

work provided for herein, to be paid as other expenses for boards of trustees of state institutions; provided, that no member of said board receiving a salary from the state shall receive anything save his actual and necessary expenses.

§ 4. APPROPRIATION.] For the purpose of carrying out the provisions of this act there is hereby appropriated out of any funds in the state treasury, not otherwise appropriated, the sum of ten thousand dollars and the state auditor is hereby authorized to draw his warrants for such sums as may be required from time to time to carry out the provisions of this act, upon vouchers approved by said board and further approved by the governor as now required by law.

Approved March 4, 1909.

HIGHWAYS

CHAPTER 138.

[H. B. No. 167—Thoreson]

CATTLE-WAYS.

AN ACT to Permit the Construction of Cattle-ways Under Public Highways; Regulating the Construction of Same and Prescribing Duties of Road Supervisors in Relation Thereto.

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

§ 1. CATTLE-WAYS UNDER HIGHWAYS.] Upon application to the board of county commissioners of any county or the board of township supervisors of any organized township by any person for permission to construct a cattle-way under any public road, it may grant the same upon condition that such way shall not interfere with the public travel; that the grade of the road over the cattle-way shall not exceed one foot in ten feet; and that it shall not obstruct watering at any running stream. The applicant shall construct the same at his own expense and be responsible for all damages that may arise from its construction or from the same not being kept in repair.

§ 2. FAILURE TO KEEP IN REPAIR.] If the person on whose land such cattle-way is constructed fails to keep the same in repair, it shall be the duty of the road supervisors to make all necessary repairs, and charge the same to the owner of the land upon which such way is constructed, and, upon his refusal to pay, the county or township board in which such cattle-way is situated shall re-

cover the same in an action brought in the name of such board and it shall be the duty of the state's attorney to prosecute such action, which money, when collected, shall be expended in improving or repairing the public roads in the road district where such cattle-way is constructed.

§ 3. BOARD MAY PRESCRIBE REGULATIONS.] The board granting such application may prescribe such further regulations and specifications in the construction of such ways, as it may deem proper, not inconsistent with the provisions of sections one and two of this act.

Approved March 13, 1909.

HISTORICAL SOCIETY

CHAPTER 139.

[S. B. No. 76—Crane]

ANNUAL APPROPRIATION.

AN ACT to Amend Chapter 133 of the Laws of North Dakota of 1907, Relating to Appropriations to the State Historical Society of North Dakota.

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

§ 1. AMENDMENT.] Chapter 133 of the laws of North Dakota of 1907, is amended so as to read as follows:

§ 1. APPROPRIATION.] There is hereby appropriated annually out of any money in the hands of the state treasurer, not otherwise appropriated, for the state historical society of North Dakota, eight hundred dollars for field officer's work between the dates of March 15 and November 15, in each year, and one thousand eight hundred dollars for salary of the curator of museum.

§ 2. EMERGENCY.] An emergency exists in this, that there are inadequate funds to pay the curator, therefore this act shall be in force from and after its passage and approval.

Approved March 20, 1909.