

and entitled respectively "An act to establish a Political Code for the State of North Dakota," "An act to establish a Civil Code for the State of North Dakota," "An act to establish a Code of Civil Procedure for the State of North Dakota," "An act to establish a Probate Code for the State of North Dakota," "An act to establish a Justices' Code for the State of North Dakota," "An act to establish a Penal Code for the State of North Dakota" and "An act to establish a Code of Criminal Procedure for the State of North Dakota" shall not be printed as Session Laws of the State of North Dakota.

§ 2. REPEAL.] All acts and parts of acts, so far as the same relate to the Codes mentioned in Section 1, of this act, in conflict with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] *Whereas* it will be necessary to prepare the laws passed at the Fourth Session of the Legislative Assembly of the State for publication before July 1st, 1895, and the Codes mentioned in Section 1, of this act, not being designed for publication as Session Laws, an emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved, March 19, 1895.

CITIES.

CHAPTER 27.

[S. B. No. 134.]

CITY IMPROVEMENTS.

AN ACT to Amend and Re-enact Sections 2, 17, 21, 22 and 23 of Article 15 of Chapter 73, of the Laws of 1887.

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

§ 1. AMENDMENT.] That Section 2, of Article 15, of Chapter 73, of the Laws of 1887, be and the same is hereby amended and re-enacted so as to read as follows:

§ 2. COMMISSIONERS OF LOCAL IMPROVEMENTS—HOW APPOINTED.] The council upon ordering any improvements, to be paid for by special assessments, other than sewers, shall appoint three commissioners, who shall be disinterested freeholders and qualified voters of the city to view the premises and assess the damages which may occur by the taking of private property, or any other damage arising from the making of such improvement. Such commissioners shall be notified as soon as practicable; by

the city auditor to attend at his office at a time to be fixed by him, for the purpose of qualifying and entering upon their duties, and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to the city, not exceeding \$50.00, and shall be liable to be prosecuted therefor before the police justice as in the case of fines imposed for the violation of any ordinance of said city, and in case one only of said commissioners shall so neglect or refuse to attend, the two remaining commissioners shall fill the vacancy, and in all other cases the vacancy shall be filled by the council.

§ 2. AMENDMENT.] Section 17, of Article 15, of Chapter 73, of the Laws of 1887, is hereby amended and re-enacted so as to read as follows:

§ 17. ASSESSMENTS—HOW PAID—PENALTY FOR NON-PAYMENT FOR LOCAL IMPROVEMENTS.] After said estimate provided in Section 16 shall have been so approved, the city auditor shall forthwith make or cause to be made an assessment roll describing the property so assessed with the name of the owner, if known, and the amount assessed to each lot, piece or parcel of ground as approved by the city council, and attach thereto a copy of the resolution of the city council approving of the same and certify that the same is correct, and forthwith publish said list three successive weeks, at least once in each week, in the official newspaper of the city, together with the notice that a penalty of ten per cent. will be added thereto if the same is not paid within thirty days after the date of the first publication, stating the time when such penalty will accrue, and all such taxes remaining unpaid together with accrued penalty shall by the city auditor be certified to the county auditor of the county in the same manner as other city taxes and shall be collected, enforced and paid over in the same manner as other city taxes.

§ 3. AMENDMENT.] Section 21, of Article 15 of Chapter 73 of the Laws of 1887 is hereby amended and re-enacted so as to read as follows:

§ 21. THE CITY COUNCIL TO CONTRACT FOR SIDEWALKS—WHEN.] If such work is not done and the sidewalk not built, repaired or rebuilt in the manner and within the time prescribed in said notice, the city council may order the same to be done by such person as they may contract with under the direction of the city engineer at the expense of the lot or lots or parcels of lands adjoining said sidewalk, and said expenses shall be assessed upon said lot or lots or parcels of land so chargeable by the city engineer and returned by him to the city council, and the city auditor shall cause to be published said estimate of the city engineer together with a notice of the time and place, when the city council will meet to approve of the same, by one publication in the official newspaper of the city, for at least ten days prior to the meeting of the city council to approve the same.

