

provided, that sheriff's or referee's certificates of sale on execution decrees or foreclosures of mortgages may be recorded by the register of deeds without any such certificate from the county auditor. The county auditor shall keep a record of such transfers in book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of transfer, and shall collect twenty-five cents for each certificate, from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the county treasurer at the end of each month and be placed to the credit of the general funds of the county.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 15, 1913.

COUNTY COMMISSIONERS

CHAPTER 116.

[S. B. No. 182—McLean.]

EXAMINATION OF RECORDS OF CERTAIN PUBLIC OFFICERS.

AN ACT to Amend Section 2623, Revised Codes of 1905, Relating to the Examination of Records of Certain Public Officers.

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

AMENDMENT.] Section 2623, Revised Codes of 1905, is hereby amended to read as follows:

§2623. EXAMINATION OF RECORDS. STATE'S ATTORNEY TO PROSECUTE.] At the end of the term of office of each county officer, or at any time it may seem advisable, it shall be the duty and authority of the board of county commissioners to examine the records of his office to ascertain if they have been properly kept, or to secure such examination by the State Examiner or other competent accountants. Any failure or irregularity discovered must be remedied, or it shall become the duty of the state's attorney to prosecute an officer guilty thereof for neglect as provided in the last section. It shall also be the duty of the city council, board of aldermen, village trustees, civil township supervisors, school

township or school district board, as the case may be, to examine the records of their several officers in a like manner, or to employ a competent accountant to make such examination. Upon complaint of irregularity by the proper board the state's attorney shall prosecute as provided in the last section.

Approved March 1, 1913.

CHAPTER 117.

[S. B. No. 233—McDowell.]

COUNTY COMMISSIONERS MAY LEVY TAXES FOR PROMOTION OF DIVERSIFIED FARMING.

AN ACT Authorizing the Boards of County Commissioners to Levy Taxes for the Promotion of Diversified Farming, Agricultural Development and Extension of Scientific Agricultural Work.

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

§ 1. The board of county commissioners for any county in this state may in its discretion, or, upon petition of twenty-five per cent of the tax payers of said county, shall, annually make an appropriation and levy a tax upon all the taxable property of the county for the purpose of promoting diversified farming and agricultural development through the employment of a person or persons to carry on scientific agricultural work within said county. The amount of tax so levied shall not exceed one half mill upon the dollar of assessed valuation.

§ 2. All appropriations, moneys, levies of taxes heretofore made by any county for the purposes specified in section one of this act are hereby validated and legalized.

§ 3. All funds raised in accordance with the provisions of this act shall be expended by and under the direction and control of the board of county commissioners, in such manner as they deem best adapted to accomplish the purposes set forth in section one of this act.

§ 4. EMERGENCY.] Whereas, an emergency exists in this, to-wit: it is very desirable and to the interests of all the people of the state that immediate steps be taken to encourage and promote the objects mentioned in this act, therefore an emergency exists and this act shall be in force from and after the date of its passage and approval.

Approved March 1, 1913.

CHAPTER 118.

[S. B. No. 289—Bond.]

TAXES, SPECIAL LEVY FOR IMMIGRATION.

AN ACT to Amend and Re-enact Section 2402 of the Revised Codes of 1905, Relating to a Special Tax Levy for Immigration Purposes.

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

§ 1. AMENDMENT.] That Section 2402 of the Revised Codes of 1905 be and the same is hereby amended to read as follows:

§ 2402. SPECIAL TAX LEVY FOR IMMIGRATION.] The board of county commissioners is authorized at the time fixed for the levying and assessment of taxes to levy and tax not in excess of one-fourth of one mill on the dollar upon the assessed valuation of all of the property in the county upon presentation of a petition signed by twenty per cent of the legal voters of the county, taking the total vote at the last general election for a basis, the proceeds of which shall be used solely for the purpose of promoting and assisting immigration to this state.

Approved March 11, 1913.

CHAPTER 119.

[S. B. No. 294—Plain.]

INSANE PERSONS, TAXES FOR.

AN ACT to Amend Sections 8, 9 and 10 of Chapter 137 of the Session Laws of 1907, Relating to the Time and Manner of Levying Taxes in Each County in Order to Raise Funds to Pay the Amount Chargeable to the County for the Care, Board and Treatment of Patients in the Hospital for the Insane, and Fixing the Time When Such Payments Shall be Made into the State Treasury, and Providing a Penalty for Failure to Make Such Payments.

