

COUNTIES.

CHAPTER 70.

[H. B. No. 86—Johnson of Ward.]

AID TO COUNTY FAIRS.

AN ACT to Provide for the Levy of a Tax in Certain Counties to Aid in Establishment and Maintenance of County Agricultural Fair Associations.

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

§ 1. COUNTIES WHOSE ASSESSED VALUATION IS \$5,000,000 MAY GRANT AID TO COUNTY FAIRS. APPLICATION FOR, HOW MADE.] If in any county the taxable real and personal property within which has an assessed value of not less than five million dollars, there may be organized a county agricultural association all of whose executive officers and directors, or trustees, are resident freeholders of such county, such association may apply to the board of county commissioners of any such county for a grant to aid in the erection of suitable buildings and improvements to accommodate its patrons and the exhibits to be made at any fair to be held by any such association and to pay expenses and premiums awarded. Application for such grant must be made in writing and must show that such association is duly incorporated, the names and places of residence of all its executive officers, that it is the owner in fee of real property in such county, sufficient in area for the purpose of its fairs and of the value of at least twenty-five hundred dollars. If such board of county commissioners shall be satisfied that the statements in said application are true and that such association intends in good faith to hold a fair within said county annually for the exhibition of agricultural, horticultural, mechanical and manufactured products of the county, live stock and such articles as are usually exhibited at such fairs, they may at the time specified in section 1222 of the revised codes, levy a tax not to exceed, for the first year's grant of such aid, one-half of a mill on all the taxable property within such county, and the same shall be collected as other taxes. If such tax be levied, the board of county commissioners shall not later than July 31 thereafter pay to the secretary of such association the amount of the tax so levied and take the receipt of such association therefor.

§ 2. FAIRS RECEIVING AID MUST MAKE ANNUAL REPORT TO COUNTY COMMISSIONERS.] Any county fair association which has received the aid provided for herein, shall at the regular meeting of

the board of county commissioners held in the month of February following the holding of such county fair, make a full report to such board of all moneys received by it from all sources and of all disbursements thereof, which report shall show the amount of the debts, the amount of moneys in the treasury of such association and the amount of any deficit after the payment of its expenses; such report shall contain an estimate of the amount, if any, which it will be necessary to raise above the estimated ordinary receipts of the association for the purposes of its fair for the ensuing year, and such report and estimate shall be verified by the oath of the president or vice-president, the secretary, treasurer and a majority of the board of directors of such association. Upon the filing and approval of such report such board of commissioners shall, if such report shall show that the funds of such association have not been illegally expended, levy a tax for the then current year equal to the estimate contained in such association's report; provided, that such tax shall not exceed one-fourth of one mill upon the taxable property in said county, and the amount so levied shall be paid over to such association as provided in section I of this act.

§ 3. COUNTY COMMISSIONERS SHALL LEVY ANNUAL TAX.] Upon the filing and approval of such annual reports by such county fair association the board of county commissioners of such county shall levy a tax annually, for the aid of such association; the same shall be levied, paid and collected in the manner and upon the basis provided in the preceding section.

§ 4. BUT ONE ASSOCIATION ENTITLED TO BEBEBITS; EXCEPTION.] The aid provided for by this act shall not be granted to more than one such agricultural association in any one county, and shall not be given to any association organized for profit; provided, however, that should there be two such agricultural fair associations, in any county, that have held fairs for three successive years prior to the going into effect of this act, then and in that case the amount of taxes so collected shall be divided equally between each of such agricultural fair associations.

§ 5. IF ASSOCIATION FAILS TO HOLD FAIR COMMISSIONERS SHALL REFUSE TO MAKE FURTHER LEVY. OFFICERS LIABLE FOR MISAPPROPRIATION OF FUNDS. DUTY OF COMMISSIONERS.] If any such association shall fail to hold a fair within such county in any year for which it has received aid from such county, the board of county commissioners shall refuse to make further levy of taxes for its benefit; and in such case it shall be the duty of such county commissioners to inquire into the disposition of moneys paid by such county to such association after its last annual report and, if there has been any misappropriation thereof, to at once institute proceedings to recover the same, and for any such misappropriation the officers and trustees or directors of such association shall be personally liable to such county.

