

conduct or carry electric current to a point where the same may be consumed without its passing through the meter provided for registering the quantity consumed or in any manner to evade paying therefor, and every person who with like intent injures or alters any electric meter or any electrical appliance, instrument, wire or connection, or obstructs their action, is guilty of a misdemeanor.
Approved March 8, 1907.

CHAPTER 249.

[H. B. No. 286—J. A. Sorlie]

TELEPHONE LINES.

AN ACT to Prohibit the Uttering of Lascivious or Obscene Language over Telephones in this State.

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

§ 1. UNLAWFUL TO USE OBSCENE LANGUAGE. PENALTY.] Any person who shall utter or speak any obscene or lascivious language over any public telephone line in this state shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or before any county court exercising increased jurisdiction, as provided by the constitution of this state, shall be liable to a fine of not more than one hundred dollars, or imprisonment in the county jail for a period not exceeding thirty days, at the discretion of the court or magistrate before whom a conviction shall be had.

§ 2. EMERGENCY.] Whereas, an emergency exists, in that there is no provision of law forbidding the matters prohibited in this act, this law shall take effect and be in force on and after its passage and approval.

Approved March 13, 1907.

TITLES

CHAPTER 250.

[S. B. No. 77—Pierce]

“CONVEYANCE” AND “PURCHASER” DEFINED.

AN ACT to Amend Section 5039 of the Revised Codes of 1905, Relating to Conveyances.

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

§ 1. AMENDMENT.] Section 5039 of the revised codes of 1905, is amended to read as follows:

§ 5039. CONVEYANCES AND PURCHASERS DEFINED.] The term "conveyance," as used in the last section, embraces every instrument in writing by which any estate or interest in real property is created, aliened, mortgaged or incumbered, or by which the title to any real property may be affected, except wills and powers of attorney. The word "purchaser" as used shall embrace every person to whom any estate or interest in real estate is conveyed for a valuable consideration, and also every assignee of a mortgage, lease or other conditional estate.

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 All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1907.

CHAPTER 251.

[S. B. No. 67—Pierce.]

COVENANTS OF WARRANTY.

AN ACT to Amend Section 5404 of the Revised Codes of 1905, Relating to Effect of Highways or Railways or Right-of-Way Therefor, Over or upon Lands Conveyed.

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

§ 1. AMENDMENT.] Section 5404 of the revised codes be, and the same is hereby amended so as to read as follows, to wit:

§ 5404. HIGHWAYS, RAILWAYS, RIGHT-OF-WAYS.] No covenants of warranty shall be considered as broken by the existence of a highway or railway, or a right-of-way for either, upon the land conveyed by any instrument of conveyance, unless otherwise particularly specified in the deed, and whenever in any instrument of conveyance delivered, filed and recorded prior to the first day of January, 1896, the grantor has conveyed real property in this state, but has reserved or sought to reserve a right-of-way over or across the same for the future construction of any railroad or highway without specifically locating or describing therein by metes and bounds such right-of-way, or proposed right-of-way, or by reference to permanent marks or monuments, such reservation shall be void in all things, and such conveyance shall have the same effect as if no such reservation had been made or attempted to have been made therein, unless at the time of the taking effect of this act the grantor or his or its successor in interest shall be in actual possession of, or shall have located and permanently marked said right-of-way, or shall have filed or caused to be filed within one year after the taking effect of this act, in the office of the register of deeds of the county wherein the land is situated, a plat describing

such selection and such right-of-way, properly acknowledged so as to entitle the same to be recorded, and so as to readily distinguish and designate such right-of-way from the entire premises described in the conveyance from which it was attempted to be reserved, or shall have begun within one year after the taking effect of this act, an action in a court of competent jurisdiction for the purpose of definitely determining and locating such right-of-way, and establishing his or its right thereto, and in such case shall have filed and recorded a proper notice of *lis pendens* in the office of the register of deeds of the county in which such land is located.

Approved March 8, 1907.

TOWNSHIPS

CHAPTER 252.

[H. B. No. 344—Treat]

PUBLIC IMPROVEMENTS IN CIVIL TOWNSHIPS.

AN ACT to Provide for Paving, Curbing or Macadamizing the Highways in Civil Townships Adjoining Incorporated Cities of Not Less Than Six Thousand Inhabitants, and for the Construction of Sewers and Water Mains Therein, Connecting With City Sewers and Water Mains or With Their Own Trunk Sewers, and for the Construction of Sidewalks.

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

§ 1. WHAT CIVIL TOWNSHIPS MAY PAVE, GRADE OR MACADAMIZE ITS STREETS.] Any civil township in this state adjoining an incorporated city having by the last census at least six thousand inhabitants and which shall have paved, graded, curbed or macadamized its streets leading to the boundaries of such civil township, or shall have constructed sewers or watermains in such streets, may pave, grade or macadamize the highways of such township connecting with such city streets, or with such highways so paved or highways running along the boundaries of such city, or construct sewers or watermains therein as provided by this act; provided, that such township shall not so improve any portion of such highways not lying within its boundaries.

§ 2. HOW ACCOMPLISHED.] Whenever the owners of real property abutting on such highway, or part thereof, in such civil township, sought to be improved as provided in this act, and representing a majority by feet of the frontage of said property so