

§ 1015. ANNUAL MEETING.] It shall be the duty of the board to meet annually on the first Tuesday in June, and at such meeting to elect a chairman of the board. The commandant shall act as secretary of said board. The board shall have four regular meetings in each year and may adopt a seal and make rules and regulations not inconsistent with the Constitution of the United States, or of this state, for the management and government of such homes, including such rules as it shall deem necessary for the preservation of order, enforcing discipline and preserving the health of its inmates. The board shall annually make full and detailed reports of the disbursements of the home and its condition financially and otherwise to the governor, and to each regular session of the legislative assembly.

Approved March 8, 1901.

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## BONDS.

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### CHAPTER 38.

[S. B. 136.]

#### STATE UNIVERSITY.

AN ACT Authorizing the Board of Trustees of the State University to Issue Bonds to Provide a Fund for the Necessary Repairs of Building and to Pay the Floating Indebtedness of Said University.

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

§ 1. BONDS. STATE UNIVERSITY TO ISSUE.] To provide for the necessary repairs of buildings of the state university and to pay the outstanding floating indebtedness of said institution, the board of trustees of said state university may, if the majority of said board so decide, issue bonds in the sum not exceeding fifty thousand dollars (\$50,000).

§ 2. BONDS. DENOMINATION OF.] Said bonds shall be issued in denominations of one thousand dollars (\$1,000) each; they shall be signed by the president of the board of trustees and attested by the secretary of said board under the seal of the institution, and shall be payable twenty years from date of issue.

§ 3. BONDS. INTEREST ON.] Said bonds shall bear interest at the rate of four per cent (4 per cent) per annum, which interest shall be payable on the first day of January each year at the office of the state treasurer. The principal and interest of said bonds shall be payable

out of the interest on the funds accumulated from sale of lands and income of the lands donated and apportioned to said state university and the school of mines. In the event that income from said lands and interest on such funds in any one year shall be insufficient to pay the interest due upon said bonds for such year, the balance of such interest shall be paid out of the annual appropriation for said state university for such year.

Approved March 11, 1901.

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## CHAPTER 39.

[H. B. 203.]

### BONDS FOR CONSTRUCTING DRAINS.

AN ACT to Amend Section 1474 of the Revised Codes, Providing for the Issue of Bonds for Defraying the Expenses of Constructing Drains.

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

§ 1. AMENDMENT.] That section 1474 of the Revised Codes be amended so as to read as follows:

§ 1474. BONDS, WHEN AND HOW ISSUED.] The board of county commissioners of any county in which any such drain is proposed to be located and constructed is authorized to issue bonds in such sums as may be necessary for the purpose of defraying the expenses incurred, or to be incurred, in obtaining the right of way or in locating or constructing any such drain, said word "expenses" to be construed to mean and to cover every item of cost of such drain from its inception to its completion as hereinbefore provided, which bonds shall be paid out of the revenues to be derived from taxes levied, or to be levied, and collected from that portion of the county fund by the board of drain commissioners to be benefited thereby. Such bonds shall bear interest at a rate not exceeding seven per cent, and shall be payable in not less than three and in not more than seven years from the date thereof; provided, that any land owner who may desire to pay the entire amount assessed against his land for the entire cost of such drain, including warrants and interest thereon may, prior to the sale of such bonds, pay into the county treasurer [treasury] the amount of said assessments for which the treasurer shall give his receipt in full, and such lands shall not be included in the list of the lands assessed. The money paid in shall be used to take up warrants and the bonds issued shall be for such an amount as will pay the remainder of the warrants outstanding and the said board shall provide sinking funds for the payment at maturity of each series of bonds issued and for the payment of the annual interest on the same. The bonds issued under the provisions of this chapter shall be signed by the chairman of the board of county commissioners of such

