

for the investment of money belonging to the permanent school fund, but in such manner that the same shall be available to liquidate the interest or principal upon said bonds when required.

§ 15. BOARD TO REPORT TO NEXT LEGISLATIVE ASSEMBLY.] Said Commissioners shall make a full and complete report to the next Legislative Assembly of all their doings under the provisions of this act.

Approved, February 24, 1893.

CHAPTER 30.

[S. B. No. 88.]

FIRE PROTECTION FOR CAPITOL BUILDING.

AN ACT to Provide Protection from Fire Within the Capitol Building.

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

§ 1. DUTY OF TRUSTEES.] That the Board of Trustees who have control and charge of the Capitol are authorized, and it is hereby made their duty, to provide the Capitol building with safe and efficient protection from fire within said building.

§ 2. APPROPRIATION.] That the sum of four hundred dollars, or so much thereof as is necessary, is hereby appropriated out of any money in the general fund to carry out this act.

§ 3. EMERGENCY.] There being no adequate protection against fire within the Capitol at the present time, an emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1893.

CITIES.

CHAPTER 31.

[S. B. No. 167.]

BOARD OF AUDIT FOR CITIES.

AN ACT Constituting Boards of Audit for Cities and to Provide for the Presentation and Auditing of Claims.

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

§ 1. BOARD OF AUDIT.] The mayor and common council of all cities organized under and pursuant to an act entitled "An Act to Provide for the Incorporation of Cities," approved March 11,

1887, are hereafter constituted boards of audit for said cities respectively.

§ 2. CLAIMS FOR DAMAGES.] All claims against cities for damages or injury alleged to have arisen from the defective, unsafe, dangerous or obstructed condition of any street, crosswalk, sidewalk, culvert or bridge of any city, or from the negligence of the city authorities in respect to any such street, crosswalk, sidewalk, culvert or bridge, shall, within sixty days after the happening of such damage or injury, be presented to the mayor and common council of such city by a writing signed by the claimant and properly verified, describing the time, place, cause and extent of the damage or injury.

§ 3. NO ACTION UNLESS CLAIM IS PRESENTED.] No action shall be maintained against any city as aforesaid, for injuries to person or property unless it appears that the claim for which the action was brought was presented to the mayor and common council as aforesaid, with an abstract of the facts out of which the cause of action arose, duly verified by the claimant, and that the mayor and common council did not, within sixty days thereafter, audit and allow the same.

§ 4. BAR TO ACTION.] It shall be a sufficient bar and answer to any action or proceeding in any court for the collection of any demand or claim, either for injury to property or person, that it had not been presented to the mayor and common council of such city in the manner herein described, for audit and allowance within said sixty days, as aforesaid.

§ 5. EMERGENCY.] Whereas, There is no law covering the subject; therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1893.

CHAPTER 32.

[H. B. No. 246.]

AN ACT Authorizing the Refunding of Outstanding City Bonds and Warrants.

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

§ 1. REFUNDING AUTHORIZED.] Each and every incorporated city in this State is hereby authorized and empowered, by and through its city council, when deemed in the judgment of said council to be to the best interests of the city, to issue its negotiable bonds in the name of the city corporation, for the sole purpose of funding the outstanding indebtedness of such city, represented by the city warrants, bonds or orders of such city existing

against the city, that is at the time due and payable, or is then about to become due and payable, or whenever said indebtedness can be refunded at a lower rate of interest than the then existing rate of interest on said indebtedness.

§ 2. BONDS—DENOMINATIONS—INTEREST.] Each and every bond that shall be issued under or by virtue of this act, shall recite upon its face that it is issued under the provisions of this act, designating this act by its title and date of its approval. Said bonds shall be in denominations of not less than \$500 nor more than \$1,000; shall severally show and bear the date of their issue and the date when payable, and shall be made payable in not less than five years nor more than twenty years, from their date; shall be made payable to the purchaser or bearer, and may be made payable anywhere in the United States; shall bear interest not exceeding the rate of 6 per cent. per annum, payable annually or semi-annually as may be agreed upon, and shall have interest coupons attached. Said bonds shall be engraved or lithographed on good bond paper and said bonds severally, and each of said coupons, shall be signed by the mayor and shall be attested by the city clerk of the city in whose corporate name they are issued, and to each bond, but not to the coupons, the seal of said city shall be affixed.

§ 3. SALE OF BONDS.] Said bonds may be sold by the city council of the city in whose corporate name they are issued at not less than their par value, and the proceeds thereof shall be applied solely to the payment of such outstanding indebtedness of such city represented by city warrants, bonds or orders of such city, as are authorized to be funded under the provisions of Section 1 of this act; or said bonds issued as herein provided may be exchanged at not less than their par value, for not less than an equal amount, at par value, of such outstanding bonds, warrants or orders of said city as are authorized to be funded under the provisions of Section 1 of this act, and when such exchange shall be made said outstanding bonds, warrants or orders so paid by the issue of bonds as herein provided, shall be marked respectively, "Paid by Bond No. . . ." (stating number of such bond), and shall be retained by the city treasurer until his settlement with the city council, and shall then be compared with the new bond registered, and after such comparison shall be placed in custody of the city clerk whose duty it shall be to preserve the same.