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

§ 1. AMENDMENT.] That Section 8 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 8. LEVY OF TAX TO PAY CHARGES.] The superintendent shall certify to the State Auditor on the first day of January, April, July and October of each year the amount not previously certified to by him that is due the said hospital for the insane from the several counties having patients chargeable thereto, and said State Auditor shall pass the

same to the credit of the state hospital for the insane. The State Auditor shall thereupon notify the county auditor of each county so owing, of the amount thereof, and charge the same to said county, and the board of county commissioners shall, at the time of levying the county taxes as provided in Section 1538 of the Revised Codes of 1905, include in the itemized statement of county expenses upon which the county taxes are required to be based by the provisions of the said section, an estimate of the total amount which will be chargeable to the county during the ensuing year for the care, board and treatment of patients for such county at the state hospital for the insane. If any county fails to levy such taxes as herein provided sufficient to pay the amount estimated to become chargeable to such county during the ensuing year at the time of levying other county taxes, it shall be the duty of the Attorney General to bring action in the name of the state against such county, to enforce the making of the estimates and the levying of taxes as provided herein.

§ 2. AMENDMENT.] That Section 9 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 9. PENALTY FOR FAILURE TO PAY.] Upon the failure of any county to pay into the state treasury the amount chargeable to such county for the care, board and treatment of patients at the state hospital for the insane at the times prescribed in this act, it shall be the duty of the State Auditor to charge such delinquent county with a penalty of two per centum per month upon the amount of indebtedness, then thirty days over due, for each month, until payment thereof, including the penalty, has been made.

§ 3. AMENDMENT.] That Section 10 of Chapter 137 of the Session Laws of 1907 be amended to read as follows:

§ 10. TIME OF PAYMENT.] It shall be the duty of the county treasurer to pay into the state treasury upon the first day of January, April, July and October in each year, the amount which on each of such days is due the state and chargeable to and owing from the county for the care, board and treatment of all patients in the state hospital for the insane, and it shall be the duty of the State Auditor and the State Treasurer upon the first day of February, May, August and November in each year to transfer the full amount received from the counties under the provisions of this Chapter to the account of the state hospital for the insane.

Approved March 13, 1913.

CHAPTER 120.

[H. B. No. 415—Stenehjem.]

COUNTY COMMISSIONERS.

AN ACT to Amend Section 2386 of the Revised Codes of 1905, Providing for the Increase or Diminishing of the Number of County Commissioners.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENMDENT.] Section 2386 of the Revised Codes of North Dakota for 1905 is hereby amended and re-enacted to read as follows:

§ 2386. NUMBER OF COUNTY COMMISSIONERS MAY BE CHANGED, HOW.] The number of county commissioners of any county may be increased to five or reduced to three in the manner following: Whenever the legal voters of the county, equal in number to twenty per cent of the legal votes cast at the preceding general election, petition the board of county commissioners for an increase or decrease in the number of county commissioners, said board shall submit the question to a vote of the electors of the county at a special election to be held either at the next state primary election, or general election, as the petition may pray. Notice of the submission of such question shall be given in the notice of election prescribed by Section 637. If the petition is for an increase in the number of commissioners, the proposition shall be submitted in this form:

“For five commissioners.”

“Against five commissioners.”

If it is for reduction, the proposition shall be in this form:

“For three commissioners.”

“Against three commissioners.”

Approved March 14, 1913.

CHAPTER 121.

[S. B. No. 77—Plain.]

RELIEF OF POOR.

AN ACT to Amend Sections 1851, 1852, 1855, 1858, 1859, 1860, 1862, 1863, 1866, 1867, 1868, 1869 and 1870 of the Revised Codes of 1905, and to Repeal Sections 1856 and 1861 of the said Codes, and Providing for the Relief of Poor Persons.

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

§ 1. AMENDMENT.] That Section 1851 of the Revised Codes of 1905 be amended to read as follows:

§ 1851. DUTY OF SUPERVISORS.] That the supervisors of the several townships of this state shall be ex-officio the overseers of the poor within their respective townships, and shall perform all duties with reference to the poor of their respective townships, that may be prescribed by law.

