freight cars and other cars, fuel, building material and workmen and employees of the State of North Dakota. The State Board of Control is hereby empowered and authorized to extend the present state street car line from its present terminus near the McKenzie hotel to the center of Tenth street, hence north to the boulevard, thence west to the center of Ninth street, and again north on the grade to the Capitol.

Sec. 2. The State Board of Control shall utilize the labor of the convicts in the State Penitentiary not otherwise employed according to law, and it is hereby made the duty of the Warden of said penitentiary, whenever requested by said board, to place any and all available convicts of proper character and condition that he may have in his charge, with proper guards and attendants therefor, at the disposal of said board to be used in performing the labor required in extending said street car line. They shall also make necessary arrangements with the city officials of Bismarek, and officials of the Soo Railway company by which said street car line may be extended and connected with the Soo Railroad for the purpose of transferring locomotive engines, freight and other cars thereon.

Sec. 3. APPROPRIATION.) For the purpose of carrying out the provisions of this Act, the sum of \$40,000 or so much thereof as may be necessary is hereby appropriated from the interests and income of the Capitol Building Fund not otherwise appropriated.

Approved March 14, 1919.

## STREET IMPROVEMENTS

### CHAPTER 208.

(H. B. No. 85—Wadeson)

#### STREET IMPROVEMENTS.

An Act to Amend and Re-enact Section 3896 of the Compiled Laws of North Dakota of 1913; Providing for the Improvement on Petition of Public Streets of Villages and for the Levy and Collection of Tax Therefor.

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

Sec. 1. AMENDMENT.) That Section 3896 of the Compiled Laws of North Dakota be amended and re-enacted to read as follows:

Sec. 3896. SIEDWALKS, STREETS, ETC. PETITION FOR BUILDING OR REPAIRING.) Whenever two-thirds of the resident owners in number or in value of real estate bounding both sides of any street, not less than one square, shall petition to have such street graded, paved, ditched or drained for the purpose of the drainage of such street or abutting property, or for the construction or repairing of sidewalk thereon, or when two-thirds of the owners of real estate in number or in value on one side of such street shall desire a sidewalk on that side, it shall be the duty of such board to levy and cause to be collected by tax upon the owners of the real estate on such street or part of street, such sum of money as is necessary for the improvement of said street or sidewalk or the building of said sidewalk in front of each of the respective lots or at the side of any corner lot or lots or real estate: provided, however, that no real estate shall be taxed as aforesaid for sidewalks built at a greater distance from the front of said real estate than one-half of the distance to the opposite side of the street.

Approved March 3, 1919.

## SUBPOENAS

### CHAPTER 209.

(S. B. No. 21—Miklethun.)

#### SERVICE OF SUBPOENAS.

An Act to Amend and Re-enact Sections 7875 and 7877 of the Compiled Laws of North Dakota for the Year 1913, and Relating to Service of Subpoenas.

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

1. AMENDMENT.) That Section 7875 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows, to-wit:



Sec. 7875. Subpoenas shall be served either by reading or by a copy (which copy need not contain the name of any other witness), delivered to the witness or left at his usual place of business, as hereinafter provided. When either party to an action shall deposit with the sheriff traveling fees and fees for one day's attendance of any witness, together with a subpoena for such witness, and a written demand that such witness be served by mail, telegraph or telephone, the sheriff shall serve and make return of such subpoena by any one of the following methods:

1.) By registered mail in the manner provided for summoning jurors and making return thereon in Section 827 of the Compiled Laws of North Dakota for the year 1913.

2.) By telegram to the witness, setting forth the subpoena in full. The sheriff shall demand from the Telegraph Company a service message showing delivery or non-delivery of such telegram, and such service message, if it shows delivery, shall be prima facie evidence of such service, the officer to make return accordingly.

3.) By telephone by reading the subpoena over the telephone to the person to be served. If the person upon whom service is made shall, over the telephone acknowledge his identity to the officer making the service, such acknowledgment shall be prima facie evidence of service and the return shall be made accordingly.

Provided, however, where the party demanding service by mail, telephone or telegraph is a defendant in a criminal action, no deposit of traveling fees or witness fees shall be required.

Where the service is made by mail, telegraph or telephone, the sheriff shall receive in lieu of mileage, per diem and livery the cost of postage, telegrams or telephone calls. In case the witness served by mail, telegraph or telephone shall fail to appear, the sheriff shall return the deposit to the party that made the same.

Sec. 2. AMENDMENT.) That Section 7877 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows, to-wit:

Sec. 7877. A witness personally served may demand his traveling fees and fee for one day's attendance when the subpoena is served upon him and if the same is not paid the witness shall not be obliged to obey the subpoena. The fact of such demand and non-payment shall be stated in the return.

A witness served by mail, telephone or telegraph may upon his appearance demand and shall receive from the sheriff his traveling fees and fee for one day's attendance.

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

Sec. 4. EMERGENCY.) Whereas an emergency exists in that there is now no way to serve subpoenas except by personal service, and whereas, it is necessary for the immediate preservation of public peace, health and safety that immediate relief be given, therefore 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 14, 1919.

## SUPREME COURT

### CHAPTER 210.

(H. B. No. 45—Fredrickson.)

#### SALARY CLERK SUPREME COURT.

An Act to Amend and Re-enact Section 727 of the Compiled Laws of North Dakota for the Year 1913, and Fixing the Salary of the Clerk of the Supreme Court.

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

1. AMENDMENT.) That Section 727 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 727. That from and after the passage and approval of this Act, the annual salary of the Clerk of the Supreme Court is hereby fixed at Twenty-five Hundred (\$2500.00) Dollars per year, which said salary shall be paid by the State Auditor monthly as other state officers' salaries are paid.

2. EMERGENCY.) Whereas, the salary now provided by law for the Clerk of the Supreme Court is insufficient to secure and retain the services of a competent clerk, and whereas, it is necessary for the immediate preservation of the health, peace and safety of the public; therefore, this Act is hereby declared an emergency measure and shall become and be in effect and force immediately after its passage and approval.

Approved February 14, 1919.

### CHAPTER 211.

(H. B. No. 22—Martin.)

#### SUPREME COURT REPORTER AND STATE LAW LIBRARIAN.

An Act Providing for a Supreme Court Reporter, a State Law Librarian, and a Legislative Librarian, Prescribing His Duties and Compensation, Providing for the Printing, Publishing and Distribution of Supreme Court Reports and Granting Power to the Supreme Court Concerning the Same and Repealing all Acts Inconsistent Therewith, and Providing an Appropriation Therefor.

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

Sec. 1. The judges of the Supreme Court shall appoint a person of known integrity, experienced and learned in law, who

shall hold office during the pleasure of the judges and who shall be known as the Supreme Court Reporter, the State Law Librarian and the Legislative Reference Librarian, and who shall be generally known as the Supreme Court Reporter.

Sec. 2. Such Reporter shall give a bond to the State in the sum of Two Thousand Dollars (\$2,000) in the State Bonding Fund, conditioned for the faithful performance of his official duties, the premium thereof shall be paid out of the fund hereinafter designated.

Sec. 3. Such Reporter shall print, publish and distribute the official reports and opinion of the Supreme Court under the direction and control of the Supreme Court and subject to such rules and regulations as it may provide therefor.

Sec. 4. Such Reporter shall have the care and custody of the State Law Library, subject to the supervision and control of the Supreme Court and shall perform such duties in connection with the maintenance and operation of the same as the Supreme Court may by rule or regulation provide.

Sec. 5. Such Reporter shall perform the duties of a Legislative Reference Librarian and shall give information and assistance to the members of the Legislative Assembly in the work of legislation.

Sec. 6. The Supreme Court shall have power and authority to provide by rules and regulations for filing, printing, publication and distribution of the official reports of the opinions of the Court and for making a contract through the Supreme Court Reporter, with any person, individual or corporation for the printing or publishing or distribution of such report not in excess of the biennial appropriation made by the Legislative Assembly including moneys to be received in the sale of such reports.

Sec. 7. Such Supreme Court Reporter shall have power and authority subject to the direction and control of the Supreme Court and under the rules and regulations as it may prescribe to sell and dispose of copies of such official reports at not less than the cost thereof to the public and to each county in this State, and it shall be the duty of every county in this State through its County Auditor to receive at least four copies of such official report and to make payment of the same at the rate prescribed by the Supreme Court Reporter. Likewise, such Reporter shall distribute such official reports to each Judge of the Supreme Court and each of the Judges of the District Court in this State, the United States Attorney for North Dakota and Attorney General for the State, the Librarian of Congress of the United States, the Librarian of the Supreme Court of the United States, the Attorney General of the United States and the Governor of this State, and shall further be empowered to make exchanges of such official reports for the official reports of the Courts of other states. All money received from the sale of such official reports



shall be paid to such Reporter and shall be covered by him monthly into the State Treasury to be kept in a special fund to be known as the Supreme Court Reporter Fund. All disbursements shall be made in connection with publication of such official reports and to such Fund shall be covered and kept the Legislative appropriation made for the printing, publication and distribution of such official reports.

Sec. 8. Such Reporter shall receive an annual salary of \$2500.00 and shall be entitled to one stenographer or one clerk and to have an office in the State Capitol.

Sec. 9. Chapter 20, Compiled Laws, 1913, for the State of North Dakota, being Sections 1843 to 1846 inclusive; Article 3 of Chapter 10, Compiled Laws, 1913, being Sections 731 to 737 inclusive, and Article six of said Chapter 10, Compiled Laws, 1913, being Sections 743 to 745 inclusive, Compiled Laws, 1913, and all Acts and parts of Acts inconsistent herewith are hereby repealed.

Sec. 10. APPROPRIATION.) There is hereby appropriated for the purposes of this Act out of any moneys in the State Treasury, not otherwise appropriated, the sum of Three Thousand Dollars (\$3,000) to be immediately available upon the passage and approval of this Act.

EMERGENCY.) Whereas, it is necessary for the preservation of public peace, health and safety that this Act become effective without delay in that in the administration of justice and efficiency of our Courts, it is necessary that the decision of our Supreme Court be printed and published and that the Law Library in the Capitol be given immediate attention in order that it may be useful and available as a Law and Reference Library and that loss may not be occasioned to the State by the loss, misplacement or failure to catalogue valuable books and publications, therefore this Act is hereby declared an emergency measure and shall become effective immediately upon its passage and approval by the Governor.

Approved March 3, 1919.

## CHAPTER 212.

(S. B. No. 30—Church.)

### TERMS OF SUPREME COURT.

An Act Amending and Re-enacting Sections 715 and 716 of the Compiled Laws of North Dakota for the Year 1913, Providing for the Terms of the Supreme Court and the Placing of Cases on the Calendar Thereof.  
*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. Section 715 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 715. The Supreme Court shall prescribe by rule or regulation the time and manner in which the general and special

terms thereof shall be held.

Sec. 2. Section 716 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 716. All cases pending in the Supreme Court on appeal or otherwise, shall be placed on the Calendar of such Court and be liable for call for argument and for final disposition in such manner and at such time as the Supreme Court may by rule or order prescribe.

Sec. 3. All Acts and parts of Acts inconsistent herewith are hereby repealed.

Approved February 14, 1919.

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## TAX COMMISSION

### CHAPTER 213.

(S. B. No. 67—Taxes and Tax Laws Committee.)

#### TAX COMMISSIONER.

An Act Providing for the Appointment of a Tax Commissioner; Prescribing His Qualifications, Powers and Duties; Fixing His Salary and Term of Office; and Repealing Article 4, Chapter 34, Compiled Laws of North Dakota, 1913, as Amended by Chapter 232, Laws of North Dakota, 1917, and all Other Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. On or before the last Monday in February, the Governor by and with the advice and consent of the Senate, shall appoint a Tax Commissioner, who shall serve for a term of six years from the date of his qualification, or until his successor is appointed and qualified. The Governor may remove the Tax Commissioner at any time and appoint his successor, or may fill by appointment any vacancy in such office, and the person appointed to fill such vacancy shall serve for the unexpired term, unless earlier removed or unless at any regular session of the Senate, it shall fail to approve such appointment.

Sec. 2. To be eligible to appointment as Tax Commissioner a person must possess knowledge of the subject of taxation and skill in matters pertaining thereto. No person appointed as such Commissioner shall hold any other office under the laws of this State, any other State, or the United States. He shall devote his entire time during his term to the duties of his office, and shall not hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties, nor shall he serve on or under any committee of any political party.

Sec. 3. Before entering upon the discharge of the duties of his office, the person appointed as Commissioner shall take, subscribe to, and file with the Secretary of State, the oath of office

prescribed by law for State officers, with such bond as the Board of Equalization may prescribe. He shall receive an annual salary of \$4,000.00, payable in the same manner as the salaries of the other State officers are paid.

Sec. 4. The Tax Commissioner shall act as Secretary of the Board of Equalization, shall have charge of its records and shall carry into effect its decisions and rulings. Subject to the approval of the Board he shall have charge of the general administration of the revenue laws of the State, and shall assess all taxes upon express, telegraph, telephone, freight line and car companies and all other public utilities; upon all corporations subject to any State tax; the tax upon money and credits; transfer or inheritance taxes; the state income tax on individuals and corporations; and all other taxes levied and collected by the State. The Commission shall recommend to the Board the annual equalization of property taxes in each county, and the rate of levy for state purposes. He shall at all times make such reports and supply such information to the Board as it shall require.

Sec. 5. In addition to the powers and duties enumerated in the foregoing section, the Tax Commissioner, subject to the approval of the Board of Equalization, shall:

(a) Exercise general supervision over all assessors of general property or other taxes, of town, county and city boards of review and equalization, and all other assessing officers in the performance of their duties, to the end that all assessment of property be made relatively just and equal in compliance with the laws of the State;

(b) Appoint within each county subject to the approval of the Board of County Commissioners, a supervisor of tax assessment, who shall also act as assessor of income taxes within said county;

(c) Confer and advise with, and give instructions and directions to county supervisors of assessors as to their duties under the laws of the State, which shall include the calling of meetings of local assessors of each county to be held at the county seat of such county, for the purpose of receiving necessary instructions from the supervisor, relative to the duties of their office and to the laws governing the assessment and taxation of all classes of property and other subjects or objects of taxation;

(d) Direct actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and punishments of public officers, persons and officers or agents of corporations, for failure or neglect to comply with the provisions of the statutes governing the returns, assessments and taxation of property, income or other subjects or objects of taxation, and cause complaints to be made against assessors, members of boards of review, members of county boards of equalization or other assessing or taxing officers in the proper district court,

looking to the removal from office of any official guilty of official misconduct or neglect of duty, and require the proper officers to institute civil proceedings for the enforcement of all taxation and revenue laws of the State;

(e) Require State's Attorneys to assist in the commencement and prosecution of actions and proceedings for the enforcement of penalties, forfeitures, removals from office and punishment for violation of the laws of the State in respect to assessment and taxation;

(f) Require township, village, city, county and other public officers to report information as to the assessment and collection of property and other taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes and such other information as may be needful in the administration of the tax laws by the Commissioner under the Board of Equalization, in such form and upon such blanks as he may prescribe;

(g) Require individuals, co-partnerships, associations and corporations to furnish information concerning their actual funded or other debts, assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable him to ascertain the value and relative burdens borne by all kinds of property and all industrial interests in the State;

(h) Have the custody and be responsible for the safe-keeping of all income, corporation and other tax returns provided for under the laws of the State, including all information furnished to the State by the Collector of Internal Revenue of the United States, under the Act of Congress, authorizing him to supply such information to states having income tax laws.

(i) Summons witnesses to appear and give testimony and produce books, records, papers and documents, relating to any matter which he or the Board of Equalization may have authority to investigate or determine;

(j) Cause the deposition of witnesses residing within or without the State, or temporarily absent therefrom, to be taken, upon notice to the interested parties, if any, in like manner as depositions of witnesses are taken in civil actions in the district court, in any matter which the Commissioner or the Board of Equalization may have authority to investigate or determine;

(k) Require the Auditor of each county in the State to file with the Board of Equalization, on or before the fourth Monday in August of each year, complete abstracts of all real and personal property in the county as equalized by the County Board of Equalization and itemized by assessment districts; provided, that said abstracts shall be accompanied by a printed or typewritten copy of the proceedings of said County Board of Equalization, and it is hereby made the duty of each County Board of



Equalization, and it is hereby made the duty of each County Auditor so to report to the Board of Equalization.

(l) Appoint a special assessor and deputies under him, and cause to be made in any year a reassessment of all or any real and personal property or other subjects or objects of taxation, in any assessment district, when in his judgment such reassessment is desirable or necessary to the end that any or all such property or other subjects or objects of taxation in such district shall be assessed equally as compared with like property or other subjects or objects of taxation in the county wherein such district is situated; and in like manner provide for such reassessment in any county, when in his judgment, it shall be necessary for the equal assessment of any such taxes in such county as compared with like taxes in other counties; provided, that he may appoint as such special assessor any county supervisor of assessment; and, provided further, that upon the completion of such reassessment the said assessor shall certify to and file the same with the County Auditor, who shall forthwith notify the members of the Board of County Commissioners in such county, who shall meet the first Monday in the following month and then and there hear all grievances and complaints thereon and proceed to review and equalize such assessments; and upon the completion of such equalization the final assessment as so determined shall be filed with the County Auditor and shall supersede and take the place of the original assessment made for or upon such property or subjects or objects of taxation; and the County Auditor shall extend and levy against such property so reassessed the taxes thereon for such year, according to such reassessment, in the same manner as in the case of an original assessment;

(m) Require County Auditors to place on the assessment rolls omitted property which may be discovered for any reason to have escaped assessment and taxation for previous years;

(n) Examine carefully into all cases where evasions or violations of the laws of assessment and taxation of property or other objects or subjects of taxation is alleged, complained of or discovered, and ascertain wherein existing laws are defective, or are improperly or negligently administered;

(o) Consult and confer with the Governor upon the subject of taxation, the administration of the laws in relation thereto, and the progress of the work of his office, and furnish the Governor from time to time such assistance and information as he may require;

(p) Transmit to the Governor and to each member of the Legislature, 30 days before the meeting of the Legislature, the report of the Commissioner and the Board of Equalization, showing all the taxable property in the State, the value of the same, and the taxable value of all subjects or objects of taxation, in tabulated form with recommendations for improvements on the

system of taxation in the State, together with such measures as may be formulated for the consideration of the Legislature;

(q) Visit, either personally or by deputy or other authorized agent, the several counties of the State, as often as practicable or needful for the investigation of the work and methods adopted by the county supervisor of assessment, local assessors, county and district boards of equalization and other tax officials; and call each year a meeting of all county supervisors of assessment and assessors of income or other state taxes, other than general property taxes, to convene at his office at the Capitol once each year. Each county supervisor attending such meeting shall be allowed reasonable traveling and other expenses, while going to, attending and returning from such meeting, which shall be paid out of the County Treasury on the warrant of the County Auditor for the amount as certified by the State Tax Commissioner;

(r) Investigate the tax systems of other states and countries and formulate and recommend such legislation as he may deem expedient to prevent evasions of taxes and to secure just and equal taxation and improvement of the revenue system of the State, and for such purposes the Commissioner may, with the consent of the Board of Equalization, visit other states attend tax or other economic conferences or conventions, or in person confer with the tax officials of other states; and all necessary traveling and other expenses incurred by the Commissioner in carrying out the provisions of this section shall be paid on the order and certification of the Board of Equalization, in the manner provided for the certification and payments of other expenses of the Commissioner's office;

(s) To certify all levies, assessments, equalizations or valuations made by him or by the State Board of Equalization, not later than thirty days after the same has been made or at periods otherwise provided by law;

(t) To contract with individuals out of the State for the furnishing of information leading to the collection of taxes which would otherwise escape and in case such taxes are thereby collected the compensation therefor shall be paid by warrant issued by the Commissioner drawn upon the subdivisions of government benefited by such collection of taxes, in the proportion of benefits received by such subdivision.

Sec. 8. The office of the Commissioner shall be at the Capitol and shall be provided with suitable rooms, office furniture, supplies, stationery, books, periodicals and maps, and shall be maintained in connection with the office of the State Board of Equalization. All necessary expenses of the office of the Tax Commissioner, approved by the Board of Equalization, shall be audited and paid as other state expenses are audited and paid. The Commissioner and his deputy, clerks, experts and assistants

shall be entitled to receive from the State their actual necessary traveling expenses while on the business of the Commissioner's office or of the State Board of Equalization, such expenditures to be sworn to in each case by the party incurring the expense, and approved by the Commissioner and the Board of Equalization, or a majority of the members thereof; provided, that the total amount so expended shall not exceed the sum appropriated in any one year.

Sec. 9. The office of the Commissioner shall be open for transaction of business every day of the year except Sundays and legal holidays, and the Commissioner, his deputy or authorized agent, may hold sessions or conduct investigations at any place other than the Capitol, when deemed necessary to facilitate the performance of the duties of the office; and the proceedings of such Sessions shall stand and be deemed to be adjourned from day to day without the formal entry thereof upon the records of the office.

Sec. 10. All powers and duties heretofore conferred or imposed by law upon the North Dakota Tax Commission, which is hereby abolished, are hereby conferred and imposed upon the Commissioner herein provided for, subject to the supervision of the State Board of Equalization; and all records, books, documents or other property belonging to said Tax Commission and shall be delivered to the Tax Commissioner immediately upon his appointment and qualification.

Sec. 11. Subject to the approval of the Board of Equalization the Tax Commissioner shall have power to appoint such deputies, experts, clerks or other assistants as may be necessary in carrying out the duties of his office; and the salaries and necessary traveling and other expenses of such appointees shall be authorized, audited and paid in the same manner as for the salary and expenses of the Commissioner; provided, that the total expenditures for such salaries and expenses shall not exceed the amount appropriated therefor in any one year.

Sec. 12. In all cases wherein any person, corporation, company or association omits or refuses to make any return required by law, or where the Tax Commissioner shall have reasonable ground for the belief that any person, corporation, company or association has made any false or fraudulent return to the Commissioner or to any officer or department of the State or any political subdivision thereof for the purpose of evading the payment of any tax, or evading any duty imposed by the tax laws of the State, he is hereby empowered in person or by his authorized agent, to examine all or any books, records, documents or accounts that in any way may relate to the payment of such tax or the discharge of such duty; and the Commissioner is further empowered to summons witnesses and to secure process to compel the attendance of witnesses or to produce books or records in

all investigations or hearings for the purpose of enforcing the tax laws of the State; and jurisdiction is hereby conferred upon the District Court of the State for the district within which any person summoned under this Act to testify or to produce books and other records, to compel such attendance, produce all books or records and testimony by appropriate process.

Sec. 13. Any unused balance of appropriation for the fiscal year ending July first, 1919, for the support of the department of Tax Commission shall be available to be expended under the direction of the Tax Commissioner herein provided for.

Sec. 14. Article 4, Chapter 34, Compiled Laws of North Dakota, 1913, as amended by Chapter 232, Laws of North Dakota, 1917, and all other Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 6, 1919.

## TAX LEVIES

### CHAPTER 214.

(S. B. No. 62—Taxes and Tax Laws Committee.)

#### LIMITATION OF TAX LEVIES AND DEBT LIMITS.

An Act Providing for the Limitation of Tax Levies and Debt Limits in Counties and Political Subdivisions Thereof, and Relating to the Salaries, Powers and Duties of Public Officials When Based upon the Assessed Valuation of Property in Such Counties or Political Subdivisions.

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

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

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

Sec. 3. In any case wherein any duty or power is imposed or conferred by law upon any official in any county or political subdivision thereof and such duty or power is contingent upon the assessed valuation of the taxable property in such county or political subdivision, prior to July first, 1921, such duty or power

shall rest upon and be conditioned by the assessed valuation of 1918, except as provided in Section one hereof.

Sec. 4. The Debt Limit of any county or political subdivision thereof shall not be increased, prior to July 1st, 1921, more than twenty-five per cent annually above the limit now fixed by law upon the basis of the assessed valuation of 1918.

Sec. 5. All Acts or parts of Acts insofar as inconsistent with the provisions of this Act, are hereby repealed.

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

Approved March 6, 1919.

## CHAPTER 215.

(S. B. No. 207—Cahill)

### ANNUAL TAX LEVY IN GENERAL SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1222 of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended by Chapter 139 of the Session Laws of 1915, Providing for the Annual Tax Levy in General School Districts.

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

Sec. 1. AMENDMENT.) Section 1222 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 139 of the Session Laws of 1915, is hereby amended and re-enacted to read as follows:

Sec. 1222. SCHOOL BOARD TO LEVY TAX.) Each District School Board shall have power and it shall be its duty to levy upon all property subject to taxation in the district, a tax for school purposes of all kinds authorized by law, not exceeding in the aggregate a rate of thirty mills on the dollar in any one year; provided, that such Board may in addition thereto whenever there are past due warrants outstanding in said district levy not to exceed twenty mills additional in any one year; provided further, the provisions of this section shall apply only to payment of warrants issued for a legal purpose and outstanding on July 1st, 1919. Such tax shall be levied by resolution of the Board prior to the twentieth day of July of each year, which resolution shall be entered in the records of the proceedings of the Board. The clerk shall immediately thereafter notify the County Auditor in writing of the amount of tax levied and such notice shall be substantially the following form:



State of North Dakota }  
 County of ..... } ss.

.....School District.

To.....

