

the county auditor; provided, that whenever the number of schools in a county is diminished by reason of the consolidation of schools or other provision for the instruction of pupils in any district or districts, the same number of schools shall be counted for such district or districts, in computing the salary of the county superintendent, as existed before said consolidation or other provision, until such time as the number of separate departments in the general school or schools provided for the pupils of vacated schools shall equal the number of original schools vacated. In each county which shall be organized for school purposes after the adoption of this code, the county superintendent shall be paid a salary at the rate of one hundred dollars a year until the first Monday in January, next following his election, after which his salary shall be as provided for in this section. The county superintendent may appoint a deputy who shall perform the duties of county superintendent during his absence from the county, but no additional salary shall be paid such deputy except in counties having sixty or more schools. In counties having sixty schools the board of county commissioners shall appropriate one hundred dollars for clerical assistance in the county superintendent's office and five dollars for each additional school, to be paid monthly; provided, that not more than six hundred dollars shall be appropriated for clerical assistance in any one year.

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 All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 4, 1903.

ELECTIONS.

CHAPTER 89.

[S. B. 47—Bacon.]

QUALIFICATION OF ELECTORS.

AN ACT to Amend Section 479 of the Political Code of the State of North Dakota for the Year 1899, Relating to the Qualifications of Electors.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 479 of the political code of the state of North Dakota for the year 1899 be, and the same is hereby amended, so as to read as follows:

§ 479. WHO ENTITLED TO VOTE.] Every male person of the age of twenty-one years or upwards, belonging to either of the following classes, who shall have resided in the state one year, and in the county six months, and in the precinct ninety days next preceding any election, shall be a qualified elector at such election:

First—Citizens of the United States.

Second—Civilized persons of Indian descent who shall have severed their tribal relations, two years next preceding such election, provided, he has complied with the provisions of any law which is now or may in the future be in force relating to the registration of voters, and all persons possessing the qualifications mentioned in this section, and who have resided in this state one year, shall be eligible to any office in this state, except as otherwise provided in the constitution; provided, however, that persons shall vote in the precinct where they reside and not elsewhere, except in case of voters otherwise qualified moving from one voting precinct to another, within the same county, in which case they shall have a right to vote in the precinct from which they move until they have resided ninety days in the precinct to which they move.

Approved March 9, 1903.

CHAPTER 90.

[S. B. No. 61—McArthur.]

FORMATION OF ELECTION PRECINCTS.

AN ACT to Amend Section 481 of the Revised Codes of 1899, Providing for the Formation of Election Precincts.

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

§ 1. AMENDMENT.] Section 481 of the revised codes of 1899 is hereby amended so as to read as follows:

§ 481. PRECINCTS. HOW FORMED.] The board of county commissioners of each county in the state shall, at its first session after the taking effect of this act, divide its county into election precincts and establish the boundaries of the same, if it has not heretofore done so, and the said board of county commissioners, whenever deemed necessary, shall subdivide any precinct containing two or more congressional townships; providing, that every precinct so established shall comprise at least one congressional township. The entirety of civil townships, cities or villages as voting precincts shall be preserved when possible, except when such preservation would conflict with the provisions of this section. In such case the civil township, city or village, except as hereinafter provided, shall be divided into two or more precincts, but in no case shall a precinct be composed of parts of two civil townships, or part of a township and city or village, excepting as hereinafter provided. Such board of commissioners shall designate one voting place in each precinct. No precinct shall contain more than three hundred electors. If at any election hereafter held, more than three hundred votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to

report such fact to the board of county commissioners, which board shall at its next regular meeting divide such precinct as nearly as possible, so that the new precincts formed therefrom shall each contain two hundred and fifty electors, as nearly as practicable; provided, that nothing in this section shall be construed as prohibiting townships adjoining or having within their boundaries an incorporated city, town or village, of less than fifteen hundred inhabitants, from holding their election and having their voting place within the corporate limits of such city, town or village; provided, further, that when the combined vote of any township and incorporated city, town or village, or the combined vote of any township and any portion of any incorporated city, town or village, within its boundaries or within the town lines or section lines which form the boundaries thereof, does not exceed three hundred, such township and incorporated city, town or village, may have but one voting place.