§ 4. RECORD OF BONDS.] Said bonds issued as herein provided and before delivery thereof to the purchaser, shall be presented by the city clerk to the city treasurer, who shall register them in a book to be kept for that purpose and known as the "Bond Register," wherein he shall enter the number of each of said bonds, its date, the date of its maturity, its amount and rate of interest, and to whom and where it is made payable.

§ 5. TAX FOR INTEREST—SINKING FUND.] The city council in whose corporate name said bonds shall be issued as herein pro-

vided, shall each year levy upon the taxable property of and in said city a sufficient tax to pay the interest on said bonds, as the same shall accrue, and also, within reasonable time before the maturity of said bonds, a sufficient tax to provide a sinking fund for the payment of said bonds at their maturity.

§ 6. DUTY OF TREASURER.] On presentation of said bonds issued as herein provided, and the several coupons thereto attached, at their maturity, respectively, it shall be the duty of the city treasurer to pay the same out of any funds in his hands applicable thereto, and to cancel the same by writing or stamping across the face of each coupon and bond so paid, "Cancelled by Payment this....day of....." (inserting the date of such payment.)

§ 7. BONDS NEGOTIABLE.] All bonds issued in substantial conformity to the provisions of this act shall in law be considered negotiable.

§ 8. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 9. EMERGENCY.] Whereas, an emergency exists in this, that there is at present no law of the State of North Dakota authorizing cities not incorporated under the general law to refund outstanding city bonds; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1893.

CHAPTER 33.

[H. B. No. 133.]

CITY ASSESSORS.

AN ACT to Amend and Re-Enact Sections Two, Six and Seven of Article Nine of Chapter Seventy-Three of the Laws of 1887, Being Sections 917, 921 and 922 of the Compiled Laws.

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

§ 1. AMENDMENT.] That Section two of Article nine of Chapter seventy-three of the Laws of 1887, being Section 917 of the Compiled Laws, be and the same is hereby amended and re-enacted so as to read as follows:

§ 2. APPOINTMENT—ASSESSMENT ROLL.] The assessor shall be appointed in each even numbered year and shall be governed by the same laws and regulations as county and township assessors, except that he may list and assess any real estate on or after the first day of January in the year in which the same is subject to assessment, and he may likewise list and assess any personal property on or after the first day of April in each year, and shall return his assessment [roll] to the city auditor on or before

the second Tuesday in June of each year. Such assessment roll shall be open to the inspection of all persons interested until the meeting of the board of review.

§ 2. AMENDMENT.] Section six of Article nine of chapter seventy-three of the Laws of 1887, being Section 921 of the Compiled Laws, is hereby amended and re-enacted so as to read as follows:

§ 6. DUTY OF CITY AUDITOR.] Within ten days after the completion of the equalization of the assessment as herein provided, the city auditor shall deliver the same to the county auditor of the county in which such city is situated with his certificate that the same is correct as equalized by said board of equalization, and the same shall be accepted by the board of county commissioners of such county in lieu of all other assessment rolls for said property in said city, and the board of equalization of such county may increase or diminish the valuation therein placed on any class of property, so as to make such valuation uniform with the valuation of the same class of property throughout such county, but no individual assessment shall be otherwise changed, and a failure of any county or city board of equalization to hold its meetings shall not vitiate or invalidate any assessment or tax except as to the excess of valuation, or tax thereon, shown to have been unjustly made or levied.

§ 3. AMENDMENT.] Section seven of Article nine of Chapter seventy-three of the Laws of 1887, being Section 922 of the Compiled Laws, is hereby amended and re-enacted so as to read as follows:

§ 7. TAX LEVY—HOW AND WHEN MADE.] The city council shall at its first regular meeting in September or within twenty days thereafter levy a tax for general purposes sufficient to meet the expenses of the year based upon the annual appropriation bill for the year, and in addition thereto an addition for interest and sinking fund as required by this act, and such levy shall be forthwith certified by the city auditor, with any levy made by the board of education of such city for school purposes, to the auditor of the county in which such city is situated. Such levy shall be made in specific amounts and the auditor of such county shall extend the same upon the tax lists of such county for the current year, in the same manner and with the same effect as other taxes are extended, except that the city tax may be included in one amount, and the school tax in one amount for each person or lot, or parcel of land. The levy herein provided for may be made at the same meeting at which the annual appropriation bill is finally passed, and the provisions of law fixing the times at or within which any act or proceedings in the assessment or levy of any taxes shall be done or taken, shall be deemed and held to be directory and not mandatory.

§ 4. REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed.

§ 5. EMERGENCY.] Whereas, an emergency exists in this that the time fixed by law within which the assessment of property in incorporated cities must be made is inadequate for the proper assessment of such property, and such assessment must be made before July 1, this act shall take effect and be in force from and after its passage and approval.

Approved, March 6, 1893.

CHAPTER 34.

[H. B. No. 91.]

