

§ 21. REPEAL.] All acts and parts of acts inconsistent with this act, and especially Sections 50 to 59 inclusive of sub-chapter 1 of Chapter 112 of the Laws of 1883, being Sections 755 to 764 inclusive of the Compiled Laws of 1887, are hereby repealed.

§ 22. EMERGENCY.] Whereas, an emergency exists in this, that there is no adequate law for the suppression and prevention of infectious, contagious and epidemic diseases, and there is great danger of the introduction into and spread of such diseases in this State prior to July 1, 1893, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1893.

PUBLIC OFFICERS.

CHAPTER 91.

[H. B. No. 13.]

QUALIFICATIONS OF DEPUTY OFFICIALS.

AN ACT Prescribing the Qualifications of Deputies, Clerks and Employes of the State, County and Municipal Governments of and Within the State of North Dakota.

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

§ 1. OFFICIALS TO BE RESIDENTS.] That hereafter no person shall be employed as deputy, clerk or subordinate to any State, county or municipal officer, or as a member, officer or subordinate upon any official board of the State, or of any county, or any municipality in the State, who shall not be a *bona fide* resident of the State and who shall not be a citizen of the United States, or who if an alien over twenty-one years of age, shall not be either naturalized or shall have first declared his intention to become naturalized.

§ 2. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed in so far as they are inconsistent herewith.

Approved, February 27, 1893.

CHAPTER 92.

[S. B. No. 95.]

SALARY OF DISTRICT JUDGES.

AN ACT Fixing the Salaries of the Judges of the District Court.

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

§ 1. SALARY.] The judges of the district court of this State shall each receive a salary of three thousand five hundred dollars (\$3,500) per annum, payable quarterly.

§ 2. EMERGENCY.] An emergency exists in that no law has been passed pursuant to the Constitution fixing the salaries of the judges of the district court; therefore, this act shall take effect from and after its passage and approval.

Approved, March 2, 1893.

CHAPTER 93.

[S. B. No. 49.]

COMPENSATION OF LIEUTENANT GOVERNOR WHEN ACTING AS GOVERNOR.

AN ACT Prescribidg the Compensation of the Lieutenant Governor While Acting as Governor.

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

§ 1. COMPENSATION.] When the Lieutenant Governor acts as Governor he is entitled to receive, during the time he so acts, the compensation which the Governor, if acting, would be entitled to receive for such time; but during such time, he is not entitled, as Lieutenant Governor, to any other compensation.

Approved, March 6, 1893.

CHAPTER 94.

[H. B. No. 64.]

BONDS OF TOWNSHIP AND DISTRICT OFFICERS.

AN ACT to Amend Chapter 128, Laws of 1889, Being an Act to Provide for Filing Bonds of Township Assessors and Duties of Township Clerks.

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

§ 1. AMENDMENT.] That Chapter 128 of the Laws of 1889 be amended so as to read as follows:

§ 128. BONDS.] It shall be the duty of the county auditors in the State, on or before the first day of March in each year, to procure the proper blank bonds for all township or school district officers required to give bonds and send them to the town clerk of each township and clerk of each school district, and all such officers required by law to give bond, shall procure such bonds from the proper clerk; and shall immediately after execution and approval thereof, hand the same to the clerk of the township, whose duty it shall be to forthwith file said bonds except those of justices of the peace with the county auditor, and the county auditor shall on receipt thereof, examine such bonds and see that they are properly executed, and if he find that any bonds are not executed according to law he shall note thereon any errors and return them to the clerk for correction, and it is hereby made the duty of the clerk to have such bonds corrected forthwith and return same to the county auditor. The county auditor shall not issue any order upon the county treasurer for funds or money belonging to a civil township or school district to any person as treasurer of such township or school district until his bond has been filed as in this act provided.

§ 2. DUTY OF CLERK.] It shall be the duty of the clerk of the township to require all legally elected officers who accept the office to which they are elected to duly qualify within the time prescribed by law and in accordance with all other provisions thereof. If any clerk refuses or neglects to file the bonds of township officers as provided by this act he shall be liable to a fine of not less than \$10, nor more than \$50.

