

CHAPTER 69.

[H. B. 105.]

CLERK HIRE FOR COUNTY JUDGE.

AN ACT to Amend Section 2069 of the Revised Codes of the State of North Dakota, Providing for Clerk Hire in the Office of County Judge.

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

§ 1. AMENDMENT.] That section 2069 of the Revised Codes of the State of North Dakota be amended so as to read as follows:

§ 2069. PROVISION FOR DEPUTIES. SALARIES.] If in the judgment of the board of county commissioners of any county it is deemed necessary for the prompt and accurate dispatch of the business in the office of county judge that deputies or clerks be employed therein, it shall by resolution fix the number of clerks to be employed and amount of compensation to be paid such deputies or clerks, which compensation shall be paid monthly from the special salary fund, when the salary fund is exhausted then out of the general fund, by warrant; provided, that the officer in whose office such deputies or clerks are to be employed shall have the sole power of appointing and removing them at pleasure. In no case shall the county judge be allowed for clerk hire unless such services have been actually rendered. Any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed to any such clerk or deputy shall be guilty of a misdemeanor.

Approved March 7, 1899.

COUNTY SEATS.

CHAPTER 70.

[H. B. 53.]

REMOVAL OF COUNTY SEATS.

AN ACT to Amend Section 1881 of the Revised Codes of the State of North Dakota of 1895, Relating to the Procedure for the Removal of County Seats.

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

§ 1. AMENDMENT.] That section 1881 of the Revised Codes of the State of North Dakota of 1895 be and the same is hereby amended to read as follows:

§ 1881. If the petition is signed by qualified electors of the county equal in number to at least three-fifths of all the votes cast in the county at the last preceding general election, the board must, at the next general election, submit the question of removal to the electors of the county.

Approved March 9, 1899.

DAMS.

CHAPTER 71.

[H. B. 71.]

MAINTENANCE OF DAMS.

AN ACT to Provide for the Construction and Maintenance of Dams Across Running Streams for Use in Operating Mills and for Irrigation Purposes.

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

§ 1. DAMS FOR MILLS OR IRRIGATING PURPOSES.] When any person may be desirous of erecting and maintaining a dam upon his own land, across any water course not navigable, and shall deem it necessary to raise the water by means of such dam, or occupy ground for mill yard, or for irrigation purposes, so as to damage by overflowing or otherwise, real estate not owned by him, nor damaged by consent, he may obtain the right to erect and maintain said dam by proceedings as in this act provided; provided that all dams erected under the provisions of this act shall be constructed with such sluiceways as will allow fish to ascend any stream so dammed.

§ 2. SHALL PETITION THE COURT.] He shall present to the judge of any court of record in which jury trials are had in the county, or, if there be no such court in the county, then in the district in which said dam or any part thereof is to be located, a petition naming each person known to be affected or damaged, setting forth the place as near as may be, where said dam is to be located, the height to which it will be raised, the purposes to which the water power will be applied, and such other facts as may be necessary to show the objects of the petition.

§ 3. COMMISSIONERS.] Upon the presentation of such petition, the judge shall appoint three disinterested residents of the county in which said dam or a part of it is to be erected, commissioners to meet at the place of its proposed erection, on a day specified by such judge, and to inquire, touching the matters contained in said petition, and the judge shall fix the fees of said commissioners.

§ 4. SHALL TAKE OATH.] Before entering upon their duties the commissioners shall severally take and subscribe an oath before