

## COUNTY COMMISSIONERS

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### CHAPTER 104.

[H. B. No. 176—Wiley.]

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COMPENSATION AND OFFICE HOURS OF COUNTY COMMISSIONERS.  
AN ACT to Amend and Re-enact Section 3533 of the Compiled Laws of North Dakota for 1913, Relating to Compensation and Office Hours of County Commissioners.

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

§ 1. AMENDMENT.] That Section 3533 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted and made to read as follows:

§ 3533. COMPENSATION ALLOWED. OFFICE HOURS.] County Commissioners shall each be allowed for the time they are necessarily employed in the duties of their office, the sum of five dollars (\$5.00) per day and their actual traveling expenses, which expenses allowed shall not exceed ten cents per mile necessarily traveled, while performing the duties of their office, in attending the meetings of the board and when engaged in other official duties, to be paid out of the general fund of the county, and their office hours shall not be less than from nine to twelve A. M. and two to five P. M., during regular or special session held by such board.

Approved, March 3, 1915.

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### CHAPTER 105.

[H. B. No. 229—Pitkin.]

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#### LAYING OUT ROADS.

AN ACT to Amend and Re-enact Section 1923 of the Compiled Laws of North Dakota for the Year 1913, Relating to Laying Out, Altering or Discontinuing Roads.

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

§ 1. AMENDMENT.] Section 1923 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 1923. PETITION FOR LAYING OUT, ALTERING OR DISCONTINUING ROADS.] The board having jurisdiction as provided by the provisions of the preceding Section may alter or discontinue any road or lay out any new road upon the petition of not less than six legal voters who own real estate, or who occupy real estate under the

homestead laws of the United States, or under contract from the State of North Dakota, in the vicinity of the road to be altered, discontinued or laid out; said petition shall set forth in writing a description of the road and what part thereof is to be altered or discontinued, and, if for a new road, the names of the owners of the land, if known, over which the road is to pass, the point at which it is to commence, its general course, and the point where it is to terminate; *provided*, that all roads or parts thereof heretofore or hereafter laid out by authority of the Board of County Commissioners or township supervisors, and not open to public use within ten years from the time when so laid out, (or which shall thereafter be abandoned and not used for ten years) are hereby declared vacant; *provided*, further, that whenever any tract of land is surveyed or sold in tracts less than the original sub-division as established by the government survey thereof, so that any part thereof does not touch upon some of the lines now considered as public roads and so allow the owner of such tract access to a public highway, the Board of County Commissioners or board of township supervisors may, upon a petition as herein provided, open a cartway or highway along the lines of any such tract or tracts when in the judgment of such board such cartway or highway is necessary; *provided*, however, that no such cartway or highway shall exceed two rods in width unless in the judgment of such board a roadway two rods in width shall not be sufficient to accommodate the travel thereon.

*Provided*, that whenever a petition is received by the board having jurisdiction requiring a new road to be laid out, it shall be the duty of said board, when in its judgment circumstances warrant the same, to employ a competent surveyor to survey and lay out said road, and such survey shall include a line of levels to be run over the laid out road and a grade line to be established thereon, which grade line shall not be greater than ten per cent. when completed. In laying out said road the board may deviate or depart, or direct a deviation or departure from the road described in the petition when it is practicable and more inexpensive to do so in order to obtain a grade line not exceeding ten per cent. Such surveyor shall prepare a plan and profile of his survey and file a copy of the same with the township clerk of the County Auditor, as the case may be, and it shall be the duty of the board having jurisdiction to make such road, when completed, conform to the plan and profile of the surveyor as filed with the township clerk or County Auditor.

The provisions of this Chapter shall apply to all lands owned by the state or any institution thereof, or held by virtue of any contract with the state, and notice of the altering, laying out or discontinuing of any such cartway or highway shall be served by registered mail upon the Board of University and School Lands, not less than thirty days prior to any such board taking action in regard to altering, laying out or discontinuing such cartway or highway.

§ 2. All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved, March 5, 1915.

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CHAPTER 106.

[S. B. No. 212—Thoreson.]

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GOPHERS, PRAIRIE DOGS, RABBITS AND CROWS—BOUNTY.

AN ACT to Amend Sections 2261 and 2262 of the Compiled Laws of North Dakota for the Year 1913, Relating to the Levy of Tax to Destroy Gophers, Prairie Dogs, Rabbits and Crows.

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

§ 1. That Section 2261 of the Compiled Laws for 1913 is hereby amended to read as follows:

§ 2261. COUNTY COMMISSIONERS LEVY GOPHER TAX.] The Board of County Commissioners of every county in this state may, at any time fixed by law for levy and assessment of taxes, levy a tax not exceeding one-half of one mill on the dollar of assessed valuation upon all real estate in such county, the proceeds of which shall be used solely for the purpose of promoting the destruction of gophers, rabbits, crows and prairie dogs in said county; the fund provided to be raised in accordance with this Section shall be denominated the "gopher, rabbit, crow and prairie dog destruction fund," and shall be kept separate and distinct by the County Treasurer, and shall be expended by the Board of County Commissioners at such time and in such manner as is by said board deemed best to secure the abatement and extermination of the gopher, rabbit, crow and prairie dog pest.