§ 3. FEE FOR FILING.] An appropriation of 50 cents for each bond required to be filed, shall be made by the township and paid to the county auditor for the proper filing and entering of such bond.

§ 4. REPEAL.] All acts or parts of acts in conflict with the provisions of this act, are hereby repealed.

§ 5. EMERGENCY.] Whereas, an emergency exists in that the election of township officers takes place the first Tuesday in March; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6 1893.

CHAPTER 95.

[H. B. No. 55.]

STATE EXAMINER.

AN ACT Providing for a State Examiner, Defining His Duties and Fixing His Compensation and Bond.

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

§ 1. APPOINTMENT—QUALIFICATIONS.] There shall be a State Examiner who shall be appointed by the Governor and confirmed by the Senate, who shall hold his office for the term of two years, and until his successor has been appointed and qualified, unless sooner removed as herein provided. The said Examiner shall be a skilled accountant, and an expert in the theory and practice of bookkeeping, and shall not be an incumbent of any public office in the State of North Dakota or any county, municipality or public institution therein, and shall not own, hold or control any stocks, capital or bonds, or the office of trustee, assignee, officer or employe of any banking, annuity, safe deposit, trust company, moneyed or savings institution or corporation created under the laws thereof. In case of vacancy or death, removal, resignation or otherwise, the Governor shall fill the same by appointment. The Governor is authorized to remove from office any State Examiner who violates, or fails to faithfully discharge the duties of his office, and to appoint his successor, who shall hold office until the end of the next Legislative Assembly, unless sooner removed as above provided.

§ 2. TO EXAMINE ACCOUNTS—PUBLIC OFFICERS.] The duties of the State Examiner are to examine at least once every year the books and accounts of the Secretary of State, State Auditor, State Treasurer, Clerk of the Supreme Court, Commissioner of Insurance, county treasurer, county auditors, and boards of county commissioners of each county, and such other county officers of any county, upon the request by the board of county commissioners.

§ 3. SUPERVISION—ACCOUNTS—PUBLIC INSTITUTIONS.] It shall be the duty of the State Examiner to assume and exercise constant supervision over the books and financial accounts of the several public, educational, charitable, penal and reformatory institutions belonging to the State; to prescribe and enforce correct methods of keeping financial accounts of the said institutions by himself or a duly appointed deputy, and instruct the proper officers thereof in the due performance of their duties concerning the same; to examine the books and accounts of all public institutions under the control of the State, and of all private institutions with which the State has any dealing, once in six months.

§ 4. FURTHER DUTIES.] It shall be his duty to order and enforce a correct, and as far as practicable, uniform system of book-keeping [by] State and county treasurers and auditors, so as to afford a suitable check upon their mutual action, and insure a thorough supervision and safety of the State and county funds. He shall have full authority to expose false and erroneous systems of accounting, and when necessary instruct or cause to be instructed State and county officers in the proper mode of keeping the accounts. It shall be the duty of the State Examiner to ascertain the character and financial standing of all present and proposed bondsmen of State and county officers. He shall require county treasurers as often as he shall deem necessary to make verified statements of their accounts and he shall personally or by duly appointed deputy visit said offices without previous notice to such treasurers, at irregular periods of at least once a year, or when requested by any board of county commissioners, and make a thorough examination of the books, accounts and vouchers of such officers, ascertaining in detail the various items of receipts and expenditures; and it shall be his duty to inspect and verify the character and amounts of any and all assets and securities held by said officers on public account, and to ascertain the character and amount of any commissions, percentages or charges for services exacted by such officers without warrant of law. He shall report to the Attorney General the refusal or neglect of State or county officers to obey his instructions, and it shall be the duty of said Attorney General to promptly take action to enforce compliance therewith. He shall report to the Governor the result of his examination, which shall be filed in the Executive office, as well as any failure of duty by any financial officers as often as he thinks required by the public interests, and the Governor may cause the result of such examinations to be published, or at his discretion to take such action for the public security as the exigencies demand; and if he should deem the public interests require it, he may suspend any such officer from further performance of duty, until examination be had, or such security obtained as may be demanded, for the prompt protection of the public funds.

