

Drainage.

AMENDING LAND DRAINAGE ACT.

CHAPTER 47.

AN ACT to Amend Chapter Seventy-five (75), of the Laws of 1883, in regard to Drainage.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. AMENDMENT.] That section 1, of chapter 75, of the session laws of 1883, be amended by inserting the words, "or special," after the word "regular," where it occurs in the fourth line of said section.

§ 2. AMENDMENT.] That section 2, of chapter 75, be amended by striking out the following words in the 15th line of said section: "if in regular session or"; also by inserting after the word "any," in said line, the words "special or"; also by inserting the word "for" after the word "provided," in line 41 of said section.

§ 3. AMENDING SECTION 4.] That section 4 be amended by striking out the word "construed" in line 7, and inserting the word "constructed" in lieu thereof.

§ 4. AMENDING SECTION 5.] That section 5 be amended by inserting the word "and" after the word "outlet," in line 11.

§ 5. AMENDING SECTION 6.] That section 6 be amended by striking out the word "in" after the word "proportion," where it occurs in the 5th line of said section.

§ 6. VIEWERS, WHEN TO MAKE REPORT.] That section 8 be amended by substituting the following in lieu of said section: "§ 8. Viewers, when to make report, &c." Said viewers shall, after having met at the time and place specified in the order issued to them by the county clerk, or township clerk, proceed immediately to perform their said duty, unless for good and sufficient reasons it is necessary to adjourn, and said reasons shall be stated in full in their report, which shall be made out and filed with the county clerk or township clerk, at least two weeks before the next regular meeting of the said board thereafter; *Provided*, The viewers shall find, upon examination, that the proposed ditch, or drain, or water-course is not of public benefit or utility, they shall so report, and their report need only state such facts.

§ 7. DUTY OF CLERK WHEN REPORT IS FILED.] That section 9

be amended by substituting the following in lieu thereof: "§ 9. Duty of clerk when report is filed. It shall be the duty of the county clerk, or township clerk, when said report is filed, if it be in favor of said work, to give public notice of the pendency of such petition, and the time and place set for the hearing thereof, by publication for three successive weeks, prior to said hearing, in a newspaper, if there be one published in the county; if no newspaper be published in the county, then notices shall be posted in three or more public places in the township or townships where the proposed work is to be done, at least three weeks prior to the day set for said hearing. Said notice shall briefly state where said ditch, drain or water-course commences, through whose land it will pass, and where it will terminate, together with the names of the owners of the lands that will be affected thereby, so far as these can be ascertained with reasonable diligence.

§ 8. WHEN DRAIN TO BE ORDERED] That section 10 be amended by substituting the following in lieu thereof: § 10. "When drain shall be ordered." Said board of commissioners or board of supervisors, at the time set for the hearing of said petition, shall, if no remonstrance be filed, proceed to hear said petition, and consider the report of the viewers. If the report be in favor of the proposed work, and said work will be of public utility, or conducive to public health and convenience, they shall establish the same as specified in the report. But if the viewers report against the proposed work, the board shall dismiss the petition and tax the cost as hereinafter provided. When damages are awarded to any person, persons, or corporations, as provided in this act, the board of commissioners, or board of supervisors, shall order the same to be paid out of the county or township treasury to the person, persons or corporation entitled thereto.

§ 9. AMENDING SECTION 11.] That section 11 be amended by striking out the word "viewers" in the 2d place where it occurs in the 12th line, and inserting the words "the reviewers" in lieu thereof.

§ 10. AMENDING SECTION 12.] That section 12 be amended by inserting the word "if" after the words "except that" in line 6, and inserting the word "the" after the word "find" in line 7, also by striking out the word "reviewers" in line 12 and inserting the word "viewers" in lieu thereof.

§ 11. AMENDING SECTION 13.] That section 13 be amended by striking out the word "free" in line 9 and inserting the word "fee" in lieu thereof.

§ 12. AMENDING SECTION 16.] That section 16 be amended by inserting the word "in" after the word "time" in line 15, also amend section 17 by inserting the words "or township board" after the word "commissioners" in line 18 of said section.

§ 13. AMENDING SECTION 20.] That section 20 be amended by inserting the word "failing" after the word "job" in line 7.

§ 14. AMENDING SECTION 21.] That section 21 be amended by striking out all between the word "land" in line 12 and the word "such" in line 14, also by inserting the word "person" after the words "to the" in line 26.

§ 15. STRIKING OUT SECTION 22.] That section 22 be stricken out.

§ 16. AMENDING SECTION 23.] That section 23 be amended by striking out the word "same" in first line and inserting in lieu thereof the following words: "repairs and cleaning drains and ditches;" also insert after the word "supervisor" the following words: "of roads" in line two.

§ 17. AMENDING SECTION 24.] That section 24 be amended by inserting the word "petition" between the words "the" and "shall" in 4th line and in 5th line. Strike out the word "will" after the word "will" and in line 13 by striking out the word "certain" and inserting the word "certified" in lieu thereof.

§ 18. AMENDING SECTION 26.] That section 26 be amended by striking out the word "but" in 3d line of said section.

§ 19. AMENDING SECTION 27.] That section 27 be amended by striking out the words "in which" where they occur in the 4th line, also strike out the words "shall immediately" where they occur in the 10th line after the word "deeds," also by striking out the word "may" where it occurs in the 13d line, also by striking out the word "to" after the word "to" where it occurs in the 27th line.

§ 20. AMENDING SECTION 28.] That section 28 be amended by inserting the word "or" after the word "county" in line 7, also by striking out the words "or railroad" after the words "or railroad" in line 8, also by inserting the word "private" after the word "as" in the last line of said section.

§ 21. AMENDING SECTION 31.] That section 31 be amended by striking out the word "in" after the word "employed" in last line of said section.

§ 22. STRIKING OUT SECTION 33.] That section 33 be stricken out.

§ 23. AMENDING SECTION 34.] That section 34 be amended by inserting the word "be" after the word "shall" in line 7.

§ 24. STRIKING OUT SECTION 35.] That section 35 be stricken out.

§ 25. All acts and parts of acts in conflict with this act are hereby repealed.

§ 26. This act shall be in force and take effect from and after its passage and approval.

Approved, March 13, 1885.

CHAPTER 48.

DRAIN VIEWERS CERTIFICATES REDEEMED WITH COUNTY WARRANTS.

AN ACT to Amend Section 33 and 34 of Chapter 75, of the Session Laws of 1883, in regard to Drainage.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. POWER OF COMMISSIONERS TO REDEEM VIEWER'S CERTIFICATE.] The following shall be added to the end of said section 34 of chapter 75 of the session laws of 1883: "*Provided*, That the board of county commissioners are hereby authorized to issue a warrant upon the county treasurer payable out of the general funds or from any special fund not overdrawn if they so deem desirable, and accept an assignment of said certificates: which shall be placed in the hands of the county treasurer and collected with, and in the same manner as other taxes levied against said property benefited, and when paid, shall be credited by said treasurer up to such funds as have been debited by the issuance of said warrant.

§ 2. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 12, 1885.

Education.

AREA AND ORGANIZATION OF SCHOOL TOWNSHIPS.

CHAPTER 49.

AN ACT to Amend Chapter 44 of the Session Laws of 1883, entitled "Education."

Be it enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. ELECTIONS.] The first election to organize a school township shall be ordered by the Board of county commissioners and