

not less than ten days nor more than fifteen days before such an election. Such superintendent shall appoint judges and clerks of such elections and the same shall be held and conducted in the same manner, and the polls shall be opened and closed at the same time as in other school district elections, and the result of such elections shall be certified and delivered to such superintendent within three days after the close of the polls.

§ 941. **BALLOTS, HOW PRINTED.**] There shall be printed on the ballots used at such elections the following statement: "For the division of (here state the name of the district to be divided) and the division of its property and debts as follows: (Here state the boundaries of the proposed special school district and the manner and terms of such division as set forth in the petition filed.)" The voter shall write after such statement the word "Yes" if in favor of such division, and the word "No" if against it.

§ 943. **DISTRICTS CONSTITUTED.**] If such elections shall each be in favor of the division of such school district, such proposed special school district, city, town or village shall thereafter constitute a special school district, and such original school district situated outside of such special school district, city, town or village shall constitute a school district.

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 **REPEAL.**] All acts or parts of acts in conflict, or inconsistent with this act are hereby repealed.

Approved March 13, 1907.

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## SCHOOL LANDS

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### CHAPTER 224.

[S. B. No. 27—Strom]

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#### INVESTMENT OF SCHOOL AND INSTITUTION LAND FUNDS.

AN ACT to Amend Section 155 of Chapter 4 of the Political Code of the State of North Dakota, and All Acts or Parts of Acts Amendatory Thereof, Providing for the Investment of Moneys Belonging to the Permanent Funds of the Common Schools, University, School of Mines, Reform School, Agricultural College, School for the Deaf and Dumb, Normal Schools and All Other Permanent Funds Derived From the Sale of Public Lands or Any Other Source Belonging to the School Divisions of the State.

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

§ 1. **AMENDMENT.**] Section 155 of the political code of the state of North Dakota, and all acts or parts of acts amendatory thereof, are hereby amended to read as follows:

§ 155. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITIONS OF LOANS.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college and the school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or counties or townships within the state, bonds of the United States, bonds of the state of North Dakota, municipal bonds, or first mortgages on farm lands in the state, not exceeding in amount one-third the actual value of any subdivision on which the same may be loaned, said value to be determined by the board of appraisal of school lands; provided, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to wit:

1. The first mortgages on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which such lands lie, as provided in section 192 of the revised codes of 1905. For the first five years payments shall consist only of interest, paid annually, and commencing with the sixth year the interest shall be paid annually as above stated and the borrower shall have his option of paying ten per cent or any multiple thereof of the principal at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated lands within the state, and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than seven dollars and fifty cents per acre, and in sums not more than five thousand dollars to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon; provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the interest then due on such loan the interest on the same for six months in advance of date of such payment on the whole amount remaining due in such payment. All proceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university

and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no law governing the provisions of this act, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 19, 1907.

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## CHAPTER 225.

[S. B. No. 286—Koffel]

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### SCHOOL LAND CONTRACTS.

AN ACT to Authorize Holders of State or School Land Contracts for Lands Over Which Railroads Have Been or May Be Located and Established Subsequent to the Issuance of Such Contracts, to Surrender Such Contracts, and Obtain New Contracts for the Land Less the Rights-of-Way Required for Such Railroad, and Providing for the Payment to the State of the Balance of the Purchase Price of the Land Required for Such Rights-of-Way and Issuance of Deeds Therefor.

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

§ 1. CONTRACT MAY BE SURRENDERED. RAILROAD RIGHT-OF-WAY. NEW CONTRACT.] Whenever any holder of any contract for purchase of any state or school land shall surrender the same to the board of university and school lands, and shall present satisfactory evidence that a railroad has been located and established across the land covered by such contract subsequent to the issuance thereof, and shall file a plat of such land showing the exact location, width and area in acres of the land required for right-of-way for such railroad across said land, and shall pay to the state treasurer the balance of the purchase price under said contract and all interest and taxes thereon to date for the acreage taken for such railroad right-of-way, and shall make application in writing that such contract be cancelled and that new contract be issued to such applicant for the land less the acreage taken for

such railroad right-of-way, it shall be lawful for the board to cause such new contract to be issued and to issue a deed to the railroad company for the land so deducted from the tract embraced in the original contract, and required for such right-of-way; provided, that the commissioner of university and school lands shall charge and collect a fee of five dollars for each new contract and each deed so issued, which fee shall be paid to the state treasurer and become a part of the expense fund of the board of university and school lands.

Approved March 19, 1907.

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## CHAPTER 226.

[S. B. No. 287—Koffel]

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### CONTRACTS FOR SCHOOL LANDS.

AN ACT to Amend Section 183 of the Revised Codes of 1905 of Chapter 4 of the Political Code of the State of North Dakota, Providing for the Surrender of State or School Land Contracts and Division of the Land Covered Thereby, and the Issuance of New Contracts for Such Subdivisions.