County Auditor of ..... County,

Sir:

You are hereby notified that the School Board of .....  
 School District ..... has levied a tax of .....  
 Dollars upon all real and personal property in said School Dis-  
 trict for school purposes. You will duly enter and extend such  
 tax upon the County tax list for collection upon the taxable  
 property of such school district for the current year.

Dated at ..... this ..... day of ....., 19...  
 ....., District Clerk.

Approved March 7, 1919.

#### CHAPTER 216.

(S. B. No. 220—Church.)

#### TAX FOR SCHOOL DISTRICTS.

An Act to Amend and Re-enact Section 1224 of the Compiled Laws of  
 North Dakota for the Year 1913 Relating to the Tax of Two Mills on  
 the Dollar on Taxable Property for the School Districts of the County.

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

That Section 1224 of the Compiled Laws of North Dakota  
 for the year 1913 be amended and re-enacted as follows:

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

Approved March 6, 1919.

## TAX REPORTS

### CHAPTER 217.

(S. B. No. 38—Taxes and Tax Laws Committee.)

#### REPORTS TO TAX COMMISSIONER.

An Act Providing that Reports Required for the Assessment of Taxes Heretofore Made to the State Auditor or to Any Other Officer or Department of the State, Shall be Made to the State Tax Commissioner.  
*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. All reports from persons, corporations, associations, or state or county officers, required for the purpose of assessment of taxes, or in the general administration of the Tax Laws of the State, heretofore required by laws to be made to the State Auditor or any other officer or department of the State, shall after the going into effect of this Act, be made to the State Tax Commissioner.

Sec. 2. All powers and duties conferred or imposed by laws upon such officers or departments with regard to the requiring or receiving of such reports for the purpose of assessment of taxes are hereby conferred and imposed upon the State Tax Commissioner.

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

Approved March 6, 1919.

### CHAPTER 218.

(S. B. No. 68—Taxes and Tax Laws Committee.)

#### ANNUAL REPORTS TO STATE TAX COMMISSIONER FROM CORPORATIONS.

An Act Supplementing the General Tax Laws of the State by Providing for Annual Reports to the State Tax Commissioner from Corporations, Joint-Stock Companies or Associations Doing Business in the State.  
*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

Sec. 1. On or before the first day of July of each year every corporation, joint-stock company or association, organized or doing business in the State of North Dakota shall make a report to the State Tax Commissioner for the previous calendar year, which shall include the following:

1. The name of the corporation, joint-stock company or association, the place where incorporated, the date of incorporation and the purpose for which incorporated.

2. The names and addresses of the president or vice-president, secretary, treasurer, and the general manager or chief representative in the State, or, if no representative in the State, then the general manager or chief representative elsewhere.



3. The principal place of business in the State, or if no place of business in the State, the chief place of business outside of the State.

4. The number of shares of stock issued, the number subscribed and paid up, and the par and actual or market value of the same and all issues of stock during the previous calendar year.

5. All bond issues previous to the date of making the report; and all bond issues during the previous calendar year.

6. The names and addresses of all stock holders and of the holders of registered bonds.

7. All transfers of stock and sales or transfers of bonds during the year.

8. The value of all real and personal property.

9. (a) The total indebtedness of all kinds;

(b) The total bonded indebtedness, or indebtedness incurred for other than current expenses or the purchase of property.

10. (a) The total gross earnings during the previous calendar year;

(b) The total net earnings during the previous calendar year;

11. All dividends declared during the previous calendar year, specifying how, in what and to whom distributed;

12. The amounts expended for purchase of property and for permanent improvements during the previous calendar year.

13. The proportion of the total property, business, earnings, profits, indebtedness in State to the total of such property, business, earnings, profits and indebtedness of such corporation, joint-stock company or association in the State and elsewhere.

Sec. 2. All guardians, trustees, executors, administrators, receivers, conservators, trust companies or other corporations or associations acting in any fiduciary capacity, or having the control or custody of property or the receipt, disposal or payment of interest, rent, salaries, premiums, annuities, or other fixed or determinable annual or periodical gains, profits or other income of another person, corporation or association within or without the State, shall annually make a report to the State Tax Commissioner which shall include:

1. The name of such trust company or other fiduciary;

2. The names and addresses of the persons, corporations or associations for whom such fiduciary is acting;

3. The names and addresses of all debtors within the State from whom such interest, rent or other profit or income is to be collected, together with the amount and form of such obligation in each case. Such report shall be made to the State Tax Commissioner on or before the first day of July of each year and shall be for the calendar year next preceding the year in which the report is made.

Sec. 3. All reports herein required from corporations, joint-stock companies or associations shall be in such form as the Tax Commissioner in his discretion may prescribe; and he is hereby authorized and directed to provide all necessary forms and blanks for the same, in which he may require the aggregation or separation of any item hereinbefore specified, to the extent that in his judgment may be necessary for the purpose of levying, assessing and collecting any taxes imposed by any of the laws of this State: provided, that in all cases where similar reports from corporations, joint-stock companies or associations are required by the United States government, for the purpose of the Federal income or other taxes, the reports herein required shall be, as nearly as practicable, in the same form as those required by the United States government; provided, that any company, corporation or association having a fiscal year other than the calendar year, may, with the consent and approval of the Tax Commissioner, make reports on the basis of such fiscal year; provided, that in any case in which any of the information in this Act required to be furnished to the Tax Commissioner such information has been reported to and can be obtained from any other department of the State the Tax Commissioner may allow any such information to be omitted from any return herein required; and where any corporation, company or association subject to the provisions of this Act has, previous to July first of any year furnished to the Tax Commissioner any information herein required, the Commissioner shall not require such information to be included in the report herein required.

Sec. 4. All administrative, special and general provisions of law, including the general tax laws of the State, and not inconsistent with the provisions of this Act, are hereby extended and made applicable to all of the provisions herein contained.

Sec. 5. Any corporation, joint-stock company or association which shall neglect or refuse to comply with any of the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50 nor more than \$2,000, and every month of continuance of such neglect or refusal after any report has become due shall constitute a new offense. The duty of making such reports is hereby imposed personally upon the president, vice-president, general manager or other chief representative of such company within the State, and any such person refusing or neglecting to comply with any of the provisions of this Act shall be subject for each offense to a fine of not less than \$50 nor more than \$100, or by imprisonment in the county jail for not less than 30 days nor more than 90 days, or to both such fine and imprisonment, at the discretion of the Court; provided, that when such neglect is due to unavoidable causes or in other meritorious cases, the Tax Commissioner may extend the time for making any return herein required.

Sec. 6. Any corporation, joint-stock company or association making any false or fraudulent report to the Tax Commissioner shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than \$1,000 nor more than \$5,000, and any person made responsible for such reports under the provisions of this Act who shall knowingly make such false or fraudulent report shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$500 nor more than \$1,000 or to imprisonment in the county jail for not less than one month or more than one year, or to both such fine and imprisonment, at the discretion of the Court.

Sec. 7. The State Tax Commissioner is hereby empowered and directed, either in person or by his authorized agent, to examine the books or other records of any corporation, joint-stock company or association subject to the provisions of this Act, and to summon witnesses, take testimony and require the production of books and records, in any case where he has reason to believe that incomplete, inadequate or false reports have been made.

Sec. 8. Jurisdiction is hereby conferred upon the District Courts of the State for the district within which any person summoned under this Act to testify or to produce books or other records shall reside, to compel such attendance, production of books or records, and testimony, by appropriate process.

Approved March 6, 1919.

## TAX SUPERVISOR

### CHAPTER 219.

(H. B. No. 91—Committee on Taxes and Tax Laws.)

#### TAX SUPERVISION.

An Act Creating the Office of Tax Supervisor, Providing for the Appointment of Tax Supervisors, Fixing Their Salaries and Term of Office, and Defining Their Powers and Duties.

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

Sec. 1. On the nomination by the State Tax Commissioner, the Board of County Commissioners in any county may appoint a tax supervisor for such county, who shall serve for four years, or until his successor is appointed and qualified. The first such appointment shall be made within thirty days after this Act goes into effect, and each subsequent appointment on or before the 30th day next preceding the expiration of any term, said appointment to become effective at the end of said term, and the Board of County Commissioners shall fill any vacancy for an unexpired term in like manner as provided for regulating appointments.

With the consent or on the request of the State Tax Commissioner, any Tax Supervisor may be at any time removed from office, with or without cause. Provided, that in any County where no Tax Supervisor is appointed under the provision of this Act the County Auditor shall be ex-officio Tax Supervisor of such County without additional compensation.

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

Sec. 3. Under the supervision of the State Tax Commissioner the Tax Supervisor shall have supervision over all tax assessments and tax assessors within the county, and shall perform such other services as the Commissioner may require. The Tax Supervisor shall devote his entire time to the duties of his office and shall not hold any other position of trust or profit, nor engage in any business or occupation interfering or inconsistent with the duties of such supervisor. He shall from time to time secure such data concerning the listing and taxing of property within his district as shall be required by the Tax Commissioner, and as may be necessary for the efficient discharge of the duties of his office. He shall tabulate and report such data on the forms prescribed by the Tax Commissioner, and shall make all such reports to the Tax Commissioner or other State or county officials as the said Commissioner may require, or as may be required by law.

When the Tax Supervisor is not employed in the actual work of supervising the assessments of the current year, he shall devote his time to the study of the valuation of property liable to assessment and taxation, or to the performance of such other duties as the Tax Commissioner may require of him; and for such purposes shall have authority to interrogate witnesses under oath administered by him and the authority to administer such oath is hereby expressly conferred upon such Tax Supervisors. He may require to have produced before him such books, papers, documents or records as he may deem necessary for his investigation.

Sec. 4. The Tax Supervisor is hereby authorized to raise or lower any assessment made by any local assessor, provided that such action be taken prior to the meeting of the township or city board of equalization, and the party whose assessment is raised be given due notice so that he can appear before such

Board in order to protest such action. It shall be unlawful for any Tax Supervisor to disclose any information secured from any person, corporation, co-partnership or association in the performance of his official duties, except to the State Tax Commissioner, to district or county boards of equalization, to the State Board of Equalization, to any officer, board or commission to whom he may be required by law to make reports, or in any judicial proceeding in a lawfully constituted court involving the assessment or taxation of any such person, corporation, co-partnership or association. Any Tax Supervisor found guilty of violating the provisions of this Act shall be subject to a fine of not less than \$25 nor more than \$500.

Sec. 5. The Tax Supervisor shall receive an annual salary, to be paid in monthly installments from the County Treasurer upon the warrant of the County Auditor, equal to the salary of the Clerk of the District Court, in or for such county. The Board of County Commissioners shall provide for the payment of the actual expenses of the Supervisor, incurred in the discharge of his duties, not to exceed a maximum of \$300 per annum, which expenses shall be approved and certified by said Board to the County Auditor and paid out of the county treasury on the Auditor's warrant. The Supervisor shall have his office in the county seat, in quarters to be provided by the Board of County Commissioners.

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

Approved March 5, 1919.

## TAXATION

### CHAPTER 220.

(S. B. No. 43—Taxes and Tax Laws Committee.)

#### ASSESSMENT OF PROPERTY.

An Act to Amend and Re-enact Chapter 59, Laws of North Dakota, 1917, Relating to the Classification of Property for Assessment.

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

Sec. 1. Chapter 59 of the Laws of North Dakota, 1917, is hereby amended and re-enacted to read as follows:

Sec. 1. All real and personal property subject to a general property tax, not exempt by law, not subject to any gross sales or other lieu tax, is hereby classified for purposes of assessment for taxation as follows:

Class 1. Class one shall include the following, which shall be valued and assessed at 100 per cent of the full and true value thereof:



(a) All Railroads and other Public Utilities, together with franchises, and all real and personal property employed in connection therewith.

(b) All land, exclusive of structures and improvements thereon.

(c) All bank stocks.

(d) All flour mills, elevators, warehouses and store houses of all kinds; buildings and improvements upon railway rights-of-way or sites leased from railway companies or other public utility corporations, and structures and improvements on town and city lots used for business purposes.

Class 2. Class two shall include the following, which shall be valued and assessed at 50 per cent of the full and true value thereof:

All live stock, agricultural and other tools and machinery; gas and other engines and boilers; threshing machines and outfits used therewith; all vehicles, automobiles, motor trucks, and other power driven cars; boats and all water craft, harness, saddlery and robes; structures and improvements used for homes upon town and city lots; and all property not herein specifically mentioned.

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

Approved February 24, 1919.

## CHAPTER 221.

(S. B. No. 33—McNair.)

### LISTING PROPERTY OF CORPORATIONS, ETC.

An Act to Amend and Re-enact Section 2110, Compiled Laws of North Dakota, 1913, Relating to the Listing of the Property of Corporations, Joint-Stock Companies or Associations for Taxation.

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

Sec. 1. AMENDMENT.) Section 2110 of the Compiled Laws of North Dakota, 1913, is hereby amended and re-enacted to read as follows:

Sec. 2110. The President, Secretary or other principal accounting officer of any corporation, joint-stock company or association, whether incorporated or not, except banking corporations, whose taxation is especially provided for in this article, shall make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly:

1. The name and location of the corporation, joint-stock company or association.

2. The amount of capital stock authorized and the number of shares into which said capital stock is divided.

3. The amount of capital stock paid up.



4. The market value, or if they have no market value, then the actual value of the shares of stock.

5. The total amount of all indebtedness except the indebtedness of current expenses.

6. The value of all its real property, if any.

7. The value of its tangible personal property.

The aggregate amount of the 6th and 7th items shall be deducted from the aggregate amount of the 4th and 5th, and the remainder, if any, shall be listed as "bonds or stocks," under subdivisions 21 and 23 of Section 2103.

The real and the tangible personal property of each corporation, joint-stock company or association shall be listed and assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, corporation, joint-stock company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information he can obtain.

Sec. 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 6, 1919.

## CHAPTER 222.

(H. B. No. 47—Committee on Taxes and Tax Laws.)

### TAX ON SHARES OF STOCK

An Act to Provide for Defraying the General Expenses of the State Government, by Imposing a Tax on the Shares of Stock and the Bond Issues of Corporations Organized or Doing Business in the State, and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. On and after January first, 1919, taxes shall be and hereby are imposed annually as follows:

(1) Every corporation, joint-stock company or association, now or hereafter organized in the State for profit and having a capital stock represented by shares or issuing bonds, shall pay annually a special excise tax with respect to the carrying on or doing business in the State by such corporation, joint-stock company or association during the previous calendar year, equivalent to 50 cents for each \$1000.00 of the fair value of its capital stock or bonds issued; and in estimating the value of capital stock, the surplus and undivided profits of such corporation, joint-stock company or association shall be included. The amount of such annual tax shall in all cases be computed on the basis of the fair average value of the capital stock and bonds for the preceding year; provided, that for the purpose of this tax an exemption of \$10,000.00 shall be allowed from the capital stock of any such corporation, joint-stock company or association.

(2) Every corporation, joint-stock company or association, now or hereafter organized under the law of any other state, the United States or a foreign country, and engaged in business in the State during the previous calendar year, shall pay annually a special excise tax with respect to the carrying on or doing business in the State by such corporation, joint-stock company or association, equivalent to 50 cents for each \$1000.00 of the capital actually invested in the transaction of business in the State; provided, that in the case of a corporation engaged in business partly within and partly without the State, investment within the State shall be held to mean that proportion of its entire stock and bond issues which its business within the State bears to its total business within and without the State and where such business within the State is not otherwise more easily and certainly separable from such entire business within and without the State, business within the State shall be held to mean such proportion of the entire business within and without the State, as the property of such corporation within the State bears to its entire property employed in such business both within and without the State; provided, that in the case of a railroad, telephone, telegraph, car or freight-line, express company or other common carrier, or a gas, light, power or heating company, having lines that enter into, extend out of or across the State, property within the State shall be held to mean that proportion of the entire property of such corporation engaged in such business which its mileage within the State bears to its entire mileage within and without the State. The amount of such annual tax shall in all cases be computed on the basis of the average amount of capital so invested during the preceding calendar year; provided, that for the purpose of this tax an exemption of \$10,000.00 from the amount of capital invested in the State shall be allowed; provided, further, that this exemption shall be allowed only if such corporation, joint-stock company or association furnish to the Tax Commissioner all the information necessary to its computation.

Sec. 2. There shall not be taxed under this Act any—

- (1) Labor, agricultural, or horticultural organization;
- (2) Mutual savings bank not having a capital stock represented by shares;
- (3) Fraternal beneficiary society, order or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system and providing for the payment of life, sick, accident, or other benefits to the members of such society, order or association, or other dependents;
- (4) Domestic insurance company or building or loan association or co-operative bank, organized and operated for mutual purposes and without profit;

(5) Cemetery company owned and operated exclusively for the benefit of its members;

(6) Corporation or association organized and operated exclusively for religious, charitable, scientific, or educational purposes, no part of the net income of which inures to the benefit of any private stock holder or individual;

(7) Business League, Chamber of Commerce, or Board of Trade, not organized for profit and no part of the net income of which inures to the benefit of any private stock holder or individual;

(8) Civic league or organization not organized for profit, but operated exclusively for the promotion of general welfare;

(9) Club organized and operated for pleasure, recreation or other non-profitable purposes, no part of the net income of which inures to the benefit of any private stock holder or member;

(10) Farmers' or other mutual hail, cyclone, crop or fire insurance company, mutual or co-operative telephone or like organization of a purely local character, the income of which consists solely of assessments, dues or fees collected from members for the sole purpose of meeting its expenses;

(11) Farmers' mutual warehouse, elevator, creamery, packing or canning company or like organization; farmers' or like association organized and operated as a sales agent for the purpose of marketing the products of its members, or any other organization having a membership and not conducted for profit but for the service of its members or the public;

(12) Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this Act;

(13) Federal Land Bank or National Farm Loan Association, as provided in Section 26 of the Act of Congress approved July 17, 1916, entitled, An Act to provide capital for agricultural developments, to create standard forms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositories and financial agents for the United States, and for other purposes;

(14) Corporation owned and operated by the State.

Sec. 3. Every corporation, joint-stock company or association subject to the tax herein imposed, shall, on or before the first day of August, 1919, and on or before the first day of March each year thereafter, make a report to the State Tax Commissioner, which shall include the following:

(1) The name of the corporation, joint-stock company or association, the place where incorporated, the date of incorporation and the purpose for which incorporated;

(2) The names and addresses of the President or Vice-President, Secretary, Treasurer and the General Manager or chief representative in the State, or, if no representative in the State, then the General Manager or chief representative elsewhere;

(3) The principal place of business in the State, or if no place of business in the State the chief place of business outside of the State;

(4) The number of shares of stock issued, the number subscribed and paid up and the par and actual or market value of the same, and all issues of stock during the previous calendar year;

(5) All bond issues previous to the date of making return, and all bond issues during the previous calendar year.

Such return shall be sworn to by the President, Vice-President or other principal officer, and by the Treasurer or Assistant Treasurer, and may be made to the Commissioner or to his authorized agent in the district in which is located the principal office of the corporation, joint-stock company or association. Such report shall be made in the form and manner prescribed by the Commissioner, who shall furnish to each corporation, joint-stock company or association coming within the provisions of this Act all necessary forms and blanks upon which to make the return; provided that such blanks and forms shall be, insofar as practicable, similar to those prescribed by Congress for making returns to the United States Commissioner of Internal Revenue for the purposes of the Federal tax on corporations, joint-stock companies and associations; provided, further, that every such corporation, joint-stock company or association shall file with the State Tax Commissioner a duplicate of the return made by it to the United States Commissioner of Internal Revenue, and shall in addition furnish to the Commissioner all other information required by this Act, and all information reasonably necessary to enable the Commissioner to carry out its provisions.

Sec. 4. The tax herein imposed shall be assessed by the State Tax Commissioner, on or before the fifteenth day of August, 1919, and on or before the first day of August of each year thereafter, who shall certify the amount of such tax in each case to the State Auditor; and within Twenty days thereafter the Auditor shall make his draft upon such corporation, joint-stock company or association for the amount of the tax due as certified and shall present the same to the State Treasurer for collection. Within Twenty days thereafter the State Treasurer shall make demand for the payment of such warrant; and if any such corporation, joint-stock company or association shall fail to pay

the same within thirty days after such demand, a penalty of 10 per cent thereof shall immediately accrue, and thereafter 1 per cent for each month after the tax becomes delinquent, while the same remains unpaid. Such tax being delinquent and unpaid shall be a first lien upon all and singular the property, estates and effects of such corporation, joint-stock company or association within the State, and shall take precedence over all other demands and judgments against the same; and the certificate of the Tax Commissioner that such tax is due, and the unpaid draft of the State Auditor issued in pursuance thereof, shall be sufficient warrant for the Attorney General to institute proceedings for the collection of said tax and penalty by the sale of said property or otherwise; and the Attorney General shall enter such proceedings on the certification of the State Auditor that such tax is due and unpaid 30 days after demand for payment has been made as herein provided. Such penalty shall be added to the tax and shall be demanded and paid in the same manner as provided for the tax itself. When any such tax shall have been delinquent for ninety days it shall, in case of a North Dakota corporation, constitute sufficient ground for the annulment of the existence of such corporation in an action instituted by the Attorney General for that purpose, and in the case of a foreign corporation, on the certificate of the Tax Commissioner that such tax has been due for Ninety days and remains unpaid, the Secretary of the State shall cancel the registration of such corporation and notify it that all of its privileges under the laws of the State are suspended until such tax, together with all penalties provided in this Act, has been paid.

Sec. 5. All moneys collected under the provisions of this Act shall be paid into the State Treasury to be used for the defraying of the general expenses of the State Government.

Sec. 6. All administrative, special and general provisions of law, including the general tax laws of the State, insofar as consistent with the provisions of this Act, are hereby extended and made applicable to all the provisions herein contained.

Sec. 7. If any clause, sentence, paragraph or part of this Act, shall for any reason be declared invalid by a court of competent jurisdiction, such judgment shall not impair or invalidate any other clause, sentence, paragraph or part thereof, but any such part shall be of full effect and validity, as if no such decision had been rendered.

Sec. 8. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Approved March 7, 1919.



## CHAPTER 223.

(S. B. No. 44—Taxes and Tax Laws Committee.)

## EXEMPTION OF PROPERTY FROM TAXATION.

An Act to Amend and Re-enact Section 2078, Compiled Laws of North Dakota for the Year 1913, Relating to the Exemption of Property from Taxation.

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

Sec. 1. AMENDMENT.) That Section 2078 of the Compiled Laws of North Dakota, for the year 1913, is hereby amended and re-enacted to read as follows:

Sec. 2078. All property described in this section to the extent herein limited shall be exempt from taxation, that is to say:

1. All public school houses, academies, colleges, institutions of learning, with the books and furniture therein, and the grants attached to such buildings necessary for their proper occupancy, use and enjoyment, and not leased or otherwise used with a view to profits; also all houses used exclusively for public worship and lots and parts of lots upon which such houses are erected.
2. All land used exclusively for burying grounds, or cemeteries.
3. All property, whether real or personal, belonging to the State.
4. All buildings, belonging to the counties, used in holding courts, for jails, for county offices, with the ground, not exceeding in any county ten acres, on which such buildings are erected.
5. All land, houses and other buildings belonging to any county, township or town, used exclusively for the accommodation or support of the poor.
6. All buildings, and contents thereof, belonging to institutions of public charity, including public hospitals under the control of religious or charitable societies, used wholly or in part for public charity, together with the land actually occupied by such institution, not leased or otherwise used with a view to profit; and all money and credits appropriated solely to sustaining, and belonging exclusively to such institutions; also all dormitories and boarding halls, including the land upon which they are situated, owned and managed by any religious corporation for educational or charitable purposes, for use of students in attendance upon any of the State educational institutions; provided, that such dormitories and boarding halls be not managed or used for the purpose of making a profit over and above the cost of maintenance and operation.
7. All properties belonging to counties, towns and townships and to municipal corporations and used for public purposes.
8. The real and personal property of any agricultural fair association, duly incorporated for the exclusive purpose of holding agricultural fairs and not conducted for the profit of any of its members.



9. The personal and real property owned by lodges, chapters, commanderies, consistories, farmers clubs, commercial clubs, and like organizations and associations, grand or subordinate, not organized for profit and used by them for places of meeting and for conducting their business and ceremonies; and all personal and real property owned by any fraternity, sorority or organization of college students; provided, however, that such property as enumerated in this subsection shall be used exclusively for such purposes.

10. All structures and improvements on agricultural lands.

11. Structures and improvements, used as a place of residence by the owner on village, town or city lots to the amount of one thousand dollars (\$1,000).

12. Household goods and furnishings to the amount of \$300; provided, that this paragraph shall not be construed so as to exempt from taxation any furniture or furnishing of any cafe, restaurant, hotel or other establishment conducted for profit.

13. Clothing or other personal belongings of each individual subject to taxation to the amount of \$300.

14. The tools of a working man or mechanic, to the amount of \$300.

15. The tools, implements or other equipment of a farmer, to the amount of \$1,000.

Sec. 2. Exemptions provided for in this Act shall be made in each case on the basis of the full cash valuation both of the exemption and of the valuation of the property upon which such exemption is allowed.

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

Approved February 27, 1919.

#### CHAPTER 224.

(S. B. No. 37—Taxes and Tax Laws Committee.)