§ 5. FISCAL AFFAIRS OF COUNTIES.] It shall be his duty, and he is hereby empowered and required, at the request of the county commissioners of any county in this State, to examine and audit, compare and correct any books, records, papers, securities or other documents necessary to be had in any pending settlement of the fiscal affairs, or any necessary correction of the records of any county in this State. And carrying out further the intent and meaning of this act, he shall have free access to all books, papers, records or other documents of any county in the State, found or deemed to be necessary, and he is hereby empowered to take the records of any one county in this State, to any other county in this State, when in his judgment it is deemed necessary, to com-

pare and correct the same. And all county officers in this State are hereby required and enjoined to assist said State Examiner in the discharge of his duties in all things which he may require of them as said county officers.

§ 6. EXAMINATION OF BANKS, ETC.] It shall be his duty to visit once in each year, without previous notice, each of the banks, banking corporations and savings banks incorporated under the laws of this State; insurance, annuity, safe deposit, loan or trust companies, and other moneyed corporations, and thoroughly examine into their affairs and ascertain their financial condition. It shall be the duty of such Examiner to carefully inspect and verify the validity and amount of the securities held by such institutions, examine into the validity of the mortgages held by savings institutions, and see that the same are duly recorded, and ascertain the amount of any discount or other banking transactions which he may deem foreign to the legitimate and lawful purposes of savings institutions. He shall inquire into and report any neglect or infringement of the laws governing such banking, annuity, safe deposit, trust companies, moneyed and savings institutions, and for such purpose shall have power to examine the officers, agents and employes thereof, and all persons doing business therewith. He shall forthwith report the condition of such corporations so ascertained, to the Governor, together with his recommendations or suggestions respecting the same, and the Governor may cause the same to be published, or in his discretion take such action as the exigencies may seem to demand.

§ 7. PUBLIC OFFICERS TO AFFORD AID.] All officers of the State and counties of the State, and all officers and employes of banking and other institutions mentioned in this act, must afford all reasonable facilities for the investigations provided for in this act, and all such officers, managers and employes must make returns and exhibits to the Examiner under oath in such form and in such manner as he may prescribe. And each and every person so required who shall refuse or neglect to make such return or exhibit, or to make or to give such information as may be required by said Examiner shall be deemed guilty of felony; and if any person in making such exhibit or giving such information or affording any statement required under this act, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of perjury and punished accordingly.

§ 8. OBSTRUCTION OF EXAMINER—PENALTY.] Every person or persons who shall wilfully obstruct or mislead the State Examiner in the execution of his duties as hereby prescribed, shall be subject to conviction and punished therefor in the same manner as is now provided for the conviction and punishment of persons obstructing or hindering any other officers, ministerial, judicial or executive, under the laws and authority of this State. And said Examiner shall have full power and authority for the various

purposes named, to examine any books, papers, accounts, bills, vouchers and other documents or property of any or all of the aforesaid State institutions, moneyed, banking, insurance, annuity, safe deposit, trust companies and moneyed or insurance corporations and county or State officers and custodians of any county or State funds; also to examine under oath any or all trustees, managers, officers, or employes or agents of said institutions and moneyed and savings corporations, and other persons in the control of or doing business with said moneyed or savings institutions, and the county and State officers and custodians of county and State funds aforesaid. Said Examiner is empowered to issue subpoenas and administer oaths in the same manner and with the same power to enforce obedience thereof in the performance of his said duties as belong and pertain to courts of law in this State, and any person refusing access by said Examiner to any such books or papers, or any trustee, manager, officer, agent, clerk, employe or other person aforesaid who shall obstruct such access or refuse to furnish any required information, or who shall in any manner hinder the thorough examination required by this act, of the officers, State, moneyed, banking, insurance, annuity, safe deposit, trust companies and savings institutions, or pertaining to the county and State officers aforesaid, shall be deemed guilty of felony, and shall be liable on conviction to a fine of one thousand dollars or imprisonment in the penitentiary for the term of one year. And when necessary the State Examiner shall employ stenographers or clerical help, the expense incurred therefor to be collected by the Examiner from the county or corporation in interest.