§ 6. TAX HEREIN PROVIDED FOR SUBMITTED TO VOTE.] Whenever the county commissioners shall have voted and ordered a tax levied

in aid of an agricultural fair then at the next general election the question of continuing the annual levy and collection of said tax shall be submitted to a vote of the people affected thereby, and the county auditor shall certify and give notice of the submission to vote of said question as in such cases provided by law. The ballots to be used at such election shall be in the following form:

For tax in aid of county fair Yes.
 No.

In voting upon such question the elector in favor of continuing said tax shall place a cross "X" in the square marked "yes" and the electors opposed to continuing such tax shall place a cross in the square marked "no." If a majority of the ballots cast at such election is in favor of continuing said tax the county commissioners may continue to levy the same annually, but if a majority is against levying said tax the county commissioners shall not thereafter levy any tax under this act; provided, however, the provisions of this act may be submitted by said county commissioners to the electors of the county at any general election, but the result of any election held under the provisions hereof shall remain in force until changed at some subsequent election held hereunder.

§ 7. EMERGENCY.] Whereas, an emergency exists in that there is now no adequate provision by law for facilitating the organization of county fair associations and granting aid to them in their efforts to encourage agriculture, horticulture and kindred industries, this act shall be in force from and after its passage and approval.

Approved March 11, 1905.

CHAPTER 71.

[S. B. No. 53—Simpson.]

COMMISSIONER DISTRICTS.

AN ACT Providing for the Redistricting of Commissioner Districts in Organized Counties Which Have Enlarged Their Boundaries by the Addition Thereto of Unorganized Territory.

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

§ 1. REDISTRICTING PROVIDED FOR.] Whenever the boundaries of any organized county in this state shall have been enlarged by the addition thereto of any unorganized territory, it shall be the duty of the county commissioners of such organized county forthwith to re-district the said county into commissioner districts, and such re-districting may be done at a regular or special meeting.

§ 2. DISTRICTS TO BE MADE COMPACT AND REGULAR.] In re-districting such county it shall be the duty of the county commissioners to make the districts as regular and as compact in form as practicable, and as equal in population as possible, but no new district shall be so formed that any two of the then acting commissioners shall reside in the same district.

§ 3. EMERGENCY.] Whereas, the boundaries of certain organized counties within the state at the last general election, were enlarged by the addition thereto of unorganized territory and it is necessary that such counties be redistricted long prior to July 1st, next, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 25, 1905.

CHAPTER 72.

[S. B. No. 143—Hanna.]

CONTRACTS FOR COUNTY BUILDINGS.

AN ACT to Amend Section 1925 of Chapter 26 of the Revised Codes of 1899, Relating to Contracts for County Buildings and Improvements.

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

§ 1. AMENDMENT.] That section 1925 of the revised codes of 1899 be amended to read as follows:]

§ 1925. CONTRACTS LET ONLY ON COMPETITIVE BIDS.] The board shall cause an advertisement for bids for the erection of such building to be published for at least thirty days prior to the opening of bids by at least four publications in some newspaper published in the county and such other newspaper as may seem to them advisable. Such advertisement shall state where the plans and specifications may be examined and the time allowed for the completion of such building, also the time when bids will be opened and passed upon by the board, which may be at a regular or duly adjourned session of the board or at a meeting duly called by the auditor, as provided in section 1898 of this chapter. Each bid must contain a certified check in a sum equal to five per cent of the amount of the bid, made payable to the chairman of the board of county commissioners, as a guarantee that the bidder will enter into contract should it be awarded to him and furnish a bond as herein provided; and the lowest responsible bid must in all cases be accepted and the contract for such building shall be so conditioned that not more than seventy per cent of the contract price for the same shall be made until the contract shall be executed and the buildings completed to the satisfaction and acceptance of the board, their architect or authorized superintendent, and payments to the extent of the per cent above stated may be made from time to time

