

treasurer shall thereupon enter said amount against said land as taxes are entered against land, and the said amount shall constitute a lien upon said land prior to all other incumbrances, and shall bear interest at the rate of seven per cent per annum from date of entry by the county treasurer and collection thereof may thereafter be made and enforced in the same manner as delinquent taxes are enforced and collected against real property.

§ 5. PAYMENT OUT OF GENERAL FUND.] When the board of county commissioners shall deem the plowing of state land necessary for the purposes herein specified they shall order the same done, and payment therefor may be made out of the general fund of the county upon warrant as in other cases provided. Provided, however, that no growing crops shall be destroyed under the provisions of this act. Provided, that where the board of county commissioners shall deem it necessary to cause plowing upon government land held by resident claimants, or other means to cause the destruction of grasshoppers and Rocky Mountain locusts, said claimant shall be liable to the county in a civil action for all moneys necessarily expended in carrying out the directions of the board of county commissioners for the purposes herein specified.

§ 6. EMERGENCY.] Whereas, an emergency exists in that there is great danger of counties being infested with grasshoppers or Rocky Mountain locusts this year; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1899.

GUARDIAN.

CHAPTER 96.

[S. B. 65.]

APPOINTMENT OF GUARDIAN.

AN ACT to Amend Section 5226 of the Revised Codes of the State of North Dakota, Relating to the Appointment of a Guardian ad litem. Presented as a Substitute Bill for Senate Bills Nos. 7 and 32 by the Committee on Judiciary.

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

§ 1. AMENDMENT.] That section 5226 of the Revised Codes of North Dakota be and the same is hereby amended and re-enacted to read as follows:

§ 5226. GUARDIAN, HOW APPOINTED.] The guardian shall be appointed.

1. When the infant is plaintiff, upon the application of the infant, if he is of the age of fourteen years; or if under that age, upon the

application of his general or testamentary guardian, if he has any, or of a relative or friend of the infant. If made by a relative or friend of the infant, notice thereof must first be given to such guardian, if he has one; if he has none, then to the person with whom such infant resides.

2. When the infant is defendant, upon the application of the infant, if he is of the age of fourteen years and applies within twenty days after the service of summons. If he is under the age of fourteen or neglects so to apply, then upon the application of any other party to the action, or of a relative or friend of the infant, after notice of such application being first given to the general or testamentary guardian of such infant, if he has one within this state: if he has none, then to the infant himself, if over fourteen years of age and within the state; or, if under that age and within the state, to the person with whom such infant resides. In actions for the partition of real property, or for the foreclosure of a mortgage or other instrument, and in all actions affecting the title to real property or wherein such infant is a proper or necessary party defendant. when an infant resides out of this state, the plaintiff may apply to the court or judge thereof, in which the action is pending, and will be entitled to an order designating some suitable person to be the guardian for the infant defendant for the purpose of the action, unless the infant defendant or some one in his behalf within a number of days after the service of a copy of the order, which number of days shall be in the said order specified, shall procure to be appointed a guardian for the said infant; and the court shall give special directions in the order for the manner of service thereof, which may be upon the infant himself or by service upon any relation or person with whom the infant resides, and either by mail or personally upon the person so served. And in case an infant defendant having an interest in the event of the action shall reside in any state with which there shall not be a regular communication by mail, on such fact satisfactorily appearing to the court, the court may appoint a guardian ad litem for such absent infant party, for the purpose of protecting the right of such infant in said action, and on such guardian ad litem process, pleadings and notices in the action may be served in like manner as upon a party residing in this state.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no definite provision of law for making an infant residing out of this state a party defendant in certain actions; therefore, this act shall take effect and be in force from and after its passage and approval.

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

Approved February 24, 1899.