

killed, stolen or sold, any horse, mule, cow, calf, sheep, swine, or other animal, the property of another person, such person or persons so marking, branding, killing, stealing or selling any such animal, or causing the same to be done, shall be deemed guilty of a felony, and upon conviction thereof before any court of competent jurisdiction may be fined not less than five hundred (500) dollars nor more than \$1,000 or may be imprisoned in the State Penitentiary for a period not less than one year nor more than five years, or by both such fine and imprisonment, at the discretion of the court.

§ 2. PENALTY FOR MAIMING.] That if any person or persons shall cut off either or both ears close to the head of any horse, mule, cow, calf, ox, sheep or swine, he or they shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than twenty-five (25) dollars nor more than one hundred (100) dollars for each and every animal so maimed, or by imprisonment in the county jail for a period not more than thirty days or by both such fine and imprisonment, at the discretion of the court.

§ 3. PENALTY FOR DRIVING STOCK OFF OF RANGE.] That any person or persons who shall drive or cause to be driven any cattle, horses, mules, sheep or swine from their customary range without the permission of the owner or owners thereof shall be deemed guilty of a misdemeanor, and on conviction thereof before any justice of the peace in the State of North Dakota, may be fined in any sum not less than fifty (50) dollars nor more than one thousand [hundred] (100) dollars, or may be imprisoned in the county jail for a period not more than thirty days, or by both such fine and imprisonment, at the discretion of the court.

§ 4. REPEAL.] All acts and parts of acts in conflict with the provisions of this act be, and the same are hereby repealed.

Approved March 9, 1891.

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## CITIES.

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### CHAPTER 43.

[H. B. No. 208.]

#### AMENDING LAW OF 1887 FOR INCORPORATION OF CITIES.

AN ACT to Amend Article 15, of Chapter 73, Laws of 1887, Entitled "An Act to Provide for the Incorporation of Cities."

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

§ 1. AMENDMENT.] That Article 15, of Chapter 73, of the Laws of the Seventeenth Session of the Legislative Assembly of

the Territory of Dakota, be amended by adding thereto at the end thereof the following sections:

Sec. 42. ASSESSMENT FOR WATER WORKS.] The city council of any city owning and operating a system of public water works and hydrants for the purpose of supplying its inhabitants with water and with fire protection, for the purpose of equalizing the burden of expense of operating such system, shall have the power to make an annual assessment for each fiscal year, for not to exceed one-half of the expense of operating such system, on the property abutting or bounding upon the streets and avenues of the city in which the mains of said system are laid and operated, and to collect such assessment in the manner provided in this article for the collection of assessments for other local improvements; and to fix, determine and collect penalties for the non-payment of any such special assessments; *Provided*, That nothing herein contained shall be construed as making it obligatory upon the city council to raise any portion of the funds necessary for operating such system by special assessment; and *Provided, further*, That any portion less than one-half of the sum needed for operating said system may at the discretion of the city council be raised by such assessment; and such assessment in all cases shall be exclusive and independent of water rates or rents collected from water consumers.

Sec. 43. ASSESSMENT, HOW LEVIED.] Whenever a city council shall deem it necessary to levy the assessment authorized by this act, it shall pass a resolution to that effect, and shall estimate the cost of operating the water system for the next fiscal year, and shall specify in said resolution the portion of the sum so estimated for which a special assessment is to be levied under this act.

Sec. 44. BENEFITS, HOW DETERMINED.] The city auditor, the city treasurer, and the city assessor shall constitute a board to calculate the amount of the sum so determined upon by the city council, to be assessed on each lot or parcel of ground abutting or bounding upon the streets or avenues of the city in which the mains of the water system are laid and operated, which assessment shall be made in proportion to the benefits of such water system and fire protection to the respective lots or parcels of ground situate as aforesaid, and said estimate shall be filed with the city auditor, and shall be presented to the city council for their approval at the first meeting held thereafter, and the city auditor shall cause notice of the time and place when and where the city council will meet to approve the same, to be published in the official newspaper of the city for at least ten days prior to the meeting of the city council to approve the same, at which meeting any person complaining of such assessment shall be heard and any errors in the same corrected. After said assessment shall be approved by the city council, it shall be proceeded with by the proper officers in the same manner as is provided in this article for assessments for other local improvements.

Approved March 11, 1891.