during the process of construction and divided into such installments as the board may agree upon. The board must further require a bond from the contractor in a sum equal to the contract price conditioned, the contractor will execute his contract and complete the building according to the plans and specifications and to the full satisfaction of the board, and account for all moneys paid to him and pay all bills and claims on account of labor or materials furnished in and about the performance of said contract, including all demands of subcontractors, and said bond to stand as security for all such bills, claims and demands. The sureties on such bond shall be as required in paragraph 3, chapter 133, of the revised laws of 1901, except however, the board may demand a surety bond, in which case the expense of procuring such bond shall be paid for by the county requiring such. The provisions of this section shall apply to all contracts for fuel, stationery and all other articles for the use of the county, or labor to be performed therefor, when the amount to be paid for the same during any year exceeds the sum of one hundred dollars; provided, that in all cases advertisements for bids therefor need not be for more than three consecutive weeks in some weekly newspaper published in such county; and provided, also, that all contracts for the furnishing of stationery, blank books and supplies generally for all county officers shall be let at the first regular meeting in April to run for the period of one year. All contracts shall be made and set forth in writing and may be signed on behalf of the board by the chairman with the county seal affixed, after such contract has been voted upon and carried by a majority of the board. The board shall, by virtue of this section, be empowered to engage some competent architect to prepare plans and specifications, details, etc., for such building and for which services they shall pay a compensation in a sum not to exceed five per cent of the cost of the building.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that the present law is inadequate and that the time required for receiving bids is impractical, now, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1905.

CHAPTER 73.

[S. B. No. 165—Senate Committee on State Affairs.]

CREATING MCKENZIE COUNTY.

AN ACT to Create and Organize the County of McKenzie, to Fix the County Seat of Said County, to Provide for the Appointment of County Officers in Said County, for Transcribing a Portion of the Records of Stark and Williams Counties, and for Terms of the District Court Therein.

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

§ 1. MCKENZIE COUNTY CREATED.] There shall be formed out of the unorganized counties of McKenzie, Allred and Wallace a new county to be called McKenzie county, to be organized as hereinafter provided.

§ 2. BOUNDARIES OF.] The boundaries of said McKenzie county shall be as follows, to-wit: Commencing at the southeast corner of township 145, north of range 98 west; thence running north between ranges 97 and 98 west to the twelfth standard parallel; thence east and along said twelfth standard parallel to the southeast corner of township 149 north, or range 94 west; thence north between ranges 93 and 94 west to the Missouri river; thence up and along the west bank of the Missouri river to the west boundary line of North Dakota; thence south and along the west boundary line of North Dakota to the eleventh standard parallel; thence east and along the eleventh standard parallel to the southeast corner of township 145, north of range 98 west and the place of beginning.

§ 3. GOVERNOR TO LOCATE TEMPORARY COUNTY SEAT AND APPOINT OFFICERS.] The governor of this state is hereby authorized and directed, within sixty days after this act becomes a law to locate a temporary county seat and to appoint for the said McKenzie county the following officers, to-wit: Three county commissioners; one sheriff; one auditor; one treasurer; one register of deeds; one clerk of the district court; one superintendent of schools; one state's attorney; one county judge; one public administrator; one coroner; one surveyor; three assessors; four justices of the peace and four constables, and the officers so appointed shall immediately qualify and enter upon the discharge of their respective duties. The officers so appointed shall hold their respective offices and shall discharge the duties of such until their successors are elected and qualified.

