

of deeds of any county of this state, there appears in the chain of title any variation in the spelling of the names of any persons appearing in such chain of title, or any instruments affecting the title to real estate, or where any grantor, mortgagor, vendor, lessor or other maker of any such instruments signs without the joinder of the spouse, any person may make an affidavit setting forth therein that he is personally cognizant of the facts stated by him in such affidavit, and may state the identity of any person appearing in such chain of title under names varying in the spelling thereof, or in the use of initials, and such affidavit may also state whether or not, at the time of the transfer or incumbrance, to which the affidavit relates, that the land described therein was or was not the homestead of the grantors, mortgagors or vendors or the persons whose title is divested or encumbered, wholly or in part, or in any way affected by such transfer or conveyance.

§ 2. AFFIDAVIT ENTITLED TO RECORD.] The affidavit provided for in section one of this act, duly verified according to law, and containing a description of the land to which it relates, may be recorded in the office of the register of deeds of any county in this state, in the proper book of miscellaneous records, in such office.

Approved March 16, 1909.

TOWNSHIPS

CHAPTER 221

[S. B. No. 199—McLean]

DIVISION OF CIVIL TOWNSHIPS.

AN ACT to Amend Section 3054 of the Revised Codes of North Dakota for 1905, Relating to the Division of Organized Townships.

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

§ 1. AMENDMENT.] Section 3054 of the revised codes of North Dakota for the year 1905 is hereby amended so as to read as follows:

§ 3054. CIVIL TOWNSHIPS, HOW FORMED.] Any congressional township or fraction thereof, bordering on a lake or bordering on a river, containing more than eighteen sections of land, which has residing therein one hundred or more inhabitants, and forming a part of an organized civil township, may be set apart and organized as a separate civil township in the manner herein provided, and when duly organized shall have the same powers and privileges and be subject to the same liabilities and restrictions as other civil town-

ships, except as herein otherwise provided; but no civil township shall be so formed under the provisions of this article, as to leave residing in the township from which it is separated less than one hundred inhabitants; provided, such separation shall be made only upon congressional township lines.

Approved March 15, 1909.

CHAPTER 222.

[H. B. No. 182—Welford]

CLERKS OF CIVIL TOWNSHIPS.

AN ACT to Amend Section 3141 of the Revised Codes of 1905, Relating to Bond to be Given by Clerks of Civil Townships.

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

§ 1. AMENDMENT.] Section 3141 of the revised codes of 1905 is hereby amended to read as follows:

§ 3141. CLERK TO GIVE BOND AND TAKE OATH.] Each person elected or appointed to the office of township clerk shall, before entering upon the duties of his office and within the time prescribed by law for filing his oath of office, execute a bond with two or more sureties to be approved by the chairman of the township board of supervisors, in such penal sum as the supervisors direct, conditioned for the faithful discharge of his duties. Such bond so approved shall be filed in the office of the county auditor for the benefit of any person aggrieved by the acts or omissions of such clerk, and any person so aggrieved or the township may maintain an action on such bond against said clerk and his sureties.

Approved March 11, 1909.

CHAPTER 223.

[S. B. No. 200—Plain]

POWERS OF TOWNSHIP ELECTORS.

AN ACT to Amend Section 1 of Chapter 255 of the Laws of 1907, Entitled, "An Act to Amend Sections 3063 and 3133 of the Revised Codes of the State of North Dakota, of 1905 Relating to the Powers of Electors and Supervisors in Organized Townships."

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

§ 1. AMENDMENT.] Section one of chapter 255, of the session laws of 1907, being section 3063 of the revised codes of 1905 be, and the same is hereby amended to read as follows:

§ 3063. POWERS OF ELECTORS.] The electors of each township have power at the annual township meeting:

1. To determine the number of poundmasters and the location of pounds.

2. To select such township officers as are required to be chosen.

3. To direct the institution or defense of actions in all controversies where such township is interested.

4. To direct such sums to be raised in such township for the prosecuting or defending such actions as they may deem necessary.

5. To make all rules and regulations for impounding of animals.

6. To impose such penalties on persons offending against any rule or regulation established by the township as they think proper, not exceeding ten dollars for each offense, except as herein otherwise provided.

