

CHAPTER 65.

[S. B. No. 41—Pierce]

REAL ESTATE HOLDINGS LIMITED.

AN ACT to Amend Section 4171 of the Revised Codes of 1905 of the State of North Dakota, Relative to Religious and Charitable Corporations.

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

§ 1. AMENDMENT.] Section 4171 of the revised codes of North Dakota of 1905 is hereby amended to read as follows:

§ 4171. RELIGIOUS AND CHARITABLE LIMITED.] No corporation or association for religious or charitable purposes shall acquire or hold real estate in this state of greater value than two hundred thousand dollars.

Approved March 11, 1909.

COUNTIES

CHAPTER 66.

[S. B. No. 325—Anderson]

TRANSCRIBING COUNTY RECORDS.

AN ACT to Amend Section 2335 of the Revised Codes of the State of North Dakota of 1905, Relating to the Transcribing of Records in Newly Organized Counties.

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

§ 1. AMENDMENT.] Section 2335 of the revised codes of the state of North Dakota of the year 1905, is hereby amended as follows:

§ 2335. RECORDS TO BE TRANSCRIBED.] When a new county is organized in whole or in part from an organized county or from territory attached to such organized county for judicial purposes, it shall be the duty of the commissioners of such new county to cause to be transcribed by copying or by photographing in the proper books all the records or deeds or other instruments relating to real estate and all other records, deeds, or instruments of every kind required by law to be kept on file or recorded in the respective

county offices in such new county, and all contracts heretofore made by any board of county commissioners for the transcribing by copying or by photographing of any such records are hereby made valid and all records transcribed by copying or by photographing thereunder or under the provisions of this section shall have the same effect in all respects as original records, and any person authorized by such board of county commissioners to transcribe such records shall have free access at all reasonable times to such original records for the purpose of transcribing the same as aforesaid.

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 All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] An emergency exists in this, that there is no provision made by law for the transcribing of all records; therefore this act shall take effect and be in force immediately after its passage and approval.

Approved March 16, 1909.

CHAPTER 67.

[H. B. No. 248—Nelson of Steele]

COUNTY PUBLIC IMPROVEMENTS.

AN ACT to Amend Sections 2405, 2407, 2408 and 2409 of the Revised Codes of the State of North Dakota for 1905, Relating to the Authorization of Public Improvements in Counties and Providing for the Levying of Taxes to Aid in the Construction of the Same.

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

§ 1. AMENDMENT.] Section 2405 of the revised codes of the state of North Dakota for 1905 is hereby amended so as to read as follows:

§ 2405. BOARD TO SUBMIT EXTRAORDINARY OUTLAY TO VOTE.] It shall submit to the people of the county at any regular or special election any question involving an extraordinary outlay of money by the county or any expenditure greater in amount than can be provided for by the annual tax, or the construction of any court house, jail or other public building by establishing a building fund to aid in the construction of the same when the board shall consider the permanent buildings of the county, aforesaid, inadequate for the needs of its business and that it is not to the best interests of the county to issue bonds to aid in such construction or for the construction of such buildings by any other procedure as is, or may be provided by law, or whether it will aid in constructing or construct any highway or bridge.

§ 2. AMENDMENT.] Section 2407 of the revised codes of the state of North Dakota for 1905 is hereby amended so as to read as follows:

§ 2407. MODE OF SUBMITTING PROPOSITIONS.] The mode of submitting questions to the people contemplated by the last two sections shall be the following: The whole question, including the sum desired to be raised and the amount of the tax desired to be levied or the rate per annum and the years in which said tax is to be levied, shall be published for at least four weeks in the official newspapers of the county. If there are no such newspapers the publication shall be made by posting in at least one of the most public places in each election precinct in the county; and in all cases the notices shall name the time when such questions shall be voted upon and the form in which the question will be submitted; and a copy of the question submitted shall be posted at each voting place during the day of election.

§ 3. AMENDMENT.] Section 2408 of the revised codes of the state of North Dakota for 1905 is hereby amended so as to read as follows:

§ 2408. PROPOSITION TO TAX MUST ACCOMPANY QUESTION SUBMITTED.] When the question submitted involves the establishment of a building fund for the construction of buildings, or the borrowing or expenditure of money, such proposition must be accompanied by a proposition to levy a tax for the provision or payment thereof, in addition to the usual taxes required to be levied; and no vote adopting the question shall be valid unless it likewise adopts the amount of tax to be levied to meet the appropriation or liability incurred.

§ 4. AMENDMENT.] Section 2409 of the revised codes of the state of North Dakota for 1905 is hereby amended so as to read as follows:

§ 2409. TAX NOT TO EXCEED THREE MILLS ANNUALLY.] The rate of tax levied in pursuance hereof shall in no case exceed three mills on the dollar on the assessed valuation of the county in any one year. When the object is to establish a building fund to aid in the erection of public buildings the rate shall be such as to raise the fund within six years: provided, that the total sum to be so raised, including the then existing indebtedness of the county, shall not exceed five per cent of its valuation according to the last assessment thereof. When the object is to borrow money to aid in the erection of public buildings the rate shall be such as to pay the debt in ten years. When the object is to construct or aid in constructing any road or bridge the annual tax shall not exceed one mill on the dollar of the valuation, and any special tax or taxes levied in pursuance of this article, after becoming delinquent, shall draw the same rate of interest as ordinary taxes levied in pursuance of law.

