

administration of such funds, and when necessary prosecute corporations for failure or refusal to make the reports required by law.

9. To keep in proper books a register of all cases prosecuted or defended by him, or his assistants, in behalf of this state or its officers, and of all proceedings had in relation thereto, including a record of all actions wherein the state is a party, or is interested, prosecuted by the state's attorneys of the several counties, and reported to him, as provided in section 1979 of this code, and to deliver the same to his successor in office.

10. To keep in his office a book in which he shall record all the official opinions given by him during his term of office, which book shall be by him delivered to his successor in office.

11. To pay into the state treasury all moneys received by him for the use of the state.

12. To attend to and perform any other duties which may from time to time be required by law.

§ 2. EMERGENCY.] Whereas, there is now no law requiring the attorney general to keep a record of actions in which the state is a party or interested, prosecuted by the state's attorneys of the several counties, therefore an emergency exists and this act shall be in force from and after its passage and approval.

Approved March 11, 1901.

ATTORNEYS' FEES.

CHAPTER 25.

[H. B. 97]

ATTORNEYS' FEES IN DRAINAGE PROCEEDINGS.

AN ACT to Provide for the Allowance and Taxation of Costs and Additional Attorneys' Fees Against the Defendants in Actions to Enjoin Drainage Proceedings, or the Levy and Collection of Taxes and Assessments Therefor.

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

§ 1. ATTORNEYS' FEES IN DRAINAGE PROCEEDINGS.] In any action hereafter commenced or now pending, for the purpose of enjoining, vacating or setting aside any proceeding for the construction of a drain under the provisions of this chapter, or for the purpose of enjoining or declaring void any assessment levied, or ordered to be levied, to pay for the location or construction of any such drain, or for the purpose of enjoining or preventing the collection of any tax or assessment for

the location or construction of any such drain, commenced after the list of assessments for said drain has been filed in the office of the county auditor as provided by section 1457, if said action is dismissed, or if the relief demanded therein is denied, there shall be allowed to the defendants therein a reasonable amount to be determined by the court, as attorneys' fees in said action, to be taxed against the plaintiff, in addition to the costs and disbursements now allowed by law.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that actions to enjoin the levy and collection of drainage assessments are now pending, and that there are no funds out of which costs and attorneys' fees incurred in the defense of such actions can be paid, therefore an emergency exists, and this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1901.

ASSESSMENT.

CHAPTER 26.

[Sub. for S. B. 154.]

ASSESSMENT OF EXPRESS AND OTHER COMPANIES.

AN ACT Providing for the Assessment of Express Companies, Telegraph, Telephone, Freight Line and Equipment Companies.

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

§ 1. EXPRESS, TELEGRAPH, TELEPHONE, FREIGHT LINE AND EQUIPMENT COMPANIES. ASSESSMENT OF.] The state board of equalization shall at its annual meeting in August in each year assess at its actual value the franchise and all property within the state of all express companies, freight line companies, car equipment companies, sleeping car companies, dining car companies, telegraph or telephone companies. To enable said board to make a correct valuation of such franchises and property, it shall have access to all reports of such corporations which may be on file in any public office of the state, and they shall have power to compel and require every such company, on reasonable notice, to report to them a full statement of the property and mileage operated by it within this state, and shall have power to summon and compel the attendance of witnesses, and may examine such witnesses under oath in any matter relating to the value of such property. In estimating the value of such franchises and property the board shall be governed by the same rules as are provided for the government of county and