

and if a cause of action exist it shall be and it is hereby made the duty of such state's attorneys to prosecute the same as in cases of misdemeanor.

§ 13. SPARK ARRESTERS ON SMOKE STACKS.] It is hereby made the duty of any person or corporation operating any threshing engine or engines, to carry netting or spark arresters on the smoke stacks of all such threshing engines from the first day of August until the 15th day of November of each year.

§ 14. APPROPRIATION FOR FIRE GUARDS.] The board of county commissioners are hereby authorized to expend not to exceed the sum of eight hundred (800) dollars annually from the road and bridge fund, for the purpose of constructing fire guards.

§ 15. REPEAL.] All acts or parts of acts in any manner in conflict with the provisions of this act are hereby repealed, but nothing in this act contained shall be construed to be in conflict with Senate Bill No. 125, being a bill for an act to provide for the extermination of the Russian thistle and French weed.

§ 16. EMERGENCY.] There being no adequate remedy against prairie fires and the necessity for taking legal action long before July 1st, creates an emergency; *Therefore*, This bill shall become a law after its passage and approval.

Approved, March 19, 1895.

PUBLIC HIGHWAYS.

CHAPTER 91.

[H. B. No. 9.]

IMPROVEMENT OF PUBLIC HIGHWAYS.

AN ACT to Provide for the Better Improvement of Public Highways for Organized Townships and Also Providing for the Payment of Expenses Thereof by Taxation.

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

§ 1. TOWN BOARDS HAVE SUPERVISION.] From and after the passage of this act and its approval in accordance with law the several town boards of organized townships in counties throughout the State shall have general supervision over the roads, highways and bridges throughout their several townships.

§ 2. PLANS AND SPECIFICATIONS FOR ALL WORK.] The several town boards shall on being petitioned by a majority of the legal voters of said township, as shown by the votes cast at the last annual township meeting shall at the next annual meeting cause a vote

to be taken by ballot on which shall be written or printed "For Contract System," "Against Contract System," and if the canvass of votes show that for "For Contract System" has prevailed, then the township board shall at the next meeting succeeding the annual meeting advertise in any one of the county papers for bids for two successive weeks for the improvement and repairing of highways and bridges in their said several townships in the following manner:

1. The said board shall furnish plans and specifications for all work and improvements to be done and performed in their several townships, which shall be filed in the office of the town clerk.

2. And they shall at the time of advertising for bids give at least ten days notice, to be posted in three conspicuous places in said township that bids will be received at a time and place mentioned in said notices, and said contracts shall be let to the lowest bidder in accordance with such plans and specifications as are furnished by said board, and the said board shall require upon the letting of such contract, or contracts, a good and sufficient bond for the faithful performance of the work to be done and performed in said contract, and said board shall have authority to reject any and all bids.

§ 3. ANNUAL TOWN MEETING—TAX FIXED.] At the regular annual town meeting in each year the amount of tax for road purposes shall be voted upon and fixed by said town meeting, which shall not exceed the sum of eighty cents on one hundred dollars of assessed valuation of property, both real and personal.

§ 4. SPECIAL FUND.] All moneys raised in pursuance of the provisions of this act shall constitute a special fund for the improvement of highways and shall be collected, paid out and expended in the same manner as now provided for upon warrants drawn on the treasurer of each township for general expenses thereof, and such fund shall be kept separate and shall not be used for any other purpose whatsoever.

§ 5. FAILURE TO PAY ASSESSMENT—HOW COLLECTED.] Upon failure to pay any tax assessed for the purposes herein named the same shall become delinquent and shall be collected in the same manner as provided by law for general taxation.

§ 6. ROAD MACHINERY.] Wherever towns may own road machinery the said township boards shall have authority to make such disposition of the same as in their discretion is best for the interests of the town, or to purchase or lease such machinery as may be necessary for the purpose of carrying out the provisions of this act and the performance of all contracts in reference thereto.

§ 7. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, March 14, 1895.

CHAPTER 92.

[H. B. No. 51.]

RELATING TO OBSTRUCTION OF ROADS.

AN ACT to Amend Section 687, Penal Code of Revised Codes of 1877, Being Section 6876 of the Compiled Laws of 1887.

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

§ 1. RELATING TO OBSTRUCTION—ROADS.] That Section 687, Penal Code of Revised Codes of 1877, being Section 6877 of the Compiled Laws of 1887 be amended so as to read as follows:

§ 687. Every person who shall knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway, or shall build or place a barb wire fence across any well traveled trail, which has been the usual and common route of travel for not less than one year prior to the commission of the offense; without placing on the outside of the top tier of barb wire on said fence, a board, pole or other suitable protection, to be at least 16 feet in length shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding one hundred dollars, and shall be liable for all damages to person or property by reason of the same.

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

Approved, March 14, 1895.

RAILROADS.

CHAPTER 93.

[S. B. No. 48.]

COAL RATES.

AN ACT Fixing the Maximum Rates That Railroad Companies May Charge for the Transportation of Coal Within the State of North Dakota.

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

§ 1. MAXIMUM COAL RATES.] All railroad companies doing business as common carriers within the State of North Dakota