

be and is hereby declared to be a bank, and as thus defined shall be subject to the provisions of this act, provided further, that trust companies doing a general banking business as defined in this section separate and apart from the writing of surety bonds and other general business and building and loan association receiving savings deposits shall be declared to be a bank and shall also be subject to the provisions of this Act.

§ 28. NEW BANKS. ORGANIZING.] Any banks organized and authorized to do business under the provisions of the State Banking Laws, on and after the passage, approval and taking effect of this act shall sell the capital stock thereof at two (\$2.00) dollars per share above par and the amount received as a result of such advance shall be credited on the books of such bank to the Depositors Guaranty Fund as hereinbefore provided.

§ 29. REPEAL.] That part of sections 371, 1475 and 3317 of the Compiled Laws of North Dakota for the year 1913, and any and all other provisions of law requiring the giving of personal or surety bonds for deposits of public funds in so far as same applies to banks belonging to the Depositors Guaranty Fund, and all acts and parts of acts in so far as they conflict with the provisions of this act are hereby expressly repealed.

Approved March 10, 1917.

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## HIGHWAYS

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### CHAPTER 127.

[H. B. No. 32—Reishus.]

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#### HIGHWAY IMPROVEMENTS.

An Act to Amend and Re-enact Section 3, Chapter 110 of the Session Laws of the State of North Dakota for the year 1915, Relating to Highway Improvements.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 110 of the Laws of North Dakota for 1915, Relating to Highway Improvements, be amended to read as follows:

§ 3. That said Board of Highway Improvements may meet on the second Tuesday in February of each year at the County seat, and it shall be their duty to formulate plans and methods for the uniform working and establishing of highways within their county; and such methods as they shall adopt shall be followed in each of the districts of said county, provided that no plan or resolution shall be adopted by said board that is in conflict with any law with reference to highways. A majority vote of all the members

of the county present shall be sufficient to pass such resolution, or to establish such method as may be proposed by said board or any member thereof.

Approved March 10, 1917.

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## CHAPTER 128.

[H. B. No. 203—Nims.]

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### HIGHWAYS.

An Act Providing for the Dragging of Roads and Levying a Tax Therefor, and Prescribing the Duties of County Commissioners, Township Supervisors and Township and District Overseers of Highways in Connection Therewith.

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

§ 1.] All townships within the state having graded roads shall levy a tax each year upon all taxable property within the township, sufficient to create a road dragging fund of not more than five dollars (\$5.00) per mile for each mile of graded roads within such township. Such tax shall be levied at the same time and collected in the same manner as other road taxes are levied and collected. As a basis for computing the tax, in organized townships the township board of supervisors, and in unorganized townships the board of county commissioners, shall use the actual number of miles of graded roads. Provided, that when conditions have been so favorable in any given year that an unexpended balance is left in the road dragging fund, such amount shall be deducted from the estimated amount required for the succeeding year, before the levy is made.

§ 2.] The board of county commissioners or the board of township supervisors, as the case may be, shall divide the township into road dragging districts, and shall enter into written contracts with residents of such districts, providing for the dragging of roads when notice is given by the township or district overseer of highways, as the case may be. Provided, that if for any reason the board of county commissioners or the board of township supervisors, as the case may be, are unable to enter into contracts with residents of the districts for the dragging of the highways, they are authorized to contract with any person or persons within or without the township for such work, provided that in no case shall the amount to be paid for such dragging exceed the sum of one dollar per mile for each mile traveled back and forth while dragging the roads. The board of county commissioners or the board of township supervisors, as the case may be, shall adopt a suitable form of notice to be given by the township or district overseer of highways, as the case may be, when ordering the roads dragged, shall stipulate the manner of serving the same and shall furnish each

person contracted with to drag the roads return cards, which shall be substantially in the following form:

“To.....township (district) overseer of highways for.....township.

I received your notice to drag district No.....on the .....day of....., 191..... and did on the.....day of....., 191..... comply with same and have charged said district..... for said dragging.

If not dragged, why not?..... Signed.....”

The board of county commissioners or the board of township supervisors, as the case may be, shall provide a suitable book in which the township or district overseer of highways, as the case may be, shall record the names of all persons who are entitled to compensation for dragging roads, said book to be known as the dragging record of the township and shall be substantially in the following form:

County of.....State of North Dakota.  
 Dragging District No.....Township of.....  
 Twp.....Rge.....