§ 9. REPORT—CONTENTS.] The State Examiner shall report to the Governor the result of his examinations on the first Monday in November of each year; he must also make a report upon any particular matter at any time when required by the Governor, and shall embody in such report an abstract of the condition and statistics of the several State institutions, and the county and State finances ascertained by him, which report shall be printed to the number of 500 copies and shall be included with other official reports in the volume of Executive Documents. The State Examiner shall perform such other duties as shall be prescribed by law.

§ 10. SALARY—DEPUTY—PENALTY FOR MALFEASANCE.] The only salary of the State Examiner for all services rendered in any capacity whatever shall be two thousand dollars per year, and his actual and necessary expenses incurred in the discharge of his official duties, to be paid by the State Auditor and Treasurer in the same manner as the salary and expenses of State officers are paid. He is authorized, with the approval of the Governor, to appoint a deputy, who shall receive an annual salary of eighteen hundred dollars and his actual traveling expenses, to be audited and approved, as hereinbefore stated, which sum shall be paid by the State Auditor and Treasurer in such manner as the salary and

expenses of State officers are paid. And if the said State Examiner shall directly or indirectly receive any compensation or pay for his services or extra services or neglect of service, other than is provided in this act, he shall be deemed guilty of felony, and on conviction thereof shall be subject to a fine not exceeding ten thousand dollars or imprisonment in the penitentiary for a term not exceeding ten years or both such fine and imprisonment.

§ 11. ATTORNEY GENERAL TO ASSIST—BOND OF EXAMINER.] It shall be the duty of the Attorney General and the states attorneys of the various counties in the State, when called on by the State Examiner to aid in the investigation of any matters needing legal advice or inquiry, and to supervise the prosecution of all offenders under the provisions of this act. The State Examiner must execute an official bond in the sum of \$25,000.

§ 12. REPEAL.] Chapters 124 and 125 of the Laws of 1887 and Chapter 116 of the Laws of 1890 are hereby expressly repealed.

Approved, March 10, 1893.

CHAPTER 96.

[S. B. No. 60.]

STATE TREASURER.

AN ACT Defining the Powers and Prescribing the Duties of the State Treasurer.

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

§ 1. DUTIES.] It is the duty of the State Treasurer:

First. To receive and keep all moneys belonging to the State, and not required to be received and kept by some other person.

Second. To register the orders or certificates of the State Auditor, delivered to him when moneys are paid or to be paid into the treasury.

Third. To deliver to each person paying money into the treasury, and to the State Auditor, a duplicate receipt showing the amount, the source from which the money accrued and the funds into which it is paid, which receipts must be numbered in order, beginning with number one at the commencement of each fiscal year.

Fourth. To pay warrants drawn by the State Auditor out of the funds, upon and in the order in which they are presented.

Fifth. Upon the payment of any warrant, to take upon the back thereof the receipt of the person to whom it is paid, and file and preserve the same.

Sixth. To keep an account of all moneys received and disbursed.

Seventh. To keep separate accounts of the different funds.

Eighth. To report to the State Auditor on the last day of each month the amount disbursed for the redemption of bonds, and any payment of warrants during the month, which report must show the date and number of such bonds and warrants, the funds out of which they were paid, and the balance in cash on hand in the treasury to the credit of each fund.

Ninth. At the request of either house of the Legislative Assembly or of any committee thereof, to give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.

Tenth. To report to the Governor on or before the 15th day of November next preceding each regular session of the Legislative Assembly, the exact balance in the treasury to the credit of the State, with a summary of the receipts and payments of the treasurer during the two preceding fiscal years; and to make a semi-annual report to the Governor of all moneys received from all sources and of all moneys disbursed, and for services performed by him, which report must be made under oath.

Eleventh. To authenticate with his official seal all writings and papers issued from his office.

Twelfth. To discharge the duties of a member of the Board of State Canvassers, and of a member of the Board of Commissioners of Public Printing, and to perform such other duties as are or may be prescribed by law.