Approved February 24, 1903.

CHAPTER 91.

[H. B. No. 3—Midgarden.]

REGULATING THE CANVASS OF ELECTION RETURNS.

AN ACT Providing for the Procedure of the County Canvassing Board When Defective Returns are Made by the Respective Election Precinct Officers.

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

§ 1. DEFECTIVE RETURNS. DUTY OF CANVASSING BOARD.] That when the returns of the election precinct officers are made to the county canvassing board as now provided by law, in case any provision of the law relative to the duties of said election precinct officers has not been complied with by said election precinct officers, and which is capable of correction or compliance by said board, the county canvassing board is authorized and empowered to issue its subpoenas to the officers of the election precinct wherein the defect occurs, requiring said officers to appear forthwith before said county canvassing board and correct any omission or mistake according to the facts, and said amended or corrected returns shall then be acted on by said county canvassing board, and said county canvassing board shall issue its certificate of election to the party entitled thereto, as shown by the returns as amended or corrected.

§ 2. PENALTY.] In case any officer of any election precinct so subpoenaed should neglect or refuse to obey said subpoena, the said person so refusing shall be arrested by bench warrant issued out of the office of the clerk of district court, in the county where said proceedings occur, and brought before said canvassing board and there

make the necessary correction according to the facts, and a refusal of said officer to make the said correction shall be deemed a contempt of the district court, to be punished as provided for ordinary contempt of court, upon the proper showing, and the procedure shall be the same as in ordinary cases of contempt of court.

§ 3. REPEAL.] All acts and parts of acts in conflict with this chapter are hereby repealed.

Approved March 5, 1903.

CHAPTER 92.

[S. B. No. 57—Williams.]

NOTICE OF ELECTION OF TOWNSHIP OFFICERS.

AN ACT to Amend Section 2559 of the Revised Codes of the State of North Dakota of 1899, Relating to Notice of Election to Township Officers.

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

§ 1. AMENDMENT.] That section 2559 of the revised codes of North Dakota be amended so as to read as follows:

§ 2559. DUTY OF TOWNSHIP CLERK.] The clerk of each township meeting shall, immediately after the votes are canvassed, transmit to each person elected to any township office, a notice of his election.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that there will be an election of township officers before July 1, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1903.

CHAPTER 93.

[S. B. No. 100—Plain.]

VILLAGE ANNUAL ELECTIONS.

AN ACT Relating to the Time of Holding Village Annual Elections in Incorporated Villages and to Amend and Re-enact Sections 2355 and 2358, of the Revised Codes of North Dakota, for the Year A. D. 1899.

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

§ 1. AMENDMENT.] That section 2355 of the revised codes of

the state of North Dakota for 1899 be amended so as to read as follows:

§ 2355. ANNUAL ELECTION. WHEN HELD.] An election for officers of said village, after the first election, shall be held annually on the third Tuesday of March of each year, and at every such election the preceding board of trustees or any of them shall act as the inspectors thereof.

§ 2. AMENDMENT.] That section 2358 of the revised codes of the state of North Dakota for 1899, be amended so as to read as follows:

§ 2358. WHAT VILLAGE OFFICERS TO BE ELECTED.] There shall be elected at the first and at each subsequent election one trustee from each district in said village, and also a clerk, assessor, treasurer, marshal and justice of the peace, who shall respectively hold their offices until the third Tuesday in March next following or until their successors are elected and qualified; provided, however, that nothing herein contained shall prevent the respective offices of clerk, treasurer, assessor and marshal from being held by one and the same person.

§ 3. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 9, 1903:

ESTATES.

CHAPTER 94.

[S. B. No. 200—Williams.]

ORDER OF SUCCESSION.

AN ACT to Amend Section 3742, Revised Codes of the State of North Dakota of 1899, Relating to Order of Succession.

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

§ 1. AMENDMENT.] That section 3742, revised codes of 1899, be amended to read as follows:

§ 3742. ORDER OF SUCCESSION.] When any person having title to any estate, not otherwise limited by marriage contract, dies without disposing of the estate by will, it is succeeded to and must be distributed, unless otherwise expressly provided in this code, and the probate code, subject to the payment of his debts, in the following manner:

1. If the decedent leaves a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the sur-