county and countersigned by the county auditor, who shall keep a record of the bonds issued under the provisions of this chapter. Such board shall have the power to negotiate such bonds at not less than the par value thereof as it may deem best for the interest of all persons interested in such drain. Such bonds shall contain a recital that the same are issued in accordance with the provisions and pursuant to the authority of this chapter and that they are to be paid out of sinking funds to be created as in this chapter provided. Whenever such bonds shall be issued the tax hereinbefore provided for shall not be collected all in one year, but shall be divided into as many parts as such bonds have years to run, and one of such parts shall be extended upon the tax lists by the county auditor against the proper parcels of land and property liable to taxation for that purpose in each and every year and collected in such year and such fund shall constitute the sinking fund provided by this section. The board of county commissioners shall in each year at the time of levying the taxes, levy upon the property liable to taxation on account of the location and construction of any drain a tax sufficient to pay the annual interest on any bonds which may have been issued for the purpose of locating and constructing the drain. Separate sinking funds shall be provided for each separate drain for the construction of which bonds shall have been issued, and no funds in any such sinking fund shall be applied to any other purpose than the payment of the bonds for the payment of which such fund was created. No county shall be liable for the payment of any bonds issued under the provisions of this chapter, but such bonds shall be paid only out of the sinking funds created as in this chapter provided.

Approved March 12, 1901.

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## CHAPTER 40.

[H. B. 118.]

### ISSUING SCHOOL BONDS.

AN ACT to Amend Sections 775 and 777 of the Revised Codes of 1899, Relating to School District Bonds.

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

§ 1. AMENDMENT.] That sections 775 and 777 of the Revised Codes of 1899 be amended so as to read as follows:

§ 775. SCHOOL BONDS. HOW ISSUED.] Whenever a duly constituted school district, including independent school districts, in any organized county in the state at any regular or special meeting held for that purpose, shall determine by a majority vote of all the qualified voters of such school district present at such meeting and voting, to issue school district bonds for the purpose of building and furnish-

ing a school house and purchasing grounds on which to locate the same, or to fund any outstanding indebtedness, or for the purpose of taking up any outstanding bonds, the district school board may lawfully issue such bonds in accordance with the provisions of this article.

§ 777. BONDS. DENOMINATION OF. INTEREST. LIMIT OF ISSUE.] The denomination of the bonds which may be issued under the provisions of this article shall be fifty dollars or some multiple of fifty, not exceeding five hundred dollars, and shall bear interest at the rate of not exceeding seven per cent per annum, payable semi-annually on the first day of January and July in each year, in accordance with interest coupons which shall be attached to such bonds; and no greater amount than one thousand dollars can be issued for any one school house except in districts, towns and villages of more than two hundred inhabitants, and in such districts the amount including all other indebtedness, shall not exceed five per cent of its assessed valuation, and may be made payable in not less than ten, nor more than twenty years from their date.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law for issuing school bonds in certain cases, therefore this law shall be in force and take effect on and after its passage and approval.

Approved March 6, 1901.

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## CHAPTER 41.

[S. B. 113.]

### BONDS FOR SEED GRAIN.

AN ACT Authorizing Counties to Issue Bonds to Procure Seed Grain for Needy Farmers Resident Therein.

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

§ 1. BONDS. HOW ISSUED. DENOMINATION. RATE OF INTEREST.] In any county of the state where the crops for the year 1900 have been a total or partial failure by reason of drouth, hail or other cause, it shall be lawful for the board of county commissioners of such county to issue the bonds of the county under and pursuant to the provisions of this act, and with the proceeds derived from the sale thereof, to purchase seed wheat for the inhabitants thereof who are in need of seed grain and are unable to procure the same, whenever said board shall be petitioned in writing so to do, by not less than 100 freeholders, resident in the county; and said board at a meeting called as hereinafter provided to consider said petition, shall by a majority determine that the prayer of the petitioners should be granted; provided, that all such petitions shall be filed with the

county auditor, on or before the 1st day of April, 1901; and thereupon it shall be the duty of said officer to forthwith call a meeting of the board of county commissioners of his county to consider said petitions, and provided, further, that the total amounts of bonds issued by any county under the provisions of this act shall not, with the then existing indebtedness of the county, exceed the limit of indebtedness fixed by the constitution in such cases; that said bonds shall be in denominations of five hundred (\$500.00) dollars; shall bear a rate of interest not exceeding seven per cent per annum, payable semi-annually at such place and times as shall be determined by said board, and that all bonds issued under the provisions of this act shall become due and payable in not more than two years from the date thereof, the date of maturity being fixed by the board of county commissioners at the time of the issuance thereof, within the above limitations.

