

## STREET IMPROVEMENTS

### CHAPTER 208.

(H. B. No. 85—Wadeson)

#### STREET IMPROVEMENTS.

An Act to Amend and Re-enact Section 3896 of the Compiled Laws of North Dakota of 1913; Providing for the Improvement on Petition of Public Streets of Villages and for the Levy and Collection of Tax Therefor.

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

Sec. 1. AMENDMENT.) That Section 3896 of the Compiled Laws of North Dakota be amended and re-enacted to read as follows:

Sec. 3896. SIDEWALKS, STREETS, ETC. PETITION FOR BUILDING OR REPAIRING.) Whenever two-thirds of the resident owners in number or in value of real estate bounding both sides of any street, not less than one square, shall petition to have such street graded, paved, ditched or drained for the purpose of the drainage of such street or abutting property, or for the construction or repairing of sidewalk thereon, or when two-thirds of the owners of real estate in number or in value on one side of such street shall desire a sidewalk on that side, it shall be the duty of such board to levy and cause to be collected by tax upon the owners of the real estate on such street or part of street, such sum of money as is necessary for the improvement of said street or sidewalk or the building of said sidewalk in front of each of the respective lots or at the side of any corner lot or lots or real estate: provided, however, that no real estate shall be taxed as aforesaid for sidewalks built at a greater distance from the front of said real estate than one-half of the distance to the opposite side of the street.

Approved March 3, 1919.

## SUBPOENAS

### CHAPTER 209.

(S. B. No. 21—Miklethun.)

#### SERVICE OF SUBPOENAS.

An Act to Amend and Re-enact Sections 7875 and 7877 of the Compiled Laws of North Dakota for the Year 1913, and Relating to Service of Subpoenas.

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

1. AMENDMENT.) That Section 7875 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows, to-wit:

Sec. 7875. Subpoenas shall be served either by reading or by a copy (which copy need not contain the name of any other witness), delivered to the witness or left at his usual place of business, as hereinafter provided. When either party to an action shall deposit with the sheriff traveling fees and fees for one day's attendance of any witness, together with a subpoena for such witness, and a written demand that such witness be served by mail, telegraph or telephone, the sheriff shall serve and make return of such subpoena by any one of the following methods:

1.) By registered mail in the manner provided for summoning jurors and making return thereon in Section 827 of the Compiled Laws of North Dakota for the year 1913.

2.) By telegram to the witness, setting forth the subpoena in full. The sheriff shall demand from the Telegraph Company a service message showing delivery or non-delivery of such telegram, and such service message, if it shows delivery, shall be prima facie evidence of such service, the officer to make return accordingly.

3.) By telephone by reading the subpoena over the telephone to the person to be served. If the person upon whom service is made shall, over the telephone acknowledge his identity to the officer making the service, such acknowledgment shall be prima facie evidence of service and the return shall be made accordingly.

Provided, however, where the party demanding service by mail, telephone or telegraph is a defendant in a criminal action, no deposit of traveling fees or witness fees shall be required.

Where the service is made by mail, telegraph or telephone, the sheriff shall receive in lieu of mileage, per diem and livery the cost of postage, telegrams or telephone calls. In case the witness served by mail, telegraph or telephone shall fail to appear, the sheriff shall return the deposit to the party that made the same.

Sec. 2. AMENDMENT.) That Section 7877 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows, to-wit:

Sec. 7877. A witness personally served may demand his traveling fees and fee for one day's attendance when the subpoena is served upon him and if the same is not paid the witness shall not be obliged to obey the subpoena. The fact of such demand and non-payment shall be stated in the return.

A witness served by mail, telephone or telegraph may upon his appearance demand and shall receive from the sheriff his traveling fees and fee for one day's attendance.

Sec. 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

Sec. 4. EMERGENCY.) Whereas an emergency exists in that there is now no way to serve subpoenas except by personal service, and whereas, it is necessary for the immediate preservation of public peace, health and safety that immediate relief be given, therefore this Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 14, 1919.

## SUPREME COURT

### CHAPTER 210.

(H. B. No. 45—Fredrickson.)

#### SALARY CLERK SUPREME COURT.

An Act to Amend and Re-enact Section 727 of the Compiled Laws of North Dakota for the Year 1913, and Fixing the Salary of the Clerk of the Supreme Court.

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

1. AMENDMENT.) That Section 727 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

Sec. 727. That from and after the passage and approval of this Act, the annual salary of the Clerk of the Supreme Court is hereby fixed at Twenty-five Hundred (\$2500.00) Dollars per year, which said salary shall be paid by the State Auditor monthly as other state officers' salaries are paid.

2. EMERGENCY.) Whereas, the salary now provided by law for the Clerk of the Supreme Court is insufficient to secure and retain the services of a competent clerk, and whereas, it is necessary for the immediate preservation of the health, peace and safety of the public; therefore, this Act is hereby declared an emergency measure and shall become and be in effect and force immediately after its passage and approval.

Approved February 14, 1919.

### CHAPTER 211.

(H. B. No. 22—Martin.)

#### SUPREME COURT REPORTER AND STATE LAW LIBRARIAN.

An Act Providing for a Supreme Court Reporter, a State Law Librarian, and a Legislative Librarian, Prescribing His Duties and Compensation, Providing for the Printing, Publishing and Distribution of Supreme Court Reports and Granting Power to the Supreme Court Concerning the Same and Repealing all Acts Inconsistent Therewith, and Providing an Appropriation Therefor.

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

Sec. 1. The judges of the Supreme Court shall appoint a person of known integrity, experienced and learned in law, who