§ 4. DUTIES OF REGISTERS OF DEEDS OF STARK AND WILLIAMS COUNTIES. FEES FOR TRANSCRIBING. ACCOUNTS, HOW AUDITED.] The register of deeds of Stark county and the register of deeds of Williams county, shall within ninety days after the organization of McKenzie county, transcribe all matters of record from the record

books of the counties of Stark and Williams, respectively, that should be of record in McKenzie county, and deliver the same to the register of deeds of McKenzie county, and when so transcribed and delivered, they shall be the official records of all property and other matters to which they refer, and shall have the same force and effect as the original. The county of McKenzie shall pay to the register of deeds of Stark and Williams counties, respectively, for the work that each shall do under this act, which shall be over and above the maximum compensation and regular fees of each of said offices, twenty cents per folio, for transcribing said records, including the indexing of said records. Said account shall be audited and allowed by the commissioners of McKenzie county as other proper accounts against said county.

§ 5. MADE A PART OF TWENTY-NINTH SENATORIAL AND LEGISLATIVE DISTRICT.] The county of McKenzie hereby created and organized is hereby declared to be within and a part of the twenty-ninth senatorial and legislative district until a new apportionment shall be made by the legislature.

§ 6. MADE A PART OF SIXTH JUDICIAL DISTRICT.] The county of McKenzie is hereby declared to be within and a part of the sixth judicial district of the state of North Dakota, and shall be known as the tenth subdivision thereof, and the terms of court of and for said county shall be fixed by the judge of said sixth judicial district in the manner now provided by law for fixing terms of the district court in counties where the terms of court are not fixed by statute.

§ 7. LAWS GOVERNING COUNTIES MADE APPLICABLE.] All laws of a general nature applicable to the several counties of this state and the officers thereof, are hereby made applicable to the county of McKenzie and the officers who may hereafter be appointed or elected therein.

§ 8. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 16, 1905.

CHAPTER 74.

[H. B. No. 284—Cooper of Stutsman.]

DEPOSITORIES OF COUNTY FUNDS.

AN ACT to Amend Sections 1944 and 1949 of the Revised Codes of North Dakota of 1899, Relating to Depositories of County Funds.

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

§ 1. AMENDMENT.] That sections 1944 and 1949 of the revised codes of North Dakota of 1899 be amended to read as follows:

§ 1944. DUTY OF BOARD IN DESIGNATING DEPOSITORIES.] Further to secure the safety of the county funds deposited under the provisions of this article, the board of county commissioners shall satisfy

itself of the responsibility of the several banks proposing to act as depositories, and no bank offering more than three or less than two per cent per annum on deposits subject to check shall be designated as a depository under the provisions of this article.

§ 1949. DEPOSITORIES WHERE ONLY ONE OR NO BANK IS LOCATED.] It is the duty of the officers mentioned in this article to comply with the provisions hereof; provided, that, in counties where only one bank is located, the board of county commissioners shall designate such bank or other banks within this state a depository without advertising for bids, if such bank agrees to pay interest at the rate of at least two per cent per annum, and complies with the provisions of the foregoing section. In counties where there is no bank, or where no bank offers to comply with the requirements of this article, the board must designate some bank or banks outside of such county and within this state as such depositories, but such bank or banks must furnish bonds in the same manner as other depositories.

Approved March 13, 1905.

CHAPTER 75.

[H. B. No. 255—Rose.]

ORGANIZING NEW COUNTIES.

AN ACT to Amend and Re-enact Section 1855, Revised Codes of 1899, Relating to the Formation of New Counties.

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

§ 1. AMENDMENT.] That section 1855 of the revised codes of 1899 be amended and re-enacted to read as follows:

§ 1855. GOVERNOR TO APPOINT COUNTY COMMISSIONERS.] If it shall appear that the majority of all votes cast at such election in each of the counties, proposed new counties, and the remaining part of the county or counties interested is in favor of the formation of such new county, the county auditor of each of such counties shall certify the name, territorial contents and boundaries of such new county, whereupon the secretary of state shall notify the governor of the result of such election, whose duty it shall be to appoint three persons, residents of the county so formed, possessing the qualifications of electors, who will accept and qualify in such office, county commissioners for such new counties, who shall hold their office until the first general election thereafter and until their successors are elected and qualified; and upon the qualifying of such commissioners such county shall be deemed to have existence as such, and to be governed by the laws of the state relating to counties.

