

order to show cause to be personally served upon all persons interested in the estate, and on any general guardian of a minor, or incompetent person, so interested, and any legatee, or devisee, or heir of a decedent provided they are residents of the county, at least two weeks before the time appointed for hearing the petition, and published once a week for two successive weeks in such newspaper of the county where the court is held as the judge shall direct. If there be no newspaper published in the county in which the proceedings are had, then it shall be published in such newspaper as the court or judge may direct, and shall be in all cases posted in three of the most public places in the county where the land is situated; *Provided*, That all parties interested in said estate shall, before final action is taken according to the provisions of Section 1 of this act receive due notice as provided by law for the sale of real estate of decedents. If all persons interested, in the estate join in the petition or assent in writing to the execution of the mortgage, the notice may be dispensed with and the hearing may be had any time.

§ 3. EMERGENCY.] As there is no law granting power to county courts to mortgage the real estate of deceased persons as provided in Section 1, an emergency arises and this act shall take effect and be in force from and after its passage and approval.

Approved February 26, 1890.

COUNTY OFFICERS.

CHAPTER 55.

[H. F. 272.]

SALARIES FIXED BY COUNTY COMMISSIONERS.

AN ACT to Provide for Fixing the Salaries of County Officers.

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

§ 1. SALARIES OF COUNTY OFFICERS, WHEN FIXED.] The board of county commissioners, at their quarterly meeting in the month of July, or at some special meeting during said month next prior to each and every general election, shall fix the amount of salary which shall be received by every county officer for the ensuing term, whose salary is fixed by the board of county commissioners, and is entitled by law to receive a salary, payable out of the county treasury. And the salary so fixed shall not be increased or diminished dur-

ing said term of office. This section shall not apply to any county wherein the salaries of its officers have been provided and fixed by law.

§ 2. All acts and parts of acts conflicting with the provisions of this act are hereby repealed.

Approved March 18, 1890.

COUNTY SEATS.

CHAPTER 56.

[H. F. 291.]

MANNER OF RELOCATING COUNTY SEATS.

AN ACT to Provide for the Changing and Relocating of County Seats.

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

§ 1. THREE-FIFTHS VOTE REQUIRED.] That whenever the inhabitants of any county in this state are desirous of relocating and changing the place of the county seat of their respective counties, and upon petitions being presented to the county commissioners signed by one-third in number of the qualified voters of such county as shown by the vote cast at the last preceding election for State officers holden in such county, it shall be the duty of said board of county commissioners in the notices for the next general election to be held in such county to notify the voters thereof to designate upon their ballots at said election the place and location of their choice, and if upon canvassing the vote so given and deposited at such election, it appears that any one place has three-fifths of the votes polled and cast, such place shall be the county seat of such county, and the board of county commissioners and all officers of such county shall within fifteen days after the result of said election has been declared by the canvassing board of such election remove all records, books, papers and paraphanlia belonging to their several county offices to the place having received three-fifths of the votes so cast; *Provided*, That nothing in this act shall permit the removal to or locating of the county seat of any county at a place not located upon a line of railroad, nor wherein the court house and jail now erected exceeds in value the sum of \$35,000.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1890.