

COUNTIES.

CHAPTER 64.

[S. B. No. 74—Simpson.]

ORGANIZATION OF COUNTIES.

AN ACT to Amend and Re-enact Sections 1823, 1824 and 1825 of the Revised Codes of the State of North Dakota for the Year 1899, Relating to the Organization of Counties.

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

§ 1823. AMENDMENT. PETITION FOR ORGANIZATION.] Any number of contiguous unorganized counties in this state which in the aggregate possess a population of at least one thousand bona fide inhabitants, may become organized as one county by presenting to the governor a petition signed by at least one hundred and fifty qualified electors of such contiguous unorganized counties, setting forth that in the aggregate said counties have the requisite number of inhabitants to form a county organization, and requesting him to organize such county as hereinafter provided; provided, however, that no unorganized county mentioned in the petition for the organization of such proposed contiguous unorganized counties shall become a part thereof unless a majority of the qualified electors residing within such unorganized county shall, by a majority vote, so decide, at the election hereinafter provided for.

§ 1824. DUTY OF THE GOVERNOR.] Whenever the qualified electors from any contiguous unorganized counties in this state shall petition the governor as provided in the preceding section, and the governor shall be satisfied that such contiguous counties contain a population of at least one thousand bona fide inhabitants, it shall be the duty of the governor, and he is authorized to call an election in the territory composing such contiguous unorganized counties and fix one or more places in such territory as the polling places therein, and shall fix the time for holding such election. And the governor shall thereupon issue a notice of election, which shall be substantially in the following form:

Notice is hereby given that on the day of 190. . at in the unorganized county of an election will be held for the purpose of electing the following officers in the organization of the proposed county of to be formed out of the following named contiguous unorganized counties,

viz: (Name the officers to be elected) and also for the temporary location of the county seat of such proposed county, at which election the polls will be open at the hour of 8 o'clock in the morning and will continue open until 5 o'clock in the afternoon of said day.

Dated this day of 190...

.....
Governor.

Attest:

.....
Secretary of State.

§ 1825. ELECTION OF OFFICERS.] There shall be elected by the qualified electors of such contiguous unorganized counties all of the officers of such proposed county which are now, or may hereafter be provided by law for organized counties, which officers shall hold their respective offices until the next general election thereafter, and until their successors are elected and qualified.

Approved March 19, 1903.

CHAPTER 65.

[S. B. No. 204—Simpson.]

EXTENSION OF JURISDICTION OVER UNORGANIZED COUNTIES.

AN ACT Extending the Jurisdiction of Justices of the Peace in Organized Counties Over Unorganized Counties Which Are a Part of the Same Judicial Subdivision and Providing for the Payment of Expenses in Criminal Prosecutions Arising in Said Unorganized Counties.

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

§ 1. JURISDICTION EXTENDED.] The civil and criminal jurisdiction of justices of the peace in organized counties in any judicial subdivision containing one or more unorganized counties, shall extend over the said unorganized counties in said subdivision; and all summons, warrants, orders, or other process issued by such justices of organized counties shall be served or executed by the sheriff or any constable of the said organized county, and the costs in all criminal prosecutions in the district or justice's courts of offenses charged to have been committed in said unorganized counties, shall be audited and paid out of the state treasury; but no such costs shall be audited or paid unless a duplicate itemized account of the same shall be certified to as correct by the judge of the district court for said district, one of which accounts shall be preserved as a public record in the office of the clerk of the district court of said subdivision, and the court shall have full authority to disallow any or all such costs and fees whenever it deems the same illegally or unnecessarily incurred.

§ 2. EMERGENCY.] Whereas, there is a large area of territory within the state of North Dakota which is numerously populated, and which said territory is unorganized, and whereas, there is now no law on the statute books giving justices of the peace of the organized county, which is a part of the same judicial subdivision, jurisdiction over said unorganized territory, and no law providing for the prosecution of criminal cases in said unorganized territory, or for the payment of the expenses thereof, therefore, an emergency exists and this act shall be in force from and after its passage and approval.

Approved March 10, 1903.

CHAPTER 66.

[S. B. No. 84—LaMoure.]

REIMBURSING COUNTIES FOR SALARIES PAID COUNTY JUDGES.