#### INCOME TAX.

An Act for the Purpose of Raising Revenue to Defray the General Expenses of the State Government by Providing for a Tax on the Income of Persons, Corporations, Joint Stock Companies or Associations in the State of North Dakota; classifying and Graduating Incomes for the Purpose of Taxation; Providing for Exemptions and Deductions in Certain Cases; Prescribing a Method of Assessing and Collecting Said Tax; Prescribing Penalties for Non-Conformance with the Provision 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:*

Sec. 1. DEFINITIONS.) The word "income" when used in this Act and not otherwise defined, shall mean any earnings, wages, profits or increase, from whatever source derived.

"Earned Income," as used in this Act, shall mean any income received as wages, salary or fees for personal services, or any sum or sums receiving according to the terms of any contract for personal services, or the profits from any business personally managed or conducted, as an individual business or in partnership, but not including the business of corporations, joint-stock companies or associations.

"Unearned Income," as used in this Act, shall mean any income derived from rents of land or other property; interest on mortgages, notes or bonds, or other interest bearing obligations; dividends on shares of stock or other interest in any business or industry not personally conducted by the tax-payer; from annuities; from any source whatsoever other than the labor, skill or personally conducted business or industrial enterprise of the person receiving the income.

The word "state" when used alone in this Act shall mean the State of North Dakota.

The word "commissioner" when used alone in this Act shall mean the Tax Commissioner of the State of North Dakota.

Sec. 2. For the purpose of providing revenue to defray the general expenses of the state government, there shall be levied, assessed, collected, and paid annually upon the entire net income of every individual, a resident or non-resident of the State of North Dakota, except as hereinafter provided, from all sources within the State, including interest on bonds, notes or other interest bearing obligations of any corporation, joint-stock company or association organized or doing business or owning property within the state, a tax in accordance with the following schedule:

(a) On Unearned Income:

On the first \$1,000 or fraction thereof a tax of  $\frac{1}{2}$  of 1 per cent;

On the 2nd \$1,000 or fraction thereof a tax of 1 per cent;

On the 3rd \$1,000 or fraction thereof, a tax of  $1\frac{1}{2}$  per cent;

On the 4th \$1,000 or fraction thereof, a tax of 2 per cent;

On the 5th \$1,000 or fraction thereof, a tax of  $2\frac{1}{2}$  per cent;

On the 6th \$1,000 or fraction thereof, a tax of 3 per cent;

On the 7th \$1,000 or fraction thereof, a tax of  $3\frac{1}{2}$  per cent;

On the 8th \$1,000 or fraction thereof, a tax of 4 per cent;

On the 9th \$1,000 or fraction thereof, a tax of  $4\frac{1}{2}$  per cent;

On the 10th \$1,000 or fraction thereof, a tax of 5 per cent;

On all net income in excess of \$10,000 and not in excess of \$20,000, a tax of 6 per cent;

On all net income in excess of \$20,000 and not in excess of \$30,000, a tax of 8 per cent, and on all net incomes in excess of \$30,000, a tax of 10 per cent;

(b) On Earned Incomes:

On the 1st \$1,000 or fraction thereof, a tax of  $\frac{1}{4}$  of 1 per cent;

On the 2nd \$1,000 or fraction thereof, a tax of  $\frac{1}{2}$  of 1 per cent;

On the 3rd \$1,000 or fraction thereof, a tax of  $\frac{3}{4}$  of 1 per cent;

On the 4th \$1,000 or fraction thereof, a tax of 1 per cent;

On the 5th \$1,000 or fraction thereof, a tax of  $1\frac{1}{4}$  per cent;

On the 6th \$1,000 or fraction thereof, a tax of  $1\frac{1}{2}$  per cent;

On the 7th \$1,000 or fraction thereof, a tax of  $1\frac{3}{4}$  per cent;

On the 8th \$1,000 or fraction thereof, a tax of 2 per cent;

On the 9th \$1,000 or fraction thereof, a tax of  $2\frac{1}{4}$  per cent;

On the 10th \$1,000 or fraction thereof, a tax of  $2\frac{1}{2}$  per cent;

On the 11th \$1,000 or fraction thereof, a tax of  $2\frac{3}{4}$  per cent;

On the 12th \$1,000 or fraction thereof, a tax of 3 per cent;

On the 13th \$1,000 or fraction thereof, a tax of  $3\frac{1}{4}$  per cent;

On the 14th \$1,000 or fraction thereof, a tax of  $3\frac{1}{2}$  per cent;

On the 15th \$1,000 or fraction thereof, a tax of  $3\frac{3}{4}$  per cent;

On the 16th \$1,000 or fraction thereof, a tax of 4 per cent;

On the 17th \$1,000 or fraction thereof, a tax of  $4\frac{1}{4}$  per cent;

On the 18th \$1,000 or fraction thereof, a tax of  $4\frac{1}{2}$  per cent;

On the 19th \$1,000 or fraction thereof, a tax of  $4\frac{3}{4}$  per cent;

On the 20th \$1,000 or fraction thereof, a tax of 5 per cent;

On all net income in excess of \$20,000 and not in excess of \$30,000, a tax of 6 per cent;

On all net income in excess of \$30,000 and not in excess of \$40,000, a tax of 8 per cent;

On all net income in excess of \$40,000, a tax of 10 per cent.

The foregoing taxes shall apply to the entire net income, except as herein elsewhere provided, received by every taxable person for the calendar year, 1919, and for each year thereafter.

Sec. 3. (a) Subject only to such exemptions and deductions as are hereinafter allowed, the net income of a taxable person shall include gains, profits and income derived from salaries, wages, or compensation for personal services of any kind, and in whatever form paid, or from professions, vocations, businesses, trade, commerce, or sales or dealings in property, real or personal, growing out of the ownership or interest in real or personal property; also from interest, rent, dividends, or securities, or the transaction of any business carried on for gain or profit, or income derived from any source whatsoever; provided, that the term "dividends," as used in this Act shall be held to mean any distribution, made or ordered to be made, by a corporation, joint-stock company or association, out of its earnings or profits from property existing or business carried on within the state accrued since January 1, 1919, and payable to its share owners, whether in cash or in stock of the corporation, joint-stock company or association, and any such stock dividend shall be considered income to the amount of earnings or profits so distributed; provided, further that any distribution made to the

shareholders of a corporation, joint-stock company or association in the year nineteen hundred and nineteen or subsequent tax years, shall be deemed to have been made from the net income of the year in which such distribution is made or, if such income is insufficient, from the most recently accumulated undivided profits or surplus, and shall constitute a part of the annual income of the shareholder for the respective years in which earned by the corporations, joint-stock company or association, and shall be taxed to the shareholder at the rate prescribed by law for such years.

(b) Incomes received by the estates of deceased persons during the period of administration or settlement of the estate, including such income of any such estates or of any kind of property held or accumulated in trust, for the benefit of any unborn or unascertained person or persons with contingent interest, and income held for future distribution under the terms of the will or trust, shall be subject to the tax herein provided, the tax in each instance, except when the income is returned for the purpose of a tax by the beneficiary, to be assessed to the executor, administrator, or trustee, as the case may be; provided, that where the income is to be distributed annually or regularly to the existing heirs or legatees or beneficiaries, the method of computing the tax shall be based in each case upon the amount of the individual share to be distributed.

Such trustees, executors, administrators, or other fiduciaries, are hereby indemnified against the claims or demands of every beneficiary for all payments of taxes which they shall be required to make under the provisions of this Act, and they shall have credit for the amount of such payments against the beneficiary in any accounting which they may make as such trustees or other fiduciaries.

(c) For the purpose of ascertaining the gain derived from a sale or other disposition on any property, real, personal or mixed, acquired before January 1, 1919, the fair market price or value of such property as of January 1st, 1919, shall be the basis for determining the amount of such gains derived.

Sec. 4. For the purpose of the tax on unearned income, the taxable income of any individual shall include the share to which he would be entitled to the gains and profits, if divided or distributed, whether divided or distributed or not, of any corporation, joint-stock company or association, however created or organized, formed or fraudulently availed of for the purpose of preventing the imposition of such tax through the medium of permitting such gains or profits to accumulate instead of being divided or distributed, and the fact that any such corporation, joint-stock company or association is a mere holding company,

or that the gains and profits are permitted to accumulate beyond the reasonable needs of the business, shall be prima facie evidence of a fraudulent purpose to escape such tax; but the fact that the gains and profits are in any case permitted to accumulate and become surplus, shall not be construed as evidence of a purpose to escape the said tax in such case, unless the Tax Commissioner shall certify that in his opinion such accumulation is unreasonable for the purpose of the business. When requested by the Commissioner, or any district assessor of state taxes acting by his authority, such corporations, joint-stock company or association, shall forward to him a statement of such gains and profits and the names and addresses of the individuals or shareholders who would be entitled to the same if divided or distributed.

Sec. 5. The following income shall be exempt from the provisions of this Act:

The proceeds of life insurance policies paid to individual beneficiaries upon the death of the insured; the amount received by the insured as a return of any premium or premiums paid by him under life insurance, endowment or annuity contracts, either during the term or at maturity of the term mentioned in the contract, or upon the surrender of the contract, the value of any property acquired by gift, bequest, or descent; (but the income from all the above enumerated property shall be taxable) interest upon the obligations of the United States or its possessions; securities issued under the provisions of the Federal Farm Loan Act of July 17, 1916, and amendments thereto, or from bonds of the State of North Dakota, or income from loans on North Dakota real property; and the compensation of all officers and employees of the United States, except such part thereof as may be paid by the State.

Sec. 6. (a) In computing net income there shall be allowed as deductions:

1. The necessary expenses actually paid in carrying on any business or trade, not including personal, living or family expenses.

2. All interest paid within the year on tax-payer's indebtedness, except on indebtedness incurred for the purchase of obligations or securities, the interest on which is exempt from taxation under this Act.

3. Taxes paid within the year imposed by the authority of the United States, its territories, or possessions or any foreign country, or under the authority of any state, county, school district, or municipality, or any taxing subdivision of any state, including those assessed against local benefits.

4. Losses actually paid during the year, incurred in business or trade, or arising from fires, storms, shipwreck, or other casualty, or from theft, when such losses are not compensated



for by insurance, or otherwise; provided, that for the purpose of ascertaining the loss sustained in the sale or other disposition of property, real, personal or mixed, acquired before January 1, 1919, the fair market price or value thereof as of January 1, 1919, shall be the basis for determining the amount of such loss sustained.

5. In transactions entered into for profit, but not connected with business or trade, the losses actually sustained therein during the year, to an amount not exceeding the profits arising therefrom.

6. Debts due to the tax payer actually ascertained to be worthless and charged off during the year.

7. A reasonable allowance for the exhaustion, wear and tear, and the obsolescence of property, arising out of its use of employment in business or trade: provided, that no deduction on account of the abandonment or "scrapping" of any property or equipment shall be allowed, unless such abandonment is intended to be permanent and is made in good faith for the improvement of the business.

(b) All income from sources without the state; provided, that where business is carried on partly within and partly without the state, the total income derived from such business shall be taxable in that proportion which the business within the state bears to the total business within and without the state, and provided, that where such business within is not more easily and certainly separable from such total business within and without the state, business within the state shall be held to mean that proportion of such total business within and without the state which the property engaged in such business within the state bears to the total property so engaged within and without the state; provided, further, that where such business is that of a railroad or other common carrier or other public utility, with lines entering into, extending out of or crossing the state, property within the state shall be held to mean that proportion of the entire property employed in such business, which its mileage within the state bears to its entire mileage within and without the state; and provided, further; that the deductions provided for in this section shall be allowed on such taxable proportion as thus determined, only if the tax payer furnish to the Commissioner all the information necessary to its calculation.

(c) The tax payer shall be credited, as against the total tax due under the provisions of this Act, with the amount paid by him to the state or any taxing subdivision thereof, as a tax on personal property; provided, that to obtain such credit, the tax payer shall present to the Commissioner or his authorized agent a receipt for the payment of such tax on personal property, signed by the official who collected the same.

Sec. 7. (a) Exemption in the nature of deduction, from



the amount of total net income from all sources shall be allowed as follows:

1. To every person subject to a tax hereunder, \$1,000.00.
2. To every head of a family, or other person responsible for the support of one or more dependent persons, \$1,000.00 additional.
3. To every person described in subsection two hereof, \$200 additional for each dependent person more than one.

Provided, that none of the exemptions provided herein shall operate in favor of more than one such person on account of other persons dependent upon him for support; and provided, further, that the deduction in any case shall be from the total net income of all persons or groups of persons in favor of whom the same is allowed.

(b) A resident or non-resident individual may receive the benefit of the exemption provided for in this section only by filing or causing to be filed with the Commissioner, a true and accurate return of his total income received from all sources, corporate or otherwise, within or without the State, in the manner prescribed by this Act; and in case of his failure to file such return, the tax on such income from all sources within the state shall be collected, and all property within the state belonging to such resident or non-resident individual shall be liable to distraint for the tax.

Sec. 8. (a) The tax shall be computed upon the net income, as thus ascertained, of each person subject thereto, received in each preceding calendar year ending December 31st.

(b) On or before the first day of March in each year, a true and accurate return under oath shall be made by each person of lawful age, except as hereinafter provided, on all income received during the previous calendar year, to the Tax Commissioner, or his agent for the district in which such person has his legal residence or his principal place of business, or if there be no legal residence or place of business in the State, then with the Commissioner at the Capitol, in such form as the Commissioner shall prescribe, setting forth specifically the gross amount of income from all separate sources, and from the total thereof deducting the aggregate items of allowance herein authorized; provided, that the Commissioner shall have authority to grant a reasonable extension of time, in meritorious cases, for filing returns of income by persons residing or travelling abroad, who are required to make out and file returns of income and who are unable to file such returns on or before the dates herein specified; provided, further, that the aforesaid, return may be made by an agent, when by reason of illness, absence or non-residence, the person liable for said return is unable to make and render the same, the agent assuming the responsibility of making the return and incurring the penalties provided for erroneous, false or fraudulent return.

(c) Guardians, trustees, executors, administrators, receivers, conservators, and all persons, corporations, or associations acting in any fiduciary capacity shall make and render a return of the income of every person, trust or estate for whom or which they act and be subjected to all the provisions of this Act which apply to individuals. Such fiduciary shall make oath that he has sufficient knowledge of the affairs of any such person, trust, or estate to enable him to make such return and that the same is to the best of his knowledge and belief, true and correct, provided, that a return made by one of two or more joint fiduciaries filed in the county where such fiduciary resides or with the Commissioner under such regulations as he may prescribe, shall be a sufficient compliance with the requirements of this paragraph.

(d) All corporations, joint-stock companies or associations, in whatever capacity acting, trustees, executors, administrators, receivers, conservators and all officers and employees of the state having the control, receipt, custody, disposal or payment of interest, dividends, profits, premiums, or annuities, payable to any person, corporation, joint-stock company or association, are hereby authorized and required to deduct and withhold from such payment, such sum as will, in each case, be sufficient to pay the tax imposed thereon by this Act, and shall pay the amount withheld to the officer of the state authorized to receive the same; and they are each hereby made personally liable for such tax, and are each hereby indemnified against the demand of every person, corporation, association or any demand whatsoever for all payments which they shall make in pursuance and by virtue of this Act.

(e) The tax shall be withheld and paid and a return made thereon to the proper state officer by all corporations, joint-stock companies or associations, owing payments of interest, dividends or other profit or increase from business or property within the state to persons, companies or corporations without the state, and likewise by corporations, associations, trustees, conservators or others entrusted with the collection or payment of such income, or undertaking as a matter of business or profit the collection and payment of such interest, dividends, gains, or profit for persons, corporations or associations without the state; where payment of dividend, interest or other increase of profits from property or business within the state are payable without the state the person, corporation or association responsible for the payment of the same shall withhold and pay to the state the tax thereon, and in case of failure to do so, such business or property within the state shall be liable by forfeiture of the franchise or privileges of such business or by the destraint of such property; and they are hereby made personally and severally liable for the

collection and payment of such tax, and are hereby indemnified against the demand of every person, corporations or association, any demand whatsoever, for all payments which they shall make in pursuance and by virtue of this Act.

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

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

(b) Where the income tax is paid or to be paid at the source, the deductions or exemptions provided for in this Act may be obtained by any tax payer by making application for each deduction or exemptions to the Commissioner or his authorized agent for the district in which the tax is to be paid. Such application shall set forth:

- (1) The total net income of such person from all sources;
- (2) The separate items for which he claims exemption, deduction or credit;
- (3) Such other information as the Commissioner shall deem necessary for the computation of such exemptions, deductions or credits.

If such person is absent from the state, or is unable owing to serious illness to make the return and application above provided for, the return and applications may be made by an agent, he making oath that he has sufficient knowledge of the affairs and property of his principal to enable to make a full and complete return, and that the return and application made by him are full and complete.

(d) The amount of the tax hereinbefore imposed shall be deducted and withheld from fixed or determinable annual or periodical gains, profits, or other income derived from dividends upon shares of stock and interest upon bonds and mortgages, or deed of trust or other similar obligations of corporations, joint-stock companies or associations, and payable to persons, corporations or associations without the state, whether payable annually or at shorter or longer periods, although such interest does not amount to \$1,000 subject to the provisions of this Act, requiring the tax to be withheld at the source, and deducted from annual income and returned and paid to the State.

(e) All persons, corporations, companies or associations undertaking as a matter of business or for profit in the collection of payments of interest, rent, gains or profits or dividends by means of coupons, checks or bills of exchange, or otherwise for persons, companies or corporations without the State, shall obtain a license from the Tax Commissioner, and shall be subject to such regulations enabling the Commissioner to ascertain and verify the due withholding and the payment of the income tax required to be withheld and paid as he shall prescribe; and any person who shall knowingly undertake to collect such payments as aforesaid without having obtained a license therefor or without complying with such regulations, shall be deemed guilty of a misdemeanor and for each offense shall be fined a sum not exceeding \$5,000, or imprisoned for a term not exceeding one year, or both, in the discretion of the court.

(f) The tax herein imposed upon gains, profits, or other income not falling under the foregoing and not returned and paid by virtue of the foregoing, shall be assessed by personal



return under rules and regulations to be prescribed by the Commissioner. The intent and purpose of this Act is that all gains, profits and other income of a taxable class, as defined by this Act, shall be charged and assessed with the corresponding tax prescribed by this Act, and said tax shall be paid by the owner of such income, or the proper representative having the receipt, custody, control or disposal of the same. For the purpose of this Act, ownership or liability shall be determined as of the year for which a return is required to be rendered.

Sec. 10. (a) There shall be levied, assessed, collected and paid annually upon the total net income received in the preceding calendar year from all sources by every corporation, joint-stock company or association organized in the state, no matter how created or organized, a tax of 3 per cent upon such total net income; and a like tax shall be levied, assessed, collected and paid upon the total net income received from all sources within the state by every corporation, joint-stock company or association organized or existing under the laws of any other state, the United States, or a foreign country, including interest on bonds, notes, or other interest bearing obligation of residents, corporate or otherwise, and including the income derived from dividends on capital stock, or from the net earnings of resident corporations whose net income is taxable under this Act; provided, that the term dividends as used in this Act, shall be held to mean any distribution made or ordered to be made within the calendar year by any corporation, joint-stock company or association out of its earnings accrued since March 1st, 1919, and payable to its share owners, whether in cash or in stock of the corporation, and any such stock dividend shall be considered income to the amount of the earnings or profits so distributed.

Provided, further, that any distribution made to the shareholders of a corporation, joint-stock company or association in the year nineteen hundred and nineteen, or subsequent tax years, shall be deemed to have been made from the net income of the year in which such distribution is made or, if such income is insufficient, from the most recently accumulated undivided profits or surplus, and shall constitute a part of the annual income of the shareholder for the respective years in which earned by the corporation, joint-stock company, association, and shall be taxed to the shareholder at the rate prescribed by law for such years.

(b) In addition to the income tax imposed by subdivision (a) of this section there shall be levied, assessed, collected, and paid annually an addition tax of five per centum upon the amount remaining undistributed six months after the end of each calendar or fiscal year, of the total net income of every corporation, joint-stock company or association, received during the year, as determined for the purposes of the tax imposed by such sub-

division (a), but including the amount allowed as a credit under sub-section (c), of section 12.

The tax imposed by this sub-division shall not apply to that portion of such undistributed net income which is actually invested and employed in the business or is retained for employment in the reasonable requirements of the business; provided, that if the Commissioner ascertains and finds that any portion of such amount so retained at any time for employment in the business is not so employed or is not reasonably required in the business, a tax of ten per centum shall be levied, assessed, collected, and paid thereon, and the finding and ruling of the Commissioner in any and all such cases shall be conclusive and final, unless reversed by the Board of Equalization.

(c) When the income of any corporation, whether domestic or foreign, is derived from any business conducted partly within and partly without the state, the tax shall apply to that portion of the total net income which the business within the state bears to the total business within and without the state; and where such business within the state is not otherwise more easily and certainly separable from such total business within and without the state, business within the state shall be held to mean that proportion of the total business within and without the state which the property of such corporation within the state bears its entire property employed in such business within and without the state; and in case of a railroad, express company, telephone or telegraph company, car or freight line company, or other common carrier, light, power, gas or heating company, whose lines enter into, extend out of or across the state, property within the state shall be held to mean that proportion of the entire property of such corporation engaged in such business within and without the state, which its mileage within the state bears to its entire mileage so engaged within and without the state.

(d) Any corporation subject to the tax imposed by this section may obtain a credit as against the total amount of such tax of any amount paid within the year as a tax on money and credits, under the provisions of Chapter 230, Laws of North Dakota, 1917, by presenting to the Tax Commissioner or his authorized agent a receipt from the proper official, showing that such tax has been assessed and paid.

(e) The foregoing tax rate shall apply to the total net income received by every taxable corporation, joint-stock company or association in the calendar year, 1919, and in each year thereafter, except that if it has fixed its own fiscal year under the provisions of existing laws, the foregoing rate shall apply to the proportion of the total net income returned for the fiscal year ending prior to December 31, 1919, which the period between January 1, 1919, and the end of such fiscal year bears to the whole fiscal year.



(f) For the purpose of ascertaining the gain derived or loss sustained, from the sale or other disposition by a corporation, joint-stock company, or association of property, real, personal, or mixed, acquired before January 1, 1919, the fair market price or value of such property as of January 1, 1919, shall be the basis for determining the amount of such gain derived for loss sustained.

Sec. 11. There shall not be taxed under this Act any income received by any

First. Labor, agricultural, or horticultural organization;

Second. Mutual Savings Bank not having a capital stock represented by shares;

Third. Fraternal beneficiary society, order or association, operating under the lodge system or for the exclusive benefit of the members of a fraternity necessarily operating under a lodge system, and providing for the payment of life, sick, accident or other benefits to the members of such society, order or association or their dependents;

Fourth. Insurance companies, building and loan associations, or co-operative banks, organized and operated for mutual purposes and without profit;

Fifth. Cemetery Company, owned and operated exclusively for the benefit of its members;

Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

Seventh. Business league, chamber of commerce, or board of trade, not organized for profit, and no part of the net income of which inures to the benefit of any private stockholder or individual;

Eighth. Civic league or organization, not organized for profit and operated exclusively for the promotion of social welfare;

Ninth. Club organized and operated exclusively for pleasure, recreation or other non-profitable purposes, no part of the net income of which inures to the benefit of any private stockholder or member;

Tenth. Farmers' or other mutual hail, cyclone, crop, fire or life insurance company, mutual or co-operative telephone company, or like organization, the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting its expenses;

Eleventh. Farmers' mutual warehouse or elevator company; farmers' or like association, organized and operated as a sale agent for the purpose of marketing the products of its members and any other organization having a membership and conducted not for profit, but for service to its members or the public.

Twelfth. Corporation or association organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title; or

Thirteenth. Federal land bank or national farm loan association, as provided in section twenty-six of the Act of Congress approved July seventeenth, nineteen hundred and sixteen, entitled "An Act to provide capital for agricultural development, to create standard farms of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to create government depositories and financial agents for the United States, and for other purposes."

Fourteenth. Joint-stock land bank, as to income derived from bonds or debentures of other joint-stock land banks or any Federal land bank belonging to such joint-stock land bank.

Fifteenth. Corporation organized, controlled and operated by the state.

Sec. 12. (a) In the case of a corporation, joint-stock company or association organized in the state, such net income shall be ascertained by deducting from the gross amount of its income received within the year from all sources.

First. All the ordinary and necessary expenses paid within the year in the maintenance and operation of its business and properties, including rentals or other payments required to be made as a condition to the continued use or possession of property to which the corporation has not taken or is not taking title, or in which it has no equity.

Second. All losses actually sustained and charged off within the year and not compensated by insurance or otherwise, including a reasonable allowance for the exhaustion, wear and tear and obsolescence of property arising out of its use or employment in the business or trade; provided, that no deduction shall be allowed for any amount paid out for new buildings, permanent improvements, or betterments made to increase the value of any property or estate, and no deduction shall be made for any amount of expense of restoring property or making good the exhaustion thereof for which an allowance is or has been made; and provided, further, that no deduction on account of the abandonment or "scrapping" of any property or equipment shall be allowed, unless such abandonment is intended to be permanent and is made in good faith for the improvement of the business.