7. To apply such penalties when collected in such manner as they deem most conducive to the interests of the township.

8. To ratify or reject recommendations offered by the township board of supervisors for the expenditure of funds for the purpose of purchasing building sites and purchase, location, erection or removal of any building or erection for township purposes; provided, that no such recommendation shall be adopted otherwise than by a two-thirds vote of the electors present and voting at any annual township meeting.

9. To authorize and empower the board of township supervisors to purchase liquids, compounds or other ingredients to cause the destruction of noxious weeds, and to authorize the purchase of sprinklers to be used in spraying said liquids or compounds for the destruction of noxious weeds; but that no township shall purchase more than two such sprinklers in any one year.

§ 2. AMENDMENT.] Section 3133 of the revised codes of 1905 is amended to read as follows:

§ 3133. POWERS OF SUPERVISORS.] The supervisors shall have charge of such affairs of the township as are not by law committed to other township officers, and they shall have power to draw orders on the township treasury for the disbursement of such funds as may be necessary for the purpose of defraying the incidental expenses of the township and for all moneys raised by the township to be disbursed for any other purpose and when it shall seem advisable by said board of supervisors they may recommend to the electors of their township the expenditure of a stated amount for the purpose of purchasing building sites and purchase, erection, location or removal of any building, or erection for a town hall, library building or other erection for use and benefit of said township.

§ 3. EMERGENCY.] Whereas, an emergency is hereby declared to exist, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 15, 1909.

CHAPTER 224.

[S. B. No. 231—Trimble]

TOWNSHIP BONDS.

AN ACT to Amend Section 3198, Article 24, Chapter 33, of the Political Code (Revised Codes of 1905) of the State of North Dakota, Relating to Bonds of Civil Townships and as to How and When Issued.

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

§ 1. AMENDMENT.] Section 3198, of article 24, of chapter 33, of the political code (revised codes of 1905), is amended so as to read as follows:

§ 3198. BONDS OF TOWNSHIPS ISSUED, HOW AND WHEN.] The board of supervisors of the organized townships of this state, or those that may hereafter be organized, are authorized and empowered to issue the bonds or orders of their respective townships, with coupons attached, and in such amounts and at such periods as they may be directed by two-thirds of the legal voters present and voting at any legally called township meeting held for that purpose; such bonds or orders to be payable in such amounts and at such times, not exceeding twenty years from date, as two-thirds of the legal voters present and voting at such meeting shall determine, with interest thereon not to exceed seven per cent per annum, payable annually, which bonds or orders and coupons shall be signed by the chairman of the board of supervisors and countersigned by the clerk of the township; provided, that nothing herein contained shall be construed to authorize the issuing of such bonds or orders unless the same shall have first been voted for by ballot by two-thirds of all the legal voters present and voting at any annual or special township meeting called for that purpose, notices of which, particularly specifying the object for which such meeting was called, have been posted in at least three public places in the township for not less than ten days previous to the time of calling the same.

Approved March 15, 1909.

CHAPTER 225.

[H. B. No. 181—Welford]

TOWNSHIP BOARD OF AUDITORS.

AN ACT to Amend Section 3153 and the Repealing of Section 3154 of the Revised Codes of 1905, Relating to Meetings of Township Board of Auditors.

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

§ 1. AMENDMENT.] Section 3153 of the revised codes of 1905 is hereby amended to read as follows:

§ 3153. MEETINGS OF BOARD. AUDITING ACCOUNTS OF TREASURER.] The board shall meet on the Tuesday next preceding the annual township meeting and on the last Tuesday of October in each year, and at such other times as it deems necessary and expedient for the purpose of auditing and settling all charges against the township, and it shall state on each account the amount allowed by it; but no allowance shall be made for any account which does not specifically state each item of the same and the nature thereof. At the regular meeting on the Tuesday next preceding the annual town meeting (being the second Tuesday of March) in each year, the board shall examine and audit the accounts of the township treasurer for all moneys received and disbursed by him as such officer; and at said meeting shall audit the accounts of all other township officers who are authorized by law to receive or disburse any money of the township by virtue of their offices.

§ 2. REPEAL.] Section 3154 of the revised codes of 1905 is hereby repealed.

Approved March 16, 1909.