§ 2. OVERSEERS OF THE POOR.] Every township supervisor shall, in discharging the duties prescribed by this Act, be designated an overseer of the poor.

§ 3. AMENDMENT.] That Section 1852 of the Revised Codes of 1905 be amended to read as follows:

§ 1852. SUITS.] In all suits and proceedings in favor or against any such overseer connected with or pertaining to the poor of his township, the same shall be conducted in favor of or against such township, in its corporate name.

§ 4. AMENDMENT.] That Section 1853 of the Revised Codes of 1905 be amended to read as follows:

§ 1853. APPLICATION FOR RELIEF.] Any application for poor relief must be made to an overseer of the poor and the county commissioners shall not entertain original jurisdiction in the case of an application for poor relief, except in counties without township organization and as hereinafter provided.

§ 5. LEGAL RESIDENCE.] The question of whether an applicant for poor relief has legal residence in the township, so as to entitle him to relief, shall be determined by the overseers of the poor according to the provisions of Chapter 183 of the Laws of 1907, subject to appeal to the county commissioners who may bring action in the district court to determine the legal residence of applicants for poor relief, when the question is an issue between the overseer of the poor in two or more townships and when an agreement cannot be affected. When an action is brought for the purpose herein provided, the county commissioners may direct the overseers of the poor of the township where the application for relief was first filed, to contribute to the support of such poor during the pendency of such action, subject to reimbursement by the township where it is finally determined that such applicant has legal residence, if such action is decided favorably to the township contributing to the maintenance of such poor person.

§ 6. AMENDMENT.] That Section 1855 of the Revised Codes of 1905 be amended to read as follows:

§ 1855. OVERSIGHT AND CARE OF POOR.] The overseer of the poor in each township shall have the oversight and care of all poor persons in his township so long as they remain a public charge, and shall see that they are properly relieved and taken care of in the manner required by law. He shall,

in cases of necessity, promptly provide medical and surgical attention for all of the poor in his township, who are not provided for in public institutions and shall also, see that such medicines as are prescribed by the physician or surgeon in attendance upon the poor are properly furnished, *provided*, that in counties where county physician or physicians have been appointed on an annual salary, the overseer of the poor shall call upon the nearest county physician to attend such poor person in need of medical or surgical attention.

§ 7. OVERSEER TO MAKE INVESTIGATION.] Whenever a claim for poor relief shall be made upon an overseer of the poor for the benefit of any person or families of persons claiming to be poor and in distress, it shall be the duty of the overseer of the poor to carefully investigate the circumstances of poor such persons, so as to ascertain their legal residence, their physical condition of health, their present and previous occupation, their ability and capacity for labor, their ages and nationality, and the names and ages and ability and capacity for labor of all members of their family, the names and addresses and occupation of their parents, brothers, sisters, sons or daughters, and if such claimants for relief are found to be in distress the cause of their condition, if the same may be ascertained; the overseer of the poor shall also require and ascertain if the relatives of such claimants are able and willing to assist them.

§ 8. TEMPORARY AID.] Whenever an overseer shall ascertain by investigation that any poor person or family require assistance, he shall furnish to them such temporary aid as may be necessary for the relief of immediate and pressing suffering; before any further final or permanent relief in any case be given, the overseer shall consider whether distress can be relieved by other means, than by expenditure of township funds.

§ 9. PERSONS MUST WORK.] If the poor persons applying are in good health, or if any members of their family are so, the overseers shall insist that those able to labor shall seek employment and he shall refuse to furnish any aid until he is satisfied that the persons claiming help are endeavoring to find work for themselves. The overseer in such cases, shall make all possible effort to secure employment for the able bodied in the township where they reside and may call upon residents of the townships to aid him in finding work for such persons as are able to labor.

§ 10. HELP BY RELATIVES.] If the poor persons applying for township aid have relatives to assist them who are living in the township, it shall be the duty of the overseer before

giving aid a second time, to call on such relatives of the poor persons and ask them to help their poor relatives either with material relief or by furnishing them with employment. If any poor person applying for relief is able to labor and refuses to work when given the opportunity then the overseer shall refuse any further aid to such person, except admission to the county poor asylum or farm, if there be one, where he shall be compelled to labor, and if there be no poor farm in the county, such person shall be considered a vagrant and on complaint made by an overseer of the poor or by any other person, the person so refusing to work shall be prosecuted and punished in the manner prescribed in cases of vagrancy.