Third. The amount of interest paid within the year on its indebtedness, except on indebtedness incurred for the purchase of obligations or securities, the interest on which is exempt from

taxation under this Act, to an amount of such indebtedness not in excess of the sum of

(a) the entire amount of the paid-up capital stock outstanding at the close of the year, or if no capital stock, the entire amount of capital employed in the business at the close of the year, and

(b) one-half of its interest bearing indebtedness then outstanding; provided, that for the purposes of this Act preferred capital stock shall not be considered interest bearing indebtedness, and interest or dividends paid upon such stock shall not be deductible from gross income; provided, further, that in cases wherein shares of capital stock are issued without par or nominal value, the amount of paid-up capital stock, within the meaning of this section, as represented by shares, shall be the amount of cash, or its equivalent, paid or transferred to the corporation as a consideration for such shares; and provided, further, that in the case of indebtedness fully secured by property collateral, tangible or intangible, the subject of sale or hypothecation in the ordinary business of such corporation, joint-stock company or association as a dealer not only in the property constituting such collateral, or in loaning the funds thereby procured, the total interest paid by such corporation, joint-stock company or association, within the year on any such indebtedness, may be deducted as a part of its expense of doing business; but interest on such indebtedness shall only be deductible on an amount of such indebtedness not in excess of the actual value of such property collateral; provided, further, that in the case of bonds or other indebtedness which have been issued with a guarantee that the interest payable thereon shall be free from taxation no deduction for the payment of the tax herein imposed, or any other tax paid pursuant to such guarantee, shall be allowed; and in the case of a bank, banking association, loan or trust company, interest paid within the year on deposits or on moneys received for investment and secured by interest bearing certificates of indebtedness issued by such bank, banking association, loan or trust company shall be deducted.

Fourth. Taxes paid within the year imposed by the authority of the United States or its territories or possessions, any foreign country, or under the authority of any state, county, school district, municipality, or other taxing subdivision within a state, including those assessed against local benefits. All incomes derived from interest from the bonds of the state of North Dakota or from loans on North Dakota real property.

(b) In the case of a corporation, joint-stock company or association organized, authorized or existing under the laws of another state, the United States, or a foreign country, the net income subject to the tax herein imposed shall be ascertained by deducting from its total net income from all sources:

First. All income derived from sources without the state;

Second. All the items enumerated under subsection (a) of this section, as applied to the business or property of any such corporation, joint-stock company or association within the state.

(c) For the purpose of the tax imposed by sub-division (a) of Section ten, the income embraced in a return of a corporation, joint-stock company or association, shall be credited with the amount received as dividends upon the stock or from the net earnings of any other corporation, joint-stock company or association, which has been taxed during the year upon its net income as provided in this Act, less that proportion of such amount which the amount received by the distributing corporation, joint-stock company or association from similar sources bears to the entire net income of such distributing corporations, joint-stock company or association.

Sec. 13. (a) The tax shall be computed upon the net income as thus ascertained, received within each preceding calendar year ending December 31st; provided, that any corporation, joint-stock company or organization, subject to this tax, may designate the last day of any month in a year as the day of the closing of its fiscal year, and shall be entitled to have the tax payable be it computed upon basis of the net income ascertained, as herein provided for the year ending on the day so designated in the year preceding the date of assessment instead of upon the basis for the net income for the calendar year preceding the date of assessment; and it shall give notice of the day it has thus designated as the closing of its fiscal year to the Commissioner at any time not less than 30 days prior to the first day of March in the year which in its return would be filed if made upon the basis of the calendar year.

(b) Every corporation, joint-stock company or association subject to the tax herein imposed shall, on or before the first day of March in each year, or, if it has designated a fiscal year for the computation of its tax, then within sixty days after the close of such fiscal year ending prior to December 31, 1919, and the close of each fiscal year thereafter, render a true and accurate return of its annual net income in the manner and form to be prescribed by the Commissioner, containing such facts, data and information as are appropriate and in the opinion of the Commissioner necessary to determine the correctness of the net income returned and to carry out the provisions of this Act.

The return shall be sworn to by the President, Vice-President or other principal officer, and by the Treasurer or Assistant Treasurer. The return shall be made to the Commissioner or his authorized agent in the district in which is located the principal office of the corporation, joint-stock company or association, where are kept its books of account and other data from which the return is made, or in the case of a foreign corporation, com-



pany or association, to the Tax Commissioner at the State Capitol.

(c) In cases wherein receivers, trustees in bankruptcy, or assignees are operating the property or business of corporations, joint-stock companies or associations subject to the tax imposed by this Act, such receivers, trustees, or assignees shall make return of the net income as and for such corporation, joint-stock companies, or associations, in the same manner and form as such organization are hereinbefore required to make returns, and any income tax due on the basis of such returns made by receivers, trustees, or assignees, shall be assessed and collected in the same manner as if assessed directly against the organization, the business or property of which they have custody and control;

(d) A corporation, joint-stock company or association, keeping accounts upon any basis other than that of actual receipts and unless such other basis does not clearly reflect its income, may, subject to regulations made by the Commissioner, make its return upon the basis upon which its accounts are kept, in which case the tax shall be computed upon its income as so returned;

(e) All the provisions of this Act relating to the tax authorized and required to be deducted and withheld and paid to the officer of the state authorized to receive the same from the income of non-resident individuals from sources within the state, shall be made applicable to incomes derived from dividends on capital stocks from net earnings or from interest upon bonds or mortgages or deeds of trust or similar obligations of domestic or other resident corporations, joint-stock companies or associations, by non-resident firms, co-partnerships, companies, corporations, joint-stock companies or associations not engaged in business or trade within the state and not having any office or place of business therein.

Sec. 14. (a) The Commissioner shall make all assessment upon corporations, joint-stock companies, or associations subject to any tax hereunder, on or before the first day of May of each year, and shall certify the amount of the tax in each case to the State Treasurer on or before the first day of June following. On or before the fifteenth day of July the Treasurer shall make demand upon each such corporation, joint-stock company or association for the amount of the tax due as certified, and said tax shall be paid within ten days thereafter: provided, that any corporation, joint-stock company or association computing taxes upon the income of its fiscal year when such fiscal year does not correspond with the calendar year shall pay the taxes due under its assessment within one hundred and five days after the date upon which it is required to file its list or return of income for assessment, except in cases of refusal or neglect to make such

return and in cases of erroneous, false or fraudulent returns in which cases the Commissioner upon discovery thereof, shall at any time within three years after such return is due make a return upon information obtained as provided for in this Act or by existing law; and the assessment made by the Commissioner thereon shall be paid by such corporation, joint-stock company or association immediately upon the notification of the amount of such assessment, and to any sum or sums due and unpaid after the 15th day of June in any year, or after one hundred and five days after the date on which the return of income is required to be made by the tax payer, and after ten days' notice and demand thereof by the Treasurer, there shall be added a sum of five per cent on the amount of the tax unpaid and interest at the rate of one per cent per month upon said tax from the time the same became due, which additional sum shall be added to the unpaid tax, demanded and collected as herein provided for the tax itself.

(b) When the assessment shall be made, as provided in this Act, the returns, together with any corrections thereof which may have been made by the Commissioner, shall be filed in the office of the Commissioner and shall constitute public records and be open to inspection only upon the order of the Governor under rules and regulations to be prescribed by the Commissioner.

(c) When a second assessment is made in the case of any list, statement or return, which in the opinion of the Commissioner was false or fraudulent, or contained any understatement or undervaluation, no tax collected under such assessment shall be recovered by any suit, unless it is found or determined that the said list, statement or return was not false or fraudulent and did not contain any understatement or undervaluation.

Sec. 15. If any person, corporation, joint-stock company or association liable to make the return or pay the tax aforesaid shall refuse or neglect to make such return at the time or times hereinbefore specified in each year, he shall be liable, except as otherwise provided in this Act, to a penalty of not less than \$20 nor more than \$1,000. An individual or officer of any corporation, joint-stock company or association, required by law to make, render, sign or verify any return, who makes any false or fraudulent return or statement with intent to defeat or evade the assessment required by this Act to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding \$2,000, or to be imprisoned not exceeding one year, or both, in the discretion of the court, with the costs of such prosecution; provided, that whenever any tax heretofore due and payable has been duly paid by the tax payer, it shall not be re-collected from any person or corporation required to retain it at its source, nor shall any penalty be imposed or collected in such cases from the tax payer, or such person or corporation whose duty it was to retain it, for



failure to return or pay the same, unless such failure was fraudulent and for the purpose of evading payment.

Sec. 16. Every person, corporation, partnership, or association, doing business as a broker on any exchange or board of trade or other similar place of business shall, when required by the Commissioner, render a correct return duly verified under oath, under such rules and regulations as the Commissioner, with the approval of the Board of Equalization, may prescribe, showing the names of customers for whom such person, corporation, partnership, or association has transacted any business, during the previous calendar year, with such details as to the profits, losses, or other information which the Commissioner may require, as to each of such customers, as will enable him to determine whether all income tax due on profits or gains of such customers has been paid.

Sec. 17. On or before the first day of March in each calendar year, all corporations, joint-stock companies or association, in whatever capacity acting, including lessors or mortgagors of real or personal property, trustees, acting in any trust capacity, executors, administrators, receivers, conservators, and employers, making payment during the previous calendar year to another person, corporation, partnership or association, of interest, dividends, premiums, annuities, or other fixed or determinable gains, profits and income, or in the case of such payments made by the state, the officers of employees of the state, having information as to such payments and required to make returns in regard thereto by the regulations hereinafter provided for, are hereby authorized and required to render a true and accurate return to the Commissioner under such rules and regulations and in such form and manner as may be prescribed by him, with the approval of the Board of Equalization, setting forth the amount of such gains, profits and income, and the name and address of the recipient of such payment; provided, that such returns shall be required, in the case of payments of interest upon bonds and mortgages or deeds of trust or other similar obligations of corporations, joint-stock companies, associations, doing business within the state to creditors without the state. When necessary to make effective the provisions of this section the name and address of the recipient of income shall be furnished upon demand of the corporation, joint-stock company or association paying the income.

Sec. 18. All contracts entered into after the passage of this Act by which any person, corporation, partnership or association agrees to pay any portion of the tax imposed by this Act upon any other person, corporation or association, or to reimburse such person, corporation or association for any portion of such tax, shall be void, and any person, corporation, partnership or association, entering into such contract shall be subject to a fine of not more than \$1,000.

Sec. 19. All taxes upon corporations, joint-stock companies, or associations provided for by this Act shall be assessed by the State Tax Commissioner and collected by the State Treasurer, and the Tax Commissioner, within 15 days after such taxes have been assessed, shall certify to the Treasurer the amount of the taxes due in each case. In case of any failure on the part of any individual, corporation, joint-stock company or association subject to any tax herein imposed, to make and file a return within the time prescribed by law, the Commissioner shall add to the tax 50 per cent of its amount, except that when a return is voluntarily and without notice from the Commissioner filed after such time, and it is shown that the failure to file it was due to a reasonable cause and not to wilful neglect, no such addition shall be made to the tax. In case a false or fraudulent return is wilfully made, the Commissioner shall add to the tax 100 per cent of its amount; and the amount so added to any tax shall be collected at the same time and in the same manner as the tax upon the income that should have been returned, as determined by the Commissioner, and as a part of it, unless the tax on the false or fraudulent return has been paid before the discovery of the falsity or fraud, in which case it shall be collected in the same manner as the tax when regularly returned and assessed.

For the purpose of assessing the taxes herein provided, the Commissioner shall have power to divide the state into income tax districts and to appoint assessors for the same and to fix their salaries or compensation, subject to the approval of the State Board of Equalization; provided, that in no case shall the salary or compensation of any such district assessor exceed \$1,500 annually. The Commissioner may appoint as such assessors either residents or non-residents of such tax districts and may employ any assessor in more than one district, or transfer any assessor from one district to another; provided, that in laying out such districts and appointing such assessors, the Commissioner may, in his discretion, make any income tax district coincide with any existing district for the assessment of general taxes, and may appoint an existing tax officer to act as such income tax assessor.

Sec. 20. It shall be unlawful for the Tax Commissioner or any agent, clerk, or other officer or employee of the state to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income tax return, or to permit any income tax return or copy thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided

by law any income tax returns or any part thereof, or the source of income, profits, losses or expenditures appearing in any income tax return; and any offense against the foregoing provision shall be a misdemeanor punishable by a fine not exceeding \$1,000, or by imprisonment not exceeding one year, or by both such fine and imprisonment at the discretion of the court; and if the offender be an officer or employee of the state he shall be dismissed from office or discharged from employment.

Sec. 21. It shall be the duty of the State Treasurer to give to any person, corporation, joint-stock company or association, making payment of any taxes provided for by this Act, a full written or printed receipt, expressing the amount paid and the particular account for which such payment is made, and whenever such payment is made on behalf of another, as required by this Act, the Treasurer shall, as requested, give a separate receipt for each tax so paid on account of payments made or to be made by him to separate creditors, in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands for the amount specified in such receipts; and such receipts shall be sufficient evidence in favor of any such debtor to justify him in withholding the amount therein expressed from his next payment to his creditors, but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may actually be paid, and accepting the amount of tax paid as aforesaid, (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such Treasurer's receipt.

Sec. 22. The Commissioner shall require every return to be verified by the oath of the party rendering it. If the Commissioner have reasons to believe that the amount of any income returned is understated, he shall give due notice to the person making the return to show cause why the amount of such return should not be increased, and upon proof that the amount has been understated, he may increase the same accordingly. Such person may furnish sworn testimony to prove any relevant facts, and on application shall be given a formal hearing by the Commissioner, and if dissatisfied with the ruling of the Commissioner, may appeal to the State Board of Equalization.

Sec. 23. Jurisdiction is hereby conferred upon the district courts of the state for the district within which any person summoned under this Act to testify or to produce books shall reside, to compel such attendance, production of books and testimony by appropriate process.

Sec. 24. The preparation and publication of statistics reasonably available with respect to the operation of the income tax law, and containing classifications of tax payers and of income, the amounts allowed as deductions and exemptions and

any other facts deemed pertinent and valuable, shall be made biennially by the Commissioner.

Sec. 25. All administrative, special and general provisions of law including the general tax laws of the state, and not inconsistent with the provisions of this Act, are hereby extended and made applicable to all the provisions of this Act and to the taxes herein imposed. The Commissioner shall furnish to all persons, associations, joint-stock companies and corporations coming within the provisions of this Act all necessary forms and blanks on which to make the returns herein required; provided, that such blanks and forms shall be as nearly as practicable similar to those prescribed in the Act of Congress, known as the Federal Income Tax Law, and amendments thereto, for making returns to the United States Commissioner of Internal Revenue; provided, further, that every such person, association, joint-stock company, or corporation making a return to the Federal Government under the Act aforesaid, shall file with the State Tax Commissioner an exact duplicate of the Federal return so made, and shall in addition furnish to the said State Commissioner all other information required by this Act, and all information reasonably necessary to enable the Commissioner to carry out the provisions of this Act.

Sec. 26. Inasmuch as the Act of Congress (H. R. 16763) levying a Federal tax on incomes, provides that the proper officers of any state imposing a general income tax, may, upon the request of the Governor thereof, have access to the returns therein required to be made to the Commissioner of Internal Revenue, or to an abstract thereof, showing the name and income of each such corporation, joint-stock company or association, the Governor shall, on or before the first day of March, 1920, make such a request of the Secretary of the Treasury, and shall designate the State Tax Commissioner as the proper officer to have access to such returns.

Sec. 27. No provision contained in this Act shall be construed as an attempt to impose a burden upon Interstate Commerce, or to tax the income of any individual or non-resident corporation derived from sources wholly without the state; but the income of any individual, corporation, joint-stock company or association subject to the provisions of this Act, derived from business conducted partly within and partly without the state, is taxable in that proportion which the business within the state bears to the entire business within and without the state; and where such business within the state is not otherwise more easily and certainly separable from such business without the state, business within the state shall be held to mean such proportion of the total business within and without the state as the property of such individual or corporation engaged in such business within the state bears to its entire property so engaged



within and without the state; and in case of a railroad, express company, telephone or telegraph company, car or freight line company, or other common carrier, or a light, gas, power or heating company, whose lines enter into, extend out of or across the state, property within the state shall be held to mean that proportion of the entire property engaged in such business within and without the state which its mileage within the state bears to its entire mileage within and without the state; and the deductions and exemptions provided for in this Act shall be computed upon the same basis.

Sec. 28. All moneys collected under the provisions of this Act shall be paid into the general fund of the state to be used in defraying the general expenses of the State government.

Sec. 29. If any clause, sentence, paragraph or part of this Act shall for any reason be declared invalid by a court of competent jurisdiction, such judgment shall not impair or invalidate any other clause, sentence, paragraph or part thereof, but any such other part shall be of full effect and validity as if no such decision has been rendered.

Sec. 30. All Acts and parts of Acts in conflict with this Act are hereby repealed.

Sec. 31. This Act shall take effect and be in force from and after its passage and approval.

Approved February 28, 1919.

## CHAPTER 225.

(H. B. No. 84—Committee on Taxes and Tax Laws.)

### TAXATION OF TRANSFERS OF PROPERTY BY WILL.

An Act to Amend and Re-enact Chapter 231, Laws of North Dakota, 1917, 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:*

Sec. 1. AMENDMENT.) Chapter 231, Laws of North Dakota, 1917, is hereby amended and re-enacted to read as follows:

Sec. 1. A tax shall be and is hereby imposed upon any transfer of property, real, personal or mixed, or any interest thereon, or income therefrom in trust or otherwise, to any person, association or corporation, except county, town or municipal corporations within the state, for strictly county, town or municipal purposes, and corporations of this State organized under its laws solely for religious or educational purposes which shall use the property so transferred exclusively for the purposes of their organization within the State, in the following cases, except as hereinafter provided:

(1) When the transfer is by will or by the interstate laws of this State from any person dying possessed of the property while

a resident of the State; provided, that no tax shall be imposed upon any tangible personal property of a resident decedent when such property is located without this State, and when the transfer of such property is subject to an inheritance or transfer tax in the State where located, and which tax has actually been paid, provided such property is not without this State temporarily, nor for the sole purpose of deposit or safe keeping; and provided, that the laws of the State where such property is located allow a like exemption in relation to such property left by a resident of that State and located in this State.

(2) When the transfer is by will or intestate law, of property within this State, and the decedent was a non-resident of the State at the time of his death; provided, that for the purposes of the tax herein imposed, the term property shall include all contracts, mortgages, shares of stock or bonds or other interest in tangible personal, or real property existing in this State, however evidenced or expressed.

(3) When the transfer is made by a resident or non-resident of property within the State or within its jurisdiction, by deed, grant, bargain, sale or gift, made in contemplation of the death of the grantor, vendor or donor, or intended to take effect in possession or enjoyment at or after such death. Every transfer by deed, grant, bargain, sale or gift, made within six years prior to the death of the grantor, vendor or donor of a material part of his estate, or in the nature of a final disposition or distribution thereof, and without an adequate valuable consideration, shall be construed to have been made in contemplation of death within the meaning of this section.

(4) When any such person or corporation becomes beneficially entitled, in possession or expectancy, to any property or the income thereof by any such transfer, whether made before or after the passage of this Act.

(5) Whenever any person or corporation shall exercise a power of appointment derived from any disposition of property made either before or after the passage of this Act, such appointment, when made, shall be deemed a transfer taxable under the provisions of this Act, in the same manner as though the property to which such appointment relates belonged absolutely to the donee of such power, and has been bequeathed or devised by such donee by will; and whenever any person or corporation possessing such a power of appointment so derived shall omit or fail to exercise the same within the time provided therefor, in whole or in part, a transfer taxable under the provisions of this Act shall be deemed to take place to the extent of such omission or failure, in the same manner as though the persons or corporations thereby becoming entitled to the possession or enjoyment of the property to which such power related had succeeded thereto.



by a will of the donee of the power failing to exercise such power, taking effect at the time of such omission or failure.

(6) The tax so imposed shall be upon the clear market value of such property at the rates hereinafter prescribed, and only upon the amount in excess of the debts of such decedent costs of administration and the exemptions hereinafter granted; providing that in computing said clear market value all inheritance taxes paid to the Federal government shall be deducted.

Sec. 2. When the property or any beneficial interest therein passes by any such transfer, where the amount of the property shall exceed in value the exemption hereinafter specified and shall not exceed in value \$15,000 the tax herein imposed shall be:

(1) Where the person or persons entitled to any beneficial interest in such property shall be the husband, wife, lineal issue, lineal ancestor of the decedent or any child adopted as such in conformity with the laws of this State, or any child to whom such decedent for not less than ten years prior to such transfer, stood in the mutually acknowledged relation of a parent; provided, such relationship began at or before the child's fifteenth birthday, and was continuous for said ten years thereafter, or any lineal issue of such adopted or mutually acknowledged child, at the rate of one per cent of the clear value of such interest in such property.

(2) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister, or a descendant of a brother or sister of the decedent, a wife or a widow of a son, or the husband of a daughter of the decedent, at the rate of one and one-half per centum of the clear value of such interest in such property.

(3) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the decedent, at the rate of three per centum of the clear value of such interest in such property.

(4) Where the person or persons entitled to any beneficial interest in such property shall be the brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the decedent, at the rate of four per centum of the clear value of such interest in such property.

(5) Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the decedent, or shall be a body politic or corporate, at the rate of five per centum of the clear value of such interest in such property.

Sec. 3. The foregoing rates in Section 2 are for convenience termed the primary rates.

When the amount of clear value of such property or interest exceeds \$15,000, the rate of tax upon such excess shall be as follows:

- (1) Upon all in excess of \$15,000 and up to \$30,000 one and one-half times the primary rates.
- (2) Upon all in excess of \$30,000 and up to \$50,000 two times the primary rates.
- (3) Upon all in excess of \$50,000 and up to \$100,000 two and one-half times the primary rates.
- (4) Upon all in excess of \$100,000 up to \$300,000 three times the primary rates.
- (5) Upon all in excess of \$300,000 up to \$500,000 three and one-half times the primary rates.
- (6) Upon all in excess of \$500,000 four times the primary rates.

Sec. 4. The following exemptions from the tax, to be taken out of the first \$15,000 are hereby allowed:

- (1) All property transferred to municipal corporations within the state for strictly county, town or municipal purposes, or to corporations of this state organized under its laws solely for religious, charitable, or educational purposes, which shall use the property so transferred exclusively for the purposes of their organization within the State shall be exempt.
- (2) Property of the clear value of \$10,000 transferred to the husband or wife of the decedent, and \$5,000 to each minor of the decedent and \$2,000 transferred to each of the other persons described in the first sub-division of Section 2 shall be exempt.
- (3) Property of the clear value of \$500 transferred to each of the persons described in the second sub-division of Section 2 shall be exempt.
- (4) Property of the clear value of \$250 transferred to each of the persons described in the third sub-division of Section 2 shall be exempt.

Sec. 5. All taxes imposed by this Act shall be due and payable at the time of the transfer, except as hereinafter provided; and every such tax shall be and remain a lien upon the property transferred until paid, and the person to whom the property is transferred and the administrators, executors, and trustees of every estate so transferred shall be personally liable for such tax until its payment.

Sec. 6. The tax shall be paid to the Treasurer of the county in which the County Court is situated having jurisdiction as herein provided; and said treasurer shall make duplicate receipts of such payment, one of which he shall immediately send to the State Treasurer, whose duty it shall be to charge the County Treasurer so receiving the tax with the amount thereof, and the

other receipt shall be delivered to the executor, administrator, or trustee, whereupon it shall be a proper voucher in the settlement of his account.

Sec. 7. But no executor, administrator, or trustee shall be entitled to a final accounting of an estate in settlement of which a tax is due under the provisions of this Act, unless he shall produce such receipts.

Sec. 8. If such tax is not paid within one year from the accruing thereof, interest shall be charged and collected thereon at the rate of ten per centum per annum from the time the tax accrued; unless by reason of claims made upon the estate, necessary litigation or other unavoidable cause of delay, such tax shall not be determined and paid as herein provided, in which case interest at the rate of six per centum per annum shall be charged upon such tax from the accrual thereof until the cause of such delay is removed, after which ten per centum shall be charged.

Sec. 9. Every executor, administrator, or trustee shall have full power to sell so much of the property of the decedent as will enable him to pay such tax in the same manner as he might be entitled by law to do for the payment of the debts of the testator or intestate. Any such administrator, executor, or trustee, having in charge or in trust any legacy or property for distribution, subject to such tax, shall deduct the tax therefrom; and within thirty days therefrom shall pay over the same to the county treasurer as herein provided. If such legacy or property be not in money, he shall collect the tax thereon upon the appraised value thereof, from the person entitled thereto. He shall not deliver or be compelled to deliver any specific legacy or property subject to tax under this Act to any person until he shall have collected the tax thereon. If any legacy shall be charged upon or payable out of real property, the heir or devisee shall deduct such tax therefrom and pay it to the administrator, executor, or trustee, and the tax shall remain a lien or charge on such real property until paid. If any such legacy shall be given in money to any such person for a limited period, the administrator, executor, or trustee shall retain the tax upon the whole amount, but if it be not in money, he shall make application to the court having jurisdiction of an accounting to him to make an apportionment if the case require it, of the sum to be paid into the hands of such legatees, and for such further order relative thereto as the case may require.

Sec. 10. If any debt shall be proved against the estate of the decedent after the payment of any legacy or distributive share thereof, from which any such tax has been deducted, or upon which it has been paid by the person entitled to such legacy or distributive share, and such person is required by the order of the county court having jurisdiction thereof on notice of the State Treasurer to refund the amount of such debts or any part

thereof, an equitable proportion of the tax shall be repaid to such person by the executor, administrator, trustee or officer to whom said tax has been paid.