AN ACT to Amend Section 2071 of the Revised Codes of 1899, Relating to Reimbursing Counties for Salaries Paid to Judges of County Courts.

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

§ 1. AMENDMENT.] Section 2071 of the revised codes of 1899, relating to reimbursing counties for salaries paid to judges of county courts, is hereby amended so as to read as follows :

§ 2071. COUNTY TO BE REIMBURSED. How.] For the purpose of reimbursing the county for the salaries provided in the foregoing sections to be paid to the judges of the county courts, each petitioner for letters testamentary, of administration or guardianship, before filing the same in the county court, shall pay or cause to be paid into the county treasury, for the use and benefit of the county in whose county court proceedings are to be instituted to settle the estate of any deceased person, or for the appointment of a guardian, a sum of money according to the value of the estate of such deceased person, or of such ward, as appears from the sworn statement in the petition of such applicant: Five dollars when the value of the estate does not exceed one thousand dollars; five dollars additional for each and every one thousand dollars additional value thereto; and in all cases in addition thereto, all sums necessarily expended in publishing or serving notices required by law. In all civil and criminal actions the same fees and costs shall be paid as in like actions in the district court, the same to be paid to the judge of the county court, a record to be kept thereof and the same turned over by him to the county treasurer.

§ 2. EMERGENCY.] Whereas, the fees to be paid judges of the county courts to reimburse counties for the salaries paid to said judges of county courts, is insufficient, an emergency exists and this act shall

take effect and be in force from and after its passage and approval.
Approved March 9, 1903.

CHAPTER 67.

[H. B. No. 257—Senour.]

DEFINING BOUNDARIES OF BILLINGS COUNTY.

AN ACT Changing and Defining the Boundaries of Billings County.

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

§ 1. SUBMITTED TO VOTERS.] At the general election in 1904 the question of changing and defining the boundaries of Billings county as hereinafter provided in this act, shall be submitted to the voters of said county, and of the unorganized county affected hereby, and if a majority of the votes cast at said election shall be in favor of changing and defining the boundary lines of said Billings county, then the boundaries of said Billings county shall be as in this act hereinafter provided, and shall include all the territory hereinafter stated.

§ 2. The board of county commissioners of Billings county, at the said general election in 1904, shall give due notice that the question of changing and defining the boundaries of Billings county will be submitted to the voters of said county and the unorganized county affected hereby, and said notice shall contain a description of the boundaries in this act hereinafter described, and the proposition shall be submitted to the voters in substantially the following form: "Shall the boundaries of Billings county be changed as described in this act," giving in said notice the title and date of approval of this act.

§ 3. If at said election a majority of the voters residing within the territory hereinafter described shall vote for a change in the boundary lines of said Billings county, then the boundary lines of Billings county shall be as follows:

Beginning on the south boundary line of North Dakota, at the southeast corner of township 129 N, range 99 W; thence north and along the line between ranges 98 and 99 W, to the 8th standard parallel; thence east and along the 8th standard parallel to the southeast corner of township 133 N. of range 98 W; thence north and along the line between ranges 97 and 98 W. to the 9th standard parallel; thence west and along the 9th standard parallel to the southeast corner of township 137 N of range 100 W; thence north and along the line between ranges 99 and 100 to the 10th standard parallel; thence east and along the 10th standard parallel to the southeast corner of township 141 N. of range 98 W; thence north and along the line between ranges 97 and 98 W. to the 11th standard parallel; thence west and along said 11th standard parallel to the west boundary line of North Dakota; thence south and along the west boundary line of North Da-

kota to the southwest corner of the state of North Dakota; thence eastward along the south boundary line of North Dakota to the southeast corner of township 129 N. of range 99 W., and the place of beginning.

§ 4. GOVERNOR TO ESTABLISH VOTING PRECINCTS AND APPOINT JUDGES OF ELECTION.] In due time prior to said election the governor shall establish voting precincts in the unorganized counties affected by this act and appoint judges of election therein, who shall be residents of the unorganized county in which they are appointed to act, and provide booths and ballot boxes for said precincts, and perform such other acts as are necessary in giving the residents of such unorganized county a vote for the carrying out of the provisions of this act.

