

shall be submitted to the Chief Engineer of the State Highway Commission who shall if he approves the same, endorse his approval thereon before the same shall be submitted to the Federal authorities if such submission is necessary; thereafter as all estimates in the construction of said bridges are allowed, duplicates thereof shall be submitted to and filed with the Chief Engineer of the State Highway Commission, who shall thereupon certify the amount thereof to the State Auditor who shall issue the state warrant for one-third thereof in favor of the city, county or municipality which has entered into the contract for, is constructing and paying for said bridge, which warrant upon presentation shall be paid by the State Treasurer from any moneys in the general fund.

Approved March 5, 1919.

BUILDINGS

CHAPTER 74.

(S. B. No. 147—King.)

DISPOSITION OF BUILDINGS CONDEMNED.

An Act to Provide for the Disposition of Any Building ordered Condemned or Repaired by the Fire Marshal, Chief Assistant or Deputies.

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

Section 1. Whenever the Fire Marshal or his Chief assistant or any deputy shall, in pursuance of the provisions of Section 206 or 207 of the Political Code Compiled Laws of 1913, make any order requiring any building or other structure to be repaired, torn down or demolished, or the material thereof removed, or dangerous condition thereof removed and abated, such order shall be in writing and shall concisely state the grounds upon which it is based. The Fire Marshal may institute proceedings for the enforcement of any such order as hereinafter provided.

Sec. 2. The Fire Marshal may at any time after such order is made, file a copy thereof in the office of the Clerk of the District Court of the county in which the premises affected by the order are situated; and thereupon all proceedings with reference thereto shall be within the jurisdiction of said court. Said proceeding shall be therein entitled in the matter of the order of the Fire Marshal concerning the premises therein affected.

Sec. 3. Thereupon a copy of such order together with written notice that it has been so filed and that the Fire Marshal will apply to said court for a judgment enforcing the terms thereof, and requiring all parties interested in said matter to appear therein and to state their objects, if any there be, to said

order, within twenty days from the time of the service thereof, shall be served upon the owner, mortgagee, lessee, tenant, occupant or other person known to have or claim any interest in said premises. Said notice shall contain the title of the proceeding and specify the court in which such proceeding is instituted and shall be subscribed by the Attorney General of the state, who shall appear for the Fire Marshal in each such proceeding. It shall be served, together with a copy of said order as above provided, in the same manner as that in which a summons in a civil action is required to be served; provided, however, that service of such order and notice may be made as to any and all parties having or claiming to have any interest in said premises, by publication thereof by order of the court having jurisdiction of the proceeding, which shall be granted when it shall be made to appear to said court that the sheriff of the county in which said premises are situated shall have made his return upon such order and notice that as to any party or parties having or claiming to have an interest in said premises he has been unable to make the service required by Section 7426 of the Compiled Laws of 1913; and when it shall be made to appear further by affidavit, that any such party is, or is believed to be, absent from the jurisdiction of said court so that service of such order and notice cannot be made upon such party in the manner provided by said Section 7426. Whenever it shall appear to the court that additional parties are proper or necessary parties in said proceeding, the court may order such parties to be brought in by proper service upon them of such notice or order.

Sec. 4. Any party having or claiming to have an interest in the said premises may appear and state in writing his objections to said order within twenty days after service thereof upon him as hereinbefore provided. After such period has expired the court may permit parties to appear for the protection of their respective interests at any time before final determination of said proceeding as may be just and proper.

Sec. 5. Said proceeding may be brought on for hearing and determination by the Fire Marshal or by any other party thereto at any time after the lapse of thirty days from the completion of service upon all parties appearing to be interested therein. The time of such hearing shall, upon the application of any such party, be set by the court for any day in any general or special term; and in the order setting such time for hearing the court shall further order such notice to be given to all parties to such proceeding of such hearing as it shall deem proper; provided, however, that it shall not be necessary to give notice of such hearing to any person upon whom service of said order and the

notice thereto attached shall have been made as above provided, and who shall not have appeared in said proceeding.

Sec. 6. At the time set for such hearing, or as soon thereafter as practicable, the court shall hear and determine the issues raised by said order and the objections thereto and shall make its findings of fact and conclusions of law therein as in other civil actions, and shall order judgment to be entered accordingly. If the court finds that the order of the Fire Marshal in the premises is just and proper, the judgment shall provide for the enforcement thereof within such time and in such manner as shall be therein designated by said judgment or by appropriate order based thereon, the court may direct the sheriff of said county or the Fire Marshal to proceed to cause such judgment to be enforced by such compliance with the terms of the order of the Fire Marshal, as shall be provided in said judgment. In the event that any building or other structure is so disposed of in pursuance of such order of the court that there shall be salvage therefrom, the court shall make appropriate order for the protection of the interests of the parties of such proceeding.

Sec. 7. Costs and disbursements may be taxes, allowed and entered in the judgment of the court in any such proceeding in the same manner as in other civil actions. As a part of such disbursements, in the event of proceeding taken by the sheriff or Fire Marshal in the enforcement of any order of the court, as above provided according to the terms of the order of the Fire Marshal, the necessary disbursements of such sheriff or Fire Marshal in the course of such proceeding shall be reported to the court and the court shall make such order in the premises as may be just and proper concerning the allowance thereof, and when so allowed, they shall be entered as a part of the judgment. The Fire Marshal shall reimburse the sheriff for his disbursements and fees in said proceeding.

Sec. 8. Any and all costs and disbursements allowed to the Fire Marshal in said proceeding and entered in the judgment therein, shall be a lien against the premises affected by said order and shall be enforceable in the same manner as other judgment liens.

Sec. 9. All Acts and parts of Acts are hereby repealed insofar as they may be inconsistent with the terms of this Act.

Approved March 7, 1919.

CHAPTER 75.

(S. B. No. 172—Committee on Public Buildings.)

FIREPROOF BUILDING OR HOTEL.

An Act Defining the Meaning and Limiting the Use of the Term "Fire Proof Building or Hotel" and Providing a Penalty Thereof.

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

Sec. 1. It shall be unlawful for any person, firm or corporation to advertise a building or hotel as being fire proof unless constructed in the following manner:

All foundations, floors, roofs, walls, stairways, stairs, elevator shafts, and dumb waiter shafts, shall be constructed of concrete, brick, terra cotta blocks, steel or other fire proof material.

Sec. 2. Any person, firm or corporation advertising a building or hotel as fireproof unless constructed in accordance with the provisions of the foregoing article shall be punished upon conviction by a fine of not to exceed \$500.00 or one year in jail.

Approved March 7, 1919.

CERTIORARI

CHAPTER 76.

(H. B. No. 36—Bjerke.)

ISSUANCE OF THE WRIT OF CERTIORARI.

An Act to Amend and Re-enact Section 8445 of the Compiled Laws of North Dakota for the Year 1913, and Providing for the Issuance of the Writ of Certiorari.

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

Sec. 1. AMENDMENT). That Section 8445 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 8445. WHEN AND BY WHOM GRANTED.) A writ of certiorari shall be granted by the Supreme and District Courts, when inferior courts, officers, boards or tribunals have exceeded their jurisdiction and there is no appeal, nor, in the judgment of the court, any other plain, speedy and adequate remedy, and also when in the judgment of the court it is deemed necessary to prevent miscarriage of justice.

Approved February 14, 1919.