Sec. 11. When any amount of said tax shall have been paid erroneously into the State Treasury, it shall be lawful for the State Treasurer upon receiving a transcript from the county court record showing the facts to refund the amount of such erroneous or illegal payment to the executor, administrator, trustee, person or persons, who have paid any such tax in error from the treasury; or the said State Treasurer may order, direct and allow the treasurer of any county to refund the amount of any illegal or erroneous payment of such tax out of the funds in his hands or custody to the credit of such taxes, and credit him with the same in his account rendered to the State Treasurer under this Act. Provided, however, that all applications for such refunding of erroneous taxes shall be made within one year from the payment thereof, or within one year after the reversal or modification of the order fixing such tax.

Sec. 12. If a testator bequeaths property to one or more executors or trustees in lieu of their commissions or allowances, or makes them his legatees to any amount exceeding the commissions or allowances prescribed by law for an executor or trustee, the excess in value of the property so bequeathed, above the amount of commissions or allowances prescribed by law in similar cases, shall be taxable by this Act.

Sec. 13. Every executor or administrator of the estate of a non-resident decedent shall file with the State Tax Commissioner a list of the property owned by him in this State: provided, that said list need not be filed in cases in which ancillary probate proceedings are instituted in the courts of this State for the purpose of probating said estate.

Sec. 13a. Said list shall be in the form of an affidavit and shall be sworn to by the executor or administrator of said estate, and shall contain a detailed description of the property and the value thereof, owned by said non-resident decedent in this State as of the date of his death. If such property consists in whole or in part of mortgages secured upon real or personal property situated in this State, said list shall enumerate each mortgage separately, stating the name and postoffice address of the mortgagor, the county in which the mortgagor resides, the county in which the mortgaged property is situated, the date of the execution of said mortgage, the amount for which said mortgage was given, the rate of interest and the amount due on said mortgage at the time of the death of the decedent, and in addition, if said mortgaged property consists of real estate, the legal description of the same. If such property consists in whole or in part of the shares of stock or bonds of any corporation organized, doing business or owning property in this State, wherever



such corporation has been created or organized, said list shall enumerate each corporation issuing any of said shares of stock or bonds, giving in each case the name of the corporation and of the State or country in which it was created or organized, and shall enumerate under each the bonds and shares of stock issued by it and owned by the decedent, giving the par and the market value of said shares of stock. If such property consists in whole or in part of the debt of or interest in any property existing within this State in any other manner, the said list shall contain the name of the debtor, the amount of the debt or other interest in such property as of the date of the death of the decedent and the nature of such debt or other interest. Said list shall be filed with the State Tax Commissioner within thirty days after the issuing of the letters testamentary or letters of administration, as the case may be. Upon receipt of said list in proper form the Commissioner shall proceed to determine the amount of inheritance tax, if any, due the State of North Dakota, from said estate, and upon such determination shall notify the administrator or executor of said estate immediately whether the same is taxable or exempt, and if taxable, the amount for which said estate is liable, and the manner in which the tax shall be paid.

Sec. 13b. The State Treasurer shall, upon receipt of the total amount of the tax due from said estate, issue to the administrator or executor paying the same, his receipt therefor, and in addition to said receipt shall at the same time issue to said administrator or executor a certified statement, bearing the seal of his office, to the effect that the full amount of the inheritance tax due from the said estate to the State of North Dakota has been paid. Where the total amount of the tax is paid to the State, the State Treasurer shall pay into the County Treasury of the county in which the estate was probated twenty-five per cent of the amount received; provided, that in a case where the estate is settled outside the State, or the property thereof exists in more than one county, the total amount of the tax shall be paid into the State Treasury.

Sec. 13c. The State Tax Commissioner shall, upon determining that any such estate is exempt from the payment of any inheritance tax to the State of North Dakota, execute a certified statement of such fact, and send it to the executor or administrator of said estate.

Sec. 14. No register of deeds shall cause to be recorded or filed in this office any satisfaction or assignment of any real or personal property mortgage, executed by a foreign executor or administrator of any estate, unless said satisfaction or assignment shall be accompanied for his inspection either by the certified statement of the State Treasurer that the inheritance tax due the State of North Dakota from such estate has been paid, or by the certified statement of the Tax Commissioner that said estate

has been determined to be exempt from the payment of any inheritance tax to the State of North Dakota; provided, that, in his discretion, in case where in his opinion strict compliance with the provisions of this Section would impose an undue burden upon the mortgagor, the Tax Commissioner may authorize the recording of such satisfaction before the tax has been paid.

Sec. 14a. No safe deposit company, trust company, corporation, bank, or other institution, person or persons having in their possession or under their control securities, deposits or other assets belonging to the estate of any non-resident decedent shall deliver or transfer any such assets to the administrator or executor of such estate, or to any other person or persons upon the order of said administrator or executor, unless said administrator or executor or such other person holding such order for the transfer or delivery of such assets shall submit to said safe deposit company, trust company, corporation, bank or other institution, person or persons having in their possession or under their control such assets belonging to the estate of the decedent, either the certified statement of the State Treasurer to the effect that the inheritance tax due the State of North Dakota from said estate is exempt from the payment of such tax, or the certificate of the Tax Commissioner that no tax is due thereon.

Sec. 14b. Any register of deeds, safe deposit company, trust company, corporation, bank or other institution, person or persons, violating any of the provisions of this Act shall be liable to the State for the amount of the tax due in each case.

Sec. 15. Where stocks, bonds, mortgages or other securities of corporations, doing business or owning property partly within and partly without the State, shall have been transferred by a resident or a non-resident decedent, the tax shall be upon such proportion of the value thereof as the property or business of such corporation in this State bears to its total property or business within and without this State.

Sec. 16. If any stocks, bonds, mortgages or other securities of a holding company or other corporation are based upon or represent in whole or in part the value of any stocks, bonds, mortgages, or other securities of any corporation organized, doing business or owning property in this State, either directly or indirectly, the transfer of such stocks, bonds, mortgages or other securities of such holding company or other corporation shall be subject to the inheritance tax in the proportion which the business or property of such corporation organized or doing business in this State bears to its total property or business within the State or elsewhere.

Sec. 17. Whenever the estate of a decedent consists of property which is located within this State and also property which is located without this State, there shall be deducted from the value of such property within this State, only that proportion



of the debts, expenses of administration and exemptions which equals the proportion that the North Dakota property bears to the entire property of the estate.

Sec. 18. The Tax Commissioner shall require such reports and information, and shall make such orders, rules and regulations as he may deem necessary to enable him to secure the necessary information from corporations, domestic or foreign, and to ascertain the amount of and to collect the taxes herein imposed; and no holding company or other corporation subject to the provisions of this Act shall deliver or transfer any stocks, bonds, mortgages or other securities of a non-resident decedent based upon or representing, in whole or in part, directly or indirectly, the value of any tangible personal, or real property existing within this State, without retaining a sufficient portion or amount thereof to pay any tax which may thereafter be assessed on account of such transfer, except upon order of the proper court or a certificate of the Tax Commissioner.

Sec. 19. Any corporation or holding company violating any of the provisions of this Act shall be liable to the State for the amount of the tax in each case, and for willful violation of any such provisions shall forfeit its charter or its license to do business within this State upon complaint of the Tax Commissioner and conviction thereunder.

Sec. 20. The county court of every county of the State having jurisdiction to grant letters testamentary or of administration upon the estate of a decedent whose property is chargeable with any tax under the inheritance tax laws, or to appoint a trustee of such estate or any part thereof, or to give ancillary letters thereon, shall have jurisdiction to hear and determine all questions arising under the provisions of the inheritance tax laws, and to do any act in relation thereto authorized by law to be done by a county court in other matters or proceedings coming within its jurisdiction, and if two or more county courts shall be entitled to exercise any such jurisdiction, the county court first acquiring jurisdiction hereunder, shall retain the same to the exclusion of every other county court.

Sec. 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; upon presentation thereof the county court shall cause the order for hearing to be served personally upon the public administrator; and upon the hearing, the court shall determine the amount of the inheritance tax which may be or become due, and the decree awarding the letters may contain provisions for the payment of such tax.

Sec. 22. The county court and the judge thereof at the seat of government shall have jurisdiction to hear and determine all questions relating to the determination and adjustments of in-

heritance taxes in the estates of non-resident decedents in which any tax appears to be due, and in which it does not otherwise appear necessary for regular administration to be had therein. And in such estates the public administrator may be appointed as special administrator for the purposes of such adjustment.

Sec. 23. The county court, upon the application of any interested party, including the Tax Commissioner, or upon its own motion, shall, as often as and whenever occasion may require, appoint a competent person as special appraiser to fix the fair market value at the time of the transfer thereof of the property of persons whose estate shall be subject to the payment of any tax.

Sec. 24. Every such appraiser shall forthwith give notice by mail to all persons known to have a claim or interest in the property to be appraised, including the public administrator, and to such persons as the county court may by order direct, of the time and place when he will appraise such property. He shall, at such time and place, appraise the same at its fair market value, as herein prescribed, and for that purpose the said appraiser is authorized to issue subpoenas and to compel the attendance of witnesses before him, and to take the evidence of such witnesses under oath concerning such property and the value thereof; and he shall make report thereof and of such value in writing to the said county court, together with the depositions of the witnesses examined, and such other facts in relation thereto and to the said matter as the said county court may order or require. Every appraiser shall be paid on the certificate of the county court at the rate of three dollars per day for every day actually and necessarily employed in such appraisal, and his actual and necessary traveling expenses, and the fees paid such witnesses, which shall be the same as those now paid to witnesses subpoenaed to attend in courts of record by the County Treasurer, out of any funds he may have in his hands on account of any tax imposed under the provisions of this Act.

Sec. 25. The report of the special appraiser shall be made in duplicate, and not less than twenty days before the hearing thereon; one of said duplicates shall be filed in the office of the county court and the other shall be mailed to the Tax Commissioner. The county court shall examine such report, and from the report and other proofs relating to any such estate shall forthwith determine the cash value of such estate and the amount of tax to which the same is liable; or the county court, without appointing such appraiser, may at the time so fixed hear evidence and determine the cash value of such estate and the amount of tax to which the same is liable.

Sec. 26. Notice of such hearing to determine the inheritance tax shall be given to all persons interested, except where it is clearly evident that no tax is due.

Sec. 27. Whenever a transfer of property is made upon which there is, or in any contingency, there may be, a tax imposed, such property shall be appraised at its clear market value, immediately upon the transfer, or as soon thereafter as practicable. The value of every future or limited estate, income, interest or annuity dependent upon any life or lives in being, shall be determined by the American tables of mortality, with interest at the rate of six per centum.

Sec. 28. In estimating the value of an estate or interest in property to the beneficial enjoyment or possession whereof there are persons or corporations presently entitled thereto, no allowance shall be made in respect of any contingent incumbrance thereon, nor in respect of any contingency upon the happening of which the estate or property, or some part thereof or interest therein might be abridged, defeated or diminished; provided, however, that in the event of such incumbrance taking effect as an actual burden upon the interest of the beneficiary, or in the event of the abridgement, defeat, or diminution of such estate or property or interest therein as aforesaid, a return shall be made to the person properly entitled thereto of a proportionate amount of such tax in respect of the amount or value of the incumbrance when taking effect, or so much as will reduce the same to the amount which would have been assessed in respect to the actual duration or extent of the estate or interest enjoyed. Such return shall be made in the manner provided in Section 10.

Sec. 29. Where any property shall, after the passage of this Act, be transferred subject to any charge, estate, or interest determinable by the death of any person or at any period ascertainable only by reference to death, the increase or benefit accruing to any person or corporation upon the extinction or determination of such charge, estate or interest shall be deemed a transfer of property taxable under the provisions of this Act in the same manner as though the person or corporation beneficially entitled thereto had then acquired such increase of benefit from the person from whom the title to their respective estates or interests is derived.

Sec. 30. When property heretofore or hereafter is transferred in trust or otherwise, and the rights, interests or estates of the transferees are dependent upon contingencies or conditions whereby they may be wholly or in part created, defeated, extended or abridged, a tax shall be imposed upon such transfer at the lowest rate which, on the happening of any of the said contingencies or conditions, would be possible under the provisions of this Act; and such tax so imposed shall be due and payable forthwith out of the property transferred; provided, however, that on the happening of any contingency or condition whereby the said property or any part thereof is transferred to a person or corporation which under the provisions of this Act

is required to pay a tax at a higher rate than the tax imposed, then such transferee shall pay the difference between the tax imposed and the tax at the higher rate, and the amount of such increased tax shall be enforced and collected as herein provided.

Sec. 31. Estates in expectancy which are contingent or defeasible, and in which proceedings for determination of the tax have not been taken, or where the taxation thereof has been held in abeyance, shall be appraised at their full undiminished clear value when the person entitled thereto shall come into the beneficial enjoyment of possession thereof without diminution for or on account of any valuation theretofor made of the particular estates for the purposes of taxation upon which said estates in expectancy may have been limited. Where an estate for life or for years can be divested by the act or omission of the legatee or devisee, it shall be taxed as if there were no possibility of such divesting.

Sec. 32. Upon the determination by the county court of the value of any estate which is taxable under the inheritance tax law, and of the tax to which it is liable, an order shall be entered by the court determining the same, which order shall include a statement of (1) the date of death of the decedent, (2) the gross value of the real and personal property of such estate, stating the principal items thereof, (3) the deductions therefrom allowed by the court, (4) the names and relationship of the persons entitled to receive the same, with the amount received by each, (5) the rates and the amounts of inheritance tax for which each such person is liable, and the total amount of tax to be paid, (6) a statement of the amount of interest or penalty due, if any. If such estate is not taxable the county court shall issue its order exempting the same. Such orders shall be substantially in the form prescribed by the Tax Commissioner. A copy of the same shall be delivered or mailed to the County Treasurer, the State Treasurer, and the Tax Commissioner, and no final judgment shall be entered in such estates until due proof is filed with the court that such copies have been delivered or mailed.

Sec. 33. The Attorney General, Tax Commissioner, Public Administrator, State's Attorney, or any person dissatisfied with the appraisement or assessment and determination of such tax may apply for a rehearing thereof before the county court within sixty days from the fixing, assessing, and determination of the tax by the county court as herein provided, on filing a written notice which shall state the grounds of the application for a rehearing. The rehearing shall be upon the records, proceedings, and proofs had and taken on the hearing as herein provided, and a new trial shall not be had or granted unless specially ordered by the county court.



Sec. 34. If the treasurer of any county, the public administrator, or the tax commissioner, shall have reason to believe that any tax is due and unpaid, after the refusal or neglect of any person liable therefor to pay the same, he shall notify the State's attorney of the county in writing of such failure or neglect, and such state's attorney, if he have probable cause to believe that such tax is due and unpaid, shall apply to the county court for a citation citing the person liable to pay such tax to appear before the court on the day specified, not more than three months from the date of such citation, and show cause why the tax should not be paid, or such citation may be granted on the application of the public administrator or the Tax Commission. The judge of the county court, upon such application and whenever it shall appear to him any such tax has not been paid as required by law, shall issue such citation, and the service of such citation and the time, manner and proof thereof, and the hearing and determination thereof, shall conform as near as may be to the provisions of the laws governing probate practice of this state, and whenever it shall appear that any such tax is due and payable, and the payment thereof cannot be enforced under the provisions of this Act, in said county court, the person or corporation from whom the same is due is hereby made liable to the county of the county court having jurisdiction over such estate or property, for the amount of such tax, and it shall be the duty of the state's attorney of said county, in the name of such county, to sue for and enforce the collection of such tax, and it is made the duty of said state's attorney to appear for and act on behalf of any county treasurer who shall be cited to appear before any county court under the provisions of this Act.

Sec. 35. When no application for administration of the estate of any deceased person is made within sixty days after the demise of such person, and such estate appears to come under the provisions of the inheritance tax laws, or when administration has been completed without determining the tax, or when no tax is due, and that fact has not been found by the court or when any certificate of heirship has been applied for or issued or when any foreign will has been probated, the public administrator of the proper county, or any person interested in such estate, may make application for such special or general administration as may be necessary for the purpose of the adjustment and payment of such tax, if any, or if no tax is due, for an order determining that fact. In cases arising under this and the following sub-section, the public administrator, if appointed such special administrator, shall be entitled in the discretion of the court to the fees allowed by law to administrators, or to other reasonable compensation, unless it be found that no tax is due.

Sec. 36. Where it appears that the estate of a deceased person subject to the inheritance tax laws was transferred in

contemplation of the death of the grantor without the adjustment and payment of the inheritance taxes and no application for such adjustment is made within sixty days after the demise of such grantor, the public administrator of the proper county shall make application for and shall be entitled to such general or special administration as may be necessary for the purpose of the adjustment and payment of the inheritance taxes provided by law and shall administer such estate the same as other estates are administered as though such estate has not been transferred by the grantor.

Sec. 37. It shall be the duty of the public administrator, under the general supervision of the tax commission, and with the assistance of the state's attorney, when required by the Tax Commissioner or county judge, to investigate the estate of deceased persons within his county, and to appear for and act in behalf of the county and state in the county court in such estates as the court may in its discretion deem necessary; and for such services the public administrator shall be entitled to five per centum of the gross inheritance tax as determined in each such estate, to be paid by the county treasurer out of the inheritance tax funds upon an order of the county judge; provided, that the minimum fee of each such estate shall not be less than three dollars, except that it shall not exceed the amount of such tax, and the maximum fee not more than twenty-five dollars; but in cases of unusual difficulty, where the tax exceeds five hundred dollars, the county judge may allow the public administrator such additional compensation as he may deem just and reasonable.

Sec. 38. The State Tax Commissioner shall have the power to administer the inheritance tax laws, and it is hereby made his duty to supervise the assessment and collection of the taxes herein imposed throughout all the counties of the state, to cause to be made and filed in his office reports of all assessments and investigations and to certify to the legal department of the state the facts concerning such investigation in any case, where in his opinion it is necessary or advisable for such facts to be brought to the attention of the department.

Sec. 39. The Tax Commissioner shall also gather information and make investigations and reports concerning the estates of non-resident decedents within the provisions of the inheritance tax laws, and shall especially investigate the probate and other records of other states with regard to such estates, and shall report thereon from time to time to the legal department of this state and the public administrator of the proper county court for appropriate legal or other action.

Sec. 40. It shall be the duty of the legal department of the state to carry out and enforce the recommendations and directions of the Tax Commissioner in all matters pertaining to



the conduct of inheritance tax affairs; and in case of any estate in which the amount of inheritance tax collectable shall exceed, or probably exceed the sum of One Thousand Dollars there shall be no compounding, composition, or other settlement of the taxes thereon under the authority conferred by this Act or otherwise, until the Tax Commissioner shall have investigated such case and made his report thereon, and consents to such compounding, compromise or settlement.

Sec. 41. The Tax Commissioner shall prescribe such forms and prepare such blanks as may be necessary for the assessment and collection of the taxes herein imposed; and such blanks shall be printed at the expense of the state, payable out of the general fund, and furnished to the respective officials upon request.

Sec. 42. Each County Treasurer shall make a report under oath to the State Auditor of all taxes received by him under the inheritance tax laws, stating for what estate paid; which report shall be made at the time and in the same manner as other taxes are reported and the County Treasurer shall pay to the State Auditor all such inheritance tax at the same time and in the same manner as other taxes are paid. The county judge shall make a report to the Tax Commissioner of all cases filed in his court, wherein an executor or administrator has been appointed or an application made to determine heirship, whether the same are taxable or not; which reports shall be in the form and at such times as in the judgment of the Tax Commissioner shall be the most desirable. The register of deeds shall likewise report to the Tax Commissioner all transfers filed in his office made in contemplation of the death of the donor or grantor, and he shall report such other and further information as may be required by the Tax Commissioner.

Sec. 43. The County Treasurer shall retain for the use of the county, out of all taxes paid and accounted for by him each year under this Act, twenty-five per cent on all sums so collected by or paid to said Treasurer.

Sec. 44. The Tax Commissioner is authorized to enter into an agreement with the executor, administrator or trustee of any estate subject to a tax hereunder, in which remainders or expectant estates have been of such nature or so disposed and circumstanced that the taxes therein were held not presently payable or where the interests of the legatees or devisees are not ascertainable under the provisions of this Act, or whenever a tax is claimed on account of the transfer of a non-resident decedent, and to compound such taxes upon such terms as may be deemed equitable and expedient and to grant discharges to said executors, administrators, or trustees upon the payment of the taxes provided for in such composition; provided, however, that no such composition shall be conclusive in favor of said

executors, administrators, trustees, as against the interest of such cestui que trust as may possess either present rights or enjoyment or fixed, absolute or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular estates, unless they consent thereto personally when competent or by guardians. Composition or settlement made or effected under the provisions of this section shall be executed in triplicate and one copy shall be filed in the office of the Tax Commission; one copy in the office of the judge of the county court in which the tax was paid; and one copy to be delivered to the executors, administrators, or trustees, who shall be parties thereto.

Sec. 45. All taxes levied and collected under this Act, less my expenses of collection, the percentage to be retained by the county and the deduction authorized under this Act, shall be paid into the Treasury of the State for the use of the State, and shall be applicable to the expenses of the State government and to such other purposes as the legislature may by law direct.

Sec. 46. The words "estate" and "property," as used in this Act shall be taken to mean the real and personal property or interest therein of the testator, intestate, grantor, bargainor, vendor, or donor, passing or transferred to individual legatees, devisees, heirs, next of kin, grantees, donees, vendees, or successors, and shall include all personal property within or without the State. The word "transfer" as used in this Act shall be taken to include all the passing of property or any interest therein, in possession or enjoyment, present or future, by inheritance, descent, devise, succession, bequest, grant, deed, bargain, sale, gift or appointment in the manner herein prescribed. The word "decedent," as used in this Act, shall include the testator, intestate, grantor, bargainor, vendor, or donor. The words "county treasurer," "public administrator" and "attorney," as used in this Act, shall be taken to mean the treasurer, public administrator or attorney of the county court having jurisdiction. All money invested in this State, including the stock or bonds of any corporation, shall be deemed to be property within the jurisdiction of the State.

Sec. 47. Oaths to witnesses in any matter under the investigation or consideration of the Commissioner may be administered by him or by his authorized agent. In case any witness shall fail to obey any summons to appear before said Commissioner, or shall refuse to testify or answer any material question, or to produce records, books, papers or documents when required to do so, such failure or refusal shall be reported to the Attorney General, who shall thereupon institute proceedings in the proper district court to compel obedience for any summons or order of the Commissioner, or to punish witnesses for any such neglect or refusal. Any person who shall testify falsely in any material

matter under the consideration of the Commissioner shall be guilty of and punished for perjury. In the discretion of the Commissioner, officers who serve summons or subpoena, and witnesses attending, shall receive like compensation, as officers and witnesses in the district court.

Sec. 48. The repeal provided for in the next section of this Act shall not effect the validity of any tax due, any right existing, process or investigation pending, or any power or duty conferred or imposed under any Act or Acts thereby repealed.

Sec. 49. Sections 8976, 8977, 8978, 8979, 8980, 8981, 8982, 8983, 8984, 8985, 8986, 8987, 8988, 8989, 8990, 8991, 8992, 8993, 8994, 8995, 8996, 8997, 8998, 8999, and 9000 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.

Sec. 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 5, 1919.

#### CHAPTER 226.

(H. B. No. 83—Taxes and Tax Laws Committee.)

##### LISTING OF CERTAIN PERSONAL PROPERTY.

An Act Providing for the Listing of Certain Personal Property for Purposes of Assessment and Defining Duties of Attorney General in Connection Therewith, and Providing for Subpoenaing Witnesses and Penalty for Failing to List Such Property.

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

Sec. 1. DUTIES OF ATTORNEY GENERAL.) Upon complaint of the Tax Commissioner or whenever he has reason to believe that certain personal property, known as moneys and credits, has not been listed for assessment as provided by Chapter 230 of the Laws of the State of North Dakota for 1917, it shall be the duty of the Attorney General to cause an investigation to be made and upon notice and hearing to value and assess any such property which has not been so listed and to certify the said assessment to the County Auditor of the county wherein the corporation, company, association or person owning such property has his situs for purposes of taxation.

Sec. 2. INVESTIGATION BY ATTORNEY GENERAL.) Before certifying any assessment to the County Auditor, as provided in Section 1 of this Act, the Attorney General shall fix a time of hearing and serve notice upon the corporation, company, association or person so assessed, setting forth the amount of the assessment; upon failure of the company, corporation, association or person to respond to such notice of hearing, the Attorney General may subpoena such corporation, company, association or person to appear before him with books, papers and records and under oath submit to examination as to the assessment of

said personal property; he may also summon any person or persons whom he has reason to believe has any knowledge of moneys and credits as defined by Chapter 230 of the Laws of North Dakota for 1917, and examine them under oath as to such knowledge.

Sec. 3. SUBPOENAS. WHEN EFFECTIVE.) For the purposes of this Act the subpoena of the Attorney General may be served in any county of the state and the person summoned thereby must appear before the Attorney General at the time and place designated in the subpoena.

Sec. 4. DUTY OF COUNTY AUDITOR.) It shall be the duty of the County Auditor, upon receipt of the certificate of the Attorney General directing him to place upon the assessment list any property taxable under Chapter 230 of the Laws of North Dakota for 1917, and to forthwith, without any unnecessary delay, enter the same and make a return in writing to the Attorney General that the assessment has been properly entered upon the tax roll. Any failure upon the part of the County Auditor to comply with the provisions of this Act shall be a misdemeanor.