§ 11. SCHEDULE TO COUNTY COMMISSIONERS. COUNTY PAYS SEVENTY-FIVE PER CENT.] Whenever an overseer of the poor shall give aid to any poor person or family to the amount of the value of fifteen dollars, it shall be unlawful for him to furnish any further aid to such poor person or family until he shall have presented a statement of the case to the board of county commissioners with a report or schedule of said case containing the facts and information indicated in Section 7 of this Act. The board of county commissioners shall have the power and authority to refuse to appropriate county funds for the aid and maintenance of any poor person who has received aid from the overseer of the poor, if it shall appear to the board after examining the report of the said overseer, that aid is necessary. The board of county commissioners shall also have the authority to reduce or increase any allowance for aid and maintenance of the poor made by the overseer of the poor, where justice seems to require it; and the board, by a majority vote of all the members shall also have the power to grant relief to poor persons who have been refused aid by the overseer of the poor if justice and humanity require such relief, and the township where such poor person has a legal residence shall pay a sum equal to twenty-five per cent of the amount allowed by the board of county commissioners and the county shall pay seventy-five per cent thereof. If, after the report herein required to be made to the board of county commissioners, it appears to said board that relief should be granted to such poor person, the board shall appropriate an amount equal to seventy-five per cent of the total amount granted for the aid and maintenance of such poor person by the overseer of the poor, and the amount so appropriated, shall be paid by the county treasurer to the treasurer of the township. When the board of county commissioners shall reduce or increase the amount allowed for the support and maintenance of a poor person by the overseer of the

poor, the said board shall appropriate a sum equal to seventy-five per cent of the amount finally allowed and the balance shall be paid by the township as hereinbefore provided, and no credit shall be given, the township by the board of county commissioners for any amounts allowed for the aid and maintenance of the poor persons under the provisions of this Act in excess of twenty-five per cent of the total amount finally allowed by said board after examining the reports submitted by the overseer of the poor, as hereinafter required.

§ 12. AID FOR ABLE BODIED NON-RESIDENTS UNLAWFUL.] It shall be unlawful for any overseer of the poor to aid any person who is not a resident of the township where he is found otherwise than by some form of labor, unless such person shall be sick, aged, injured or crippled and unable to travel; and all overseers of the poor shall endeavor to provide some form of manual labor at which they shall set any able bodied non-resident who may apply for relief to them. It shall be unlawful for any overseer of the poor to furnish any able bodied non-resident with transportation at the cost of the township.

§ 13. LEGAL RESIDENCE MUST BE ASCERTAINED.] It shall be unlawful to furnish any non-resident who may be sick, aged, injured or crippled, with transportation at the cost of the township until after the overseer shall, by correspondence or otherwise, have ascertained beyond a reasonable doubt the legal residence of the person applying, and any transportation furnished to such person or persons shall be in direction of their legal residence, unless it be shown beyond reasonable doubt that the person in distress has some valid claim for support or some means of support in some other place towards which he or she shall ask to be sent.

§ 14. AMENDMENT.] That Section 1858 of the Revised Codes of 1905 be amended to read as follows:

§ 1858. RECORDS MUST BE KEPT.] Every overseer of the poor and every person who administers relief from the public funds to the poor, sick and needy who are not inmates of any public institutions, shall keep a record in which shall be entered the full name, age, sex, color, whether married or single, and nationality of every person to whom such officer or disburser of public funds gives relief, the date of giving relief in each instance, and the amount, if the relief be in form of money, or the value and kind, if such relief be in the form of articles of use or value. In the instance that relief is given to the person for the use of others, the records shall show the number of such recipients of relief, with the age and sex of each, if the relief be restricted to a single fam-

ily, and the name, age, sex, color and nationality of each person partaking of such relief who is not a member of the family of the person into whose hands relief is given by the overseer of the poor or other disburser of public funds. That said record also be made to show the reason for the giving of relief in each instance.

