

made to any such assessment, by any person therein interested, or his agent or attorney, which time shall not be less than fifteen days after the first publication of such notice; and such commission may thereupon alter the same as may in their opinion be just or as may necessary to correct any errors therein, and they may increase or diminish any such assessment as may be just and as is necessary to make the aggregate of all such assessments equal to the total special assessment to be made for the cost of the work for which they are made; *provided*, that no assessment shall exceed the benefits of the parcel of land assessed, as determined by the commission. Such commission shall thereupon confirm such list and attach thereto their further certificate certifying that the same is correct as confirmed by them. Such commission shall thereupon file such assessment list in the city auditor's office. *Provided*, however, that property belonging to the government of the United States shall be exempt from such assessment.

Approved March 14, 1913.

CIVIL TOWNSHIP

CHAPTER 86.

[H. B. No. 6r—Roble.]

GUIDE POSTS.

AN ACT to Amend and Re-enact Section 3187 and to Repeal Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the Year 1905, Relating to Guide Posts.

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

§ 1. AMENDMENT.] Section 3187 of the Revised Codes of North Dakota for the year 1905, is hereby amended and re-enacted to read as follows:

§ 3187. TOWNSHIP TO ERECT GUIDE POSTS.] Each township shall erect and maintain guide posts on the highways and other ways within the township, at such places as are necessary or convenient for the direction of travelers.

§ 2. REPEAL.] Sections 3188, 3189, 3190 and 3191 of the Revised Codes of North Dakota for the year 1905 are hereby repealed.

Approved March 13, 1913.

CHAPTER 87.

[S. B. No. 144—Talcott.]

TOWNSHIP FUNDS.

AN ACT to Amend and Re-enact Section 3147 of the Revised Codes of North Dakota for the Year 1905, Relating to Duties of Township Treasurers and the Method of Drawing Township Funds from the County Treasurer.

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

§ 1. AMENDMENT.] That Section 3147 of the Revised Codes of 1905 be amended and re-enacted to read as follows:

§ 3147. TREASURER TO DRAW MONEYS FROM THE COUNTY.] The township treasurer shall, from time to time, draw from the county treasury such moneys as have been received by the county treasurer for the use of his township and on the receipt of such moneys shall deliver proper vouchers therefor. Each township treasurer shall be allowed and entitled to retain two per cent of all moneys paid out of the township treasury, for receiving, safely keeping, and paying over the same according to law; provided, that the township treasurer shall not be allowed two per cent on the balance turned over to his successor.

Approved March 13, 1913.

CHAPTER 88.

[H. B. No. 434—Hendrickson.]

HIGHWAYS.

AN ACT to Amend and Re-enact Section 1349 of the Revised Codes, Relating to the Jurisdiction of Township Supervisors and County Commissioners in Laying Out Public Highways.

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

§ 1. AMENDMENT.] Section 1349 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 1349. BEFORE WHOM PROCEEDINGS BROUGHT.] In the opening, vacating or changing of a highway outside of the limits of incorporated cities, villages or towns, all proceedings relating thereto to acquire right of way and to all other matters connected therewith shall be under the charge and in the name:

1. Of the board of county commissioners, if the county is without a civil township organization, or if the road is in territory not organized into a civil township.

2. Of the board of township supervisors of organized townships.

3. Of the board of county commissioners of each county in case the road is between or in two or more counties.

4. Of the board of township supervisors of each organized civil township in which any part of the road is situated if the road is situated between two civil townships or in more than one civil township.

5. Of the board of township supervisors of each organized township and of the board of county commissioners in case the road is situated partly in an organized township and partly in an unorganized township.

6. Of the board of county commissioners in any case arising under subdivision four where the board of township supervisors of the respective civil township cannot agree or will not take action on petition so to do.

§ 2. EMERGENCY.] Whereas, there are many roads which the public convenience requires should be laid out, situated between two or more civil townships, and the existing provisions of law are inadequate to meet questions arising in the laying out and establishing of the same; therefore an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1913.

CHAPTER 89.