Sec. 5. WITNESS FEES AND MILEAGE. WHO ENTITLED THERETO. How PAID.) Any witness subpoenaed under the provisions of this Act shall upon demand to the Attorney General be entitled to the same witness fees and mileage as are allowed witnesses in the district court of this state. Such witness fees and mileage shall be allowed and paid in the same manner as witness fees and mileage of witnesses in criminal cases are allowed and paid by the county in which the witnesses reside, upon a bill or claim for the same, in due form, being presented to and filed with the County Auditor of such county; provided, that such bill or claim has been duly approved in writing by the Attorney General.

Sec. 6. PENALTY.) Whenever any corporation, company, association or person, who has failed to list his personal property as provided in Chapter 230 of the North Dakota Laws for 1917, and has been summoned before the Attorney General as provided in this Act, it shall be the duty of the Attorney General to add to the assessment and the penalty provided in said Chapter 230 all the costs of said investigation and assessment.

REPEAL.) All Acts or parts of Acts in conflict with this Act are hereby repealed.

Approved March 5, 1919.

## CHAPTER 227.

(S. B. No. 41—Taxes and Tax Laws Committee.)

## OIL TAX.

An Act to Raise Revenue for Defraying the Expenses of the State Government, by Imposing a Tax Upon Petroleum Products or By-Products Stored, Shipped, Distributed or Sold Within the State.

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

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

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

The term "original sale" shall mean the first sale, distribution, transfer, consignment or bailment of such products within the state. The term "substitute" shall mean any product substituted and offered for sale or use in the place of straight-run gasoline or kerosene, and any product derived by cracking the molecules of any petroleum product or by-product by the application of any mechanical or chemical process to any petroleum product or by-product or to any residue of such product or by-product after straight-run gasoline has been taken therefrom by the ordinary refining processes of evaporation and condensation.

The term "distillate" shall mean any substance or product other than straight-run gasoline or a substitute therefor as herein defined, distilled or otherwise derived from petroleum or kerosene.

The term "mixture" shall include any mechanical or chemical combination, blend or mixture of straight-run gasoline with kerosene or any other substance or product.

The term "straight-run gasoline" shall mean and include any substance derived from petroleum by the ordinary refining process of evaporation and condensation, but shall not include any substitute for straight-run gasoline as defined in this section.

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

Sec. 2. From and after the date when this Act goes into effect, every oil company doing business within the State and engaged in storing, shipping, consigning, distributing or selling any petroleum products or by-products used for the generation of light, heat or power shall pay to the State a tax upon the same in accordance with the following schedule:



1. Upon every gallon of straight-run gasoline one-fourth of one cent;

2. Upon every gallon of any mixture of or substitute for straight-run gasoline, one cent;

3. Upon every gallon of kerosene conforming to North Dakota tests for illuminating purposes and upon every gallon of distillate, one-fourth of one cent;

4. Upon every gallon of kerosene not conforming to North Dakota tests for illuminating purposes, and upon every gallon of any other petroleum product or by-product not enumerated in Paragraphs one, two and three of this section except lubricating oils, one-half of one cent.

Sec. 3. The taxes herein imposed shall be assessed monthly by the State Tax Commissioner, on the returns required by the oil inspection laws of the State, and as herein elsewhere provided, to be made by the State Oil Inspector to the State Auditor, which returns shall at all times be open to the inspection of the State Tax Commissioner or his authorized agent.

Sec. 4. At the time of making inspection of oils as prescribed by the oil inspection laws of the State, such oil inspector shall require every oil company for whom such inspection is made to furnish to him all data and information necessary to determine the number of gallons of each class of oil enumerated in this Act and subject to a tax hereunder; and such oil inspector shall include such data and information in his monthly report to the State Oil Inspector who shall include such information in his monthly report to the State Auditor. If any oil company shall refuse to furnish such data or information, or in any case the oil inspector shall have reasonable ground for the belief that such data or information is false or inadequate, he shall secure all the data and information necessary for making the report required herein by further inspection of such oil for the purpose of determining the quantity of each class of oil subject to a tax hereunder, or from any other source available to him.

Sec. 5. The State Tax Commissioner shall make all assessments of taxes upon such returns on or before the fifteenth day of each month, for the calendar month next preceding, and shall certify the amount of the taxes assessed against each and every oil company to the State Auditor. Within ten days after such certification, the State Auditor shall make his draft upon each such oil company for the amount of taxes due, and shall place the same in the hands of the State Treasurer for collection. Within ten days after receiving such draft, the Treasurer shall make demand upon such oil company for the payment of the same, and if such draft remains unpaid for thirty days after such demand, such tax shall be delinquent, and a penalty of ten percent of the amount thereof shall immediately accrue, together with one percent for each month during which such tax con-



tinues to be delinquent and remains unpaid, which penalty shall be added to the tax, demanded and paid in the manner herein provided for the tax itself.

Sec. 6. Such delinquent and unpaid taxes and penalties, assessed, certified and demanded as provided in this Act, shall be a lien upon all and singular the property, estates and effects of each oil company against which the taxes are assessed, and such lien shall have precedence over all demands and judgments against the same; and the certificate of the Tax Commissioner that said tax and penalties are due and unpaid, together with the unpaid draft of the State Auditor issued in pursuance thereof, shall be sufficient warrant for the Attorney General to institute proceedings for the collection of said tax and penalties by a sale of such property or otherwise; and the Attorney General not later than thirty days after such taxes have become delinquent shall institute such proceedings for the collection of said taxes and penalties as herein provided.

Sec. 7. If any oil company subject to any tax hereunder fails to furnish upon demand of any oil inspector the data or information herein required to be furnished, and if, because of such failure, any Oil Inspector shall in any case be unable to make the return herein required to be made, such Oil Inspector shall immediately notify the State Tax Commissioner of such refusal or neglect, whereupon the Tax Commissioner shall make demand upon such Oil Company for such information, and if such default continue for thirty days after service of such notice, the Tax Commissioner, in person or by his authorized agent, shall examine the books, accounts or records of such company, and according to his findings in such examination, or from any other sources available to him, shall assess the taxes upon such oils, and shall add thereto a penalty of ten percent of the amount of such taxes for the failure of such oil company to furnish such information. The Tax Commissioner shall make entry of such assessment and penalty and shall certify the aggregate amount thereof to the State Auditor, who shall proceed as hereinelsewhere provided. Such entry shall stand in place of the report required by law to be made by such oil company and the same, or a certified copy thereof, in all the courts of the State and for all purposes, shall be prima facie evidence of the correctness and validity of such assessment, taxes and penalties, and the liability of such oil company therefor.

Sec. 8. Any oil company required to make any return or furnish any information under the provisions of this Act which shall neglect or fail to make such return or furnish such information, at the time and in the manner specified, shall be deemed guilty of a misdemeanor and shall be punishable by a fine not less than One Hundred Dollars; and each day's continuance of the failure or refusal to make such return or furnish such informa-

tion shall constitute a new offense. Any oil company making any false or fraudulent return or statement for the purpose of evading the payment of any taxes imposed by this Act shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than Five Hundred Dollars, and any person responsible for making such false or fraudulent return shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than One Hundred Dollars nor more than Five Hundred Dollars, or by imprisonment for not less than six months nor more than one year, or by both such fine and imprisonment.

Sec. 9. It is hereby declared to be the intent and purpose of this Act to impose a tax upon every gallon of oil coming within the schedule provided in section two hereof, and at the rate therein specified, where such oil is stored, shipped or offered for original sale by any oil company, as in this Act defined, to any selling agent, retailer or consumer; but nothing in this Act contained shall be construed so as to impose a tax upon any oil more than once, nor upon any oil reshipped and sold within the State, or used by any such oil company in the course of its business within the State. Any oil company which has been assessed and has paid any tax upon oil afterwards used by it in the course of its business, or shipped out of the State, shall be allowed a rebate of the amount of the same on the approval of an application therefor to the Tax Commissioner, said rebate to be paid out of the State Treasury or the warrant of the State Auditor drawn in accordance with the certificate of the Tax Commissioner, that such rebate has been approved, or the amount of such rebate may be credited to such oil company, and deducted from its next assessment, at the option of such company, as expressed in its application for such rebate.

Sec. 10. If any retail dealer or distributor of any of the products enumerated herein and subject to a tax hereunder shall at any time mix or blend any such products, and offer such mixture for sale, such dealer or distributor shall pay to the State, in the manner hereinelsewhere provided for the payment of taxes upon such products, the taxes due as provided in section two hereof; and any such dealer or distributor shall keep conspicuously displayed upon any tank wagon or other vehicle used for such distribution, or in his place of business, a sign, printed in black letters not less than three inches high on a white surface, which shall designate the kind or kinds of mixture or substitute offered for sale. Any such dealer or distributor who fails to conform with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than One Hundred Dollars for each offense, and in addition thereto shall pay to the State the tax required by the provisions of this Act, together with a penalty of fifty percent thereof for the violation of the provisions of this section,

said tax and penalty to be ascertained, assessed, certified and collected in the manner provided in Section seven hereof.

Sec. 11. Any oil company, directly through any agent selling or offering for sale any mixture of or substitute for straight-run gasoline, as defined in this Act, without clearly designating the kind and quality of such mixture or substitute, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than Five Hundred Dollars; and in addition thereto shall pay to the state a penalty of fifty percent of the taxes due upon such mixture or substitute under the provisions of this Act, said tax and penalty to be ascertained, assessed, certified and collected as provided in section seven hereof.

Sec. 12. For the purposes of this Act and the taxes herein imposed all cars, transmission lines, tanks, tank wagons, distributing stations, filling stations and oil in storage or in transit, owned and operated by any oil company and situated within the State, or partly within and partly without the State, are hereby declared to have a situs in the State.

Sec. 13. All administrative, special and general provisions of law, including the oil inspection laws and the general tax laws of the state and not inconsistent with the provisions of this Act are hereby extended and made applicable to all the provisions of this Act, and the taxes herein imposed.

Sec. 14. All taxes imposed under the provisions of this Act upon petroleum products shall be in lieu of all other state or local taxes upon such products.

Sec. 15. All moneys collected under the provisions of this Act shall be paid into the State Treasury, to be used for the defraying of the general expenses of the State government.

Sec. 16. If any section, paragraph, clause, sentence or part of this Act shall by any court of competent jurisdiction be declared unconstitutional, such decision shall not affect or impair the validity of any other section, paragraph, clause, sentence or part thereof, but shall be confined to the particular section, paragraph, clause, sentence or part involved in the case in which such decision was rendered.

Sec. 17. All Acts, and parts of Acts insofar as inconsistent with the provisions of this Act, are hereby repealed.

Sec. 18. 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, 1919.

## CHAPTER 228.

(S. B. No. 42—Taxes and Tax Laws Committee.)

## SURVEY OF RAILWAY RIGHT OF WAY.

An Act Providing for the Survey and Platting of Portions of Railway Right of Way for the Purpose of Taxation When Such Property is Used for Any Purpose Other than the Operation of a Railroad Thereon.

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

Sec. 1. SURVEY AND PLATTING OF PORTIONS OF RAILWAY RIGHTS OF WAY.) When any railroad allows any portion of its roadway to be used for any purpose other than the operation of a railroad thereon, and such part so used is located on lands which can be described only by metes and bounds, the County Auditor of the county in which such lands are located or the State Tax Commission may request such railroad company, in writing, to survey and plat such lands and file such plat with the County Auditor. If such railroad company shall fail to cause such plat and survey to be made and filed within thirty days after such request, the County Auditor or Tax Commission shall cause the said survey to be made and such land platted and the expense thereof shall be paid by such Railroad Company and, if not paid, the same shall be added to the tax against such lands and collected in the same manner as other real estate taxes are collected.

Approved February 14, 1919.

## CHAPTER 229.

(S. B. No. 40—Taxes and Tax Laws Committee.)

## REVENUE AND TAXATION AND FIXING SITUS OF PERSONAL PROPERTY FOR TAX PURPOSES.

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

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

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

Sec. 2095. Except as otherwise provided in this Chapter, personal property shall be listed and assessed in the county, town or district where the owner or his agent resides; the capital stock, bond issues and franchises of corporations and all mortgages, notes, bills payable and other intangible property of a person or corporation shall be listed in the county, town or district where the principal office or place of business of such corporation or person is located in this State; and if there be no principal

office, or place of business in this State, where such corporation or person transacts business, then personal property pertaining to the business of such person or corporation shall be listed in the town or district where the business is carried on or where the property upon which debts payable to him or it exists. The taxation and revenue laws of this State shall apply with equal force to all property and business and all increase or profit therefrom, though the owners or recipients of the same may have or claim domicile elsewhere, the intent and purpose of this Act being that all property or interest in property within the State, or income or profit derived therefrom, shall be subject to all the taxes imposed by the laws of the State whether the owner of such property or the person receiving such income or profit reside within the State or elsewhere; and all bills receivable, obligations or credits secured by or upon any property existing within the State, including the shares of stock and bonds of corporations organized or doing business in the State or owning property therein, shall be taxable at the residence of the holders of such obligations within the State, if such residence there be, or otherwise the tax shall be deductible upon such obligations in the hands of the debtor or his agent, or the agent of the creditor within the State; and in every case where the tax is due and unpaid it shall constitute a first lien upon the property upon which such obligation is secured, and a part of such obligation, which shall be satisfied in any action for the enforcement of such obligation, and the amount of the tax withheld and paid to the State, and deducted from the amount awarded to the judgment creditor in such action; provided, that no insurance company paying the State a percentage of its gross premiums received in the State shall be subject to the provisions of this Act.

Sec. 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 6, 1919.

#### CHAPTER 230.

(H. B. No. 24—Krueger.)

#### SPECIAL ASSESSMENTS—COURTS TO REVIEW LEVY AND APPORTIONMENT

An Act Authorizing the Courts to Review the Levy and Apportionment of Special Assessments.

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

1. That in all actions and proceedings involving the validity or apportionment of any special assessment for local or special improvements where the statute limits such special assessment to the special benefits accruing to the property, the courts shall review the levy and apportionment of such special assessments.



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

3. EMERGENCY.) Whereas an emergency exists in that the courts do not now review the levy and apportionment of special assessments, and whereas, it is necessary for the immediate preservation of public peace, health and safety, that immediate relief be given; therefore, 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 14, 1919.

#### CHAPTER 231.

(S. B. No. 174—McCarten.)

##### TOWNSHIP TAXES.

An Act to Amend Section 2151 of the Compiled Laws of North Dakota for the Year 1913, Providing for Raising Funds at the Annual Township Meeting for all Township charges and Necessary Expenses, for the Support of the poor and for the Construction and Repair of Roads and Bridges, and Providing the Manner in Which Said Taxes May Be Expended, and Fixing the Limit that May Be Levied for Road and Bridge Purposes, and Prescribing the Manner in Which all Township Taxes Shall Be Levied.

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

Sec. 1. AMENDMENT.) Section 2151 of the Compiled Laws of North Dakota for the year 1913 be, and the same is hereby amended and re-enacted so as to read as follows:

Sec. 2151. The electors of each township have power at the annual meeting to vote to raise such sums of money for the repair and construction of bridges, for the support of the poor, and for all township charges and necessary expenses, as they deem expedient; provided, that they may, at their annual meeting, direct such an amount of the poll or road tax of the township to be expended on the highways in an adjoining township, as they deem conducive to the interests of the township, which labor and tax shall be expended under the joint direction of the supervisors of the township interested furnishing the same; provided, further, that where more than one entire congressional township is included within an organized township, the poll and road taxes raised within the limits of each of such congressional townships shall be expended within such congressional townships, unless raised to be expended outside of such organized townships in an adjoining township; provided, further, that the amount of tax for road purposes shall not exceed eight mills, and for bridge purposes shall not exceed four mills, and that the levy of all township taxes shall be in the manner prescribed in Section 2148, and that the township clerk shall notify the County Auditor of all such levies as provided in Section 4237; provided, further, that none of the provisions of this section shall be construed as



conflicting with the provisions of Article 9, Chapter 19, of the Political Code (Section 2004-2034 herein); provided, also, that the Board of County Commissioners shall have the same jurisdiction in relation to roads and bridges, and the same power to levy road taxes on organized parts of counties, as the township supervisors now have in organized townships.

Sec. 2. REPEAL.) All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 3. EMERGENCY.) Whereas an emergency exists in that the amount allowed to be levied for bridge purposes at the annual township meeting is inadequate and it being necessary for the preservation of the public health, peace and safety that this Act shall take effect and be in force prior to the date of the annual township meeting; therefore, this Act shall take effect and be in operation from and after its passage and approval.

Approved March 7, 1919.

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## TAXES

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### CHAPTER 232.

(S. B. No. 153—Whitman.)

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#### PROPERTY SOLD TO STATE OR COUNTY FOR TAXES.

An Act to Amend and Re-enact Section 2306 of the Compiled Laws of North Dakota for the year 1913, Relating to Property Sold to the State or County for Taxes.

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

Sec. 1. AMENDMENT.) That Section 2306 of the Compiled Laws of North Dakota for the year 1913, be and the same hereby is amended and re-enacted to read as follows:

Sec. 2306. COUNTY COMMISSIONERS TO INSTITUTE AND CONDUCT PROCEEDINGS.) The Board of County Commissioners in any county in this State is hereby authorized to cause the proceedings hereinafter provided to be instituted and conducted, whenever in the judgment of said board it is advisable to do so, provided, however, that such proceedings shall be instituted at least once in three years. Whenever the Board of County Commissioners desire such proceeding to be instituted, it shall, at some regular meeting, pass a resolution to that effect and the proceedings hereinafter provided shall be thereupon instituted forthwith.

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

Approved March 7, 1919.

## CHAPTER 233.

(H. B. No. 180—Renauld.)

## REDEMPTION OF LAND SOLD FOR TAXES.

An Act to Amend and Re-enact Section 2223 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Redemption of Land Sold for Taxes.

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

Sec. 1. AMENDMENT.) That Section 2223 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

Sec. 2223. NOTICE OF EXPIRATION OF REDEMPTION. CERTIFICATE HOLDERS. AUDITOR.) Every person holding a tax certificate shall, at least ninety days before the expiration of the time for the redemption of the lands therein described, present such certificate to the County Auditor and thereupon the Auditor shall prepare, under his hand and official seal, a notice to the person in whose name such lands are assessed, specifying the description of such lands, the amount for which the same were sold, the amount required to redeem such lands from sale, exclusive of the costs to accrue upon such notice, and the time when the redemption period will expire, which notice the Auditor shall cause to be delivered to the Sheriff or his deputy who shall serve it personally upon the owner, if known to be a resident of the State, but which may, if the owner be a non-resident, be given by registered letter, addressed to such owner at his last known postoffice address, and by publication once in each week for three consecutive weeks, in some newspaper printed and published in the county where such lands are situated, if there be one; if none, then in some newspaper printed and published at the Capital of the State, and in case the property covered by such certificate is occupied, then service of such notice shall, in addition to the foregoing provision, be made upon the person in possession thereof. Proof of notice herein provided for must be filed in the office of the County Auditor prior to the maturing of such certificate, and no deed shall issue until such proof has been duly filed. The fees for serving and the printers' fees for publishing such notice shall be added to the amount required to redeem such land and shall be paid by the party offering to redeem such land before any certificate of redemption shall be issued. In case of failure on the part of the holder of any tax certificate to present the same to the Auditor at the time hereinbefore provided, the same may be so presented at any time within three years thereafter, and thereupon such notice shall be issued and served as hereinbefore provided, and the time for redemption of such lands shall expire ninety days after such notice; provided, that the county shall not be liable for any expense incurred under the provisions of this section. Provided, further, that said

tax certificates, also any subsequent taxes paid by the holder thereof, shall continue to draw interest until said taxes are paid or redeemed. Provided, further, that in case said tax certificate should for any reason be declared void the interest thereon shall cease from and after three (3) years from the date of such certificate.

Approved March 7, 1919.

## TELEPHONE COMPANIES

### CHAPTER 234.

(H. B. No. 111—L. H. Larson.)

#### MUTUAL TELEPHONE COMPANIES

An Act Defining Mutual Telephone Companies, Placing Same Under Control of Railroad Commissioners and Providing for Certain Rules and Conditions Governing Same.

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

Sec. 1. MUTUAL TELEPHONE COMPANIES DEFINED.) The words "Mutual Telephone Company" as used in this Act shall mean any number of persons, numbering fifteen or more, associated in a company or corporation engaged in the business of furnishing communication by telephone within the State of North Dakota, primarily for their own convenience and not for profit, the expenses of such company or corporation being met by assessments on the individual members except as herein provided.

Sec. 2. MUTUAL TELEPHONE COMPANIES DECLARED TO BE COMMON CARRIER.) Mutual Telephone Companies when their line or lines are of Standard construction with either grounded circuit or metallic circuit, and equipped with standard instruments are hereby declared to be common carriers and as such shall come under Chapter 209 of the Compiled Laws of 1915 except as herein provided.

Sec. 3. ASSESSMENTS.) It shall be the duty of any Mutual Telephone Company to make assessments sufficient to meet the expenses of the system and to provide a sinking fund sufficient to cover depreciation.

Sec. 4. EXTENSION OF LINE AND SYSTEM.) Mutual Telephone Companies shall be deemed established for the community in which the system is built, and the by-laws of such companies shall make provisions for toll stations for taking on new members and for taking on transient persons as renters; provided, however, the number of such renters' telephones shall not exceed one-fourth the entire number of telephones in the system.

Sec. 5. UNNECESSARY DUPLICATION, ETC.) Section 10 of the Compiled Laws of 1915 shall not be construed as prohibiting

Mutual Telephone Companies or corporations, with lines in rural sections from making physical connections with the telephone systems of two or more towns, villages, or cities, through such lines, as the benefits to its members may merit.

Sec. 6. PHYSICAL CONNECTIONS.) Any telephone company operating within a town, village or city shall not deny physical connection to any mutual telephone company operating in the community adjoining said town, village or city, nor shall any contract between any such companies abridge in any way the rights of either company to extend its lines or to make physical connection with any other telephone company.

Sec. 7. REPEAL.) All Acts or parts of Acts conflicting with the provisions of this Act, are hereby repealed, as far as they are inconsistent herewith; provided, however, that the provisions of this Act shall not abrogate any existing powers now in the possession of any town, village or city in this State.

Approved March 7, 1919.

## USURY

### CHAPTER 235.

(H. B. No. 2—Miller.)

#### PENALTY FOR USURY.

An Act to Amend and Re-enact Section 6076 of the Compiled Laws of the State of North Dakota for the Year 1913, Relating to Penalty for Usury.

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

Sec. 1. AMENDMENT.) That Section 6076 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted so as to read as follows:

Sec. 6076. PENALTY FOR USURY.) The taking, receiving, reserving or charging a rate of interest greater than is allowed by Section 6073 and 6075 as amended by Chapter 176, Session Laws of the State of North Dakota for the year 1915 shall be deemed a forfeiture of the entire interest which the note, bill or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back in an action for that purpose twice the amount of interest thus paid from the person taking or receiving the same; provided, that such action is commenced within four years from the time the usurious transaction occurred. Any person whether in his own individual right or as the agent, servant or representative of any individual, firm or corporation, who shall violate the terms and provisions of Section 6072 or 6073, shall be guilty of a misdemeanor and upon conviction

thereof, shall be confined in the county jail not exceeding 90 days, and shall be fined in any sum not exceeding \$300.00 or may be punished by both such fine and imprisonment. The penal clause of this action shall be deemed and construed to be cumulative, and the civil action in this section provided for shall be in no wise altered or taken away by virtue of the clause in this section providing for the fine and imprisonment of persons guilty of violation of Section 6072 or Section 6073 hereof.

Sec. 2. REPEALING.) All Acts or parts of Acts conflicting with this Act are hereby repealed.

Approved February 14, 1919.

## VACCINATION

### CHAPTER 236.

(S. B. No. 31—Wenstrom.)

#### SCHOOLS—VACCINATION NOT NECESSARY.

An Act Making No Form of Vaccination or Inoculation a Condition Precedent to Admission to any Public or Private School or College, or the Exercise and Enjoyment of any Right or Privilege in this State; Repealing Section 425 of the Compiled Laws of North Dakota 1913 and Conflicting Provisions to this Act; Emergency.

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

Sec. 1. VACCINATION OR INOCULATION NOT TO BE MADE A CONDITION PRECEDENT.) No form of vaccination or inoculation shall hereafter be made a condition precedent, in this State, for the admission to any public or private school or college, of any person, or for the exercise of any right, the performance of any duty, or the enjoyment of any privilege, by any person.

Sec. 2. REPEAL.) Section 425 of the Compiled Laws of North Dakota is hereby repealed, as well as are all Acts and parts of Acts in conflict with the provisions of this Act.

Sec. 3. EMERGENCY.) An emergency is hereby declared to exist in that it is necessary to safeguard the health and welfare of the people of the State of North Dakota, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved February 14, 1919.



# VENEREAL DISEASES

## CHAPTER 237.

(S. B. No. 140—Public Health Committee.)

### VENEREAL DISEASES.

An Act Designating Venereal Diseases; Prohibiting Infected Persons from Exposing Others; Requiring Reports to Health Officers; Empowering Health Boards to Regulate, Make Rules to Regulate and Control Such Diseases and Providing Penalty and Repeal.

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

Sec. 1. That syphilis, gonorrhea and chainroid hereinafter designated as venereal diseases are hereby declared to be contagious, infectious, communicable and dangerous to the public health. It shall be unlawful for anyone infected with these diseases or any of them to expose another person to infection.

