

son or persons for the arrest and conviction of each and every person who violates any of the provisions of chapter 63 of the penal code of the state of North Dakota, which amount shall be paid to the person or persons entitled thereto, on the presentation of a certificate issued as hereinafter provided from the state's attorney or the county where such conviction was had setting forth the object for which the same was issued to the treasurer of the proper county; and said treasurer shall take a receipt for the same, setting forth the object for which it was paid, which certificate and receipt shall be forwarded to the state auditor, who shall, at the next settlement, place a warrant for such amount in the hands of the state treasurer to be credited on the settlement with said county treasurer.

§ 2. HOW OBTAINED.] Any person or persons claiming such reward shall, within twenty days after the conviction of the criminal, apply to the state's attorney of the county wherein such conviction was had, who shall thereupon issue to such claimant the certificate provided for in section 1 hereof.

Approved March 19, 1903.

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## PUBLIC ADMINISTRATOR.

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### CHAPTER 140.

[H. B. No. 255—Harvey.]

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#### CREATING OFFICE OF PUBLIC ADMINISTRATOR.

AN ACT to Create the Office of Public Administrator, Provide for the Election of an Officer Thereto, His Compensation and Qualifications, to Define His Powers, Duties and Liabilities in the Administration of Estates of Decedents and as Guardian of the Person or Persons and Estates of Minors and Insane Persons and to Define His Relations to Other Civil Officers and Their Relation to Him.

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

§ 1. CREATION.] There is hereby established and created in every organized county in this state the office of public administrator.

§ 2. OFFICER. ELECTION. TERM AND QUALIFICATIONS.] Every organized county in this state shall elect a public administrator at the general election in 1904, and every four years thereafter, who shall be ex-officio public guardian in and for his county, and shall hold his office four years and until his successor is elected, or appointed and qualified. The term of office of such officer shall commence on the first day of January following his election. He shall be an elector in the county where elected or appointed.

§ 3. OATH. BOND AND CERTIFICATE OF ELECTION.] Before enter-

ing upon the duties of his office he shall file his oath, certificate of election and bond with the judge of the county court, which bond, oath and certificate shall be recorded at length in the record book of said court. Said bond shall run to the state of North Dakota for the benefit of parties damaged by breach of the conditions thereof, and shall be in a sum of not less than ten thousand dollars, with sufficient sureties justifying and conditioned that he will:

1. Faithfully discharge all the duties of his office.
2. Account annually to the judge of the county court for all estates and property under his official control and care, or whenever required so to do by the said judge.
3. Turn over to his successor in office all property and estates in his official care and control, and truly account for the same.
4. Turn over all property and estates in his official care and control to any other administrator, executor or guardian designated by the judge of the county court, and truly account for the same.
5. Perform such other acts and duties properly relating to the office, as may be ordered by the county judge.

Which bond shall be approved and endorsed as provided for administrators and executors; and it shall be the duty of the judge of the county court to require the public administrator to make a statement annually, under oath, of the amount of property in his hands or under his control as such administrator, for the purpose of ascertaining the amount of bond necessary to secure such property, and the court may from time to time, as occasion shall require, demand additional security of such administrator, and in default of giving the same within twenty days of such demand, may remove the public administrator and appoint another.

§ 4. COMPENSATION. HOW REMOVED FROM OFFICE. WHY. He shall receive the same compensation for his services as may be allowed by law to executors, administrators and guardians, unless the court, for special reasons, allows a higher compensation. Such public administrator may be removed from office in the same manner and for the same reasons as other public officers, except as provided in sections 3 and 7 of this act, in which case the removal may be summary and upon motion of the judge of the county court.

§ 5. DUTIES AND POWERS OF PUBLIC ADMINISTRATOR.] It shall be the duty of the public administrator to take into his charge, without application to the county court, or special appointment, the estates of all deceased persons, and the person and estates of all minors, and the estate or person and estates of all insane persons in his county, in the following cases:

First. When a person dies intestate in the county without relations, or dies leaving a will, and the executor named is absent or fails to

Second. When persons die intestate without any known heirs.

Third. When persons unknown die or are found dead in the county.