§ 2. GENERAL FUND—WARRANTS.] The general fund consists of moneys received into the treasury and not specially appropriated to any other fund. It is the duty of the State Treasurer to keep a book in which he must enter all warrants presented for payment, giving the names of the owners, and the number and amounts of the warrants, and they must be paid in the order in which they are presented.

§ 3. TO RETAIN POSSESSION OF MONEYS.] The State Treasurer must keep all moneys belonging to the State in his own possession until disbursed according to law. He must not place the same in the possession of any person to be used for any purpose, nor must he loan or in any manner use or permit any person to use the same, except as provided by law. But nothing in this section prohibits him from making special deposits for the safe keeping of public moneys.

§ 4. TO POST LIST UNPAID WARRANTS.] The State Treasurer must, semi-annually post upon the door of his office a list of all warrants that he may have funds in the treasury to redeem or pay, the payment of which has not been demanded during the preceding six months.

§ 5. BOOKS—INSPECTION—BY WHOM.] The State Treasurer must keep his books open at all times for the inspection of the

Governor, the State Auditor, the Public Examiner, the members of the Legislative Assembly and any committee appointed to examine them by either house thereof.

§ 6. ACCESS TO ALL STATE OFFICES.] The State Treasurer shall have full access to all offices of the State for inspection of such books, papers and accounts thereof as concern his duties.

§ 7. ACCOUNT OF EACH FUND—REPORT TO GOVERNOR.] The State Treasurer must keep a separate account of each fund in his hands and must, semi-annually, report to the Governor in writing and under oath, the amount of all moneys in his hands to the credit of every such fund, and the place or places where the same is deposited, and the number and amount of every warrant paid or redeemed by him during the preceding six months. The Governor must verify said report, and cause the same to be immediately published in at least one daily paper printed at the seat of government.

§ 8. EXAMINATION—SUSPENSION OF TREASURER.] If the Public Examiner, upon examination, finds that the books of the State Treasurer do not correspond with the amount of funds on hand, or do not show the actual condition of the funds, or if it appear to said State Examiner that any moneys belonging to the State have been embezzled, diverted, or in any manner taken from the treasury without authority of law, or that the State Treasurer has been guilty of negligence in keeping his books or taking care of the public moneys, he must certify the fact to the Governor; who upon the receipt of such certificate must forthwith take possession of all books, moneys, papers and other property belonging to the State, which have come into the possession of such State Treasurer by virtue of his office or otherwise and must temporarily suspend him from his office of State Treasurer.

§ 9. WHEN TREASURER SUSPENDED, APPOINTMENT BY GOVERNOR.] The Governor must thereupon, with the Auditor and Public Examiner, examine the books, papers, and all matters connected with the office of State Treasurer, so suspended, and if it appears to said Governor, State Auditor and Public Examiner on such examination, that such State Treasurer has embezzled or converted to his own use the public moneys, or has been negligent in keeping his books, or in taking care of the public moneys, the Governor on the certificate of said State Auditor and said Public Examiner to that effect, may in his discretion, remove and appoint another person to fill the place of said suspended State Treasurer, and such person so appointed must execute an official bond and enter upon the office of State Treasurer as provided by law. The Governor must report all his acts done under this and the next preceding section to the next succeeding Legislative Assembly, and the State Treasurer so appointed holds his office until the suspended State Treasurer is reinstated, or his successor is elected and qualified.

§ 10. BOND.] The State Treasurer must execute an official bond in the sum of \$250,000.

Approved, March 10, 1893.

CHAPTER 97.

[S. B. No. 172.]

PAY OF LEGISLATIVE EMPLOYEES.

AN ACT to Amend Sections 1 and 3 of Chapter 86 of the Laws of 1890.

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

§ 1. OFFICERS AND EMPLOYEES—COMPENSATION.] The following shall be the officers and employes of the Senate and House of Representatives of the Legislative Assembly of the State of North Dakota, with the compensation as herein provided for, to-wit:

FOR THE SENATE.