Sec. 2. Any physician or other person who makes a diagnosis in or treats a case of venereal disease, and any superintendent or manager of a hospital, dispensary, or charitable or penal institution in which there is a case of venereal disease, shall make a report of such case to the health authorities according to such form and manner as the State Board of Health shall direct.

Sec. 3. State, County and Municipal health officers, or their authorized deputies, within their respective jurisdictions are hereby directed and empowered, when in their judgment it is necessary to protect the public health, to make examinations of persons reasonably suspected of being infected with venereal disease, and to detain such persons until the results of such examinations are known, to require persons infected with venereal disease to report for treatment to a reputable physician and continue treatment until cured or to submit to treatment provided at public expense until cured, and also, when in their judgment it is necessary to protect the public health, to isolate or quarantine persons infected with venereal disease. It shall be the duty of all local and state health officers to investigate sources of infection of venereal disease, to co-operate with the proper officials whose duty it is to enforce laws directed against prostitution and otherwise to use every proper means for the repression of prostitution.

Sec. 4. All persons convicted of a crime or held in quarantine, under the provisions of this Act, who shall be confined or imprisoned in any State, county or city prison in the State shall be examined for and if infected, treated for venereal diseases by the health authorities or their deputies. The prison authorities of any state, county or city prison are directed to make available to the health authorities such portion of any state, county, or



city prison as may be necessary for a clinic or hospital wherein all persons who may be confined or imprisoned in any such prison and who are infected with venereal disease, and all such persons who are suffering with venereal disease at the time of the expiration of their terms of imprisonment, and, in case no other suitable place for isolation or quarantine is available, such other persons as may be isolated or quarantined under the provisions of Section 3, shall be isolated and treated at public expenses until cured, or, in lieu of such isolation any of such persons may, in the discretion of the Board of Health, be required to report for treatment to a licensed physician, or submit to treatment provided at public expense as provided in Section 3. Nothing herein contained shall be construed to interfere with the service of any sentence imposed by a court as a punishment for the commission of crime.

Sec. 5. The State Board of Health is hereby empowered and directed to make such rules and regulations as shall in its judgment be necessary for the carrying out of the provisions of this Act, including rules and regulations providing for the control and treatment of persons isolated or quarantined under the provisions of Section 3, and such other rules and regulations, not in conflict with the provisions of this Act, concerning the control of venereal diseases, and concerning the care, treatment and quarantine of persons infected therewith, as it may from time to time deem advisable. All such rules and regulations so made shall be of force and binding upon all county and municipal health officers and other persons affected by this Act, and shall have the force and effect of law.

Sec. 6. Any person who shall violate any of the provisions of this Act or any lawful rule or regulation made by the State Board of Health pursuant to the authority herein granted, or who shall fail or refuse to obey any lawful order issued by any state, county or municipal health officer, pursuant to the authority granted in this Act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not more than \$1000 or by imprisonment for not more than one year or by both such fine and imprisonment.

Sec. 7. All Acts or parts of Acts insofar as they conflict with the provisions of this Act are hereby repealed.

Sec. 8. EMERGENCY.) Whereas, it is necessary for the immediate preservation of the public peace, health and safety that this Act shall become effective without delay, there being at present no law covering such Acts and the lack of the same resulting in widespread vice and venereal disease, therefore, this Act shall be in full force and effect from and after its passage and approval.

Approved February 24, 1919.

## WARRANTY

### CHAPTER 238.

(H. B. No. 113—Judiciary Committee.)

#### FIXING TIME AND WARRANTY.

An Act Fixing the Time and the Manner of Warranty, and Making Contracts Made in Violation Thereof Void.

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

Sec. 1. REASONABLE TIME TO DISCOVER DEFECTS.) Any person, firm or corporation purchasing any gas or oil burning tractor, gas or steam engine, harvesting or threshing machinery for their own use shall have a reasonable time after delivery for the inspection and testing of the same, and if it does not prove to be reasonably fit for the purpose for which it was purchased the purchaser may rescind the sale by giving notice within a reasonable time after delivery to the parties from whom any such machinery was purchased, or the agent who negotiated the sale or made delivery of such personal property or his successor, and placing same at the disposal of the seller.

Sec. 2. PROVISIONS CONTRARY TO PRECEDING SECTION VOID.) Any provision in any written order or contract of sale, or other contract which is contrary to any of the provisions of this Act is hereby declared to be against public policy and void.

Approved February 26, 1919.

## WEIGHTS AND MEASURES

### CHAPTER 239.

(S. B. No. 27—McNair.)

#### LEGAL WEIGHTS AND MEASURES.

An Act Establishing Legal Weights and Measures for Commodities Bought, Sold, and Exchanged Within the State of North Dakota, Repealing Section 3006 of the Compiled Laws of 1913, Relating to and Defining the term "bushel" and providing penalties for the Violation Thereof.

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

Sec. 1. DRY MEASURE.) The standard measure of capacity for commodities sold by dry measure, shall be the bushel containing 2150.42 cubic inches. The half bushel, peck, half peck, quarter peck, quart and pint shall be derived by successively dividing that measure by two.

Sec. 2. LIQUID MEASURE.) The standard measure of capacity for liquids shall be the wine gallon, containing 231 cubic inches; and 31.50 gallons shall constitute a barrel, and 63 gallons a hogshead.

Sec. 3. LINEAL MEASURE.) The standard measure of length, from which all other measures of extension, lineal, superficial or solid, shall be derived, is the yard, of 3 feet, or 36 inches.

Sec. 4. HUNDREDWEIGHT.) In contracts for the sale of goods or commodities the term "hundredweight" shall mean 100 pounds avoirdupois.

Sec. 5. STANDARD WEIGHT OF BUSHEL, ETC.) In contracts for the sale of any of the following articles, the term "bushel" shall mean the number of pounds avoirdupois herein stated:

Alfalfa, 60 pounds.  
Apples, 50 pounds.  
Apples, dried, 28 pounds.  
Barley, 48 pounds.  
Beans, 60 pounds.  
Beans, White Runner Pole, 50 pounds.  
Beans, Broad Windsor, 47 pounds.  
Beans, Lima, 55 pounds.  
Blue Grass seed, 14 pounds.  
Bran, 20 pounds.  
Beets, 60 pounds.  
Buckwheat, 42 pounds.  
Broom corn seed, 30 pounds.  
Bromus inermis, 14 pounds.  
Corn, shelled, 56 pounds.  
Corn, Sweet, 48 pounds.  
Corn, in the ear, 70 pounds.  
Clover seed, 60 pounds.  
Coal, stone, 80 pounds.  
Chestnuts, 50 pounds.  
Cucumbers, 48 pounds.  
Carrots, 45 pounds.  
Cranberries, 36 pounds.  
Flaxseed, 56 pounds.  
Hempseed, 50 pounds.  
Hickory nuts, 50 pounds.  
Hungarian grass seed, 48 pounds.  
Lime, 80 pounds.  
Millet, 50 pounds.  
Oats, 32 pounds.  
Onions, 52 pounds.  
Onions, bottom sets, 32 pounds.  
Onions, top sets, 28 pounds.  
Orchard grass seed, 14 pounds.  
Potatoes, sweet, 46 pounds.  
Potatoes, Irish, 60 pounds.  
Peas, 60 pounds.  
Peanuts, 22 pounds.  
Peaches, dried, 28 pounds.

Pears, 45 pounds.  
Parsnips, 42 pounds.  
Plastering Hair, unwashed, 8 pounds.  
Plastering Hair, washed, 4 pounds.  
Rye, 56 pounds.  
Rapeseed, 50 pounds.  
Rutabagas, 52 pounds.  
Rhubarb, 50 pounds.  
Salt, 80 pounds.  
Speltz, 40 pounds.  
Sorghum seed, 57 pounds.  
Turnips, 60 pounds.  
Timothy seed, 45 pounds.  
Tomatoes, 50 pounds.  
Wheat, 60 pounds.  
Walnuts, 50 pounds.

Sec. 6. STANDARD MEASUREMENT OF WOOD.) In all contracts for sale of wood, the term "cord" shall mean 128 cubic feet of wood, in four-foot lengths; and if the sale is of "sawed wood," a cord shall mean 110 cubic feet when ranked, or 160 cubic feet when thrown irregularly or loosely into a conveyance for delivery to the purchaser; and if the sale is of "sawed and split" wood, a cord shall mean 120 cubic feet, when ranked, and 175 cubic feet when thrown irregularly and loosely in a conveyance for delivery.

Sec. 7. STANDARD WEIGHT OF COAL, CHARCOAL AND ICE.) In all contracts for the sale of coal, charcoal and ice the term "ton" shall mean 2,000 pounds. A sale of coal, charcoal and ice, except by weight is hereby prohibited.

Sec. 8. STANDARD WEIGHT OF FLOUR.) In all contracts for the sale of flour, the term "barrel" shall mean 196 net pounds avoirdupois.

Sec. 9. FRACTIONAL PARTS.) All contracts for the sale of a fractional part of a bushel, barrel, ton or cord of any article or commodity on which the legal weight or measurement per bushel, barrel, ton, cord, gallon or fractional parts has been established, shall require and mean a like fractional part of the legal and established weight or measurement per bushel, barrel, ton or cord.

Sec. 10. PENALTY FOR VIOLATION.) Whoever in buying shall take any greater number of pounds or cubic feet to the bushel, barrel, ton, cord, gallon or fractional part, as the case may be and as herein allowed and provided, or in selling shall give any less number shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more

than ninety (90) days in the county jail, and the cost of such proceeding.

Sec. 11. VARIATION.) The State Inspector of Grades, Weights and Measures shall establish uniform tolerance or reasonable variances to take care of unavoidable shrinkage and all scale variations in handling and weighing any of the articles mentioned in this Act.

Sec. 12. REPEALING CLAUSE.) Section 3006 of the Compiled Laws of North Dakota for the year 1913 and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Sec. 13. Whereas an emergency exists in this, there is no law in the State of North Dakota establishing a standard of weights and measures, an emergency is hereby declared to exist and this Act is necessary for the peace, happiness and welfare of the State and shall be in force and effect from and after its passage and approval.

Approved February 18, 1919.

#### CHAPTER 240.

(S. B. No. 26—Morkrid.)

##### SALE OF SMALL FRUIT

An Act to Regulate the Sale of Berries and Small Fruit and the Containers in Which They Are Sold and Providing Penalties for Violation Thereof.

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

Sec. 1. It shall be unlawful for any person to sell, offer for sale or give away any containers for the distribution of berries or small fruit in less quantities than one bushel unless said containers are of the capacity of one quart, one pint, one-half pint or multiples of a quart standard dry measure, and all sales of raspberries, blackberries, blueberries, currants, gooseberries, strawberries and similar berries, and all plums, cherries and similar small fruit in less quantities than one bushel shall be by dry measure or in containers as above specified. The possession of containers for berries or small fruit shall be presumptive evidence that they were to be used for distribution.

Sec. 2. In no case shall said containers be refilled for use in the sale of berries or small fruits of any kind whatsoever.

Sec. 3. Any person violating the provisions of this Act shall be guilty of a misdemeanor and punished by a penalty of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not less than Ten days nor more than Ninety days.

Sec. 4. Whereas an emergency exists in this, there is no law in the State of North Dakota regulating the sale of berries and



small fruits, an emergency is hereby declared to exist and this Act is necessary for the peace, happiness and welfare of the state and shall be in force and effect from and after its passage and approval.

Approved February 14, 1919.

#### CHAPTER 241.

(H. B. No. 42.—McLarty.)

##### STATE INSPECTION OF GRADES, WEIGHTS AND MEASURES.

An Act Designating the State Inspector of Grades, Weights and Measures, Sealer and Inspector of Weights and Measures; Prescribing His Powers and Duties; Defining the Standard of Weights and Measures; Providing Penalties and Repealing Sections 2998, 3001 and 3002 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Inspection and Sealing of Weights, Fixing Fees, Authorizing the Appointment of Deputy Inspectors and Providing for Their Compensation and Regulating the Use and Sale of Weights and Measures and Making an Appropriation.

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

Sec. 1. The State Inspector of Grades, Weights and Measures, hereinafter referred to as the Inspector, shall be the Inspector and Sealer of Weights and Measures and shall have supervision and control over all weights, weighing devices and measures in this State. He shall furnish bond in the sum of five thousand dollars and perform the services herein designated without additional compensation therefor.

Sec. 2. The Inspector of Weights and Measures shall appoint a Chief Deputy Inspector of Weights and Measures and such other deputy inspectors and employees as may be necessary to carry out the provisions of this Act, and fix their compensation. The Chief Deputy Inspector of Weights and Measures and all deputies shall give a bond in a sum to be fixed and approved by the Inspector. The Inspector shall provide for such examinations as he may deem necessary to determine the qualifications and fitness of deputy inspectors. All salaries and other expenses shall be paid by the Inspector out of the fees collected hereunder, provided, that the same shall not exceed the sum of Twenty Thousand Dollars per annum. There is hereby appropriated out of the moneys in the State Treasury not otherwise appropriated the sum of Ten Thousand Dollars for the purpose of carrying out the provisions of this Act, to be repaid to the State Treasury out of the fees collected hereunder.

Sec. 3. The Inspector shall prescribe and adopt such rules and regulations as he may deem necessary to carry out the provisions of this Act, and he may change, modify or amend any or all rules whenever deemed necessary, and the rules so made shall have the force and effect of law.



Sec. 4. The Inspector shall take charge of, keep and maintain in good order the standard of weights and measures of the State, and submit them to the Bureau of Standards at Washington, D. C., for certification when deemed necessary; and shall keep a seal so formed as to impress the letters "N. Dak." and the date of sealing upon the weights and measures that are sealed; and shall test, correct and seal, when found to be accurate, at least once every year and as much oftener as may be deemed necessary, all the copies of the standards used throughout the State for the purpose of testing and weighing or measuring apparatus used in the State, and keep a record thereof; shall have general supervision of the weights, measures and weighing or measuring devices offered for sale, sold or in use in the State; and shall, upon the written request of any person, or without such request test or calibrate weights, measures, weighing or measuring devices and instruments or apparatus used as standards in the State. He shall keep a complete record of the standards, balances and all testing and sealing apparatus owned by the State, and shall annually, during the first fifteen days of January, make a report of his actions to the Governor of the State.

Sec. 5. The Inspector or any deputy inspector shall have power to inspect and test all weights, scales, beams and measures of every kind, instruments and mechanical devices for measurement, and tools, appliances or accessories connected with any or all such instruments for measurement that are kept, offered or exposed for sale, or sold, or used or employed within this State by any person in determining the size, quantity, extent, area or measurements of quantities, things, produce, articles for distribution or consumption, offered or submitted by any person for sale, hire or reward; and shall, at least once in each year, and as much oftener as may be deemed necessary, see that the weights, measures and all apparatus used in the State are correct. In the general performance of this duty the Inspector or any deputy inspector may enter or go into and upon any stand, place, building or premises to stop any vendor, peddler, junk dealer, coal wagon, ice wagon, delivery wagon or any dealer whatsoever and require of him, if necessary, to proceed to some place which the Inspector or deputy inspector may specify for the purpose of making proper tests. Scales, weights, measure or weighing or measuring instruments that are found, upon inspection, to correspond with the standards in the possession of the department shall be sealed with proper devices to be approved by the commission. Any deputy inspector shall condemn, seize and destroy incorrect weights, measures or weighing or measuring devices, which, in the judgment of the department cannot be satisfactorily repaired, and such as are incorrect and yet may be repaired shall be marked as "condemned for repair" in the manner to be prescribed by the Inspector. The owners or users

of any scales, weights and measures, or weighing or measuring instruments which have been so disposed of shall have the same repaired or corrected within thirty (30) days, and the same shall not be used or disposed of in any way without the approval of the Inspector.

Sec. 6. All moneys collected by the department for special services, fees and penalties, shall be paid into the State Treasury of North Dakota, and credited to the State Public Grain Grading and Weighing Fund.

Sec. 7. The Inspector of Weights and Measures shall demand and receive for the inspection herein provided for and the furnishing to the person whose weights and measures are inspected, a certificate of such inspection, the following fees:

For inspecting and sealing railroad and track scales of capacity of twenty tons and upwards.....	\$3.00
For inspecting and sealing dormant scales, each.....	2.00
For inspecting and sealing movable platform scales.....	1.00
For inspecting and sealing beams weighing one hundred pounds and upwards.....	.25
For inspecting and sealing hopper scales, each.....	1.50
For inspecting and sealing counter scales, each.....	.25
For inspecting and sealing every patent balance, beam, steelyard or other instrument used for weighing other than the above enumerated, each.....	.25
For inspecting and sealing any two-bushel or one-bushel measure .....	.25
For inspecting and sealing any other dry measure, each.....	.10
For inspecting and sealing liquid measures of a capacity of five gallons or more, each.....	.25
For inspecting and sealing anything less than one gallon.....	.10
For inspecting and sealing liquid measures of less than five gallons and not less than one gallon.....	.15
For inspecting and sealing any board or cloth measures, each .....	.10

When the Inspector or his deputy shall find any of the instruments or articles used in weighing or measuring to be wrongly adjusted, misconstructured, out of repair, or in any other condition which can be remedied by him, it shall be his duty to correct such scale or measure and he shall collect for such service seventy-five cents per hour for the actual and necessary time consumed in making such corrections and just compensation for any material used in such correction.

Sec. 8. The word "person" shall be construed to mean person or persons, corporation, partnership, stock company, or the agent or employee thereof.

Sec. 9. All property, apparatus for weighing and measuring supplies, records and correspondence now in the possession of the State Treasurer of North Dakota, shall be transferred to the Commissioner of Weights and Measures, who shall then be-

come responsible to the State of North Dakota for the proper use and care of same.

Sec. 10. Any person who shall offer or expose for sale, sell or use, or have in his possession a false scale, weight or measure, or measuring or weighing device, or any weight or measure or measuring or weighing device which has not been sealed within one year, as provided by this law, or use the same in buying or selling of any commodity or thing; or who shall dispose of any condemned weight, measure, or weighing or measuring device, or remove any tag placed thereon by any authorized employee of the department, or shall sell or offer or expose for sale less than the quantity he represents; or sell or offer or expose for sale any such commodities in the manner contrary to law; or shall sell or offer for sale or have in his possession for the purpose of selling, any device or instrument to be used to, or calculated to, falsify any weight or measure, or shall refuse to pay any fee charged for testing and sealing or condemning any scale, weight or measure, or weighing or measuring device, shall be guilty of a misdemeanor and shall upon conviction be fined a sum not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days, and the costs of such proceeding. No scale, weight, measure or weighing or measuring device that has been sealed by the department shall be used, sold or exposed for sale until the fee charged for the service has been paid.

Sec. 11. Any person hindering, impeding or restricting in any way the Inspector or any deputy inspector while in the performance of their official duty shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty dollars (\$20.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten (10) days nor more than ninety (90) days for each offense.

Sec. 12. The said Inspector and all deputies under the provisions of this Act are hereby made special policemen and are authorized and empowered to arrest, without formal warrant, any violator of the statute, in relation to weights and measures, and to seize for use as evidence, and without formal warrant, any false weight, measure, or weighing or measuring device or package or kind of commodity found to be used, retained or offered or exposed for sale or sold in violation of the law.

Sec. 13. That Sections 2998, 3001 and 3002 of the Compiled Laws of North Dakota for the year 1913 and all other Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed and all Acts not in conflict shall remain in full force.

Sec. 14. Whereas it is necessary for the immediate preservation of public peace, health and safety that immediate relief

be given, an emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1919.

## WOLVES

### CHAPTER 242.

(S. B. No. 28—Jacobsen.)

#### WOLF BOUNTY.

An Act Providing for a Bounty for Wolves and Coyotes, Prescribing the Method for Payment, Making an Appropriation Therefor, Prescribing the Penalty for a Violation Thereof and to repeal Sections 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, Chapter 253 of the Session Laws of North Dakota for the year of 1917.

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

Sec. 1. STATE BOUNTY FOR WOLVES AND COYOTES.) For the purpose of encouraging the destruction of wolves and coyotes, a bounty shall be paid by the State of North Dakota, for each wolf or coyote killed, the sum of two dollars and fifty cents. Provided, that no bounty shall be paid for wolves killed by the Extension Division of the North Dakota Agricultural college, through the directors thereof co-operating with the Bureau of Biological Survey of the United States Department of Agriculture.

Sec. 2. SKINS TO BE EXHIBITED.) Any person killing any of the aforesaid animals, to obtain the bounty thereon, shall, within ninety days from the date of the killing, exhibit or cause to be exhibited the skins and skulls of said animal or animals, including the tail and the skin from the forehead, including both ears, to the County Auditor in the county in which said animal or animals were killed, and shall at the same time file with the Auditor an affidavit setting forth that he killed or caused to be killed the animal or animals from which the skin or skins were taken: that the same were killed within the bounds of the county to whose Auditor the same are presented.

Sec. 3. VERIFICATION.) The County Auditor shall, before issuing the certificate hereinafter provided for, require statements of two resident tax payers of the county that they are acquainted with the person presenting the skin or skins and that to the best of their knowledge and belief the animal or animals from which said skin or skins were taken were killed within the limits of said county.

Sec. 4. FRAUD PREVENTED.) The County Auditor shall thereupon call to his assistance either the County Treasurer, or, in his absence, the clerk of the district court, who being present, both



shall, in order to prevent fraud, minutely examine each skin presented; and should examination disclose that the scalps and ears belonging to such skins have not been severed, patched or punched, the County Auditor shall there, in the presence of the other officer above named, mark each ear by punching a hole one inch in diameter in the same, (and then re-deliver the skin or skins to the persons presenting the same) and shall at the time make out and deliver to the said person a certificate showing the number and kind of the skins so punched and the name of the person presenting, the fact of the filing of the affidavits herein provided for, and the examination made as required, said certificate to be duly signed by him in his official capacity, and attested by the officer acting with him; said County Auditor shall keep a record in a bound book of all skins so punched, showing the date, number and kinds, the names of the persons presenting them and the names of the witnesses, which book shall be an official record. The holders of the certificates issued under the provisions of this article to be deposited with the County Auditor of the county wherein issued, who shall on the first business day of each month forward all such certificates in his possession to the State Auditor for registration and payment as hereinafter provided. All services rendered by officials under this article to be without fee.

Sec. 5. DUTY OF COUNTY AUDITOR.) Should any county auditor or officer acting with him have reason to believe that any person presenting a skin or skins as above provided, has evaded the provisions of this article to obtain the bounty unlawfully, such officer shall require satisfactory evidence of the time, place and manner of the killing of said animal or animals.

Sec. 6. DUTY OF STATE AUDITOR.) It shall be the duty of the State Auditor upon the written order of the County Auditor to give the person presenting said order a warrant upon the State Wolf Bounty Fund, hereinafter provided for, in the amount required to compensate at the bounty prices by this article provided, for the number of animals mentioned in the order, taking the receipt on the back of the order of the person presenting, for the full amount received; and the State Auditor and the State Treasurer shall keep an account of all warrants so issued and paid and list them in their annual report to the Governor.

Sec. 7. SECRETARY OF STATE TO SUPPLY BLANKS.) The Secretary of State shall provide each County Auditor with the necessary blanks for the purpose of carrying into effect the provisions of this article.

Sec. 8. PENALTY FOR FORGERY.) Any person who shall falsely make, alter, forge or counterfeit any of said certificates or orders shall be deemed guilty of forgery, and any person who shall swear falsely to any affidavit provided herein, or procure the same to be done by another, with the intent of obtaining any one

of the said certificates or orders, shall be guilty of perjury; and any person convicted of any of the offenses declared in this section shall be punished by imprisonment in the State Penitentiary for a term of not less than one year nor more than five years. Any person or persons who shall patch up any skin or scalp, or who shall present any punched skin or scalp, with the intent to defraud the state, or any officer who shall sign any certificate herein provided for without first counting the skins, or shall intentionally evade any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in the county jail for a period of not exceeding three months, or by both such fine and imprisonment.

Sec. 9. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of \$40,000.00 or so much thereof as may be necessary for the payment of the bounty herein provided.

Sec. 10. REPEAL.) That Sections 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, of the Compiled Laws of North Dakota for the year of 1913 and Chapter 253 of the Session Laws of North Dakota for the year of 1917 are hereby expressly repealed.

Approved March 6, 1919.

## CHAPTER 243.

(S. B. No. 77—Ward.)

### DESTRUCTION OF WOLVES AND COYOTES

An Act Authorizing the Extension Division of the Agricultural College to Co-operate with the Bureau of Biological Survey, United States Department of Agriculture in Devising, Demonstrating and Putting in Operation Methods for the Destruction of Wolves, Coyotes and Other Noxious Predatory Animals, Providing Appropriation Therefor and Repealing all Acts and Parts of Acts in Conflict Herewith.

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

Sec. 1. METHODS OF EXTERMINATION.) The Extension Division of the North Dakota Agricultural College, through the directors thereof co-operating with the Bureau of Biological Survey of the United States Department of Agriculture, shall devise and demonstrate methods for the destruction of wolves, coyotes and other noxious predatory animals and shall, in carrying out provisions of this Act, cause such animals to be trapped, shot, poisoned or destroyed by any method which may be deemed advisable. No poison shall be distributed, under the provisions of this Act, unless public notice of the intention of the Extension Division to distribute such poison shall first be given in three regular consecutive weekly issues of a local newspaper having a distribution on the district in which such poison is to be spread.



