
COUNTIES

CHAPTER 59.

[S. B. No. 202—Simpson]

REPEALING CONFLICTING LAWS FOR ORGANIZATION OF COUNTIES.

AN ACT to Repeal Sections 2297 to 2321, Both Inclusive, of the Revised Codes of North Dakota for the Year A. D. 1905, Relating to Organization of Counties.

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

§ 1. Sections 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320 and 2321 are hereby repealed.

Approved March 20, 1907.

CHAPTER 60.

[S. B. No. 304—LaMoure]

DIVISION OF COUNTIES.

AN ACT to Amend and Re-enact Section 2329 of the Revised Codes of North Dakota for the Year 1905, Relative to the Division of Counties.

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

§ 1. AMENDMENT.] Section 2329 of the revised codes of 1905 of North Dakota is amended and re-enacted so as to read as follows:

§ 2329. ELECTORS MAY PETITION.] Whenever it is desired to form a new county out of one or more of the then existing counties, and a petition praying for the formation of such new county, describing the territory proposed to be taken for such new county, together with the name of such proposed new county, signed by a majority of the legal voters residing in the territory to be stricken from such county or counties (as appears by the number of votes cast for governor at the last preceding general election), shall be presented to the board of county commissioners of each county to be affected by such division, and it appearing that such new county can be constitutionally formed, it shall be the duty of such

boards of county commissioners to make an order providing for the submission of the question of the formation of such new county to a vote of the people of the counties to be affected, at the next succeeding general election, and notice thereof shall be given, the votes canvassed, and the returns made as in the case of the election of members of the legislative assembly; and the form of the ballot to be used in the determination of such question shall be "for new county" and "against new county."

Approved March 19, 1907.

CHAPTER 61.

[H. B. No. 241—Burgum]

ELECTION FOR COUNTY SEATS.

AN ACT Amending and Re-enacting Sections 2361 and 2364 of the Revised Codes of 1905, Relating to County Seats.

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

§ 1. AMENDMENT.] Sections 2361 and 2364 of the revised codes of 1905 be and are hereby amended and re-enacted to read as follows:

§ 2361. BALLOT, HOW MARKED. NOTICE OF RESULT.] 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 and compared and the result ascertained by the board, if two-thirds or more of all the legal votes cast at such election are in favor of any particular place the board must give notice of the result by posting notices thereof in all the election precincts in the county and by publishing a like notice in a newspaper published in the county at least once a week for four weeks.

§ 2364. ELECTION HELD ONLY ONCE EVERY TEN YEARS.] When an election has been held and at least two-thirds of the votes cast at such election are not cast for some other place than that fixed by law as the former county seat, no second election for the removal thereof must be held within ten years thereafter.

Approved March 14, 1907.

CHAPTER 62.

[S. B. No. 9—Steele]

DIVISION OF COUNTIES.

AN ACT to Amend and Re-enact Section 2330 of the Revised Codes of North Dakota of 1905, Relative to Division of Counties.

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

§ 1. AMENDMENT.] Section 2330 of the revised codes of North Dakota of 1905 is amended and re-enacted to read as follows:

§ 2330. GOVERNOR TO APPOINT COUNTY COMMISSIONERS.] If it shall appear that a majority of all votes cast at such election in each of the counties interested is in favor of the formation of such new county or counties the county auditor of each of such counties shall certify the same to the secretary of state, stating in such certificate 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 qualification of electors, who will accept and qualify in such office, county commissioners for such new county, or 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 be governed by the laws of the state relating to counties.

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

Approved March 8, 1907.

CHAPTER 63.

[S. B. No. 199—Simpson]

COUNTY ORGANIZATION IN UNORGANIZED TERRITORY.

AN ACT to Provide for Organizing Counties from the Unorganized Territory in this State.