§ 2. REPEAL.] That all acts or parts of acts in conflict with this act are hereby repealed.

Approved March 9, 1905.

CHAPTER 76.

[S. B. No. 187—LaMoure.]

PAYMENT BY COUNTIES FOR CARE OF PATIENTS AT INSANE HOSPITAL AND INSTITUTION FOR FEEBLE MINDED.

AN ACT Providing for the Payment by the County of a Portion of the Expense Whenever a Person is Sent to the Hospital for the Insane and to the Institution for Feeble Minded, and to Provide for Reimbursing Said County.

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

§ 1. COUNTIES REQUIRED TO PAY \$50 TO INSANE ASYLUM AND INSTITUTION FOR FEEBLE MINDED IMMEDIATELY ON ADMISSION OF EACH PATIENT TO SAID INSTITUTIONS AFTER JANUARY 1, 1906. DUTY OF COUNTY COMMISSIONERS AND COUNTY AUDITORS.] Whenever any resident of this state shall, after January 1, 1906, be sent or committed to the hospital for the insane at Jamestown and to the institution for feeble minded at Grafton, it shall be the duty of the superintendents of said institutions, respectively, immediately upon the admission of any such person thereto, to make a voucher, duly verified, against the county where such person resided for fifty dollars and file the same with the auditor of the county where such person resided. Thereupon it shall be the duty of the board of county commissioners to allow said amount of fifty dollars and the auditor shall draw his warrant for said sum in favor of the institution treasurer to which said person has been committed; the proceeds of said warrant shall be placed to the credit of the general maintenance fund of the respective institutions.

§ 2. FIFTY DOLLARS TO BE PAID SEMI-ANNUALLY THEREAFTER.] If any such person be held in the institution above named for a period of more than six months the superintendent of such institution shall again make a voucher against the proper county for fifty dollars in the manner and form as above set forth, which shall be paid by the county and placed in the general fund of the institution making the voucher, and such sum shall be paid semi-annually so long as such person shall remain an inmate of any of the institutions mentioned in this act.

§ 3. COUNTY COMMISSIONERS AUTHORIZED AND REQUIRED TO COLLECT FROM ESTATE OF PATIENTS OR PARTIES RESPONSIBLE FOR SUPPORT AMOUNT SUFFICIENT TO REIMBURSE COUNTY FOR OUTLAY.] In any case in which, in the judgment of the county commissioners, the person on account of whom the county has paid the money in this act required, his or her estate, relatives, parents, guardians or other person responsible for the said person's support, should be required to meet all or any part or portion of said person's cost for board and treatment at any of said institutions, such board of county commis-

sioners are hereby authorized and required to collect by suit or otherwise from the estate of such person or from the husband, parent or guardian of a married woman or minor child, as the case may be, such amount as will reimburse the county for any money paid under the provisions of this act; provided, however, payments made under the provisions of this act shall be in lieu of all requirements or demands upon counties for the support and care of persons committed to the institutions herein named, under the provisions of any other law.

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

Approved March 6, 1905.

CHAPTER 77.

[H. B. No. 287—Chapman.]

REMOVAL OF COUNTY SEATS.

AN ACT to Provide for the Removal of the County Seat in Organized Counties Within This State, Which, Prior to the Taking Effect of This Act, Have Constructed No Court House.

