

CHAPTER 62.

(S. B. No. 44—Baird.)

OFFICIAL NEWSPAPERS.

AN ACT to Amend and Re-enact Section 4, of Chapter 187 of the Session Laws of North Dakota for the year 1919.

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

§ 1. AMENDMENT.] That Section 4 of the Session Laws of North Dakota for the year 1919 is hereby amended and re-enacted to read as follows:

§ 4. CANVASS OF VOTE.] Such newspaper in such county receiving the highest number of votes cast for official newspaper shall be declared the official newspaper from and after the first Monday of January next succeeding said election, until the next biennial election and until a successor is chosen and the county auditor upon the canvass and return of said vote by the county canvassing board, at the time of canvassing other election returns, shall issue a certificate of election to such newspaper receiving the highest number of votes cast at said election. The owner, proprietor or authorized agent of a corporation owning such newspaper shall file a bond to the State of North Dakota of one thousand dollars for the faithful performance of the duties of such newspaper.

Approved March 2, 1921.

EMINENT DOMAIN

CHAPTER 63.

(H. B. No. 136—Semling.)

EMINENT DOMAIN.

AN ACT to Amend and Re-enact Section 8205 of the Compiled Laws of North Dakota for 1913, defining the private property which may be taken by eminent domain.

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

§ 1. AMENDMENT.] That Section 8205 of the Compiled Laws of North Dakota for 1913, be and the same is hereby amended to read as follows:

§ 8205. What Property May Be Taken. The private property which may be taken under this chapter includes:

1. All real property belonging to any person.
2. Lands belonging to this state or to any county, incorporated city, village, or town not appropriate to some public use.
3. Property appropriated to public use, but such property shall not be taken unless for a more necessary public use than that to which it has been already appropriated, and use by a municipality shall be deemed a more necessary public use than use for the same purpose by a private corporation; and whenever a right of way shall have been taken and the person, firm or corporation taking such right of way shall fail or neglect for five years to use the same for the purpose to which it had been appropriated, the attempt by another person, firm or corporation to appropriate such right of way shall be considered a more necessary public use.
4. Franchises for toll roads, toll bridges, ferries and all other franchises; but such franchises shall not be taken unless for free highways, railroads or other more necessary public use.
5. Any system of water works, electric light and power plant wells, reservoirs, pipe lines, machinery, franchises and all other property of any character whatsoever comprising a water works system or electric light and power system.
6. All rights of way for any and all the purposes mentioned in Section 8203 and any and all structures and improvements thereon, and the lands held or used in connection therewith, shall be subject to be connected with, crossed or intersected by any other right of way or improvement or structure thereon. They shall also be subject to a limited use in common with the owner thereof when necessary; but such uses, crossings, intersections and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury.
7. All classes of private property not enumerated may be taken for public use, when such taking is authorized by law. Provided that in the event that such property is acquired by condemnation proceedings the city or municipality instituting such proceedings shall be bound by the decision of the court and jury in such proceedings, and shall pay into court, within six months after the rendering of the verdict therein, the full amount found by the jury to be the amount of the damages for such taking.

Approved March 10, 1921.