§ 4. AMENDMENT.] Section 22 of Article 15 of Chapter 73 of

the Laws of 1887, be and the same is hereby amended and re-enacted so as to read as follows:

§ 22. ASSESSMENT FOR SIDEWALK—HOW MADE—PENALTY FOR NON-PAYMENT.] Within ten days after said assessment shall have been so approved, the city auditor shall forthwith make, or cause to be made, an assessment roll describing the property so assessed, with the name of the owner, if known, and the amount assessed to each lot, piece or parcel of ground as approved by the city council, and attach thereto a copy of the resolution of the city council approving the same, and certify that the same is correct, and shall publish said list three successive weeks, at least once in each week, in the official newspaper in the city together with a notice that a penalty of ten per cent. will be added thereto if the same is not paid within thirty days after date of the first publication, stating the time when such penalty shall accrue, and shall thereafter certify all such taxes remaining unpaid together with accrued penalty, to the county auditor of the county, in the same manner as other city taxes, and same shall be collected, enforced and paid over in the same manner as other city taxes.

§ 5. AMENDMENT.] Section 23 of Article 15 of Chapter 73 of the Laws of 1887 is hereby amended and re-enacted so as to read as follows:

§ 23. SIDEWALK REPAIRS NOT EXCEEDING \$10.00—ASSESSMENTS FOR—HOW MADE—PENALTY.] Whenever it is necessary to repair sidewalks, when the amount of such repair does not exceed the amount of \$10.00 for fifty feet of such walk, such repairs may be made by the city under the direction and supervision of the street commissioner, who will first give notice in writing to the owner or occupant of any lot or lots or parcel of land adjoining such sidewalk to repair same at his or their own cost or expense within a time not less than twenty-four hours from the service of such notice, which notice shall declare what repairs are necessary, and contain a description of the lot or lots or parcel of land adjoining the sidewalk on which such repairs are necessary, and in the event of such owner or occupant failing to make such repairs within the time specified in such notice the street commissioner shall at once make all necessary repairs, keeping an accurate account of such repairs and certify the same to the city auditor, which certificate shall contain a description of the lot or lots or parcels of land adjoining such sidewalk and the amount of such repairs, and same shall by the city auditor be reported to the city council for its approval, and the city auditor shall cause to be published such assessment together with a notice of the time and place where the city council will approve of the same, by one publication in the official newspaper of the city for at least ten days prior to the meeting of the city council, to approve the same, and after same shall have been so approved the city auditor shall forthwith make or cause to be made an assessment roll describing the property so assessed with the name of the owner,

if known, and the amount assessed on each lot, piece or parcel of ground as approved by the city council, and attach thereto a copy of the resolution of the city council approving of the same, and certify that the same is correct, and forthwith publish said list three successive weeks, at least once in each [week,] in the official newspaper of the city, together with a notice that a penalty of ten per cent. will be added thereto if the same is not paid within thirty days after the date of the first publication, stating the time when such penalty shall accrue, and all such taxes remaining unpaid together with accrued penalty shall, by the city auditor, be certified to the county auditor of the county in the same manner as other city taxes, and shall be collected and enforced and paid over in the same manner as other city taxes.

§ 6. REPEAL.] All acts or parts of acts in conflict with this act, and especially that part of Article 15 of Chapter 73 of the Laws of 1887, requiring the city treasurers to collect taxes on special assessments are hereby repealed.

§ 7. EMERGENCY.] *Whereas*, an emergency exists in this that there is no means provided by law for a special assessment for repairs of sidewalks under the sum of \$10.00, *Therefore*, this act shall take effect and be in force from and after its passage and approval.

Approved, March 14, 1895.

CHAPTER 28.

[S. B. No. 131.]

LIMITING CITY INDEBTEDNESS.

