

§ 3. EMERGENCY.] Inasmuch as it is important that the result of such investigation and of such proceedings should be available at the earliest possible date, therefore this act shall take effect immediately upon its passage and approval.

Approved March 11, 1909.

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## HEALTH

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### -CHAPTER 137.

[S. B., No. 99—Halliday]

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#### STATE TUBERCULOSIS SANITARIUM.

AN ACT to Provide for the Location and Temporary Organization and Management of a State Sanitarium for Persons Afflicted With Tuberculosis, and Making an Appropriation for the Purchase of Land for Said Sanitarium and Authorizing Improvements on Said Grounds.

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

§ 1. ESTABLISHED.] There is hereby established a state sanitarium for the care and scientific treatment of persons afflicted with tuberculosis, to be known as "The North Dakota Tuberculosis Sanitarium."

§ 2. TEMPORARY BOARD NAMED.] The temporary government of said sanitarium for the purpose of its location, the purchase of a site for the same, not to exceed one hundred and sixty acres, and for the purpose of improving the grounds hereby authorized to be purchased, such as fencing, clearing, planting of trees and shrubberies, and other improvements of like character, is hereby vested in a board to consist of the governor, Dr. G. F. Ruediger, of the public health laboratory of the state university, Dr. J. L. Grassick, superintendent of the state board of health, Dr. Fannie Dunn Quain, of Bismarck, and C. J. Lord, of Cando.

§ 3. ORGANIZATION.] Within a reasonable time after the taking effect of this act the said board hereby created shall effect a permanent organization by the election of the usual officers of boards of similar character, which organization shall be accomplished at a meeting to be held at the seat of government on call of the governor and by giving ten days' notice thereof. Meetings thereafter shall be held at such points as in the opinion of a majority of said board shall be most convenient. Said board shall receive as compensation for their services the sum of three dollars per day and their actual and necessary expenses while engaged in the

work provided for herein, to be paid as other expenses for boards of trustees of state institutions; provided, that no member of said board receiving a salary from the state shall receive anything save his actual and necessary expenses.

§ 4. APPROPRIATION.] For the purpose of carrying out the provisions of this act there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of ten thousand dollars and the state auditor is hereby authorized to draw his warrants for such sums as may be required from time to time to carry out the provisions of this act, upon vouchers approved by said board and further approved by the governor as now required by law.

Approved March 4, 1909.

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## HIGHWAYS

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### CHAPTER 138.

[H. B. No. 167—Thoreson]

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#### CATTLE-WAYS.

AN ACT to Permit the Construction of Cattle-ways Under Public Highways; Regulating the Construction of Same and Prescribing Duties of Road Supervisors in Relation Thereto.

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

§ 1. CATTLE-WAYS UNDER HIGHWAYS.] Upon application to the board of county commissioners of any county or the board of township supervisors of any organized township by any person for permission to construct a cattle-way under any public road, it may grant the same upon condition that such way shall not interfere with the public travel; that the grade of the road over the cattle-way shall not exceed one foot in ten feet; and that it shall not obstruct watering at any running stream. The applicant shall construct the same at his own expense and be responsible for all damages that may arise from its construction or from the same not being kept in repair.

§ 2. FAILURE TO KEEP IN REPAIR.] If the person on whose land such cattle-way is constructed fails to keep the same in repair, it shall be the duty of the road supervisors to make all necessary repairs, and charge the same to the owner of the land upon which such way is constructed, and, upon his refusal to pay, the county or township board in which such cattle-way is situated shall re-