[H. B. No. 442—Watt.]

DEPOSITING TOWNSHIP MONEYS.

AN ACT to Prohibit Township Treasurers from Depositing Township Moneys in Their Own Name.

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

§ 1. It shall be unlawful for any township treasurer to deposit any moneys belonging to the township in any bank, savings banks, trust company, or other fiduciary institution, in his own name. All such moneys shall be deposited in the name of the township, and any interest on such moneys shall be credited to and accrue to the township fund.

§ 2. PENALTY.] Any person violating the provision of this Act shall be guilty of a misdemeanor.

Approved March 11, 1913.

CHAPTER 90.

[H. B. No. 50—Dean.]

TOWNSHIP OFFICERS.

AN ACT to Amend Chapter 306 of the Session Laws of 1911, Relating to the Election and Appointment of Township Officers and Their Terms of Office, and to Repeal Section 3111 of the Revised Codes of 1905.

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

§ 1. AMENDMENT.] That Chapter 306 of the Session Laws of 1911 be amended and re-enacted to read as follows:

Chapter 306. There shall be elected at the annual township meeting in each township one supervisor for a term of three years; one township clerk, one assessor, one treasurer, two justices of the peace, and two constables shall be elected once in two years, except to fill vacancies.

In the event that the county commissioners have not at their regular meeting after April 1st appointed a county superintendent of highways, then the board of supervisors shall appoint one overseer of highways for each township, which shall hold his office during the pleasure of the board.

At the first annual township meeting in each township after the taking effect of this Article, there shall be elected at large for each township, three supervisors, one to serve until the first annual township meeting, one to serve until

the second annual township meeting and one to serve until the third annual township meeting thereafter; *provided*, that the provisions hereof shall not affect the terms of supervisors elected prior to the taking effect of this Act.

The board of supervisors at the first regular meeting shall elect one of their members as chairman to serve for a period of one year.

§ 2. A REPEAL.] That Section 3111 of the Revised Codes of 1905 shall be, and the same is hereby, repealed.

Approved March 13. 1913.

CHAPTER 91.

[H. B. No. 105—F. W. Turner]

ORGANIZATION OF CIVIL TOWNSHIPS.

AN ACT to Amend Section 3048 of the Revised Codes of North Dakota for 1905, Relating to the Organization of Townships.

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

§ 1. Section 3048 of the Revised Codes for 1905 is hereby amended and re-enacted to read as follows:

§ 3048. FRAGMENT OF TOWNSHIP ATTACHED TO ADJOINING TOWNSHIP.] A fraction of a township may be attached by such board to an adjoining township or be divided between two or more townships or organized separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers, lakes or creeks so divide a township as to make it inconvenient to do township business, such board may dispose of any fraction so formed by annexing the same to an adjoining township in the same county if it shall seem to it proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that any such petition is signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction having knowledge of the fact; and townships having two or more villages or cities, each containing two hundred or more inhabitants, may petition the board of county commissioners for division; and whenever the board is so petitioned, it may, if it thinks the interest of such township will be subserved thereby, divide such townships in such manner as will best suit the convenience of the territory, and the board of county commissioners of any county

lying west of the Missouri river may unite not less than two congressional townships into one civil township, or may add not more than three congressional townships to any congressional township already organized as a civil township, when petitioned by a majority of the legal voters affected thereby, if in the opinion of the board the best interests of such townships will be subserved thereby; *provided*, that at least twenty days' notice shall be given by the board of county commissioners to the chairman of the board of supervisors of each township affected by the change, before action is taken thereon; *provided*, further, that nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached, from any tax levied or assessed prior to such division being made; *provided*, also, that the portion of any township annexed to any other township, and any village or city separated from any township, under the provisions of this article, shall not be released from nor in any way discharged from the payment of any bonded or other indebtedness that may exist against the township from which separation has been made.

Approved March 5, 1913.

CHAPTER 92.

[H. B. No. 339—Dynes.]

APPOINTMENT OF TOWNSHIP OVERSEER OF HIGHWAYS.