CITY BOARDS OF HEALTH.

AN ACT to Establish City Boards of Health.

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

§ 1. APPOINTMENT OF BOARD.] That there is hereby established in each incorporated city of this State a board of health, which shall be constituted as follows: The mayor of such city shall, at the first meeting of the council in April, 1893, and in each year thereafter, appoint four aldermen, who, together with the city engineer and the health officer as hereinafter provided, shall constitute a board of health and shall have and exercise the powers conferred upon such board by law and by the ordinances of such city.

§ 2. HEALTH OFFICER—DUTIES—SALARY.] At the first meeting of the city council in April, 1893, and in each alternate year thereafter, beginning in 1895, there shall be appointed by the mayor and confirmed by the council one health officer, who shall hold his office for two years and until his successor shall have been appointed and qualified. He shall be a competent physician of regular practice and shall perform such duties as may be conferred upon him by law or by the ordinances of such city. Before entering upon the duties of his office he shall take the usual oath of office and give bonds, to be approved by the city council, in the sum of one thousand dollars (\$1,000) for the faithful performance of his duties, and shall receive such compensation as the city council may determine.

§ 3. EMERGENCY.] Whereas, an emergency exists in this, that there is no adequate law for the establishment of boards of health in cities, and it is important that power be conferred upon such cities to establish such boards prior to July 1, 1893, this act shall take effect and be in force from and after its approval.

Approved, March 6, 1893.

CHAPTER 35.

[Sub. S. B. No. 79.]

COMPENSATION OF POLICE JUSTICES.

AN ACT to Amend Section 13 of Article 5 of Chapter 73 of the Laws of 1887, Being Section 902 of the Compiled Laws, as to Compensation of Certain City Officers.

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

§ 1. AMENDMENT.] That Section 13 of Article 5 of Chapter 73 of the Laws of 1887, being Section 902 of the Compiled Laws, be amended so as to read as follows:

§ 13. COMPENSATION UNCHANGED DURING TERM—POLICE JUSTICE.] All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed such fees or compensation shall not be increased or diminished to take effect during the term for which any such officer was elected or appointed; *Provided*, That in any city incorporated under this act, and in which the police justice thereof is allowed and paid a salary under the provisions of this section, that then and in such case, such police justice shall not be entitled to receive fees of any kind or in any amount whatever from such city, and such police justice shall be entitled to and it shall be his duty to collect, in all criminal cases and in all cases instituted under any ordinance of the city, the same fees that are now allowed by law to justices of the peace, and any and all fees collected by him in any and all criminal cases, and in any and all cases instituted under any ordinance of the city, shall be by him paid over to the city treasurer of such city at the end of each month, and he shall at the same time make and file with the city clerk, a report in writing and under oath, showing an account of any and all fees that shall have been collected by him during the preceding month in any such case or cases and the case or cases in which the same were collected; *Provided, further*, That any such police justice shall be required to give, before entering upon the discharge of his duties, a bond in such amount as the city council may prescribe, not less than five hundred dollars (\$500.00) [conditioned that he will faithfully] discharge all the duties of his office and that he will pay over any and all money that may come into his hands as fees herein provided, and any such police justice shall not be entitled to receive nor shall his salary be paid to him until and unless he shall have fully complied with the provisions of this section.

§ 2. REPEAL.] That all acts and parts of acts in conflict herewith be and the same are hereby repealed.

§ 3. EMERGENCY.] An emergency exists in this, that there is now no adequate law covering the subject of this act; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1893.

CITY SEWERS.

CHAPTER 36.

[H. B. No. 90.]

CITY SEWERAGE SYSTEMS.

AN ACT to Amend Article 16 of Chapter 73 of the Laws of 1887, Being Sections 1000, 1001, 1002 to 1007 Inclusive of the Compiled Laws of the State of North Dakota, and to Re-enact the Same so Amended.

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

§ 1. AMENDMENT.] That Article 16 of Chapter 73 of the Laws of 1887 be and the same is hereby amended and re-enacted to read as follows, to-wit:

ARTICLE 16—SEWERAGE.

§ 1. CITY COUNCIL TO ESTABLISH AND MAINTAIN.] The city council shall have power to establish and maintain at any time a general system of sewerage for said city, in such manner and under such regulations as the city council shall deem expedient, and to alter or change the same from time to time as said council shall deem proper; *Provided, however,* That no measure shall be taken for the establishment of such system of sewerage except upon the affirmative vote of at least two-thirds of the members of the city council; *Provided, further,* That whenever a majority of the residents on any street or part of street owning land abutting thereon, shall petition the city council for the construction of a sewer on such street or part of street as a part of or to connect with such system of sewerage, all measures necessary for the construction of such sewer may be taken on a vote of the majority of the city council.

§ 2. CONSTRUCTION, ALTERATION AND REPAIRS.] The cost of constructing, altering, repairing any of the sewers or improvements herein provided for or referred to shall be estimated by the city engineer of the city or such other competent engineer as may be selected by the city council for such purpose, who shall draw plans and specifications therefor; and such estimate together with