§ 2. BONDS TO BE ENDORSED.] Such bonds shall be signed by the chairman of the board of county commissioners and be attested by the county auditor, also a certificate endorsed thereon and signed by the county auditor stating that said bonds are issued pursuant to law and are within the debt limit.

§ 3. BONDS. HOW SOLD.] It shall be the duty of said board of county commissioners to receive sealed proposals for the purchase of said bonds after giving notice for at least ten days in such newspaper or newspapers as such board by vote determine, and said bonds shall be sold to the highest bidder for cash; provided, the same shall not be sold for less than their par value; and, provided, further, that said board may reject all bids and postpone the sale of said bonds for a time not exceeding ten days.

§ 4. PROCEEDS. HOW PAID OUT.] The proceeds arising from the sale of said bonds shall be paid by the purchaser thereof, to the county treasurer of the county at the time of the delivery thereof, and such proceeds shall be paid out only on the order of the board of county commissioners.

§ 5. TAX. BOND REGISTRY. BOARD MAY ISSUE WARRANTS INSTEAD OF BONDS. WHEN.] For the purpose of securing prompt payment of the principal and interest of the said bonds, there shall be levied by the board of county commissioners at the time and in the manner that other taxes are levied, in case said indebtedness is not fully paid by the applicants, such sums as shall be sufficient to pay such principal and interest and retire said bonds at their maturity; and it shall be the duty of the county treasurer to pay promptly the interest upon said bonds as it shall fall due. No tax or fund provided for the payment of said bonds, either principal or interest, shall at any time be used for any other purpose.

Provided, however, that the board of county commissioners may deposit any part or portion of the sinking fund herein provided for in any bank furnishing satisfactory security to be approved by the board, and receive interest on the same, which shall be credited to the

sinking fund. It shall be the duty of the county treasurer when said bonds or any coupons attached thereto are paid, to cancel the same by writing upon the face thereof the word "paid" and the date of payment. Before the bonds are delivered to the purchaser the treasurer of the county shall register them in a book to be provided for that purpose known as the bond register in which register he shall enter the number of each bond, its date of maturity, amount, rate of interest, to whom and where payable. The board of county commissioners may issue warrants instead of bonds if in their judgment the best interests of the county are thereby served.

Provided, that such warrants shall not be issued in any amount to exceed the constitutional debt limit.

§ 6. FUNDS. HOW TO BE USED.] The funds arising from the sale of said bonds or warrants, shall be applied exclusively by said board for the purchase of seed grain for residents of the county who are poor and unable to procure the same;

Provided, that not more than 150 bushels of wheat or its equivalent in any grain shall be furnished to any one person.

§ 7. WHO MAY HAVE BENEFIT OF ACT.] All persons entitled to and wishing to avail themselves of the benefit of this act, shall file with the county auditor of the county where said applicant resides, on or before (the 1st day of) April an application duly sworn to before said auditor, or some other officer authorized to administer oaths. Said application shall contain a true statement of the number of acres the applicant has plowed or prepared for seeding; how many acres the applicant intends to have plowed and prepared for seeding; how many bushels and what kind of grain he will require to seed the ground so prepared as aforesaid; how many bushels of grain the applicant harvested in the preceding year; that the applicant has not procured and is not able to procure the necessary seed for the current year; that he desires the same for seed and no other purpose, and that he will not sell or dispose of the same or any part thereof, but will use the same and the whole thereof in seeding the land so prepared or to be prepared for crop. Said application shall also contain a true and full description of all the real and personal property owned by the applicant, and the incumbrances thereon; and a true description by government subdivisions of the land upon which the applicant intends to sow said seed grain. All applications filed under the provisions of this act shall be consecutively numbered and shall be open to public inspection and no application shall be considered by the board of county commissioners except such as have been made and filed in the manner prescribed in this section.

Provided, that the board of commissioners may in their discretion consider any applications made after the time so specified.

§ 8. BOARD OF EXAMINATION AND ADJUSTMENT.] The board of county commissioners of each county issuing bonds or warrants under the provisions of this act, are hereby appointed and constitute a board of examination and adjustment of the applications for seed grain

filed under the preceding section, and it shall be the duty of the said board to meet at the county auditor's office on the first Tuesday in April, or as soon thereafter as possible, to examine and consider separately each application filed under the provisions of this act, and to determine who are entitled to the benefits thereof, and the amount to which each applicant is entitled, and said board shall, on or before the 10th day of April deliver to and file with the county auditor, its adjustment of the said applications, which shall be signed by the chairman of the board.