Dragged by Whom	Date	Date Notified	Date of Return Card	Amount Charged	Amount Allowed	Remarks

They shall allow all claims for dragging recorded therein, that are in accordance with the provisions of this act and have the approval of the township or district overseer of highways, as the case may be. The board of county commissioners or the board of township supervisors, as the case may be, shall at their regular meetings, pay all claims for dragging in each district, that have

the approval of the township or district overseer of highways, as the case may be, and that are not inconsistent with this act, out of the road dragging fund, the amount to be paid for such dragging not to exceed the sum of one dollar per mile for each mile traveled back and forth while dragging the roads; they shall not allow any claim for dragging unless return card has been duly returned to the township or district overseer of highways, as the case may be, showing said work to have been done by his orders and within twenty-four hours (24) after receipt of notice to perform such service.

The township or district overseer of highways, as the case may be, shall be allowed all necessary expenses, and compensation to be fixed by the board having authority, for the time actually spent in the performance of his duties under this act, such expenses and compensation to be paid from the road dragging fund.

§ 3.] It shall be the duty of the township overseer of highways, or the district overseer of highways, as the case may be, to keep the dragging records of the township, recording therein the names of all persons entitled to compensation for dragging, the date of such service, the date of giving notice for such service, date of return card, the amount allowed for such service, but no person's name shall be recorded therein as being entitled to compensation for dragging unless his return card has been filed with the overseer of highways showing said service as having been performed by order of the township or district overseer of highways, as the case may be, and within the time limit required for such service. It shall be the duty of the township or district overseer of highways, as the case may be, to cause all roads to be dragged that the township supervisors, or county commissioners, as the case may be, may from time to time direct, at such times as in his judgment is most beneficial. He shall cause the work to be done by giving the parties contracted with for the performance of such service such notice as the board having authority may deem sufficient.

§ 4. It shall be lawful in operating under this law for the officers charged with the duty of expending the road dragging fund to proceed at once with the work upon the roads in their districts and cause warrants to be issued in payment therefor in anticipation of the current year's tax.

Approved March 12, 1917.

## CHAPTER 129.

[H. B. No. 136—Koller.]

## HIGHWAYS BUILT BY COUNTY COMMISSIONERS.

An Act Authorizing the Board of County Commissioners of any County to Appoint One or More Members of the Board to Personally Supervise the Building or Repairing of Roads, Bridges or Property Belonging to the County, and Fixing Their Compensation.

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

§ 1.] That whenever the Board of County Commissioners of any County is required by law to lay out, oversee and supervise the building or repairing of roads, and bridges, or the building or repairing of any property owned by the county, the Board may appoint or designate one or more members of the Board to personally lay out, oversee or supervise the building or repairing of any such roads, bridges, or property of the county. Each commissioner shall receive as compensation for his services the sum of five dollars per day and ten cents per mile for every mile necessarily traveled while engaged in the performance of duties herein mentioned.

§ 2. REPEAL.] All Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed.

Approved March 9, 1917.

## CHAPTER 130.

[H. B. No. 58—Lowe.]

## PAYMENT OF HIGHWAY TAXES.

An Act to Amend and Re-enact Section 1990p of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 168 of the Session Laws for the year 1915, Relating to Payment of Highway Taxes.

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

§ 1. AMENDMENT.] Section 1990p of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 168 of the Session Laws for the year 1915, is hereby amended and re-enacted to read as follows:

§ 1990p. ROAD TAX. HOW PAID.] Any taxpayer in any township, who so elects, shall notify the township overseer of highways before May 1st, of his intention to work out his road tax, and the township overseer shall file a list of such names with the township clerk before May 15th. Provided, that in unorganized territory the district overseer of highways or the deputy county superintendent of highways shall file said list with the County Auditor. Said taxpayer shall then be employed on the highways at the time and place at which the district overseer or the deputy

county superintendent of highways shall designate. The compensation for this labor shall be paid as provided in Section 2012 and Section 2016 of the Compiled Laws of North Dakota, for the year 1913; provided, further, that in organized townships the township road overseer, and in unorganized territory the district road overseer or deputy county superintendent of highways, shall certify to the County Auditor on or before November 1st of each year the amount of taxes worked out by each taxpayer, and the County Auditor shall at once credit each taxpayer with the amount of taxes so worked out.

