

act such business within this state and the premiums for such bond or bonds shall be audited and paid out of the general fund of the state. This act shall in no way apply to Chapter 62 of the Session Laws of North Dakota for the year 1915 or to any officials therein named who are required to be bonded thereby.

Approved February 20, 1917.

CHAPTER 176.

[S. B. No. 72—Jacobsen.]

TAKING OF TESTIMONY IN CASES OF REMOVAL OF OFFICERS BY GOVERNOR.

An Act to Amend and Re-enact Section 689 of the Compiled Laws of North Dakota for 1913, Relating to Notice of Charges and Taking Testimony in Cases of Removal of Officers by the Governor.

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

§ 1. AMENDMENT.] That Section 689 of the Compiled Laws of North Dakota for 1913 be amended and re-enacted so as to read as follows:

§ 689. Upon the filing of any such complaint, or charges the governor shall, within ten days cause a copy thereof to be made and served upon the accused, together with a notice of the time and place of taking testimony and the name of the special commissioner before whom such testimony will be taken, and the date fixed for the taking of such testimony shall not be less than fifteen nor more than twenty days from the service of the copy of charges against the accused.

Approved February 14, 1917.

PARKS

CHAPTER 177.

[H. B. No. 101—Liederback.]

KILLDEER MOUNTAIN PARK COMMISSION.

An Act Creating a Commission, Herein Designated as the Killdeer Mountain Park Commission; Describing the Duties of the Commission and Making an Appropriation Therefor.

PREAMBLE. Whereas, the Killdeer Mountains are one of the scenic splendors of the West, and

Whereas, the Killdeer Mountains are of National historic

value, owing to the fact that one of the greatest Indian battles of the West was fought there, and

Whereas, the great agricultural state of North Dakota is lacking in scenic beauty and splendor, now therefore;

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

§ 1. That as soon as practical after the taking effect of this Act, the Governor shall appoint three residents of the State of North Dakota, who shall constitute a Commission to be known as the Killdeer Mountain Park Commission.

The duties of said Commission shall be to investigate the advisability of purchasing by the National Government and to map and estimate the cost of the region embraced in the Killdeer Mountains in Dunn County, North Dakota, being more minutely described as all of Sections 8, 9, 10, 15, 16, 17, 20, 21, 22, N $\frac{1}{2}$ of Section 27, N $\frac{1}{2}$ of Section 28, and all of Sections 29, 30, 31, and 32, in Township 146, North of Range 96 West of the Fifth Principal Meridian and so make a report thereon to the President of the United States, the Secretary of the Interior, the Commissioner of National Parks and to each of North Dakota's Representatives in the Senate and House of Representatives of the United States Congress.

§ 2. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, or as much thereof as may be necessary to carry out the provisions of this Act, the sum of Five Hundred Dollars (\$500.00).

Approved March 15, 1917.

CHAPTER 178.

[H. B. No. 192—Reishus.]

POWERS OF PARK COMMISSION.

An Act to Amend and Re-enact Section 4059 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 71, Session Laws of 1915, relating to Powers of Park Commission be amended and re-enacted to read as follows:

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

§ 1.] That Section 4059 of the Compiled Laws of North Dakota for the year 1913 as amended by Chapter 71, Session Laws of 1915, relating to powers of Park Commission be amended and re-enacted to read as follows:

(1) To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits, or within six miles thereof, for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect, and improve the same.

(2) To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through or around said parks and

to construct, erect, build, maintain, manage, govern, and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

(3) To pass all ordinances necessary, requisite, and needful for the regulation and government thereof, and to make, change and enforce any ordinance with reference thereto.

(4) To levy special assessments on all property especially benefitted by the purchase, opening, establishment and improvements of such parks, boulevards and ways or streets or ways about the same.

(5) To require the services of the city engineer of the city included in such park-district, who shall be ex-officio engineer, and surveyor of such commission, and to require the services of a clerk, and such clerk shall be paid by such commission for his services as clerk a salary not to exceed twenty-five dollars (\$25.00) per month, to appoint other employees for the performance of manual labor, including such police force as may be deemed necessary.

(6) To issue negotiable bonds of the park district in a sum not to exceed three per cent of the taxable property therein situated, for the aid and exclusive purchasing and acquiring land for such parks, boulevards and ways and for the permanent improvement thereof, including the erection and construction of buildings, pavilions, plays, dams, ponds, pools, artificial lakes, lagoons and pleasure fields, and to drain such grounds and the lands adjacent thereto and to prevent the overflow thereof; provided such bonds shall not bear a rate of interest to exceed six per cent; and provided further, that upon the affirmative vote of the electors of such district, as by law provided, such commission may be authorized to issue such bonds in any amount in the aggregate not to exceed six per cent of the value of the taxable property in such district.

(7) To levy taxes upon all property within said district for the purpose of maintaining and improving said parks, boulevards and ways, and to defray the expenses of such board, provided; that such tax so levied shall in no year exceed the sum of three mills on each dollar of taxable property within said district over and above the amount necessary to pay interest and sinking fund on bond; and special assessments lawfully levied against park board property by other departments of government. Provided that in cities a tax not to exceed five mills may be levied.

(8) To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the sub-division and planting of property within four hundred feet thereof.

(9) To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes or obligations of the district.

(10) To connect any park or parks owned or controlled by it

with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose.

(11) To plant, set out, maintain, protect and care for shade trees in any of the public streets or highways of their respective districts, and to specify and regulate the kinds of trees that shall be planted or set out in such streets or highways, the size and location of such trees and the methods to be used in the planting and cultivation thereof, and to pass such ordinances as may be requisite, necessary or needful for the protection and control of such trees.

Approved March 12, 1917.

PERSONAL INJURY

CHAPTER 179.

[S. B. No. 88—Mostad.]

PERSONAL INJURY.

An Act Relating to Settlements of Causes of Action for Damages Sustained Through Personal Injury and Contracts of Retainer made therefor.

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

§ 1. Every settlement or adjustment of any cause of action and every contract of retainer or employment to prosecute an action for damages on account of any personal injuries received, whether death ensue or not to the person injured, shall be voidable if made while the person so injured is under disability from the effect of the injury so received, or if made within thirty days after the date of such injury.

§ 2. The person so injured, or in case of his death, his personal representative, may elect, at any time within six months after the date of such injury to avoid such settlement, adjustment or contract by a notice in writing to that effect or by bringing an action to recover damages therefor. Whenever such action shall be so commenced, within the period of time so limited, the amount received by the person so injured or his representative in case of his decease, in any settlement or adjustment so made, shall not be a bar to the prosecution of such action, but may be set up as an offset or counter claim to the amount of damages recoverable, if any.

§ 3. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 1, 1917.