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

Approved March 13, 1903.

CHAPTER 68.

[H. B. No. 261—Dieball.]

DEFINING THE BOUNDARIES OF MERCER COUNTY.

AN ACT Changing and Defining the Boundaries of Mercer County
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SUBMITTED TO VOTERS.] At the general election in 1904 the question of changing and defining the boundaries of Mercer county, as hereinafter provided in this act, shall be submitted to the voters of said county, and of the unorganized county affected hereby, and if a majority of the votes cast at said election shall be in favor of changing and defining the boundary lines of said county, then the boundaries of said Mercer county shall be as in this act hereinafter provided and shall include all the territory hereinafter stated.

§ 2. SUBMITTED TO VOTERS.] The board of county commissioners of Mercer county, at the said general election in 1904, shall give due notice that the question of changing and defining the boundaries of Mercer county will be submitted to the voters of said county and the unorganized county affected hereby, and said notice shall contain a description of the boundaries in this act hereinafter described, and the proposition shall be submitted to the voters in substantially the following form: "Shall the boundaries of Mercer county be changed as described in this act," giving in said notice the title and date of approval of this act.

§ 3. DEFINING NEW BOUNDARIES.] If at said election a majority of the voters residing within the territory hereinafter described, shall vote for the change in the boundary lines of said Mercer county, then

the boundary lines of Mercer county shall be as follows: Commencing at the southwest corner of township 141, N. of range 90 W; thence north between ranges 90 and 91 W. to the 11th standard parallel; thence west and along the 11th standard parallel to the southwest corner of township 145, N of range 93 W; thence north between ranges 93 and 94 W, to the 12th standard parallel; thence west and along the 12th standard parallel to the southwest corner of township 149, N of range 93 W; thence north between ranges 93 and 94 W to the Missouri river; thence southeasterly along the right bank of the Missouri river to the line between ranges 83 and 84 W; thence south to the southeast corner of township 144 N, range 84 W; thence west between townships 143 and 144 N to the northwest corner of township 143, N of range 87 W; thence south between ranges 87 and 88 W to the 10th standard parallel; thence west and along the 10th standard parallel to the southwest corner of township 141, N of range 90 W and to the place of beginning.

§ 4. VOTING PRECINCTS ESTABLISHED.] In due time prior to said election, the governor shall establish voting precincts in the unorganized county affected by this act, and appoint judges of election therein, who shall be residents of the unorganized county in which they are appointed to act, and provide booths and ballot boxes for said precincts, and perform such other acts as are necessary in giving the residents of such unorganized county a vote for the carrying out of the provisions of this act.

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

Approved March 13, 1903.

CHAPTER 69.

[H. B. No. 258—McClure.]

DEFINING BOUNDARIES OF STARK COUNTY.

AN ACT Changing and Defining the Boundaries of Stark County.

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

§ 1. SUBMITTED TO VOTERS.] At the general election in 1904 the question of changing and defining the boundaries of Stark county as hereinafter provided in this act, shall be submitted to the voters of said county, and of the unorganized counties and parts of unorganized territory affected hereby, and if a majority of the aggregate votes cast at said election shall be in favor of changing and defining the boundary lines of said Stark county, then the boundaries of said Stark county shall be as in this act hereinafter provided and shall include all the territory hereinafter stated.

§ 2. The board of county commissioners of Stark county, at the

said general election in 1904, shall give due notice that the question of changing and defining the boundaries of Stark county will be submitted to the voters of said county and of the unorganized counties and parts of unorganized territory affected hereby, and said notice shall contain a description of the boundaries as in this act hereinafter described, and the proposition shall be submitted to the voters in substantially the following form: "Shall the boundaries of Stark county be changed as described in this act," giving in said notice the title and date of approval of this act.

