

actually dismissed. All expenses incident to such proceedings incurred by the Commission shall be presented to and audited by the State Auditing Board, and be paid out of the funds provided for in this Act to meet the expenses of the Guaranty Fund Commission.

Approved February 11, 1927.

DIVORCE

CHAPTER 132

(H. B. No. 214—Thompson of Ramsey)

DECREES OF SEPARATION FROM BED AND BOARD

An Act to Provide for the Granting of Decrees of Separation from Bed and Board, Specifying the Grounds Upon Which Such Decree May be Entered, and Providing for the Maintenance of Spouse or Children, and for the Division by the Court, of Joint and Separate Property of Husband and Wife.

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

§ 1. A decree of separation from bed and board forever, or for a limited time, may be decreed by the district courts of this state upon such evidence as shall be deemed sufficient, on complaint of a married woman or a married man, for any of the following causes:

1. Any cause for which a divorce might be decreed; or
2. Cruelty on the part of either party toward the other party whether practiced by using personal violence, abusive language, threats of violence, or by any other means which may render the marital relations intolerable to either party, or render it unsafe or improper for them to live together; or,
3. Failure or refusal by either party to cohabit, as husband and wife, for a period of one or more years, next preceeding the commencement of the action; or,
4. Failure of either party, when being of sufficient means and ability, to provide a suitable maintenance for the other party, when such other party is unable from infirmity or other cause to support herself or himself.

§ 2. The court in which any such action is brought, may upon motion, award such sums for counsel fees and temporary maintenance, during the pendency of the action, as the circumstances and the situation of the parties appear to warrant.

§ 3. Upon decreeing a separation in any such suit, the court may make such orders and decree for the suitable support and maintenance of the wife or husband, and children, if any, out of the separate or joint property of the husband and wife; or such division of the joint or separate property of the husband and wife as may appear just and proper.

§ 4. Such decree of separation from bed and board shall confer upon both the husband and wife all the rights of property, business and contracts as if unmarried; and shall release both husband and wife from all obligations of maintenance, except as may be required by the decree.

§ 5. When a decree for a separation forever, or for a limited period, shall have been pronounced, it may be revoked at any time thereafter by the same court by which it was pronounced, under such regulations and restrictions as the court may impose, upon the joint application of the parties, upon their producing satisfactory evidence of their reconciliation.

§ 6. No action shall be brought or maintained under the provisions of this act unless the plaintiff has complied with the statutory residence and citizenship provisions required of the plaintiff in a divorce proceeding.

Approved March 3, 1927.

DRAINS

CHAPTER 133

(H. B. No. 311—Committee on Drainage)

DRAINAGE WARRANTS FOR DRAINS ABANDONED OR POSTPONED

An Act to Provide for the Payment of Outstanding Warrants Issued by any Board of Drain Commissioners for Expenses Incurred and for Services of Surveyors, Engineers and other Persons or Corporations, Contracted for and Rendered Prior to the Establishment of Drains for the Purpose of Draining Agricultural Lands, in Cases where any such Board has Established such Drain or Drains, and same has thereafter been abandoned, or the Construction thereof Postponed for a Period of more than Two Years, and Providing for the Re-conveyance of Land no Longer Required for Drainage Purposes.

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

§ 1. That in all cases where a petition has been presented to the Board of Drain Commissioners in any County in this State, for the establishment of a drain, having among its purposes, the drainage of agricultural lands and where such drain has been established