Sec. 2. PROCESS OF EXTERMINATION.) The Extension Division of the North Dakota Agricultural College, co-operating with the Bureau of Biological Survey of the United States Department of Agriculture, shall put in operation said methods of extermination in order to destroy said noxious or predatory animals and is hereby authorized to employ such assistance, and purchase such equipment as may be required. Said Division is further authorized to carry on such work at such times and in such places as will tend to protect livestock, poultry and other property from said noxious or predatory animals. The said Division is further authorized to expend such sums as may be necessary in educational campaigns for the destruction of such noxious and predatory animals; provided, however, that the total of all expenditures made hereunder shall not exceed the appropriation herein made.

Sec. 3. APPROPRIATION.) There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, the sum of Ten Thousand Dollars for the biennium for the purpose of carrying out the provisions of this Act.

Sec. 4. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Approved March 7, 1919.

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## VETOS

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### CHAPTER 244.

(S. B. No. 176—State Affairs Committee)

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#### BOARD OF EXPERTS

An Act to Amend and Re-enact Section 10948 of the Compiled Laws of North Dakota for the Year 1913 as Amended by Chapter 33 of the Session Laws of North Dakota for the Year 1915.

#### VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 176, an Act to amend and re-enact Section 10948 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 233 of the Session Laws of North Dakota for the year 1915, without my approval for the following reasons:

1. That the Bill as amended fails to eliminate the duplication of work of the Board of Experts and the Board of Pardons as originally intended.

2. No provision is made to take care of the necessary expense for clerical assistance, etc., by reason of the additional

duties the measure would confer upon the Board of Pardons.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. AMENDMENT.) That Section 10948 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 233 of the Laws of North Dakota for the year 1915 is hereby amended and re-enacted to read as follows:

Sec. 10948. BOARD OF EXPERTS.) A member of the State Board of Control, chosen and designated by said board, the warden of the State Penitentiary, the prison physician, a chaplain of the State Penitentiary, and one other person to be chosen as a member at large by the State Board of Control shall constitute the Board of Experts whose duty it shall be to advise upon the application for discharge of the inmates of the Penitentiary, who may have been sentenced under the indeterminate sentence law, and also to advise upon the applications of the inmates of the Penitentiary, who may make application to be paroled as provided by law. The State Board of Control shall elect one of its members as well as the member at large to sit upon the Board of Experts at their first meeting in April and thereafter at the April meeting in each odd numbered year. The terms of these members of the Board of Experts shall be two years, commencing immediately after the April meeting of the Board of Control in the odd numbered years. The State Board of Control of State Institutions shall certify to the Governor and the State Auditor, the names of the members selected by them to act as members of the Board of Experts as soon as they are elected and have qualified as members thereof. The Board of Experts shall advise the Board of Pardons as to the date when an inmate should be paroled or discharged and shall keep a complete record of all findings and orders of the board. It shall be the duty of the Board of Experts to provide blanks to record applications and advise to the Board of Pardons rules and regulations to govern the conduct of the inmates applying for a parole and the manner in which they become eligible for discharge or parole. It shall be the duty of the Board of Experts to meet once in each month and to keep a complete record of all the inmates discharged or paroled and to make a biennial report to the proper Board of all inmates paroled or discharged by the Board of Pardons and statistics pertaining thereto.

Disapproved March 15, 1919.

## CHAPTER 245.

(S. B. No. 162—Committee on Public Printing)

## PUBLICATION COMMISSIONER'S PROCEEDINGS

An Act to Amend and Re-enact Section 3310 of the Compiled Laws of the State of North Dakota for the Year 1913.

## VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 162, an Act to amend and re-enact Section 3310 of the Compiled Laws of the State of North Dakota for the year 1913, without my approval for the reason that Senate Bills 157 and 158 sufficiently cover the subjects of these bills.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. Section 3310 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 3310. AMENDMENT. AUDITOR TO FURNISH COPY OF PROCEEDINGS.) The County Auditor shall make out a full and complete report of the proceedings of each regular and special meeting of the board, and transmit the same to the publishers of the official newspaper in said county for publication within one week from the time such proceedings are had.

Disapproved March 15, 1919.

## CHAPTER 246.

(S. B. No. 165—Public Printing Committee.)

## NEWSPAPERS QUALIFIED TO DO LEGAL PRINTING.

An Act to Repeal Sections 3173 and 3174 of the Compiled Laws of North Dakota for the Year 1913, Relating to Newspapers Qualified to do Legal Printing.

## VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 165, an Act to repeal Sections 3173 and 3174 of the Compiled Laws of North Dakota for the year 1913, relating to newspapers qualified to do legal printing, without my approval for the reason that Senate Bills 157 and 158 sufficiently cover the subjects of these bills.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. Sections 3173 and 3174 of the Compiled Laws of North Dakota for the year 1913 are hereby repealed.  
Disapproved March 15, 1919.

CHAPTER 247.

(S. B. No. 161—Committee on Public Printing.)

COUNTY OFFICIAL NEWSPAPERS.

An Act to Repeal Sections 3307 and 3598 of the Compiled Laws of North Dakota for the Year 1913.

VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 161, an Act to repeal Sections 3307 and 3598 of the Compiled Laws of North Dakota for the year 1913, without my approval for the reason that Senate Bills 157 and 158 sufficiently cover the subjects of these bills.

Respectfully,

LYNN J. FRAZIER,  
Governor

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

Sec. 1. Section 3307 of the Compiled Laws of the State of North Dakota for the year 1913 relating to county official newspapers, Section 3598 of the Compiled Laws of the State of North Dakota for the year 1913, relating to official newspapers, are and both of said sections be and the same are hereby repealed.

Disapproved March 15, 1919.

CHAPTER 248.

(S. B. No. 159—Public Printing Committee.)

PUBLICATION INSURANCE STATEMENTS.

An Act to Amend and Re-enact Section 4915 of the Compiled Laws of North Dakota for the Year 1913, Relating to Annual Statements of Insurance Companies and the Publication Thereof.

VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 159, an Act to amend and re-enact Section 4915 of the Compiled Laws of North Dakota for the year 1913, relating to annual statements of Insurance Companies and the publication thereof, without my approval for the reason that the emergency clause creates a conflict with the existing laws.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. AMENDMENT.) Section 4915 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 4915. ANNUAL STATEMENT. PUBLICATION THEREOF.) Every insurance company doing business in this state must transmit to the Commissioner of Insurance a statement of its condition and business for the year ending on the preceding thirty-first day of December, which shall be rendered not later than the first day of March in each year. Foreign Insurance Companies shall have until the following first day of December to transmit their statement of business, other than that taken in the United States. It shall be the duty of the Insurance Commissioner upon the date of the receipt of any such statement to stamp thereon the date of the receipt of such statement in his office, and the Insurance Commissioner is hereby prohibited from receiving such statement from any company after the day which is herein designated for the filing of such statement, unless the same be accompanied by the penalty by law provided for each day's delinquency in filing such statement. Such statement must be published at least three times in two official newspapers of general circulation printed and published in each judicial district of the state in which such insurance company shall have an agency; provided, that the statements of state, county and town mutual insurance companies need only be published once in the official newspaper of the county wherein such company does business. Statements for publication shall be made out on blanks furnished by the Commissioner of Insurance and the certificate of authority of the Commissioner of Insurance for the company to do business in this State shall be published in connection with such statement. Proof of publication shall be filed with the Commissioner of Insurance in all cases within four months from the time of such filing of the annual statement. The state publication and printing commission shall select the two official newspapers of general circulation published in each judicial district in which such statements shall be published, and the publication fee shall be the legal rates for publishing legal notices.

Sec. 11. An emergency is hereby declared to exist; therefore this Act shall take effect and be in force from and after its passage and approval.

Disapproved March 15, 1919.

## CHAPTER 249.

(S. B. No. 160—Committee on Public Printing)

## PUBLICATION COMMISSIONERS' PROCEEDINGS

An Act to Amend and Re-enact Section 3308 of the Compiled Laws, State of North Dakota, for the Year 1913.

## VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 160, an Act to amend and re-enact Section 3308 of the Compiled Laws, State of North Dakota, for the year 1913, without my approval for the reason that the emergency clause creates a conflict with the existing laws.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. Section 3308 of the Compiled Laws of the State of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 3308. PROCEEDINGS OF BOARD TO BE PUBLISHED. LEGAL RATES THEREFOR. AMENDMENT.) It shall be the duty of the board to cause to be published in the official newspaper published in its county a full and complete report of all its official proceedings at each regular and special meeting, such proceedings to be published as soon after each meeting as practicable, and the board shall pay for such publication seven cents per counted line of nonpareil type for the first insertion, and four cents per line of nonpareil type for each subsequent insertion; or five cents per counted line of brevier type for the first insertion and three cents per line of brevier type for each subsequent insertion. All tabulated matter which shall consist of at least three justifications in each line shall be computed at double the rates for straight matter. A line shall be construed to mean thirteen ems pica in length. In case there is no newspaper published in the county the board shall cause such proceedings to be published in such newspaper in the same judicial district as has general circulation in said county, and shall also cause such report to be posted in three public places in the county, one of which places shall be in the office of the County Auditor.

Sec. 2. An Emergency is hereby declared to exist and this Act shall be in force and take effect from and after its passage and approval.

Disapproved March 15, 1919.



## CHAPTER 250.

(S. B. No. 175—State Affairs Committee)

## STATE TROLLEY LINE.

An Act Amending and Re-enacting Section 1804 of the Compiled Laws of 1913, Relating to the State Trolley Line, the Management, Maintenance and Operation of the Same and Prescribing the Duties of the State Industrial Commission in Respect Thereto, and Repealing all Acts and Parts of Acts Inconsistent Therewith.

## VETO

March 15, 1919.

To the Honorable Secretary of State:

I file herewith Senate Bill No. 175, an Act amending and re-enacting Section 1804 of the Compiled Laws of 1913 relating to the State Trolley Line, the management, maintenance and operation of the same and prescribing the duties of the State Industrial Commission in respect thereto, and repealing all Acts and parts of Acts inconsistent therewith, without my approval for the reason that in my opinion the management of the state trolley line should remain in the hands of the Board of Control and for the further reason that Senate Bill 53 provides for the extension and control of the line.

Respectfully,

LYNN J. FRAZIER,  
Governor.

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

Sec. 1. Section 1804, Compiled Laws of 1913, is hereby amended and re-enacted so as to read as follows: The State Industrial Commission is hereby authorized to maintain, operate, superintend and control the electric trolley line or railway from the Capitol Building to over and upon the public streets of the City of Bismarek, from the Capitol Building thereto and from the Capitol Building to the State Penitentiary and to the railroads or railroad yards or depots of the railways now existing to and through the City of Bismarek. The said Industrial Commission shall be authorized and empowered to secure the necessary right of way if such be necessary for such trolley line or any extension thereof over the proper, most convenient and feasible routes and for that purpose the said Commission shall possess and have the power of eminent domain and the right to exercise the same in behalf of the state for the purposes herein prescribed in the manner as now provided by law. That the said Industrial Commission is herewith empowered to make any and all contracts necessary to maintain, operate and control said trolley line, to make any extensions thereto and to provide any and all necessary equipment therefor. The said Commission shall be further empowered to superintend, control, operate and make all neces-

sary repairs and improvements and extensions to the electric light and power plant now existing at the said Capitol, said Commission shall be authorized to select and appoint all necessary help and employees needed to operate, maintain and control and extend said trolley line, and it is hereby made the duty of the Warden of the State Penitentiary whenever requested by said Industrial Commission to place any available convicts, with proper guards therefor, at the disposal of the said Commission, to be used in performing labor required in connection with said trolley line and power plant. The power and authority herein granted to said Commission to contract or employ help shall not extend beyond the appropriations having been made therefor and in excess of the receipts received from the operation of such trolley line.

Sec. 2. The said Commission shall be further authorized to provide for the transportation of all freight and all other materials which require transportation to the State Capitol including coal or wood. It is hereby made the duty of any State Official who is required to disburse any State Funds in the transportation of freight or material of any kind for use by the State or any of its departments to cause the same to be transported over said trolley line subject to the rules and directions of said State Commission. Said Commission shall prescribe reasonable charges for services so rendered in this regard and the same shall be paid by the department or departments or officer or officers for whom such services are rendered. The said Commission shall have full power to otherwise operate and conduct such trolley line and the transportation of passengers, freight or express for the public at large in such manner as to render the highest efficient service to the public, and to prescribe reasonable charges for so doing.

Sec. 3. That all moneys appropriated and received in connection with the operation of said trolley line shall be kept in a separate fund to be known as the Trolley Line Fund and all disbursements in connection with this Act shall be made out of such Fund.

Sec. 4. REPEAL.) All Acts and parts of Acts in conflict herewith are hereby repealed.

Disapproved March 14, 1919.

## AMENDMENTS TO THE CONSTITUTION 1918

Statement of the State Board of Canvassers as to the vote cast on Constitutional Amendments at the General Election held November 5th, 1918.

We, the undersigned, John Steen, State Treasurer; Thomas Hall, Secretary of State; Carl R. Kositzky, State Auditor; William Langer, Attorney General, and N. C. MacDonald, Superintendent of Public Instruction, constituting the State Board of Canvassers for the general election held on November 5th, 1918, hereby certify that the following Constitutional and Statutory Amendments, submitted by the legislature, were adopted as indicated by the statement following each of such Constitutional and Statutory Amendments as hereinafter set forth.

### ARTICLE XXIII.

Sec. 135. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer; provided, any co-operative corporation may adopt by-laws limiting the voting power of its stockholders.

Yes.....49,392

No.....32,053

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

### ARTICLE XXIV.

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

Yes.....52,475

No.....30,257

A majority of the voters voting on said proposed amendment, having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

## ARTICLE XXV.

To amend Section 89 by adding the words: Provided, however, that in no case shall any legislative enactment or law of the State of North Dakota be declared unconstitutional unless at least four of the judges shall so decide.

Shall Section 89 of the Constitution of the State of North Dakota be amended to read as follows:

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

Yes .....52,678

No.....28,846

A majority of the voters voting on said proposed amendment having voted in favor of the adoption of the said amendment, the said proposed amendment is hereby duly declared carried and adopted, approved and ratified.

## STATEMENT OF THE STATE BOARD OF CANVASSERS

As to the Vote Cast on Initiated Constitutional and Statutory Amendments at the General Election Held November 5, 1918.

We, the undersigned, Carl R. Kositzky, State Auditor, William Langer, Attorney General, and N. C. MacDonald, Superintendent of Public Instruction, constituting the majority of the State Board of Canvassers, for the general election held on November 5, 1918, hereby certify that the foregoing abstract of votes cast for and against the Constitutional and Statutory Amendments, initiated by petition and voted for at the said general election, together with the titles of each and every proposed Constitutional and Statutory Amendment, initiated by petition and the votes cast for and against each; and further, that the following Constitutional and Statutory Amendments, initiated by petition, were adopted as indicated by the statement following each of such Constitutional and Statutory Amendments, initiated by petition, as hereinafter set forth.

## CHAPTER XXVI.

Sec. 25 IN ARTICLE 2 AS AMENDED BY ARTICLE 15 OF AMENDMENT. The legislative power of this State shall be vested in a legislature consisting of a senate and a house of representatives. The people, however, reserve the power, first, to propose measures and to enact or reject the same at the polls; second, to approve or reject at the polls any measure or any item, section, part or parts of any measure enacted by the legislature.

The first power reserved is the initiative. Ten thousand electors at large may propose any measure by initiative petition. Every such petition shall contain the full text of the measure and shall be filed with the secretary of state not less than ninety days before the election at which it is to be voted upon.

The second power reserved is the referendum. Seven thousand Electors at large may, by referendum petition, suspend the operation of any measure enacted by the legislature, except an Emergency measure. But the filing of a referendum petition against one or more items, sections or parts of any measure shall not prevent the remainder from going into effect. Such petition shall be filed with the Secretary of State not later than ninety days after the adjournment of the session of the Legislature at which such measure was enacted.

Each measure initiated by or referred to the Electors, shall be submitted by its ballot title, which shall be placed upon the ballot by the Secretary of State and shall be voted upon at any state-wide election designated in the petition, or at any special election called by the Governor. The result of the vote upon any measure shall be canvassed and declared by the Board of Canvassers.

Any measure, except an Emergency Measure submitted to the Electors of the State, shall become a law when approved by a majority of the votes cast thereon. And such law shall go into effect on the thirtieth day after the election, unless otherwise specified in the measure.

If a Referendum Petition is filed against an Emergency Petition, such measure shall be a law until voted upon by the Electors. And if it is then rejected by a majority of the votes cast thereon, it shall be thereby repealed. Any such measure shall be submitted to the Electors at a special election if so ordered by the Governor or if the Referendum petition filed against it shall be signed by thirty thousand electors at large. Such special election shall be called by the Governor and shall be held not less than one hundred nor more than one hundred thirty days after the adjournment of the session of the Legislature.

The Secretary of State shall pass upon each petition, and if he finds it insufficient he shall notify the "Committee for the Petitioners" and allow twenty days for correction or amendment. All decisions of the Secretary of State in regard to any such petition shall be subject to review by the Supreme Court. But if the sufficiency of such petition is being reviewed at the time the ballot is prepared, the Secretary of State shall place the measure on the ballot and no subsequent decision shall invalidate such measure if it is at such election approved by a majority of the votes cast thereon. If proceedings are brought against any petition upon any ground, the burden of proof shall be upon the party attacking it.



No law shall be enacted limiting the number of copies of a petition which may be circulated. Such copies shall become a part of the original petition when filed or attached thereto. Nor shall any law be enacted prohibiting any person from giving or receiving compensation for circulating the petition, nor in any manner interfering with the freedom in securing signatures to petitions.

Each petition shall have printed thereon a ballot title which shall fairly represent the subject matter of the measure, and the names of at least five electors who shall constitute the "Committee for the Petitioners" and who shall represent and act for the petitioners.

All measures submitted to the Electors shall be published by the state as follows: "The Secretary of State shall cause to be printed and mailed to each elector a publicity pamphlet, containing a copy of each measure together with its ballot title to be submitted at any election. Any citizen, or the officers of any organization may submit to the Secretary of State, for publication in such pamphlet, arguments concerning any measure therein upon first subscribing their names and addresses thereto and paying the fee therefor, which, until otherwise fixed by the Legislature, shall be the sum of two hundred dollars per page."

The enacting clause of all measures initiated by the Electors, shall be: "Be it enacted by the people of the State of North Dakota." In submitting measures to the Electors, the Secretary of State and all other officials shall be guided by the election laws until additional legislation shall be provided.

If conflicting measures initiated by or referred to the Electors shall be approved by a majority of the votes cast thereon, the one receiving the highest number of affirmative votes shall become the law.

The word "measure" as used herein shall include any law or amendment thereto, resolution, legislative proposal or enactment of any character.

The veto power of the Governor shall not extend to the measures initiated by or referred to the Electors. No measures enacted or approved by a vote of the Electors shall be repealed or amended by the Legislature, except upon a yea and nay vote upon roll call of two-thirds of all the members elected to each house.

This section shall be self-executing and all of its provisions shall be treated as mandatory. Laws may be enacted to facilitate its operation, but no law shall be enacted to hamper, restrict or impair the exercise of the rights herein reserved to the people.

Yes.....47,447

No.....32,598

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said



proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXVII.

SECTION 67 IN ARTICLE 2.) No Act of the legislative assembly shall take effect until July 1st after the close of the Session, unless the Legislature by a vote of two-thirds of the members present and voting, in each house shall declare it an Emergency measure, which declaration shall be set forth in the Act; provided, however, that no Act granting a franchise or special privilege, or Act creating any vested right or interest other than in the State, shall be declared an Emergency measure. An Emergency measure shall take effect and be in force from and after its passage and approval by the Governor.

Yes.....46,121

No.....32,507

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXVIII.

SECTION 202 IN ARTICLE 15 AS AMENDED BY ARTICLE 16 OF AMENDMENTS.) Any amendment or amendments to the Constitution of the State may be proposed in either house of the Legislature, and if the same shall be agreed to upon roll call by a majority of the members elected to each house it shall be submitted to the Electors and if a majority of the votes cast thereon are affirmative, such amendment shall be a part of this Constitution.

Amendments to the Constitution of the State may also be proposed by initiative petition of the Electors; such petition shall be signed by twenty thousand of the Electors at large and shall be filed with the Secretary of State at least one hundred twenty days prior to the election at which they are to be voted upon, and any amendment or amendments so proposed shall be submitted to the Electors and shall become a part of the Constitution, if a majority of the votes cast thereon are affirmative. All provisions of the Constitution relating to the submission and adoption of measures by initiative petition and on referendum petition, shall apply to the submission and adoption of amendments to the Constitution of the State.

Yes.....46,329

No.....33,572

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amend-

ment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXIX.

SECTION 176, IN ARTICLE 11, AS AMENDED BY ARTICLE 20 OF AMENDMENTS.) Taxes shall be uniform upon the same class of property including franchises, within the territorial limits of the authority levying the tax. The Legislature may by law exempt any or all classes of personal property from taxation, and within the meaning of this section, fixtures, buildings and improvements of every character whatsoever, upon land, shall be deemed personal property. The property of the United States and of the State, County and Municipal Corporations, and property used exclusively for school, religious, cemetery, charitable or other public purposes, shall be exempt from taxation. Except as restricted by this Article, the Legislature may provide for raising revenue and fixing the situs of all property for the purpose of taxation. Provided, that all taxes and exemptions in force when this amendment is adopted shall remain in force until otherwise provided by statute.

Yes.....46,833

No.....33,921

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXX.

SECTION 177 IN ARTICLE 11.) The Legislature may by law provide for the levy and collection of an acreage tax on lands within the State in addition to the limitation specified in Section 174 in Article 11 of the Constitution. The proceeds of such tax shall be used to indemnify the owners of growing crops against damages by hail, provided that lands used exclusively for public roads, rights of way of common carriers, mining, manufacturing or pasturage, may be exempt from such tax.

Yes.....49,878

No.....31,586

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXXI.

SECTION 182 IN ARTICLE 12.) 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 mortgages upon real estate, in amounts not to exceed one-half of its value; or upon real or personal property of State owned utilities, enter-

prises 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 future 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 provisions, sufficient to pay the interest semi-annually, and the principal within thirty years from the passage of such law 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 purposes of repelling invasion, suppressing insurrection, defending the state in time of war or to provide for the public defense in case of threatened hostilities.

Yes.....46,275

No.....34,235

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

#### ARTICLE XXXII.

SECTION 185 IN ARTICLE 12 AS AMENDED BY ARTICLE 18 OF AMENDMENT.) The state, any county or city, may make internal improvements and may engage in any industry, enterprise or business, not prohibited by Article 20 of the Constitution, but neither the state nor any political subdivision thereof shall otherwise loan or give its credit or make donations to or in aid of any individual, association or corporation except for reasonable support of the poor, nor subscribe to or become the owner of capital stock in any association or corporation.

Yes.....46,830

No.....32,574

A majority of the voters voting on said proposed initiated amendment having voted in favor of the adoption of the said proposed initiated amendment, the said proposed initiated amendment is hereby duly declared carried and adopted, approved and ratified.

STATEMENT OF THE FINDINGS OF THE STATE BOARD  
OF CANVASSERS

As to the Vote on Legislative Enactments referred to the Electors at the Special Election held June 26th, 1919.

We, the undersigned, Thomas Hall, Secretary of State; Carl R. Kositzky, State Auditor; Obert A. Olson, State Treasurer; William Langer, Attorney General, and Minnie J. Nielson, Superintendent of Public Instruction, constituting the State Board of Canvassers, for the Special Election, held June 26th, 1919, do hereby certify that the foregoing abstract of votes, cast for and against Legislative Enactments referred to the electors, has been canvassed by us, and further that said abstract contains the title of each and every Legislative Enactment referred to the electors, to be voted upon at said election, and the votes cast for and against each; and that said Legislative Enactments were all adopted and approved, as indicated by the following statement as hereinafter set forth.

Senate Bill No. 157—State Publication and Printing Commission.

Yes—59364,

No—52450.

Senate Bill No. 134—Board of Administration,

Yes—59749,

No—51894.

Senate Bill No. 67—Tax Commissioner,

Yes—60412,

No—50316.

House Bill No. 123—Commissioner of Immigration.

Yes—59421,

No—52156.

House Bill No. 17—Industrial Commission,

Yes—61188,

No—50271.

House Bill No. 124—Judicial Districts,

Yes—60343,

No—49925.

House Bill No. 18—Bank of North Dakota,

Yes—61495,

No—48239.

We, the State Board of Canvassers, further certify that the vote cast for and against the said Legislative Enactments is

correct, as taken from and based upon the certified returns made by and received from the County Auditors of the several counties of the State.

IN TESTIMONY WHEREOF, We have hereunto set our hands, and the Secretary of State has affixed the Great Seal of the State, at the Capitol, in the City of Bismarck, this 18th day of July, 1919.

THOMAS HALL,  
Secretary of State.

CARL R. KOSITZKY,  
State Auditor.

OBERT A. OLSON,  
State Treasurer.

WILLIAM LANGER,  
Attorney General.

MINNIE J. NIELSON,  
Superintendent of Public Instruction.

#### REFERENDUM

Referendum petition containing more than 9000 signatures has been filed against HOUSE BILL NO. 100—COUNTY SEAT REMOVAL.

Said measure will be submitted to the electors at the next general election.

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