A president pro tem. whose compensation shall be two (2) dollars per day. One secretary whose compensation shall be seven (7) dollars per day. One assistant secretary whose compensation shall be six (6) dollars per day. One enrolling and engrossing clerk whose compensation shall be six (6) dollars per day. One bill clerk whose compensation shall be five (5) dollars per day. One stenographer whose compensation shall be six (6) dollars per day. One sergeant-at-arms whose compensation shall be five (5) dollars per day. One doorkeeper whose compensation shall be four (4) dollars per day, and who shall discharge the duties of and be assistant to the sergeant-at-arms. One messenger whose compensation shall be four (4) dollars per day. One postmaster whose compensation shall be four (4) dollars per day. One chaplain whose compensation shall be two (2) dollars per day. Two pages whose compensation shall be two (2) dollars per day each. One janitor whose compensation shall be four (4) dollars per day. One watchman whose compensation shall be four (4) dollars per day. One clerk of the judiciary committee whose compensation shall be five (5) dollars per day. One journal clerk whose compensation shall be six (6) dollars per day, and who shall be under the supervision of the Secretary of the Senate; *Provided*, The Journal of the Senate be completed and indexed by the Secretary of the Senate within ten days after adjournment thereof, and for such completion and indexing he shall be allowed the sum of fifty (50) dollars.

FOR THE HOUSE OF REPRESENTATIVES.

§ 2. A Speaker whose compensation shall be two (2) dollars per day. One chief clerk whose compensation shall be seven (7) dollars per day. One assistant clerk whose compensation shall be six (6) dollars per day. One enrolling and engrossing clerk whose compensation shall be six (6) dollars per day. One bill clerk whose

compensation shall be five (5) dollars per day. One stenographer whose compensation shall be six (6) dollars per day. One sergeant-at-arms whose compensation shall be five (5) dollars per day. One doorkeeper whose compensation shall be four (4) dollars per day, and who shall discharge the duties of and be assistant to the sergeant-at-arms. One messenger whose compensation shall be four (4) dollars per day. One postmaster whose compensation shall be four (4) dollars per day. One chaplain whose compensation shall be two (2) dollars per day. Four pages whose compensation shall be two (2) dollars per day each. One janitor whose compensation shall be four (4) dollars per day. One watchman whose compensation shall be four (4) dollars per day. One clerk of the judiciary committee whose compensation shall be five (5) dollars per day. One journal clerk whose compensation shall be six (6) dollars per day, and who shall be under the supervision of the chief clerk of the House; *Provided*, The Journal of the House be completed and indexed by the chief clerk of the House within ten days after the adjournment thereof, and for such completion and indexing he shall be allowed the sum of fifty (50) dollars.

§ 3. OTHER EMPLOYES, HOW APPOINTED—COMPENSATION.] The President of the Senate and the Speaker of the House of Representatives are hereby authorized to appoint, from time to time, such committee clerks or other employes for their respective bodies, in addition to those herein provided for, as in the judgment of their respective bodies may be deemed necessary for the transaction of their business; *Provided*, That the compensation of such subordinate employes so appointed shall in no case exceed the sum of four (4) dollars per day.

§ 4. SALARIES, HOW AUDITED AND PAID—CLERKS MAY BE DISCHARGED FOR INCOMPETENCY.] The respective amounts due each clerk, officer or employe so employed or appointed shall be audited and paid out of the State treasury upon an account certified by the presiding officer of the respective houses, attested by the secretary and chief clerk thereof, and when so audited and attested the State Auditor is hereby authorized and directed to draw the State warrants therefor upon the State Treasurer, who is hereby authorized and empowered to pay the same; *Provided*, That if any clerk or employe be found incompetent to discharge the duties of his or her position, it shall be the duty of the respective presiding officers and they are hereby empowered to discharge such person and fill the vacancy so created when deemed necessary.

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

§ 6. EMERGENCY.] Whereas, an emergency exists inasmuch as there are men in those positions that should derive the benefit under this act; therefore, this act shall take effect from and after its passage and approval, and shall also take effect as to the employes of the Third Legislative Assembly.

Approved, March 10, 1893.