§ 3. If at said election a majority of the voters residing within the territory hereinafter described shall vote for a change in the boundary lines of said Stark county, then the boundary lines of Stark county shall be as follows:

Commencing on the south boundary of North Dakota at the southwest corner of township 129 north of range 98 west; thence north and along the line between ranges 98 and 99 W to the 8th standard parallel; thence east and along the 8th standard parallel to the southwest corner of township 133 N of range 97 W; thence north and along the line between ranges 97 and 98 W to the 9th standard parallel; thence west and along the 9th standard parallel to the southwest corner of township 137 N of range 99 W; thence north and along the line between ranges 99 and 100 W to the 10th standard parallel; thence east and along the 10th standard parallel to the southwest corner of township 141 N of range 97 W; thence north and along the line between ranges 97 and 98 W to the 11th standard parallel; thence west and along the 11th standard parallel to the southwest corner of township 145 N of range 97 W; thence north and along the line between ranges 97 and 98 W to the 12th standard parallel; thence east and along the 12th standard parallel to the northeast corner of township 148 N of range 94 W; thence south and along the line between ranges 93 and 94 W to the 11th standard parallel; thence east and along the 11th standard parallel to the northeast corner of township 144 N of range 91 W; thence south and along the line between ranges 90 and 91 W to the 10th standard parallel; thence east and along the 10th standard parallel to the northeast corner of township 140 N of range 91 W; thence south and along the line between ranges 90 and 91 W to the 9th standard parallel; thence east and along the 9th standard parallel to the northeast corner of township 136 N of range 91 W; thence south and along the line between ranges 90 and 91 W to the 8th standard parallel; thence east and along the 8th standard parallel to the northeast corner of township 132 N of range 91 W; thence south and along the line between ranges 90 and 91 W to the south boundary line of North Dakota; thence west and along the south boundary line of North Dakota to the southwest corner of township 129 N of range 98 W and the place of beginning.

§ 4. GOVERNOR TO ESTABLISH VOTING PRECINCTS AND APPOINT JUDGES OF ELECTION.] In due time, prior to said election, the gov-

ernor shall establish voting precincts in the unorganized counties and unorganized territory included in this act, and appoint judges of election therein, who shall be residents of the unorganized county or territory in which they are appointed to act, and provide booths and ballot boxes for said precincts, and perform such other acts as are necessary in giving the residents of such unorganized counties or territories a vote for the carrying out of the provisions of this act.

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

Approved March 13, 1903.

CHAPTER 70.

[S. B. No. 203—Simpson.]

ATTACHING UNORGANIZED TERRITORY TO STARK COUNTY.

AN ACT Attaching Certain Unorganized Counties and Territory to the Organized County of Stark for Judicial Purposes.

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

§ 1. UNORGANIZED COUNTIES ATTACHED TO STARK COUNTY FOR JUDICIAL PURPOSES.] The unorganized counties of McKenzie, Wallace, Dunn, Hettinger and Bowman and the territory formerly known as the unorganized county of Williams, the same lying south of the Missouri river and between the unorganized county of Dunn and the county of Mercer, is hereby attached to the county of Stark for judicial purposes.

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

§ 3. EMERGENCY.] Whereas, there is a question under the present law as to what, if any, organized county in the state has jurisdiction over the unorganized territories herein mentioned, therefore, an emergency exists and this act shall be in force from and after its passage and approval.

Approved March 10, 1903.

CHAPTER 71.

[H. B. No. 281—Palmer.]

ALLRED COUNTY ATTACHED TO WILLIAMS FOR JUDICIAL PURPOSES.

AN ACT Attaching and Annexing the Unorganized County of Allred, in the State of North Dakota, to the County of Williams, in the Eighth Judicial District of the State of North Dakota, for Judicial Purposes, and Providing for the Transcribing of the Records of the County of Stark Affecting Property in the Said Unorganized County of Allred, by the Register of Deeds of Williams County.

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

§ 1. COUNTY ATTACHED.] The unorganized county of Allred, in the state of North Dakota, is hereby attached to Williams county, in the eighth judicial district, in said state, for judicial purposes.

§ 2. TRANSCRIBING OF RECORDS.] The register of deeds of said Williams county is hereby authorized and empowered to transcribe all records in the county of Stark, North Dakota, affecting property in said unorganized county of Allred, and the county commissioners of said county of Williams are hereby empowered to contract for said transcribing of records and to audit and pay the bill for the same.

§ 3. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] An emergency exists in this, that the unorganized county of Allred is not now attached to any county for judicial purposes, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1903.