§ 15. COPIES OF RECORD FILED WITH AUDITOR.] Two copies of the record so kept shall be filed in the office of the auditor of the county wherein such relief is given by every person keeping such a record, at least once every three months; and it is hereby made unlawful for the board of county commissioners of any county to approve or allow the payments from the county treasury of the expense of relief to any person until two copies of such records, fully conforming to that described in the last preceding Section, shall have been filed in the office of the auditor of the county in which such relief is given.

§ 16. AMENDMENT.] That Section 1859 of the Revised Codes of 1905 be amended to read as follows:

§ 1859. APPLICATION TO THE BOARD OF COUNTY COMMISSIONERS.] If any poor person shall feel that he or she is entitled to the benefit of the laws for the relief of the poor, and the overseer of the poor of the township in which he or she resides shall refuse to give such person the benefit thereof, upon application of such person the board of county commissioners or a majority thereof, may, if it shall think proper, direct the overseer to relieve him or her, on his or her application therefor.

§ 17. AMENDMENT.] That Section 1860 of the Revised Codes of 1905 be amended to read as follows:

§ 1860. WHEN RESIDENCE IS UNCERTAIN.] If any one within the description of the poor persons specified in this Act shall be found in any township and the overseer of the poor of such township shall be unable to ascertain and establish the place of legal residence of such person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for.

§ 18. AMENDMENT.] That Section 1862 of the Revised Codes of 1905 be amended to read as follows:

§1862. POOR PERSON MAY BE CONVEYED TO PLACE OF RESIDENCE.] Upon complaint of any overseer of the poor, any justice of the peace may, by his warrant directed to and to be executed by any constable or by any other person therein designated, cause any poor person found in the township of such overseer likely to become a public charge, and having no legal residence therein, to be sent and conveyed at the expense of the county, to the place where such person belongs, if the same can be conveniently done; but if he or

she cannot be so removed, such persons shall be relieved by such overseer whenever such relief is needed.

§ 19. AMENDMENT.] That Section 1863 of the Revised Codes of 1905 to be amended as follows:

§ 1863. APPEAL TO THE DISTRICT COURT.] If any overseer of the poor of any township in any county in North Dakota, to which any pauper shall have been removed, as above provided, shall feel himself aggrieved by such order of removal, he may at any time within twenty days after such removal shall be known to him, appeal from the decision of the justice of the peace ordering such removal, to the district court of the county from which the removal was ordered to be made; such appeal to be taken, tried and determined and costs adjudged as in other cases of appeals from judgment of the justice of the peace, and the order of removal may be vacated or affirmed according to law and the right of the cause.

§ 20. AMENDMENT.] That Section 1866 of the Revised Codes of 1905 be amended to read as follows:

§ 1866. OVERSEER MUST RECEIVE PERSON HAVING LEGAL RESIDENCE.] If any person be removed by virtue of the provisions of this Act from any county, township or place to any other place within the state, by warrant or order under the hand and seal of any justice of the peace, as hereinbefore provided, the overseer of the poor of the township or place to which said person shall be removed is required to receive such person if he have a legal residence in his township.

§ 21. IN CASE OF DEATH, RESIGNATION OR REMOVAL OF TRUSTEE.] If any overseer shall remove out of his proper township, or be removed from his office or resign, or in any other way vacate his office, he shall immediately deliver all books, papers and other things concerning his office to his successor, upon his appointment; and in the event of the death of any overseer, his executors or administrators shall, within forty days after his death, deliver over all things belonging to his office, to his successor in office.

§ 22. AMENDMENT.] That Section 1867 of the Revised Codes of 1905, be amended to read as follows:

§ 1867. SETTLEMENT.] The overseer of the poor shall make settlement with the board of county commissioners, quarterly, at the regular meetings or oftener if said board of county commissioners shall direct, of all poor relief of the past quarter, and file all vouchers therefor as required by this or any other law; and the board of county commissioners are hereby directed to settle with the overseer of the poor in the several townships of their respective town-

ships at least once every quarter and oftener if they shall deem the same necessary, and the said board shall pay the township treasurer, quarterly, seventy-five per cent of all money advanced for the aid and maintenance of the poor in such township for the preceding quarter.