§ 9. HOW GRAIN TO BE ISSUED TO APPLICANT. VALUE TAXED AGAINST LAND. WHEN.] The auditor of each county shall as soon as the county commissioners shall have performed the duty prescribed in the preceding section, issue to each applicant demanding it, an order for the number of bushels of each kind of seed grain which has been allowed to said applicant therefor.

Provided, however, that said order shall not be delivered until said applicant shall have signed a contract in duplicate, attested by the county auditor, to the effect that said applicant for and in consideration of.....bushels of seed grain received from .....county, promises to pay said county.....dollars, the amount of the cost of said seed grain with interest thereon at seven per cent until paid; interest payable annually; that the amount of such indebtedness shall become due and payable on the first day of October in the year in which seed grain is furnished, together with interest on such amount from the date of said contract, at the rate of seven per cent per annum, interest payable annually.

§ 10. LIEN ON CROP.] Upon the filing of the contracts provided for in section 9, the county shall acquire a just and valid lien upon all the crop of grain raised by the person receiving seed grain to the amount of the sum then due to the county upon said contract, as against all creditors, purchasers or mortgagees, whether in good faith or otherwise, and the filing of said contract shall be held and considered to be full and sufficient notice to all parties of the existence and extent of said lien, which shall continue in force until the amount covered by said contract is fully paid.

§ 11. PAYMENT. WHEN TO BE MADE.] Each and every person who has received seed grain under the provisions of this act, shall, as soon as his crops are harvested and threshed, market a sufficient amount of grain to pay the amount then due on his contract and pay the same over to the treasurer of his county.

§ 12. PENALTY.] Any person or persons who shall, contrary to the provisions of this act, sell, transfer, take or carry away, or in any manner dispose of the seed grain, or any part thereof, furnished by the county under this act, or shall use or dispose of said seed grain or any part thereof, for any other purpose than that of planting or sowing the same as stated in his application, or shall sell, transfer, take or carry away, or in any manner dispose of the crop, or any part

thereof, produced from the sowing or planting of said seed grain, shall be guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than fifty (\$50.00) dollars, nor more than one hundred and fifty (\$150.00) dollars, or may be imprisoned in the county jail for a term of not less than ninety days, and shall pay all the costs of prosecution, and whoever under any of the provisions herein shall be found guilty of false swearing, shall be deemed to have committed perjury and shall upon conviction suffer the pains and penalties of that crime. Upon the filing of said application in the office of the register of deeds, and the sowing of the seed obtained thereunder, the title and right of possession of the growing crop and the grain produced from said seed shall be in the county which shall have furnished the seed, until the debt incurred for said seed shall have been paid, and any seizure thereof or interference therewith, except by the applicant and those in his employ for the purpose of harvesting, threshing and marketing the same, to pay the debt aforesaid, shall be deemed a conversion thereof, and treble damages may be recovered against the person so converting the same by the county furnishing said seed.

§ 13. INFORMATION. WHO TO GIVE.] It shall be the duty of the constables and town clerks of the towns and the county commissioners, sheriffs and state's attorneys of the counties furnishing seed grain under the provisions of this act, having any knowledge of the violation of its provisions, to make complaint thereof to a justice of the peace, and said justice shall thereupon issue a warrant for the arrest of the offender, and proceed to hear and determine the matter and dismiss the complaint or bind the offender over to appear before the district court, as the case may be.

§ 14. GRAIN. HOW DISTRIBUTED. APPLICATION. HOW RECEIVED.] The county commissioners of every county proposing to distribute seed grain under the provisions of this act, shall advertise such intention in such manner and for such length of time prior to the first day of April as is possible for them to do, giving notice that all applications must be filed with the county auditor by the first day of April.

Provided, that no distribution of seed grain under the provisions of this act shall take place prior to the tenth day of April. If more seed grain is applied for than can be supplied by the commissioners under the provisions of this act, a pro rata distribution shall be made by them among those who shall have been found entitled to the benefits of this act. The commissioners shall have the right to refuse any application which they may deem improper to grant and they may revise their adjustment of applications at any time before final distribution.