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

§ 1. WHEN NO COURT HOUSE HAS BEEN ERECTED IN ANY COUNTY, COUNTY COMMISSIONERS MAY, UPON PETITION, CALL SPECIAL ELECTION TO VOTE ON QUESTION OF REMOVAL OF COUNTY SEAT.] In all organized counties in this state wherein prior to the taking effect of this act no court house has been constructed or is owned by such county, the county commissioners shall upon the petition of the inhabitants of such county, equal in number to one-third of the votes cast therein for governor at the last preceding election, submit to the electors of such county at a special election to be called in sixty days, or at the next general election, as may be required by said petition, the question of moving the county seat from the place where it is located by law or otherwise, to another place. Such petition must be verified by the affidavit of each of the signers thereof, stating that he is a resident of the county and a qualified elector therein and that he personally signed such petition.

§ 2. NOTICE OF, HOW GIVEN.] Notice of such election shall be given in the manner prescribed by section 1882, of the revised codes of North Dakota, for the year A. D. 1899.

§ 3: BALLOTS, HOW MARKED. IF MAJORITY FAVOR A PARTICULAR PLACE, COMMISSIONERS TO PUBLISH NOTICE DESIGNATING SUCH PLACE AS COUNTY SEAT.] In voting on the question each elector must vote for the place in the county which he prefers by placing opposite the name of the place the mark "X." When the returns have been received, compared, and the result ascertained by the board of county

commissioners, if more than one-half of all the legal votes cast by those voting on the proposition are in favor of any particular place, the board must give notice of the result by publishing a notice thereof, in each newspaper in the county, at least once a week for four consecutive weeks, and the place so selected as the county seat shall be designated in such notice as the county seat, from a date specified therein not more than sixty days after the election.

§ 4. COMMISSIONERS TO PUBLISH RESULT OF ELECTION.] The board of county commissioners shall cause a statement of the result of said election to be deposited and transmitted as provided by section 1885, of the revised codes of North Dakota for the year A. D. 1899.

§ 5. REPEAL.] All acts and parts of acts inconsistent with this act are hereby repealed; provided, however, that this act shall not apply in counties having more than six thousand five hundred inhabitants according to last census.

§ 6. EMERGENCY.] Whereas, there is now no law covering the subject matter named in this act, therefore, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1905.

CHAPTER 78.

[H. B. No. 227—Lillie.]

SALARY COUNTY JUDGES.

AN ACT to Amend Section 6615 of the Revised Codes of North Dakota.
Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 6615 of the revised codes of 1899 be amended to read as follows:

§ 6615. SALARY OF JUDGE.] As compensation for their services under this act, there shall be allowed and paid to the judges of county courts having civil and criminal jurisdiction in addition to the salary provided for such judges of county courts, in counties not having increased jurisdiction, the sum of one hundred dollars for each one thousand inhabitants or fraction thereof; provided, that in no case the compensation for services under the increased jurisdiction provided for in this act, exceed the sum of two thousand five hundred dollars, and said sum shall cover all services under the prohibition law.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no law to determine the salaries of judges of the county court in counties having increased jurisdiction, therefore this act is to take effect and be in force from and after its passage and approval.

Approved March 11, 1905.

CHAPTER 79.

[H. B. No. 23—Ellison.]

SALARIES OF DEPUTY COUNTY OFFICERS.

AN ACT to Fix the Salary of Deputies in County Offices.

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

§ 1. HOW DETERMINED.] In all counties having an assessed valuation of two million dollars or over there shall be allowed or paid to a deputy or clerk in the office of the county auditor, county treasurer and register of deeds not less than fifty dollars per month for work done by such deputy or clerk.

§ 2. DEPUTIES AND CLERKS ALLOWED, WHEN.] In all counties under the classification given in section 1 the county auditor may employ a deputy for the months of July, August, September, October and November, in each year. The county treasurer may employ a deputy during the months of November, December, January and February of each year, and the register of deeds may employ a deputy during the entire year. The salaries of such deputies and clerks shall be paid by the county as other salaries of county officers are paid; provided, that such deputies or clerks are not employed unless sufficient work is on hand to warrant such assistance.