Approved March 12, 1909.

CHAPTER 68.

[S. B. No. 53—Bessesen]

SALARY OF STATE'S ATTORNEY.

AN ACT to Amend Chapter 75 of the Session Laws of the State of North Dakota for the Year 1907, Prescribing the Salary of the State's Attorney, Assistant and Clerk.

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

§ 1. AMENDMENT.] Chapter 75 of the session laws of the state of North Dakota for the year 1907, is hereby amended to read as follows:

§ 2578. SALARY OF STATE'S ATTORNEY, ASSISTANT AND CLERK.] As compensation for his services the state's attorney shall be paid in all counties an annual salary, based on the assessed valuation as follows: In counties having a valuation under five hundred thousand dollars, three hundred dollars; over five hundred thousand dollars, and under one million dollars, five hundred dollars; over one million dollars and under one million five hundred thousand dollars, six hundred dollars; over one million five hundred thousand dollars and under two million dollars, seven hundred dollars; over two million dollars and under two million five hundred thousand dollars, eight hundred dollars; over two million five hundred thousand dollars and under three million dollars, one thousand dollars; over three million dollars and under five million dollars, twelve hundred dollars; over five million dollars and under seven million dollars, fifteen hundred dollars; over seven million dollars and under eight million dollars, seventeen hundred and fifty dollars, and in all counties having a valuation of over eight million dollars, two thousand dollars for his personal services; provided, that in counties of over nine million dollars assessed valuation, an assistant state's attorney shall be appointed by the state's attorney, who shall receive a salary fixed by the county commissioners, and in counties of over nine million dollars assessed valuation, the county commissioners may, whenever they deem necessary and for such time as they may deem necessary, by resolution authorize the state's attorney to appoint a clerk, who shall be subject to discharge by the state's attorney and whose salary shall be fixed by the county commissioners and paid by the county. In counties of less than nine million dollars assessed valuation, the salary of the assistant state's attorney, if one is allowed by the county commissioners, may be fixed by the county commissioners, and in such counties of less than nine million dollars assessed valuation, the county commissioners may, whenever they deem it necessary and

for such time as they deem necessary, by resolution, authorize the state's attorney to appoint a clerk in lieu of an assistant state's attorney, which clerk shall be subject to discharge at any time by the state's attorney, and whose salary shall be fixed by the county commissioners and paid by the county.

§ 2. EMERGENCY.] Whereas, an emergency exists in this, that there is no law providing for the employment of a clerk in the office of the state's attorney, therefore, this act shall take effect and be in force immediately after its passage and approval.

Approved February 18, 1909.

CHAPTER 69.

[S. B. No. 197—Palmer]

STATE'S ATTORNEY'S CONTINGENT FUND.

AN ACT to Amend Section 6 of Chapter 76 of the Laws of North Dakota, 1907, Relating to Contingent Fund for State's Attorney.

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

§ 1. AMENDMENT.] Section six, of chapter 76, of the laws of North Dakota, 1907, is hereby amended and re-enacted to read as follows:

§ 6. UNEXPENDED BALANCE.] Any sum remaining in said fund on the thirty-first day of December of each year shall then be transferred by the county auditor to the general county revenue fund of said county.

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

Approved March 16, 1909.

CHAPTER 70.

[H. B. No. 25—McCrea]

INVESTMENT OF COUNTY SINKING FUNDS.

AN ACT to Amend Section 2439 of the Revised Codes of 1905, as Amended by Chapter 92 of the 1907 Session Laws, Relating to Sinking Funds and the Duty of County Commissioners Pertaining Thereto.

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

§ 1. AMENDMENT.] Section 2439 of the revised codes of 1905, as amended by chapter 92 of the 1907 session laws, be and the same is hereby amended so as to read as follows:

§ 2439. SINKING FUND. DUTY OF COUNTY COMMISSIONERS.] Whenever there shall be accumulated in the sinking fund, or any other revenue county funds established by law, in any of the counties of this state an amount of money exceeding one thousand dollars, and for which there is no immediate use, the board of county commissioners of such county are authorized and empowered to direct a time deposit of such funds for a period of one year, as they may deem expedient, either in one or more of the county depositories as created by law, or such state or national bank as the said board of county commissioners may designate; provided, that the rate of interest offered by banks making bids for sinking funds shall not be less than two per cent nor more than five per cent per annum.

Approved February 6, 1909.

COURTS

CHAPTER 71.

[H. B. No. 190—Skulason]

CHIEF JUSTICE SUPREME COURT.

AN ACT Providing for the Office of Chief Justice of the Supreme Court, and Prescribing the Duties of the Chief Justice.

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

§ 1. JUDGE HAVING THE SHORTEST TERM SHALL BE CHIEF JUSTICE. DUTIES.] The judge of the supreme court having the shortest term to serve, not holding office by election or appointment to fill a vacancy, shall be chief justice and shall preside at all terms of the supreme court; provided, that whenever no member of said court is qualified for the office of chief justice under the above provisions, then the judges of said court shall select the chief justice. In the absence of the chief justice the judge having the next shortest term to serve, or a judge selected by the court, as the case may be, shall preside in his stead.

Approved March 16, 1909.