

Potatoes, Irish, sixty pounds.
 Potatoes, sweet, forty-six pounds.
 Peas, sixty pounds.
 Rye, fifty-six pounds.
 Salt, eighty pounds.
 Turnips, sixty pounds.
 Timothy seed, forty-five pounds.
 Wheat, sixty pounds.
 Speltz, forty pounds.
 Millet, fifty pounds.
 Apples, fifty pounds.
 Bromus Inermus, fourteen pounds.
 Approved March 4, 1903.

WATER SYSTEMS.

CHAPTER 210.

[S. B. No. 227—Lewis.]

RELATING TO WATER SYSTEMS OWNED BY CITIES.

AN ACT to Provide for the Extension, Enlargement and Improvement of
 Water Systems in Incorporated Cities.

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

§ 1. COUNCIL SHALL HAVE POWER TO EXTEND.] The council of any incorporated city owning a system of waterworks shall have power to extend, improve, enlarge, relay or replace the water mains and hydrants in any portion of said city, and to lay new or additional water mains therein, and to defray the expense thereof by special assessment on the property benefitted thereby.

§ 2. NOTICE, HOW GIVEN.] Whenever such council shall deem it necessary to improve the water system of such city, as hereinbefore provided, it shall pass a resolution stating generally the improvements it deems it necessary to make, which resolution shall prescribe the route of such proposed improvements, which resolution shall be published in the official newspaper of the city once in each of two consecutive weeks, with not less than five days intervening between each publication, and such resolution shall be notice to the owners of all property within 600 feet on either side of said proposed improvements.

§ 3. PROTEST AGAINST, HOW FILED.] Within fifteen days after the last publication of such resolution, any owner of real property, within six hundred feet of either side of the proposed improvements,

may file with the city auditor a protest in writing, objecting to the making of such improvements; and if within such time a majority of the owners of property liable to be assessed for such improvement shall not have filed such protest, the city council shall have power to make such improvement, and to contract therefor, and the contract for the making of such improvement shall be let to the lowest bidder, and shall be based on plans and specifications of the work contracted for, to be made by the city engineer, and filed in the office of the city auditor prior to advertising for bids for such work.

§ 4. COMMITTEE APPOINTED.] The city council shall forthwith, upon the letting of any contract, under the provisions hereof, create by appointment of three persons from among the citizens of such city a "Special Water Works Improvement Committee," each member of which shall file with the city auditor a written acceptance of such appointment, and take and subscribe an oath faithfully and impartially to discharge the duties of his position as a member of such committee; which oath shall be filed with the city auditor, and one of such persons shall be designated by the city council as chairman of such committee. In case of a vacancy on such committee from any cause, the city council shall at its next meeting make an appointment to fill said vacancy.

§ 5. COMMITTEE TO INSPECT ADJACENT LOTS AND MAKE ASSESSMENTS. ASSESSMENTS PUBLISHED.] It shall be the duty of such committee, as early as possible after the letting of a contract under the provisions of this act, personally to inspect any and all lots and parcels of land, within 600 feet of either side of the proposed improvements, which will, in the opinion of such committee, be specially benefitted by the construction of such improvements, and thereupon assess against such lots and parcels of land a special assessment, in a sum not exceeding such benefits. Whenever such assessment is made and completed as to all the lots, parts of lots or parcels of land to be benefited by the work under any contract, the committee shall make, or cause to be made, a complete list thereof, setting forth the several tracts so assessed, and the amount assessed against each, and cause the same to be published once in each week, for three consecutive weeks, in the official newspaper of the city, together with a notice of the time and place, when and where such committee will meet to hear objections which may be made to any such assessment by any owner or occupant of a tract so assessed, or other person interested in such assessment, or his agent or attorney, and thereupon alter or affirm the same as may, in the opinion of the committee, be just in the premises. The committee shall then deposit such assessment list with the city auditor, who shall forthwith cause the same to be again published once in each week, for three consecutive weeks, in the official newspaper of the city, with a notice to the persons interested, that at the next regular meeting of the city council, after the expiration of the time of publication of such notice, giving date thereof, appeals from the decision of such committee in relation thereto will be heard and determined by the city council.