§ 3. COUNTY COMMISSIONERS MAY EMPLOY ADDITIONAL HELP.] The provisions of this act shall in no wise deprive the board of county commissioners in the various counties of the state of any authority to furnish any additional help, beyond the limitations of this act, that may be required to properly do the business work of such officers and at salaries named by such board, but each county officer for whom a deputy or clerk is provided by the provisions of this act or by a board of county commissioners, shall be entitled to choose such deputy or clerk.

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

§ 5. EMERGENCY.] Whereas, an emergency exists inasmuch as there is no law fixing the deputies' salaries in county offices, therefore this act shall take effect and be in force from any after its passage and approval.

Approved March 7, 1905.

CHAPTER 80.

[S. B. No. 97—Johnson of McLean.]

TAX FOR LIVE STOCK PROTECTIVE ASSOCIATION.

AN ACT Authorizing County Commissioners in Counties Having a Regular Organized Live Stock Protective Association to Create a Special Fund and to Appropriate and Set Aside Moneys to be Expended and Used for the Protection of Life Stock From Theft.

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

§ 1. COUNTY COMMISSIONERS AUTHORIZED TO LEVY TAX FOR COUNTY LIVE STOCK PROTECTIVE FUND, UPON PETITION.] That in any county in this state having a regular organized live stock protective association composed of residents of the county, the county commissioners of such county may, upon being petitioned by at least five per cent of the personal property tax payers of said county, appropriate and set aside an amount annually not exceeding two thousand dollars out of the general fund of the county into a special fund, to be known as the county live stock protective fund, to be expended and used for the protection of live stock from theft.

§ 2. PETITION, HOW AND WHEN ACTED UPON. WHAT TO CONTAIN.] Such petition may be presented and acted upon at any regular meeting of the board of county commissioners, and must be accompanied with a roll of the membership of the county live stock protective association, together with the name and post office address of its secretary and treasurer and the name of the association, which association shall be the only one that the county commissioners shall recognize in connection with the disbursements of the appropriation herein provided for.

§ 3. ASSOCIATION TO FILE ANNUAL REPORT.] Annually at the regular January meeting of the board of county commissioners, the county live stock protective association shall file with the board of county commissioners of their county an itemized report, showing the expenditures of the association for the preceding year, which report shall be verified by its secretary and treasurer, and which report shall be accompanied by the original voucher in each item of expenditure. The county commissioners shall then proceed to classify the expenditures of the association, and ascertain the amount which the association has actually expended in the apprehension of live stock thieves, and shall then reimburse the association to the extent of such expenditure, which amount, however, must not exceed the amount then in the special fund herein created for that purpose.

§ 4. APPROPRIATION TO BE MADE A PART OF GENERAL TAX LEVY.] At the time of making the annual tax levy and in estimating the

amount of the expenses for general county purposes, the amount of the appropriation herein provided for may be made a part of said estimate and levy.

Approved March 2, 1905.

COURTS.

CHAPTER 81.

[S. B. No. 136—Kraabel.]

APPEALS FROM JUSTICE COURTS.

AN ACT to Amend Section 6771 of the Revised Codes of This State, Relating to Appeals in Civil Actions in Justices' Courts.

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

§ I. AMENDMENT.] That section 6771 of the revised codes of the state of North Dakota be, and the same is hereby amended to read as follows:

§ 6771. APPEALS TO DISTRICT COURT.] Any party dissatisfied with a judgment rendered in a civil action in a justice's court, whether the same was rendered on default or after a trial, may appeal therefrom to the district court of the county or subdivision at any time within thirty days after the rendition of the judgment. The appeal is taken by serving the notice of appeal on the adverse party or his attorney and by filing the notice of appeal together with the undertaking required by law with the clerk of the district court of the county in which the appeal was taken; provided, however, that if at the time the service of the notice of appeal and undertaking as provided for in this chapter, the party is not within the state, or cannot conveniently be found and such fact appears by the return of the sheriff filed with the justice, and has not appeared by attorney, the service of such notice of appeal and undertaking may be made upon the justice rendering the judgment.

Approved March 2, 1905.