Fourth. When money, property, papers or other estate are left in a situation exposed to loss or damage, and no other person administers on the same.

Fifth. When any estate of any person who dies intestate therein or elsewhere, is left in the county liable to be injured, wasted or lost, when such intestate does not leave a known husband, widow or heirs in this state.

Sixth. The person of all minors under the age of fourteen years, whose parents are dead, and who have no legal guardian.

Seventh. The estate of all minors whose parents are dead, or if living, refuse or neglect to qualify as guardian, or having qualified, have been removed, or are, from any cause, incompetent to act as such guardian, and who have no one authorized by law to take care of and manage their estates.

Eighth. The estates of person and estates of all insane persons in his county who have no legal guardian and no one competent to take charge of such estate, or to act as such guardian can be found, or is known to the court having jurisdiction, who will qualify.

Ninth. Where from any other good cause, said court shall order him to take possession of any estate to prevent its being injured, wasted, purloined or lost.

§ 6. ADDITIONAL POWERS. DUTIES AND REMEDIES.] In addition to the provisions of the foregoing sections he shall have the same powers as are conferred upon, and be subject to the same duties, penalties, provisions and proceedings as are enjoined upon or authorized against special administrators and guardians by the probate code, so far as the same may be applicable. And he may be appointed in proper cases as general administrator without giving additional bond, except as provided in section 2 of this act, and shall then continue the administration until finally settled, unless he resigns, dies, is discharged in the ordinary course of law as the administrator, or is removed for cause as public administrator or as administrator, and may exercise the powers conferred upon, and shall be subject to the duties and liabilities imposed upon such administrators.

§ 7. GIVING NOTICE ON TAKING CHARGE OF ESTATE. PENALTY FOR FAILURE.] It shall be the duty of every public administrator immediately upon taking charge of any estate, except those which he shall have taken charge under the order of the county court for the purpose of administering the same, to file a notice of the fact in the office of the county court. If any public administrator shall fail to file the notice provided for in this section, he shall forfeit and pay to the persons entitled to the estate a sum not exceeding two hundred dollars to be recovered before said court, on motion, and after reasonable notice thereof to said public administrator; and said court may in its discretion remove such public administrator from office.

§ 8. CIVIL OFFICERS TO INFORM HIM AS TO PROPERTY. WHEN.] It shall be the duty of all civil officers to inform the public administrator of all property and estate known to them which is liable to

loss, waste or injury and which by law ought to be in the hands of the public administrator.

§ 9. SHALL PROSECUTE NECESSARY SUITS.] The public administrator shall institute all manner of suits and prosecutions that may be necessary to recover the property, debts, papers or other estates of the person deceased, or of any minor, or insane person, in his charge or custody.

§ 10. COURT MAY ORDER HIM TO ACCOUNT TO SUCCESSOR. WHEN.] The probate court may at any time, for good cause shown, order the public administrator to account for and deliver all money, property or papers belonging to any estate in his hands to his successor in office or to the heirs of said estate, or to any executor or administrator regularly appointed as provided by law.

Approved March 12, 1903.

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## PUBLIC HIGHWAYS.

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### CHAPTER 141.

[S. B. No. 198—Hale.]

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#### HIGHWAY ACROSS DEVILS LAKE.

AN ACT Granting the Consent and Permission of the State of North Dakota to the Construction and Maintenance of a Highway Across, Within, Under and Through the Waters of Devils Lake, Extending From Pelican Point to the Southerly Bank of Said Lake, and Ratifying all Acts Heretofore Performed in the Construction or Maintenance Thereof.

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

§ 1. CONSENT OF STATE GRANTED.] There is hereby granted to the public, and to each and every county, township, municipal corporation and political subdivision interested in, or affected or benefited by the provisions hereof, the consent and permission of the state of North Dakota to construct and at all times maintain a public highway, consisting either in whole or in part of grades, fills, embankments or bridges, or any combination thereof, or otherwise, across, within, under and through the waters of Devils Lake, extending from the point known as Pelican Point on the northerly bank of said lake, in a southerly direction by the most feasible and practicable route to the southerly bank of said lake.

§ 2. FORMER ACTS RATIFIED.] All acts heretofore performed in the construction or partial construction or maintenance of a highway