AN ACT to Amend Chapter 100 of the Session Laws of 1890, Being an Act Amending Articles 4, 9 and 16 of Chapter 73 of the General Laws of 1887, Entitled "An Act to Provide for the Incorporation of Cities." And Also to Repeal Section 1 of Chapter 97 of the Laws of 1890, in so far as the Same Relates to Cities.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 100 of the Session Laws of 1890 amending subdivision 5 of Section 1 Article 4, of the General Laws of 1887 be amended so as to read as follows:

§ 5. LIMITING CITY INDEBTEDNESS.] "To borrow money on the credit of the corporation for corporate purposes and to issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner, or for any purpose to an amount, including existing indebtedness, to exceed 5 per centum of the taxable property therein as determined by the last preceding city assessment; *Provided*, That

an incorporated city may, by a two-thirds vote, increase such indebtedness 3 per centum on such assessed value beyond said 5 per cent. limit; and such city shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt when it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same; *Provided*, No bonds shall be issued under the provisions of this act, either for special or general purposes, except as hereinafter otherwise provided, unless at an election after twenty days' notice in a newspaper published in the city, stating the purpose for which said bonds are to be issued and the amount thereof, the legal voters of said city, by a majority vote shall determine in favor of issuing said bonds." *Provided*, That the foregoing shall not prevent the raising of funds to pay for the establishment, construction and maintenance of a system of sewerage and the constructing or purchasing water works for furnishing a supply of water to the inhabitants of such city or municipal corporation, and the issuing of bonds therefor as provided by Section 6 of Article 16 as re-enacted and amended by this act.

§ 2. AMENDMENT.] That Section 6 of Article 16, as amended by Section 4 of Chapter 100, of the Session Laws of 1890, be amended and re-enacted so as to read as follows:

§ 6. BONDS FOR SEWERAGE OR WATER WORKS—HOW ISSUED.] The city council for the purpose of raising funds to pay for the establishment, construction and maintenance of such system of sewerage and for the purpose of constructing or purchasing water works for furnishing a supply of water to the inhabitants of such city, shall have power to issue the bonds of the city to an amount not exceeding four per centum upon the assessed valuation of the taxable property of such city as determined by the last preceding assessment without regard to the existing indebtedness of such city, such bonds to be payable in not to exceed twenty years from the date thereof, drawing interest semi-annually, at the rate of not to exceed seven per cent. per annum, payable either in New York city or in the city issuing the same and which shall be signed and executed as provided in the article on special assessments of the said act; *Provided*, That at no time shall there be such bonds outstanding or unpaid more than an amount equal to four per cent. of the assessed valuation of the taxable property of such city as determined by the last preceding assessment, and such bonds shall not be negotiated for less than one hundred cents on the dollar.

§ 3. REPEAL.] All acts and parts of acts in conflict with the provisions of this act, especially Section 1 of Chapter 97, of the Laws of 1890, in so far as the same relates to cities, are hereby repealed.

§ 4. EMERGENCY.] An emergency existing, in that cities within this State desire to proceed at once to adopt a system of

sewerage, this bill shall take effect immediately from and after its passage and approval.

Approved, March 14, 1895.

CHAPTER 29.

[H. B. No. 30.]

RELATING TO MEETINGS OF CITY COUNCIL.

AN ACT to Amend Section 9, of Article 3, of Chapter 73, of the Laws of 1887, Being Section 877, of the Compiled Laws of 1887, Providing For the Incorporation of Cities.

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

§ 1. AMENDMENT.] That Section 9, of Article 3, of Chapter 73, of the Laws of 1887, being Section 877, of the Compiled Laws of 1887, be amended to read as follows:

§ 877. MEETINGS OF CITY COUNCIL—WHEN HELD.] The city council shall hold its regular meeting on the first Monday of each and every month, and may prescribe by ordinance the manner in which special meeting thereof may be called. The first meeting for organization shall be held on the third Tuesday in April of each and every year.

§ 2. EMERGENCY.] An emergency existing in that there is no law prescribing the time of the first meeting for organization, and it is necessary that this act take effect prior to July first next, *Therefore* this act shall take effect and be in force from and after its passage and approval.

Approved, March 4, 1895.

CIVIL TOWNSHIPS.

CHAPTER 30.

[H. B. No. 169.]

ORGANIZATION OF CIVIL TOWNSHIPS.

AN ACT to Provide for the Division of Civil Townships Containing Two or More Congressional Townships by the Creation of New Townships Therein.

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

§ 1. CIVIL TOWNSHIPS—HOW FORMED.] Any congressional township which has residing therein one hundred or more people and forms part of an organized civil township comprising two or more congressional townships, not a fractional, may be set apart