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## SUPREME COURT

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### CHAPTER 286

[H. B. No. 352—Thompson]

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#### BAILIFF FOR SUPREME COURT.

AN ACT Providing for a Bailiff of the Supreme Court.

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

§ 1. COURT MAY DESIGNATE BAILIFF.] The judges of the supreme court may designate the librarian of the state law library or any of the assistants employed in such library, from time to time, to act as bailiff of the supreme court, and his duties as such shall be prescribed by that court.

§ 2. COMPENSATION.] No person appointed bailiff of the supreme court, as provided in section 1, shall receive any compensation therefor in addition to that received in his capacity as librarian or assistant librarian of the state law library.

§ 3. EMERGENCY.] Whereas an emergency exists in this, that there is now no adequate provision of law for a bailiff of the supreme court, this act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1911.

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## SURVEYOR, SURVEYING

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### CHAPTER 287

[S. B. No. 228—Stevnes]

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#### PLATTING OF IRREGULAR TRACTS OF LAND.

AN ACT To Amend and Re-enact Section 1599 of the Revised Codes of 1905, Relating to the Platting of Irregular Tracts of Land.

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

§ 1. AMENDMENT.] Section 1599 of the Revised Codes of 1905 is hereby amended and re-enacted to read as follows:

§ 1599. IRREGULARITIES OF LAND TO BE PLATTED INTO LOTS IF REQUIRED.] In all cases where any tract or lot of said land is

divided into irregular shapes that cannot be described except by metes and bounds, also any town addition or subdivision that has already been platted into blocks and lots, and subsequently sold into parts of blocks or lots which cannot be described only by metes and bounds, or that the courses, distances and sizes of each lot and fractional lot is not given or marked upon said plat so that the precise location of each and every lot and fractional lot can be accurately ascertained, surveyed or laid out, it shall be the duty of the owner of such tract or tracts upon the request of the county auditor to have such land platted or replatted as the case may be, into lots or blocks as per deeds on records, if such plat cannot be made without actual survey of the land then they shall have the same surveyed, platted and the plat thereof recorded. If the owners of any such tract shall refuse or neglect to cause such plat and survey when necessary to be made and recorded within thirty days after such request, the county surveyor, shall, or some other competent surveyor may, upon the request of the county auditor, make out such plat from the records of the register of deeds if practicable; but if it cannot be made from such records, then he shall make the necessary survey and plat thereof, and the said auditor shall have the same recorded, such plat being duly certified and recorded and description of the property in accordance with the number and description set forth in such plat shall be deemed a good and valid description of the lots or parcels of land so described, provided, that no such plat or description as herein provided for shall bear the same name or number that has already been applied to any plat or description previously made and recorded as a part of any such town, village or city. When the owners of such land shall fail to comply with the provisions of this section the costs of surveying, platting and recording shall be paid by the county, upon allowance by the county commissioners and the amount thereof shall be added to the tax upon such tracts or lots the ensuing year, which tax, when collected, shall be credited to the county fund. Said county surveyor or other surveyor shall be entitled to receive for his services in making such survey of plat the same compensation as is now allowed by law for doing other county surveying or platting, and such fees shall become a legal charge upon such tracts of land as herein provided for.

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

Approved March 3, 1911.

## CHAPTER 288.

[S. B. No. 248—Welch]

## PRESERVATION OF LAND MARKS.

AN ACT To Provide for the Better Preservation of Section, Corner, Quarter Section Corner and Meander Corner Monuments on Any Government Line of Survey, and to Provide a Penalty for Their Destruction or Defacement.

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

§ 1. The board of supervisors in all organized townships, are hereby made responsible for the safe preservation of all section corner, quarter corner and meander corner monuments in any organized township in this state. The board of county commissioners are hereby made responsible for the preservation of all such corner monuments in unorganized townships in any organized county in the state, the town board in any incorporated town or village is hereby made responsible for the preservation of all such corner monuments in any incorporated town or village, and the city council in any incorporated city is hereby made responsible for the preservation of all such corner monuments in any incorporated city in the state.

§ 2. It is hereby made the duty of all officers having in charge the construction or repair of streets and highways, whenever a quarter corner, section corner or meander corner monument is about to be destroyed by the wear of travel or the grading of said streets or highways, to notify the chairman of the board of supervisors in any organized township or the chairman of the town board in any incorporated town or village, or the mayor of any city, or the chairman of the board of county commissioners, as the case may be, that such monument or monuments are about to be destroyed.

§ 3. Upon the request of the mayor of any city or the chairman of any town board, or the chairman of the board of supervisors in any organized township, or the chairman of the board of county commissioners, it is hereby made the duty of the county surveyor to take immediate steps to replace such monument, in case it is about to be destroyed by travel, in such a manner that the travel will not further affect it, and in the case that it is about to be destroyed by the grading of any street or highway, to reference such monument in such manner that it can be replaced after the grading is completed, and to replace the same after said grading is completed. In replacing such monuments the county surveyor may replace the original, if in his opinion, it is in good condition and will serve the purpose. If the original monument is not in good condition for replace-

ment he shall sink into the earth a column of concrete or cement block at least two feet in length, twelve inches square at the base, six inches square at the top, and carefully describe the same in the records of his survey.