§ 23. AMENDMENT.] That Section 1870 of the Revised Codes of 1905 be amended to read as follows:

§ 1870. PROVIDING FOR CARE OF NON-RESIDENTS.] It shall be the duty of the overseer of the poor on complaint made to him that any person not an inhabitant of his township is lying sick therein or in distress, without friends or money so that he or she is likely to suffer, to examine into the case of said person, and grant such temporary relief as may be required. And if any person shall die in any township who shall not leave money or other means necessary to defray his or her funeral expenses, it shall be the duty of the overseer of the poor of such township to provide some person to provide for and superintend the burial of such deceased person, the necessary and reasonable expenses whereof shall be paid by the township, and upon the order of such overseer, provided that the expenses of such funeral to be borne by the township shall not exceed \$25.00.

§ 24. AMENDMENT.] That Section 1868 of the Revised Codes of 1905 be amended to read as follows:

§ 1868. Overseers of the poor shall receive two dollars per day each for every day during which they shall be necessarily employed in the discharge of their duties as such overseers, to be allowed by the supervisors of the township and paid out of the township treasury, and each overseer of the poor shall have power and authority to grant temporary relief, and no special meetings shall be called by said overseer of the poor for the consideration of poor relief, but the question of relief shall be acted upon at the regular quarterly meetings of the board of township supervisors.

§ 25. AMENDMENT.] That Section 1869 of the Revised Codes of 1905 be amended to read as follows:

§ 1869. The overseers of the poor shall annually at the first session of the board of county commissioners in each year, submit their annual report of proceedings for the year past, which report shall be presented to the county auditor at least one day before the session of such board.

§ 26. BLANKS.] All blanks for reports, schedules and information required under this Act shall be prepared and printed by the county and the expense thereof shall be paid out of funds of the county. The county auditor shall distribute said blanks among the overseers of the poor in each

township. The board of control of state institutions shall prepare all the forms for blanks to be used by the overseers of the poor under this Act, and such forms shall be sent to the county auditors promptly after the passage and approval of this Act, who shall thereupon print and distribute the said blanks hereinbefore required.

§ 27. COUNTY COMMISSIONERS. OVERSEERS OF THE POOR.] In counties where township organization has not been effected, the county commissioners shall be ex-officio overseers of the poor and shall perform all duties with reference to the poor within their jurisdiction that are by the provisions of this Act imposed upon township supervisors and the provisions of this Act relative to legal residence, method and conditions of granting relief to the poor, filing of records, and salaries of the overseers of the poor, shall apply, and the expense of such relief shall be paid by the county.

§ 28. The provisions of this Act relative to the duties of township supervisors as ex-officio overseers of the poor shall apply to the city council or city commissioners, as the case may be, in cities, and to the village trustees in villages of this state; and the method of making application for relief, the percentage paid by such city or village and the county, the report or schedule required to be submitted to the county commissioners shall be the same as is provided herein in the case of the overseers of the poor in the townships of this state; and the seventy-five per cent of such relief paid by the county shall be paid to the city or village treasurer, as the case may be; and the provisions of this Act relative to legal residence, appeals, settlement with the county commissioners, records to be kept, and investigations to be made, shall apply in the case of relief or applications for relief to the city council or city commissioners in cities, and to village trustees in villages in this state.

§ 29. The council or the city commissioners, as the case may be, of any city of five thousand or more inhabitants, may, or upon being petitioned by not less than ten per cent of the legal voters residing therein, shall at the next regular election held in such city, submit to the qualified electors thereof, the question of whether such city shall become an independent poor relief district, and if a majority of the electors voting thereon at such regular election are in favor of the proposition the city shall become an independent poor relief district.

§ 30. REPEAL.] That Sections 1856 and 1861 of the Revised Codes of 1905 be, and the same are, hereby repealed.

Approved March 15, 1913.

CHAPTER 122.

[H. B. No. 73—Bope.]

PROVIDING FOR COUNTY ROAD FUNDS.

AN ACT to Amend and Re-enact Section 1372 of the Revised Codes of North Dakota of 1905, Relating to County Road Funds.