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

§ 1. HOW ORGANIZED. PETITION.] Any unorganized territory in this state having a population of at least one thousand bona fide inhabitants and comprising an area of not less than twenty-four

congressional townships, may become organized into a county by presenting to the governor a written petition signed by at least one hundred and fifty bona fide residents of such territory, which petition shall contain the name of the proposed county, and describe its boundaries, and set forth that it has the requisite number of bona fide inhabitants for organization, and request him to organize it as a county under the name stated in the petition, and as hereinafter provided.

§ 2. DUTY OF GOVERNOR.] When the petition described in section one of this act has been presented to the governor, he shall first satisfy himself as to its sufficiency, and also that the proposed county has the requisite area and number of bona fide inhabitants for a county organization, and that in fixing the boundary of the proposed county congressional township lines and natural boundaries have been observed as nearly as may be. If he is satisfied as to the foregoing requirements, it shall be his duty to grant the petition and proceed at once to complete the organization of such county, as provided in the next section.

§ 3. TEMPORARY COUNTY SEAT LOCATED. OFFICERS APPOINTED.] Upon the granting of the petition for the organization of such county, and within thirty days thereafter, the governor is empowered and it is hereby made his duty by written order to locate a temporary county seat therein at such place as the greatest number of bona fide residents of such county shall designate by petition to the governor, and within the same period to appoint a full set of county officers for such county, including three county commissioners, and the governor is empowered and it is hereby made his duty to fill such vacancies in such offices as may exist by reason of the failure of any appointee to qualify.

§ 4. OFFICERS QUALIFY.] The county commissioners so appointed shall first qualify and shall proceed at once to fix the amounts of the bond of all officers where the amounts are not fixed by law. All officers appointed, as by this act provided, shall qualify within thirty days after their appointment, and enter upon the discharge of their respective duties, and shall hold their respective offices until their successors are elected and qualified.

§ 5. COUNTY DIVIDED INTO COMMISSIONER DISTRICTS.] The county commissioners appointed under this act shall, after they have qualified, immediately convene at the place selected as the county seat, and proceed to the discharge of their duties as such county commissioners, and shall divide the county into three commissioners' districts, which shall be numbered from one to three. Three commissioners shall be elected at the next general election, one from each of said districts, one of whom shall be chosen for the term of two years, two for four years, and thereafter as provided by law.

§ 6. RECORDS TRANSCRIBED.] It shall be the duty of the county commissioners of such new county to cause to be transcribed into the proper books all the records or deeds or other instruments re-

lating to real property in such new county, and all other records affecting the property rights of the residents and property owners of such new county, and the officers of such new county shall have the right to examine the records of other counties affecting such property rights, and to transcribe the same. It shall be the duty of the proper officers of the county containing such original records to certify to the copies thus transcribed, and such transcribed records shall have the same effect in all respects as original records.

§ 7. TERMS OF COURT.] Any county organized under this act shall constitute a subdivision of the judicial district of which the territory embraced in it was originally a part, and the terms of district court for such new county shall be held at such times as are fixed by the presiding judge until fixed by law.

§ 8. EMERGENCY.] Whereas, there is no general law in force applicable to the organization of the unorganized territory of this state into counties, and it is necessary that such territory be organized prior to July 1, 1907, therefore an emergency exists and this act shall take effect and be in force from and after April 1, 1907.

Approved March 8, 1907.

COUNTY ASYLUMS

CHAPTER 64.

[H. B. No. 299—Pugh]

BOARD OF VISITORS FOR ASYLUMS AND POOR FARMS.

AN ACT Authorizing the Board of County Commissioners to Appoint a Board of Visitors Whose Duty It Shall Be to Visit County Asylums or Poor Farms and Make Report Thereon.

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

§ 1. BOARD OF ASYLUM AND POOR FARM COMMISSIONERS. DUTIES. REPORT.] The board of county commissioners shall annually appoint a board of visitors consisting of three residents of the county, one of whom shall be a minister of the gospel, whose duty it shall be to visit at least quarterly each year the asylum in such county and who shall report to the commissioners at least quarterly the condition of such asylum and poor farm and the treatment, management and the condition of the inmates, and make such recommendations in connection with the government of such