Approved March 10, 1917.

## CHAPTER 131.

[H. B. No. 168—Committee on Highways.]

### STATE HIGHWAY COMMISSION.

An Act Authorizing State Aid for the Establishment, Construction, Maintenance and Repair of Public Roads and Bridges, Making Appropriation therefor; Assenting to the Act of Congress (H. R. 7617) approved July 11, 1916; Creating a State Highway Commission and Prescribing its Duties; Prescribing the Duties and Fixing the Salary of the State Engineer in Connection therewith; Providing for the Disposition of Fines and Penalties; Amending and Re-enacting Sections 2976n, 2976o and 2976p of the Compiled Laws of North Dakota for the year 1913, and Section 1946 Compiled Laws of North Dakota for the year 1913, as amended in Chapter 108 of the Session Laws of 1915; Repealing Sections 602 to 607 inclusive of the Compiled Laws of North Dakota for the year 1913. Emergency.

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

§ 1. A state highway commission is hereby created, which shall consist of the governor, who shall be chairman, the state engineer, the commissioner of agriculture and labor, and two members to be appointed by the governor.

§ 2. The state highway commission shall meet at the capitol within thirty days after the taking effect of this Act, and thereafter it shall meet at such times and places as it may deem essential to the carrying out of the purposes herein. It shall determine the character and have general control and supervision of the construction, improvement, repair and maintenance of all roads and bridges improved under the provisions of this Act. It shall reserve out of the state highway fund hereby created a sufficient sum annually to meet its expenses and to pay the state's portion of the cost of properly maintaining all highways and bridges improved in pursuance of the provisions of this Act; and the balance of said state highway fund shall be expended by the state highway commission in the improvement of highways and bridges in the several counties in the following manner: Ten per cent of

said fund shall be spent within the discretion of the state highway commission and without regard to the amount of said fund collected in each county, and ninety per cent shall be spent by the said commission in the several counties in proportion to the amounts collected therein. Except that the sum appropriated in Section 9 hereof shall not be subject to the provisions of this Section.

§ 3. Each member appointed by the governor shall receive the sum of ten (\$10.00) per day for time actually and necessarily spent in the performance of his official duties, provided that no member shall receive more than \$600 in any one year. The members of the state highway commission shall be allowed actual and necessary traveling expenses incurred in the discharge of their duties.

§ 4. The state engineer shall be the chief engineer and secretary of the state highway commission, and he shall receive an annual salary of one thousand dollars in addition to his salary as state engineer. He shall have charge of all records of the state highway commission and he shall keep a record of all proceedings of the commission, and shall keep on file copies of all plans, specifications and estimates by his office. He shall cause to be made and kept in his office a general highway plan of the state and shall prepare or cause to be prepared a map of the main highways of the state which in the judgment of the several boards of county commissioners and the state highway commission are of sufficient importance to be designated as state roads. The system of state roads so designated may be amended and added to from time to time by the state engineer, subject to the approval of the state highway commission. He shall collect information and statistics with reference to the mileage, character and condition of the highways and bridges of the different counties of the state and he shall investigate and determine the best materials and the methods of road construction and maintenance best adapted to the various sections of the state. He shall, subject to the approval of the state highway commission, determine the character and have the general supervision of the construction, improvement, repair and maintenance of all roads and bridges constructed or improved under this Act and he shall prepare or cause to be prepared all plans and specifications therefor, and shall report all proceedings of his office relating to public highways to the state highway commission whenever required. He shall consult with and call for information from the county officials having authority over highways and bridges relative to any action affecting said highways and bridges, and it shall be the duty of the county commissioners to supply, or require the proper county officer to supply, all information that they are able to give relative to highways and bridges within their respective counties.

