

bonds shall be furnished for each and every child to be placed in North Dakota by said association or societies, and must be signed by at least one freeholder of the state of North Dakota, and be approved by the board of county commissioners.

§ 3. PENALTY.] Any agent of any association or society violating the provisions of this act, or any person receiving a child in violation of this act, shall be deemed guilty of a misdemeanor.

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 All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 10, 1903.

DRAINAGE.

CHAPTER 80.

{S. B. No. 88—Cashel.}

ESTABLISHMENT AND MAINTENANCE OF DRAINS.

AN ACT to Amend Section 1447 of the Revised Codes as Amended by Section 1, Chapter 79, of the Laws of 1899, Relating to the Establishment, Construction and Maintenance of Drains.

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

§ 1. AMENDMENT.] That section 1447 of the revised codes of 1899, as amended by section 1, chapter 79, of the laws of 1899, be amended so as to read as follows:

§ 1447. HOW ESTABLISHED.] A petition for the construction of a drain may be made in writing to the board of drain commissioners. If among the leading purposes of the proposed drain are benefits to the health, convenience or welfare of the people of any city or other municipality, the petition shall be signed by a sufficient number of the citizens of such municipality or municipalities, to satisfy the board of drain commissioners that there is a public demand for such drain. If the chief purpose of such drain is the drainage of agricultural, meadow, grazing or other lands, the petition shall be signed by at least six or more freeholders whose property shall be affected by the proposed drain. Upon the presentation of a petition as hereinbefore provided, and filing of the same, the board of drain commissioners shall, personally, as soon as practicable, proceed to examine the line of the proposed drain, and if in its opinion it is necessary and for the public good, it shall cause a survey of the line thereof to be made by a competent surveyor, who shall establish the commencement and terminus and determine the route, width, length and depth thereof. For the purpose of making examinations or surveys, the board of

drain commissioners, surveyors and their employes may enter upon land traversed by any such proposed drain, or upon other lands when necessary. Such surveyor shall prepare profiles, plans and specifications of the proposed drain, an estimate of the cost thereof and a map or plat of the lands to be drained, showing the regular subdivisions thereof, all of which shall be filed in the office of the county auditor of the county in which the drain is proposed to be constructed, subject to inspection. In locating a drain the board of drain commissioners may, under the advice of the surveyor, vary from the line described in the petition as it seems best. When the line proposed is along highways already established, the drain shall be located at a sufficient distance from the center of such highway to permit a good road along the central line thereof; when the length of the line described in the petition does not give sufficient fall to drain the lands sought to be drained, the board of drain commissioners may extend the drain below the outlet named in the petition far enough to obtain a sufficient fall and outlet. Drains shall, as far as practicable, be located on dividing lines between sections or regular subdivisions thereof, but the general utility of the drain must not be sacrificed to avoid crossing any tract of land in such direction as the board of drain commissioners find advisable. All persons whose land may be affected by any such drain may appear before the board of drain commissioners and fully express their opinion upon the matters pertaining thereto.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there are no adequate provisions of law relating to or governing the matters enumerated in the foregoing amendments, and, whereas, it is desirable that such amendments shall take effect at once for the purpose of expediting the work of constructing drains during the spring months, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1903.