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Attorneys' Recommendations Enacted

North Dakota Law Review

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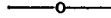
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over discipline, rules, or employment of union labor; but a strike is called for the sole purpose of compelling the employer to pay wages (the amount of which depended upon a controverted question of fact concerning the age of the worker); it is within the police power of a state to forbid the inducing of a strike.—*Dorchy vs Kansas*, 47 *Sup. Ct. Rep.* 86.



The Senate (or the House) has power, by attachment of the person, to compel a recalcitrant witness to appear and testify in an investigation to procure information reasonably necessary for the proper and efficient exercise of the legislative function. The resolution, under which the attachment issued, declared that the testimony was sought for the purpose of obtaining information necessary as a basis for such legislative and other action as the Senate may deem necessary and proper; and while there could be no "other action" within the power of the Senate, the inclusion of this "untenable suggestion" did not invalidate the proceeding.—*McGrain vs Daugherty*, 47 *Sup. Ct. Rep.* 319.

ATTORNEYS' RECOMMENDATIONS ENACTED

House Bill No. 138. Bill to amend Sections 10804 and 10805, C. L. 1913, relating to Peremptory Challenges in criminal cases, and providing that the State and Defendant shall be entitled to an equal number of peremptory challenges.

House Bill No. 136. Bill to amend Section 3382, C. L. 1913, relating to State's Attorney's Contingent Fund; providing that in each county having a population of 10,000 or less, the minimum amount required to be annually transferred to such fund shall be the sum of \$500.00 and a maximum of not more than \$1000.00; in counties having a population of more than 10,000, but not exceeding 20,000, a minimum of \$1000.00 and a maximum of \$1500.00; and in counties having a population of more than 20,000, a minimum of \$1500.00 and a maximum of \$2000.00.

House Bill No. 135. Bill to amend Section 10605, C. L. 1913, providing that in preliminary hearings the defendant shall only be entitled to have the testimony taken at the expense of the State in felony cases.

House Bill No. 128. Bill to amend Section 10833, C. L. 1913, defendants jointly charged with any crime, whether misdemeanor, or felony, may be separately tried in the discretion of the court.

House Bill No. 127. Bill providing increased penalties for habitual criminals as follows: (1) Any person convicted of a felony who has previously been convicted of two felonies in this, or any other State, shall be liable to a maximum punishment of imprisonment of twice the maximum sentence now prescribed by law for a first conviction of such offense; (2) Any person convicted of a felony who has previously been convicted of three or more felonies in this or any other State, shall be liable to the maximum punishment of imprisonment for life.

Senate Bill No. 62. Bill amending Section 10994, C. L. 1913, providing that all appeals in criminal cases must be taken from a judgment of conviction within 90 days, and from an order within 60 days; all such appeals must be completed and the record filed within 6 months, unless such time is extended for not more than 3 months by the district court upon application of the defendant after notice to

the State, or unless such time is further extended by the Supreme Court upon like application and notice.

Senate Bill No. 63. Bill amending Section 10766, C. L. 1913, providing that where a joint affidavit of prejudice is filed against the judge and county, a change of venue shall not be automatically granted, but instead, the judge shall be disqualified and a new judge called in to determine the application for a change of venue from the county on its merits.

Senate Bill No. 64. Bill amending Section 11002, C. L. 1913, defining the duties of the clerk of the district court, to require him to certify records to the Supreme Court within 10 days after the notice of appeal in a criminal case is filed.

NEW LAWS CARRYING EMERGENCY CLAUSES

SENATE BILLS

No. 2. Taking Judicial Notice of the Supplement to the Compiled Laws of 1913.

No. 6. Appropriation for Grand Forks Bridge across the Red River.

No. 7. Appropriation of certain moneys erroneously paid into General Fund.

No. 16. Appropriation from Penitentiary Revolving Fund for buildings.

No. 44. Appropriation for Bovine Tuberculosis indemnity.

No. 47. Labelling and branding of seeds offered for sale in North Dakota.

No. 57. New Seed and Feed law.

No. 67. Requiring that incontestable clause be included in provisions of Life Insurance policies.

No. 78. Appropriation for wolf bounty deficit.

No. 92. Amending and re-enacting Section 9688 of Compiled Laws of 1913 relating to racing of animals for wager.

No. 95. Appropriation for purchase of Compiled Laws for official use.

No. 97. Amending and re-enacting Section 7844 of Compiled Laws of 1913 relating to power of and proceedings had in Supreme Court on appeal.

No. 110. Providing for compulsory licensing of non-residents making auction sales within the state, penalty for violation.

No. 112. Appropriation for Department of Public Instruction deficit.

No. 113. Appropriation for Training School deficit.

No. 130. Providing for improvement of grounds, Roosevelt Cabin.

No. 146. Providing for development and leasing of State or School lands supposed to contain oil.

No. 150. Constitutes Board of Administration as State Library Commission.

No. 153. Makes unlawful false reading of Babcock test, penalty.

No. 219. Appropriation for loss of tools in Highway Commission fire.