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

§ 1. CONTRACTS MAY BE SURRENDERED AND TWO OR MORE ISSUED, WHEN.] Whenever the holder of any contract of purchase of any state or school land shall surrender the same to the commissioner with a written request to have the same divided into two or more contracts, it shall be lawful for the commissioner to issue the same: provided, that no new contracts shall issue while there is due and unpaid any interest, principal or taxes on such contract or the land described therein, nor in any case where the commissioner shall be of the opinion after an examination of the land, if necessary, that the security would be impaired or endangered by the proposed division, nor until such application for division shall have been approved by the board of university and school lands: provided, that when any such application proposes the division of the land into irregular tracts or other than the regular government subdivisions, the applicant shall file with the commissioner a plat of the land to be subdivided, showing the boundaries and area in acres of each subdivision, and for any contract division made under this section the commissioner shall charge and collect a fee of five dollars for each new contract issued, which fee shall be paid into the state treasury and become a part of the expense fund of the board of university and school lands.

Approved March 19, 1907.

## CHAPTER 227.

[S. B. No. 160—Purcell]

## SCHOOL LAND PURCHASERS.

AN ACT to Amend Section 182 of the Revised Codes of 1905, Relating to the Assignee of Purchasers of School Lands.

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

§ 1. AMENDMENT.] Section 182 of the revised codes of 1905 be and the same is hereby amended to read as follows:

§ 182. ASSIGNEE OF PURCHASERS AND BUYERS OF PURCHASERS' INTEREST.] Each assignee of a bona fide purchaser of any of the lands mentioned in this article is subject to and governed by the provisions of law applicable to the purchaser of whom he is assignee, and he shall have the same rights in all respects as an original purchaser of the same class of lands. The interest of a purchaser of any of the lands mentioned in this article that shall have been heretofore or may hereafter be levied upon or attached in any action brought to recover a debt due from said purchaser of said lands and the interest of said purchaser which has heretofore been or may hereafter be sold under execution and a certificate of sale may have been or shall hereafter be issued by the sheriff of the county to the party buying at said sale the interest of said purchaser of said lands and after the expiration of one year from the date of sale, the buyer of the interest of said purchaser of said lands may present to the land commissioner of this state a certificate of the sheriff of the county in which the land is situated showing said sale and the name and address of the person buying thereat and also showing that one year has elapsed between the date of sale of said land and the date of making said certificate, also showing that no redemption has been made by the purchaser of said land, his assignee or successor in interest or anyone in behalf of either and showing that no claim of homestead has been made to said land by anyone. On the filing of said certificate in the office of the land commissioner of the state of North Dakota the said land commissioner shall subrogate the person who bought the interest of the purchaser of said lands at said sale, to the contract of purchaser and to all rights of said purchaser of said lands in and to said lands and said person so subrogated shall carry out and perform said contract of purchase with said state in all particulars, and at the expiration of said contract and on the full performance thereof, the person so subrogated shall receive from the state of North Dakota a deed to said land.

§ 2. EMERGENCY.] Whereas, there is no law now providing for the sale of the interest of a purchaser of school land; therefore,

it is deemed that an emergency exists and that this law shall be in force from and after its passage and approval.

Approved March 8, 1907.

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CHAPTER 228.

[H. B. No. 1—Stevens]

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INVESTMENT OF PERMANENT SCHOOL FUNDS.

AN ACT to Amend Section 155 of Chapter 4 of the Political Code of the State of North Dakota, Providing for the Investment of Moneys Belonging to the Permanent Funds of the Common Schools, University, School of Mines, Reform School, Agricultural College, School for the Deaf and Dumb, Normal Schools, and all Other Permanent Funds Derived from the Sale of Public Lands or Any Other Source Belonging to the School Divisions of the State.

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

§ 1. AMENDMENT.] Section 155 of the political code of the state of North Dakota is hereby amended to read as follows:

§ 155. BOARD TO INVEST SCHOOL AND INSTITUTION FUNDS.] Said board shall have power, and it is made its duty, from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college, and school for the deaf and dumb, normal schools and all other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or counties or townships within the state, bonds of the United States, bonds of the state of North Dakota, municipal bonds, or first mortgages on farm lands in the state, not exceeding in amount one-third the actual value of any subdivision on which the same may be loaned, said value to be determined by the board of appraisal of school lands.

1. The said first mortgages on farm lands and each of them, shall run for a period of time not to exceed ten years and that the funds so invested shall bear interest at the rate of six per cent per annum, said interest together with ten per cent of the whole amount of the principal to be paid in annual installments and the interest when paid shall be covered into and become a part of the interest and income fund.

2. First mortgage loans shall only be made upon cultivated lands within the state, and to persons who are actual residents thereof, and in no cases on lands of which the appraised value is less than seven dollars and fifty cents per acre, and in sums not more than one thousand dollars to any person, firm or corporation.

3. Any or all of said mortgages may be satisfied at any time after five years from the date when made on payment of the full amount due thereon. All proceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the state of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is now no law governing the provisions of this bill, therefore this act should take effect and be in force from and after its passage and approval.

Approved January 16, 1907.

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## SEWERS

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### CHAPTER 229.

[S. B. No. 250—Movius]

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#### ESTABLISHING SEWER SYSTEMS.

AN ACT to Amend Section 2771 of the Revised Codes of North Dakota, 1905, Regulating Sewers.

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

§ 1. AMENDMENT.] Section 2771, of the revised codes of North Dakota of 1905, is amended to read as follows:

§ 2771. SYSTEM OF SEWERAGE.] The city council shall have power to establish and maintain at any time a general system of sewerage for the city, in such manner and under such regulations as the council shall deem expedient, and to alter or change the same from time to time as the council may deem proper; provided, that no action shall be taken for the establishment of a system of sewerage except upon the affirmative vote of two-thirds of the members