AN ACT Providing for the Appointment of a Township Overseer of Highways and His Compensation, Defining His Duties and Powers, and Providing for the Levying and Collection of Road Taxes and Their Distribution.

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

§ 1. There shall be appointed by the township board of supervisors at their next meeting succeeding the annual town meeting one township overseer of highways for each township, who shall be a practical road builder and whose compensation shall be fixed by the township board, to be paid on presentation of a verified bill at the regular meeting of the township supervisors. All duties now by law resting upon district road overseers shall be performed by this township overseer of highways. He shall have direct charge of the construction and maintenance of all highways and township bridges in the township, whether the work done on same is done by contract or by day labor. He

shall be responsible for the maintenance of said highways throughout the entire year. In unorganized territory, in counties where on county superintendent of highways has been appointed the board of county commissioners shall appoint a district overseer of highways whose powers and duties shall be the same as in the organized township, and whose compensation shall be fixed by the county commissioners to be paid on presentation of a verified bill at the regular meeting of the county commissioners.

§ 2. In counties having a county superintendent of highways the township road overseers shall be ex-officio deputy county superintendent of highways, as provided in Chapter 145 of the Session Laws of 1911, for his respective township.

§ 3. All road taxes and assessments upon persons or property shall be paid in cash, and it shall be the duty of the township clerk immediately after the board of township supervisors have made the levy of taxes for road purposes to notify the county auditor of the amount of the levy, who shall enter the same upon the county tax lists to be collected by the county treasurer in the same manner as other township taxes are collected. Such taxes, when collected, shall constitute a road fund belonging to the township in which it is levied, and shall be returned by the county treasurer to the township treasurer.

§ 4. Any taxpayer in any township, who so elects, shall notify the township overseer of highways before May 1st of his intention to work out his road tax, and the township overseer shall file a list of such names with the township clerk before May 15th. *Provided*, that in unorganized territory the district overseer of highways or the deputy county superintendent of highways shall file said list with the county auditor. Said taxpayers shall then be employed on the highways at the time and place at which the district overseer or the deputy county superintendent of highways shall designate. The compensation for this labor shall be paid as provided in Chapter 149 of the Session Laws of 1911.

§ 5. The board of township supervisors must order the expenditure of all road taxes paid into the township treasury in the improvement of the highways under such regulations as it may deem most expedient for the public interests, and for this purpose shall issue a warrant upon the road funds of the township upon the certificate of the township overseer that such work has been satisfactorily performed. *Provided*, that in unorganized townships all road taxes shall be expended in the district in which they are levied.

§ 6. It shall be lawful in operating under this law for the officers charged with the duty of expending the road tax to proceed at once with the work upon the roads in their districts and cause warrants to be issued in payment thereof in anticipation of the current year's tax.

§ 7. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 26, 1913.

CLERKS OF COURT

CHAPTER 93.

[H. B. No. 160—Butler of Ransom.]

DUTIES OF CLERKS OF COURTS IN CANCELLED TRANSCRIPTED JUDGMENTS.

AN ACT Relating to the Duties of Clerks of Courts or Other Officers in Cancelling and Discharging Transcribed Judgments.

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

§ 1. Upon the cancellation and discharge of any judgment by the clerk of the district court of the county wherein the judgment was rendered or docketed, it shall be the duty of such clerk to immediately forward to the clerk of the district court of any other county or subdivision wherein a transcript of any such judgment docket shall have been filed and judgment docketed accordingly, a written notice under his hand and seal, showing the names of the parties, date and amount of such judgment, and that such judgment has been cancelled and discharged, and it is hereby made the duty of such clerk to carry out the provisions of this act as to all such judgments heretofore satisfied.

§ 2. Upon receipt of such notice by any clerk of court wherein such judgment is of record, such officer shall immediately cancel and discharge such judgment of record.

§ 3. No charge other than now provided for by law shall be made by the clerk for issuing said notice or for cancelling and discharging such judgment.

§ 4. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1913.