§ 4. For such services rendered, the county surveyor shall be paid the fees and expenses as now provided by law for the surveying of county roads, upon the presentation of properly prepared vouchers, by the city, town, village, organized township or county from which the request came. In case the county has no county surveyor, the work to be done as provided in section three of this act may be done by any competent surveyor or engineer designated by the board of county commissioners, and for such services rendered he shall be paid the same fees and in the same manner as provided for the county surveyor in this section.

§ 5. Any person who destroys, defaces, changes or removes to another place, any section corner, quarter section corner or meander corner monument or any government line of survey, or cuts down any witness trees, or any trees blazed to mark the line of government survey, or to deface or remove any monument or bench mark of any government survey until after the same has been referenced by the county surveyor or some competent surveyor or engineer, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than fifty dollars.

§ 6. Whereas an emergency exists, in that there is no provision for the preservation of section corner monuments, this act shall take effect and be in force from and after its passage and approval.

Approved Mar. 3, 1911.

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## CHAPTER 289.

[S. B. No. 104—Duis]

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### ERRORS AND DEFICIENCIES IN CITY PLATS.

AN ACT Providing for Correcting Errors and Deficiencies in City Plats.  
*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

Whenever any platted addition, outlot or parcel of ground, or any subdivision of same within the corporate limits of any city shall be found to be inadequately or erroneously described in the plat, or when such plat or plats shall be found in error or deficient as to marked or scaled distances, angles, descriptions or have such other defects as will make said plat an incorrect and deficient plat and description of the property platted, the city council may by resolution declare it necessary to correct

such plat or plats, or completely replat such property, and shall publish such resolutions in the official paper of the city once each week for three consecutive weeks.

Such resolution shall contain and stipulate: (a) the description of the property affected, (b) the nature of the errors or defects, (c) an outline of the proposed corrections, (d) an estimate of the probable cost of making the corrections as made by the city engineer or some competent engineer or surveyor designated for that purpose, (e) that any interested owner may file objections to the proposed work or the cost of same and that such objections will be heard and considered at a meeting designated for that purpose, (f) the time of such meeting when the council will meet to consider all objections. When all objections filed at or prior to the meeting designated for the purpose shall have been duly heard and considered, the city council shall if it deems such work advisable and if the owners of the majority of the property affected shall not have filed a protest against same, order the city engineer or such other competent engineer or surveyor as shall have been designated in the resolution declaring the work necessary, to do the work in accordance with said resolutions.

The engineer or surveyor designated to make the correction or replatting shall follow such original hubs, stakes, monuments and lines as are known to be correct and the original hubs, stakes, monuments and lines, and shall to the best of his ability by actual survey and measurements on the ground make the plat conform to the divisions, subdivisions, blocks, lots, outlots, pieces and parcels of land as originally laid out. All lost or disputed points, lines and angles shall be determined by actual survey and made to conform with the original survey, and shall be marked on the ground with substantial oak stakes in a manner customary and provided for in townsite surveys. All numbers, letterings, and names of references to blocks, lots, outlots, additions, streets, avenues, alleys, etc., shall be the same as on the original plat, and the revised and corrected plat shall be a true plat of the survey as originally made. The surveyor shall make his affidavit and certification that the plat has been so made to the best of his ability and shall affix same to the plat.

The completed plat shall be filed with the city auditor who shall publish a notice of that fact once a week for three consecutive weeks, which notice shall stipulate that all interested parties may view same, and set forth a date when the city council will sit to hear objections to the survey as made and when it will consider same.

If, in the opinion of the council an injustice has been done, it shall order such surveys and resurveys as it may deem necessary to determine the merit of any claim and shall adjourn from time to time or until such time as all the necessary information shall be available.

The council then shall affirm or reject the plat by resolution. If passed by two-thirds vote of the members elected the plat shall be recorded in the county in which the city is located and shall be the true and correct map of the property described and shall supersede any and all previous plats. All costs and disbursements shall be assessed against the property benefited according to the benefits by the city engineer which assessment shall be published in full by the city auditor in the official paper of the city and be subject to the approval of the city council after due consideration and hearing of any and all objections at a meeting designated for that purpose in the notice and publication of the assessment. When approved by the city council such assessment shall be certified to the county auditor and shall be payable in one annual installment as a special assessment tax.

Approved March 6, 1911.

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## TAXATION AND REVENUE

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### CHAPTER 290.

[S. B. No. 78—Talcott]

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#### PROPERTY EXEMPT FROM TAXATION.

AN ACT to Amend Section 1484 of the Revised Codes of 1905, and Chapter 218 as Amended by the Session Laws of 1907, Relating to Property Exempt From Taxation.

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

§ 1. AMENDMENT.] Section 1484 of the political code of North Dakota, as amended by chapter 218 of the laws of 1907, relating to revenue and taxation, is amended so as to read as follows:

§ 1484. PROPERTY EXEMPT FROM TAXATION.] All property described in this section to the extent herein limited, shall be exempt from taxation, that is to say:

1. All public school houses, academies, colleges, institutions of learning, with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy, use and enjoyment, not to exceed forty acres in area, and not leased or otherwise used with a view to profit; also all houses used exclusively for public worship and the lots and parts of lots upon which such houses are erected.