§ 2. That Section 2262 of the Compiled Laws of 1913 is hereby amended to read as follows:

§ 2262. PETITION REQUIRED.] It shall be the duty of the Board of County Commissioners of any county, on receiving a petition signed by not less than twenty per cent. of the total number of votes cast at the last general election held in such county, requesting them to do so, to offer a bounty or reward for each gopher, rabbit, crow and prairie dog destroyed during the months of April and May. The Board of County Commissioners when so petitioned, as herein provided, shall publish in the local papers of the county during the month of March of each year, the amount of bounty or reward to be paid for each gopher, rabbit, crow and prairie dog destroyed, the manner of ascertaining the number of gophers, rabbits, crows and prairie dogs destroyed and the manner of procedure necessary to obtain such reward.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after its passage and approval.

Approved, February 27, 1915.

## CHAPTER 107.

[S. B. No. 236—Sikes.]

## COUNTY COMMISSIONERS MAY DEED BACK LAND.

AN ACT Authorizing the Board of County Commissioners to Convey Land, Which has been Donated to the County for a Specific Purpose, Back to the Donors, Their Heirs and Assigns, if Such Land is not Used for Such Purpose.

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

§ 1. The Board of County Commissioners of any county is hereby authorized to convey and deed land, which has been donated to the county for a specific purpose, back to the donors, or to their heirs or assigns, as the case may be, for a nominal consideration, if such land is not used for the purpose for which it was so donated if the donor, donors, or their said heirs and assigns, demand that such land be conveyed and deeded back to them.

§ 2. EMERGENCY.] An emergency exists in that there is no provision in law permitting the Board of County Commissioners to deed back land, which has been given to the county for a specific purpose, in case the land is not used for that purpose, therefore this Act shall take effect and be in force from and after its passage and approval.

Approved, March 8, 1915.

## CHAPTER 108.

[H. B. No. 118—Harris.]

## PURCHASE OF ROAD IMPROVEMENTS AND MACHINERY BY COUNTY COMMISSIONERS.

AN ACT to Amend and Re-enact Section 1946 of the Compiled Laws of 1913, of North Dakota; Relating to the Expenditure of Money by Contract for Road Improvements and Road Machinery by the County Commissioners.

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

§1 AMENDMENT.] Section 1946 of the Compiled Laws of 1913 of North Dakota is hereby amended and re-enacted to read as follows:

§ 1946. FUND, HOW EXPENDED.] Such fund shall be expended only for road machinery and in grading, ditching and surfacing, in proper form and condition for public travel, such highways or parts of highways, howsoever established, as constitute the principal thoroughfares of the county, communicating with shipping points and market places resorted to by inhabitants of the county, for which the means otherwise provided are not, in the opinion of the County Commissioners, sufficient.

§ 2. CONTRACTS TO BE ADVERTISED.] All purchases of road machinery and other articles or contracts for the improvements of the highways which shall exceed the sum of one hundred dollars, shall be advertised in the manner as now provided by law for the purchase of county supplies.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no provision in the laws providing for the County Commissioners to purchase road machinery, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved, March 3, 1915.

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## COUNTY

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### CHAPTER 109.

[H. B. No. 37—Stinger.]

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#### COUNTY AGRICULTURAL ASSOCIATIONS.

AN ACT for the Amendment of Section 1867 of the Compiled Laws of North Dakota for 1913, Relating to County Fairs.

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

§ 1. AMENDMENT.] That Section 1867 of the Compiled Laws of North Dakota for 1913, relating to county fairs, be amended to read as follows:

§ 1867. AMENDMENT. CERTAIN COUNTIES MAY AID. CONDITIONS. APPLICATION. LEVY OF TAX.] If in any county, the taxable real estate and personal property within which has an assessed value of not less than one and one-half million dollars, there may be organized a county agricultural association all of whose executive officers and directors shall be citizens of said county, such association may apply to the County Board of Commissioners of such county for a grant to aid in the erection of suitable buildings and other improvements to accommodate its patrons and exhibits to be made at any fair to be held by any such association and to pay premiums and expenses that may be awarded on such exhibits. Applications for such grant shall be made in writing, and must show that such association is duly incorporated, the names and places of residence of all its executive officers, that it is the owner in fee of real property in such county, sufficient in area for the purpose of its fair and of the value of at least twenty-five hundred dollars. If such Board of County Commissioners shall be satisfied that the statements in such application are true and that such association intends in good faith to hold a fair within said county annually for the exhibition of agricultural, horticultural, mechanical and manu-