

CITY ORDINANCES.

CHAPTER 54.

[S. B. No. 174—Lewis.]

VALIDATING CERTAIN CITY ORDINANCES.

AN ACT to Validate Ordinances and Resolutions Providing for Local Improvements in Cities and Contracts Made and Obligations Incurred Pursuant Thereto, and to Prescribe the Duties of Courts in Relation Thereto.

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

§ 1. VALIDATING CITY ORDINANCES.] All ordinances and resolutions heretofore enacted or adopted by the city council of any city in this state, under and pursuant to which any work of local improvements has been undertaken and completed in such, are hereby declared to be valid, notwithstanding any irregularity in the enactment or adoption of such ordinance or resolution.

§ 2. CONTRACTS AND OBLIGATIONS VALID.] All contracts heretofore made, and all obligations heretofore incurred, and evidences of debt issued thereunder, by any city in this state, for the execution of any work of local improvement in such city, which work has been completed, are hereby declared to be valid, notwithstanding any irregularity in the proceedings relative to such special improvement, or omission by any officer or officers, of any act required to be done by such officer or officers, under the law pursuant to which the local improvement was ordered done, and notwithstanding the invalidity of the ordinance or resolution providing for such local improvement.

§ 3. COURTS TO DETERMINE AMOUNT OF ASSESSMENT IN ACTIONS TESTING VALIDITY.] In all actions now pending or hereafter commenced in any of the courts of this state, in which the validity of any assessment for local improvements in any city comes in question, the courts shall, if the proceedings relative to the local improvement are found to be irregular, ascertain the true amount for which the property involved in said action is liable for such improvement. In order to ascertain the amount for which any lot or tract is liable, the court shall hear the evidence and ascertain the total cost of the improvement and the several lots or tracts liable to assessment therefor under the laws pursuant to which the work was done, and shall thereupon ascertain and determine the amount for which the lots or tracts in question should properly be assessed, according to the provisions of the law

prescribing the method of paying for such local improvement. The amount so ascertained, together with interest thereon at the rate of seven per cent per annum from the date on which interest would attach, had the assessment been valid from the beginning, shall be adjudged to be a lien upon the lot or tract affected by such action, and shall be collected in the same manner as other taxes of like nature are collected under the laws in force and at the time the judgment is entered.

§ 4. ACTION TO TEST VALIDITY. COMMENCED WHEN.] No person shall be heard to object to the validity of any assessment heretofore made for local improvements in any city of this state, unless the action or proceeding in which the validity of such assessment comes in question shall be commenced before the first day of January, 1904.

§ 5. EMERGENCY.] Whereas, an emergency exists in this, that a large amount of the taxes for local improvements are outstanding, and cannot be collected, by reason of irregularities in the proceedings relative to such assessments, therefore, this act shall take effect and be in force immediately upon its passage and approval.

Approved March 5, 1903.

CLERKS OF COURT.

CHAPTER 55.

[S. B. No. 231—Talcott.]

FEEs OF CLERKS OF DISTRICT COURTS.

AN ACT to Amend and Re-enact Chapter 92 of the Session Laws of 1901, Relating to the Fees of Clerks of the District Court.

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

§ 1. AMENDMENT.] That chapter 92 of the session laws of 1901 be amended and re-enacted so as to read as follows:

§ 5. FEES TO BE CHARGED.] Clerks of the district court shall charge and collect the following fees:

1. In actions for the recovery of money only, in which judgment is entered by default, for all services prior to execution, three dollars.
2. In all other actions in which judgment is entered by default, for services prior to execution, five dollars.
3. In special proceedings, for all services prior to appeal, five dollars.
4. In actions, in which an issue of fact is tried, for all services prior to execution, seven dollars.