§ 15. DUTIES OF COMMISSIONERS IN RELATION TO DISTRIBUTION OF GRAIN.] It shall be the duty of the commissioners providing seed grain under the provisions of this act, to purchase the same at the lowest price at which suitable grain can be obtained and to furnish

the same to the applicants at the actual cost thereof to the commissioners, with transportation and handling charges added, if any there be, provided that the commissioners may add thereto a sum not to exceed five cents a bushel to cover expenses and cost of collections, and any person requiring or extorting from any applicant a greater price shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine or imprisonment, or both, as the court may determine.

§ 16. SINKING FUND TO PAY BONDS.] All money received by the county treasurer in payment of debts incurred under the provisions of this act, shall be paid into and become a part of the sinking fund herein provided for, and be used exclusively in the purchase or payment of bonds issued hereunder.

§ 17. OPTION.] Said board may at any time, with the concurrence of the owners thereof, pay and retire any of the bonds issued under the provisions of this act, out of the funds provided for that purpose at not more than par value thereof with accrued interest.

§ 18. TAXES. WHEN NOT TO BE LEVIED.] In case a sufficient fund has been paid into the county treasury in any one year, as provided in section 10 of this act, on or before November 1st, to meet the interest and sinking fund provided for in this act, then there shall be no tax levied for such purposes in that year, and in no year shall there be a greater sum levied than will, together with the balance at that date in the treasury belonging to the said seed grain fund, be sufficient to pay the warrants, bonds and interest.

§ 19. EMERGENCY.] As there are settlers who are unable to procure seed for their farms for the coming spring, an emergency exists, this act shall take effect and be in force immediately after its passage and approval.

Approved February 18, 1901.

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## CHAPTER 42.

[S. B. 103.]

### BOND OF CITY TREASURER.

AN ACT Authorizing the Requirement of an Additional Bond to be Furnished by City Treasurers, and Declaring the Office Vacant Upon Neglect or Refusal so to do.

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

§ 1. ADDITIONAL BOND MAY BE REQUIRED OF CITY TREASURER.] The city council of any city incorporated under chapter 28 of the Political Code, may require the city treasurer to give additional sureties whenever in the opinion of the city council the existing security shall have become insufficient; and such city council is authorized and empowered to require from the city treasurer an additional bond

as required by law, with good and sufficient sureties in such sum as it may direct, whenever in their opinion more money shall have passed or is about to pass into the hands of such treasurer than is or would be recovered by the penalty in the previous bond.

§ 2. FAILURE TO GIVE ADDITIONAL BOND. EFFECT.] If any city treasurer shall fail or refuse to give such additional bond or sureties for twenty days from and after the day on which such city council shall require him so to do, his office shall become vacant and the city council shall appoint another treasurer to fill such vacancy, who shall hold his office until his successor has been elected and qualified.

§ 3. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. WHEN TO TAKE EFFECT. EMERGENCY.] Whereas, there is no provision of law authorizing the requirement of additional bonds from city treasurers in cases where money has passed or is about to pass into the hands of such treasurer than would be recovered by the penalty in the previous bond furnished, this act shall take effect and be in force immediately upon its passage and approval.

Approved March 8, 1901.

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## BONDED INDEBTEDNESS.

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### CHAPTER 43.

[S. B. 124.]

#### RETIRING BONDED INDEBTEDNESS OF STATE.

AN ACT to Provide a Fund for the Purpose of Retiring the Principal of the Bonded Indebtedness of the State.

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

§ 1. BONDED INDEBTEDNESS. FUND FOR RETIRING.] The state board of equalization, at the time the other taxes are levied shall levy a tax in 1902 and annually thereafter, equal in amount to one thirtieth of the present bonded indebtedness of the state, which tax shall be collected in the same manner as other taxes are collected, and when collected shall be used to retire and pay any state bonds at their maturity to the extent of the tax then collected and available for that purpose. No tax or fund provided for the payment of such bonds shall be used for any other purpose. Nothing in this act shall be construed to repeal any prior law for the levying of a sinking fund, but in no case shall the board levy a double tax for the same purpose.

Approved March 6, 1901.