

an anti-corporation farming law. This law was on the ballot at the primary election in June 1932.

The law as passed by the voters prohibited corporations from owning agricultural real estate or engaging in farming. It did, however, give corporations ten years to divest themselves of any farm land which they owned at the time the law was passed. It also gave a ten year period for corporations to get rid of any land that they acquired after passage of the law.

During the ten year grace period the general practice of corporations owning land was to rent it to operating farmers. However, they did not like the prospect of selling the land at the end of the grace period. Consequently, a bill to repeal the anti-corporation farming law was introduced in the 1941 session of the North Dakota Legislature.

The Greater North Dakota Association, North Dakota's affiliate of the National Chamber of Commerce, was the principal supporter of the bill to repeal the Anti-Corporation Farming Act. The North Dakota Farmers Union was the principal opposition. GNDA spokesmen and other supporters of the bill were claiming that Glenn Talbott, then president of the North Dakota Farmers Union, and the organization's legislative representative, Alex Lind, did not speak for a majority of Farmers Union members in opposing the bill. In order to set the record straight on this point, the North Dakota Farmers Union organized a march on Bismarck to coincide with the Senate hearing on the bill. Approximately 5,000 farmers, most of them Farmers Union members, appeared at the Capitol and asked to be admitted to the hearing. The assemblage of farmers clearly demonstrated to members of the legislature that the Farmers Union had majority support for its position and that it was the Greater North Dakota Association that was out of step with the people.

In response to the march of the 5,000, the 1941 bill to repeal the Anti-Corporation Farming Act was killed by the legislature on a committee recommendation. This legislative action did not end the efforts to have the Anti-Corporation Farming Act removed from the books. The next step was a challenge of the constitutionality of the law on the grounds that it deprived corporations of property without due process of law. On January 2, 1943, the North Dakota Supreme Court upheld the constitutionality of the Anti-Corporation Farming Act and stated that there could be no exceptions for colleges and hospitals. It said all corporations must dispose of their lands within the ten year period following enactment of the law or the date that the corporation acquired land if that was later.

The requirement that corporations divest themselves of agricultural lands was a real break for operating farmers. Elwin B. Robinson, in his book "History of North Dakota" writes, "The sale of corporation and government owned land decreased farm tenancy. For a long time in North Dakota the majority of farmers had owned some land and rented some. Seventeen percent of the farm land in 1940 was farmed by full owners, thirty-eight percent by tenants, and forty-four percent by part owners (those who owned some land and rented some). Twenty-two percent of the farm land by 1945 was being operated by full owners, twenty-two percent by tenants, and fifty-five percent by part owners, an important shift of land ownership to the farmers themselves."

The Greater North Dakota Association never gave up on its efforts to weaken or repeal the Anti-Corporation Farming Act. It was, in fact, joined over the years by the Farm Bureau and the Cattlemen's Association. Bills were introduced in the legislative sessions of 1959, 1961, 1963 and 1965. In each case, except in 1965, the bill was killed in its house of origin. The 1965 bill (SB 345) was an effort to slip in the back door. It would have provided legislative authority for common law trusts in North Dakota. Common law trusts created under the bill were to have all of the rights and powers of a corporation. When the bill was debated in the Senate it was indicated that some segments of North Dakota industry were much in need, or at least could be greatly benefited by this quasi corporate form of organization. Farmers Union's legislative representative became concerned and raised the question of whether common law trusts would be permitted to own land and engage in agriculture. The question had not been answered satisfactorily when the bill passed the Senate. However, when the House committee held hearings on the bill, Farmers Union asked that it be amended to prevent common law trusts from owning agricultural land or engaging in farming. A satisfactory amendment was adopted and at that point the chief supporters of the bill said they had no further interest in it.