§ 6. APPEALS FROM ASSESSMENT, HOW HEARD, COUNCIL MAY ALTER OR AFFIRM.] At such meeting of the city council any person so aggrieved by the determination of such committee, in regard to any such assessment, and who appeared in person, or by his agents or attorney, before such committee, as hereinbefore provided, if a resident of the city, and all non-resident owners of any property so assessed, whether they appeared before such committee or not, may appear before the city council, and present their reasons why the action of such committee should not be affirmed by the city council, and the city council shall then hear and determine such appeals and objections, if any, and may alter or affirm the action of such committee in relation thereto, as the city council may deem just in the premises; and shall thereupon cause such lists so altered to conform to its action, if any such alteration is made, to be certified by the city auditor as correct, and filed in his office, as such assessments, with interest accruing thereon, shall be a paramount lien upon the property so assessed, from the time such assessment list is approved by the city council, and shall remain a lien until fully paid, and shall have precedence over all other liens except ordinary taxes, and as to such shall be concurrent, and shall not be divested by any judicial sale; and any mistake in the description of the property or in the name of the owner shall not vitiate the lien.

§ 7. COUNCIL MAY MAKE SUPPLEMENTARY ASSESSMENT, WHEN.] In case of omissions, errors, or mistakes in making such assessment in respect to the total cost of improvements, or in case of deficiencies or otherwise, it shall be competent for the council to cause to be made a supplemental assessment to supply such deficiencies, omissions, errors or mistakes, the total of such assessments, not to exceed the benefits; such supplemental assessment shall be a lien on the lots and lands as herein provided for the original assessment, shall be payable in the same manner and in the same installments, draw interest at the same rate and shall be capable of enforcement in the same manner as herein provided with respect to the original assessment.

§ 8. ASSESSMENTS PAYABLE IN TEN YEARS.] The special assessment hereinbefore provided for shall be payable in equal annual amounts extending over a period of ten years, and interest, at the rate of not to exceed 7 per cent per annum, on the total unpaid assessments shall be payable annually; provided, however, that any person may pay his or her assessment in full to the city treasurer at any time within thirty days after said assessment has been approved by the city council.

§ 9. CITY AUDITOR SHALL CERTIFY.] The city auditor shall annually, at the time he certifies to the county auditor, the amount of city taxes to be levied for the current year, also certify to such auditor a list of the lots and tracts of land specially assessed for such improvements under the provisions of this act, with the proportions of such assessment for such year, and the county auditor shall extend

the same upon the tax roll for the current year, and it shall be collected and paid over in the same manner as other city taxes, and when so paid over shall be credited by the city treasurer and auditor to such improvement fund.

§ 10. DUTY OF COUNTY TREASURER.] The county treasurer shall require the payment of all such special assessments at the time of the payment of the general taxes upon the property upon which such assessments are a lien, and shall not receive such general taxes without the payment of such special assessments.

§ 11. CITY NOT LIABLE, WHEN.] No city shall be liable upon any contract made pursuant to this act for any sum to be raised by general taxation, or paid out of the general fund of said city.

§ 12. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved March 13, 1903.

PROPOSED AMENDMENTS TO CONSTITUTION.

CONCURRENT RESOLUTION.

[H. B. No. 63—Chaffee.]

TAXING GRAIN IN ELEVATORS.

AN ACT Taxing Grain in Elevators, Warehouses and Granaries at a
Fixed Rate.

*Be it Resolved by the House of Representatives of the State of North Dakota, the
Senate Concurring:*

That the following amendment to the constitution of the state of North Dakota, adopted by the seventh legislative assembly of the state of North Dakota, and by it referred to the eighth legislative assembly of said state for approval, or rejection, is hereby agreed to, and such amendment shall be submitted to the qualified electors of the state for approval or rejection, in accordance with the provisions of section 202 of the constitution of the state of North Dakota.

That section 176 of the constitution of the state of North Dakota be amended, by adding thereto and making part thereof, the following clause:

The legislative assembly may further provide that grain grown

S. L.—19.