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

§ 1. AMENDMENT.] Section 1372 of the Revised Codes of North Dakota of 1905 is hereby amended and re-enacted to read as follows:

§ 1372. COUNTY ROAD FUNDS.] In each county of this state having a population of two thousand or more according to the latest United States or state census there shall be levied and collected a property tax or not less than one-fourth of one mill, nor more than four mills on each dollar of the assessed valuation of all taxable property in the county, which, when collected, shall be kept in a distinct fund to be known as the county road fund and to be levied and expended in the improvement of highways as provided in this article. All sums levied and collected for the improvement of highways under the provisions of this article shall be expended under the direction of the board of county commissioners under the provisions of Section 1373. Such taxes shall be in addition to all other taxes for highway purposes otherwise described by law; provided that the board of county commissioners of any county may contract to expend all money under this article and may contract to expend all money levied and collected under the provisions of Section 1539, if deemed best.

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

Approved February 26, 1913.

CHAPTER 123.

[S. B. No. 277—Davis.]

COUNTY COMMISSIONERS.

AN ACT to Amend and Re-enact Section 2390 of the Revised Codes of 1905, Relating to the Term of Office of County Commissioners.

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

§ 1. AMENDMENT.] Section 2390, Revised Codes of 1905, is hereby amended and re-enacted to read as follows:

§ 2390. TERM OF OFFICE OF COMMISSIONERS.] The com-

missioners shall hold their office for the term of four years, except as provided by law for the organization of counties, and in counties now organized, the order of their election and succession shall be as herein provided, and commissioner districts in such counties shall continue as now constituted until changed as provided by law. *Provided*, that at the general election next after the organization of a county, either from unorganized territory or from territory segregated by division from another county. One county commissioner shall be elected for a term of two years and two commissioners for a term of four years, and thereafter as provided by law, the order of succession to be determined by lot. *Provided* further, that in all counties in this state wherein heretofore commissioners have been elected after the organization of a new county, either from unorganized territory or upon division or segregation from another county, and where all the commissioners now serving were elected for the same term, the county commissioners shall, at the regular meeting of the board of county commissioners next after the taking effect of this Act, by lot determine the order of their succession; three commissioners to hold their office for four years and two for two years from the first Monday in January, 1913, in counties having five commissioner districts; two commissioners to hold their office for four years and one for two years from the first Monday in January, 1913, in counties having three commissioner districts.

Approved March 13, 1913.

CHAPTER 124.

[H. B. No. 155—Bartley.]

COUNTIES MAY APPROPRIATE MONEY TO FIGHT TUBERCULOSIS.

AN ACT Permitting Counties to Appropriate Money to Prevent the Spread of Tuberculosis in this State.

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

§ 1. In case any town, district, county or state anti-tuberculosis society or association or other society or associations organized and existing for the purpose of controlling the spread of tuberculosis in this state considers it necessary to secure the services of visiting nurse or nurses, or to disinfect any building, room, residence, hotel, or other place in such county infected with tuberculosis such society

shall report such fact to the chairman of board of health and to the board of county commissioners, and shall in such report recommend the course of action advisable to be adopted by the board of county commissioners in relation thereto, and in accordance with the provisions of this act; and such board of county commissioners shall at the next meeting of such board consider such report and recommendation and act on the same, and such board of county commissioners is authorized and empowered to audit and allow bills for services rendered in carrying into effect the action of such board in relation thereto.

§ 2. The boards of county commissioners of the several counties of this state may appropriate money out of the general revenue fund of the county for the purpose of paying for the services of visiting nurses or other necessary medical attention or advice in preventing the spread of tuberculosis in such county, or for the purpose of disinfecting any building, room, residence, hotel, or other place in such county infected with tuberculosis.

§ 3. The board of county commissioners shall have authority to co-operate with neighboring counties to establish homes or hospitals for incurable tuberculosis patients.

Approved February 25, 1913.

COUNTY COURT

CHAPTER 125.

[S. B. No. 170—Hookway.]

PROCEDURE IN ABOLITION OF INCREASED JURISDICTION OF COUNTY COURTS.

AN ACT to Amend and Re-enact Section 3 of Chapter 78 of the Session Laws of North Dakota for the year 1909, Entitled "An Act to Amend Section 8288 of the Revised Codes of 1905, of the State of North Dakota, Relating to the Increased Jurisdiction of the County Courts, and Providing for Abolishing the Same."

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

§ 1. That Section 3 of Chapter 78 of the Session Laws of North Dakota for the year 1909 be amended and re-enacted to read as follows:

§ 3. DUTY OF DISTRICT COURT.] Whenever there shall