§ 5. Whenever the board of county commissioners of any county shall decide that any road or roads in such county shall be

improved or constructed under the provisions of this act, said board shall make written application to the state highway commission for aid in improving the proposed road or roads. If the state highway commission shall be satisfied that the proposed improvements shall be substantial in character and upon a main traveled road and that the county will be able to meet its portion of the cost of such improvement, it may improve the same and the state engineer shall proceed to view the said road and examine the same or part thereof proposed to be improved, and shall make all surveys, plans, specifications and estimates of cost for its construction out of such materials as may be decided upon by the state engineer. If such improvements cost \$3,000 or less, then it shall be discretionary with the state engineer, subject to the approval of the state highway commission, to execute such work or allow the county to do the work or let the same by contract. But where the cost of the proposed improvement will exceed \$3,000, the state engineer shall then advertise the same for bids, which advertisement shall be published for a period of three weeks in one or two newspapers having a circulation in each county in which the proposed highway lies, when such advertisement is in a weekly newspaper, and if the state engineer shall deem it advisable, for a period of fifteen days in not more than two daily papers of general circulation throughout the state. Such advertisement shall state where the bidder may inspect the plans and specifications, the place where the bids will be received, which shall be in the county where the proposed improvement is to be made, and the time and place for opening the same. Every such bid shall be accompanied by a certified check of the bidder in an amount equal to five per cent of his bid, which check shall be forfeited to the state highway fund should the bidder fail to execute the contract within ten days after notice of such award. The board of county commissioners in the county in which such improvement is to be made shall be notified by the state engineer of the time set for opening the bids.

§ 6. The state engineer shall award the contract to the lowest responsible bidder, subject to the approval of the county commissioners, but may reject any and all bids. The successful bidder shall be required to furnish bond in such amount as may be determined by the state engineer, subject to the approval of the state highway commission. If no satisfactory bid is received new bids may be called for or the work be done by the state highway commission.

§ 7. For the purposes of this act the necessary bridges on any highway shall be considered a part of such highway. But the contract for bridges may be let separately. The cost of all work of construction or improvement of bridges and highways under the provisions of this Act shall be paid, fifty per cent by the state and fifty per cent by the county in which the work of improvement is located. All highways and bridges constructed or improved under the provisions of this Act shall be maintained in accordance with

the standards prescribed by the state highway commission and subject to the supervision and inspection of the state engineer. The cost of maintaining such highways shall be borne fifty per cent by the state and fifty per cent by the counties; provided that when any county shall neglect to maintain any road so improved the state engineer may perform said work and charge the county's portion thereof to the allotment due such county from the state highway fund for the year in which the work is done.

§ 8. The legislative assent required by section 1 of the Act of Congress approved July 11, 1916 (Public No. 156) entitled "An Act to provide that the United States shall aid the states in the construction of rural post roads and for other purposes," is hereby given. The state highway commission is authorized and empowered to make all contracts and to do all things necessary to co-operate with the United States government in the construction of rural post roads under the provisions of the said Act of Congress.

§ 9. In order to provide funds for the purpose of immediately organizing the state highway commission and performing all necessary preliminary work, purchasing supplies, office and field equipment and securing expert assistance, there is hereby appropriated out of the general fund of the state the sum of eight thousand (\$8,000) dollars, to be kept in a separate fund to be known as "The State Highway Fund."

§ 10. Section 2976n of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976n. DISPOSITION OF LICENSE MONEY.] The Secretary of State shall pay into the state treasury all moneys received by him under this act, which have been paid by owners of motor vehicles in any county and shall file with the state treasurer and the state auditor verified statements of the amounts and sources thereof and the amount to which each county is entitled under the provisions of this act. On the 15th day of every calendar month the State Treasurer shall pay into the county treasurer of each county, to the account of a special road maintenance fund as hereinafter provided, one-third of the moneys received by him from the Secretary of State under the provisions of this act, and shall credit the remaining two-thirds to the account of the state highway fund. Provided, however, that the State Treasurer shall first deduct from all moneys received by him from the Secretary of State the cost of tags, clerk hire, printing, postage, express and other expenses, as estimated by the said Secretary of State.

§ 11. Section 2976o of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976o. CLAIMS FOR MONEYS EXPENDED ON HIGHWAYS.] All claims for money expended on county highways under the provisions of this article shall be paid by the county treasurer upon the presentation of properly prepared vouchers approved by the county superintendent of highways, if there be one, and the board of county commissioners.

All claims for moneys expended by the state highway commission under the provisions of this article shall be paid by the state treasurer upon the presentation of properly prepared vouchers approved by the secretary of the state highway commission.

§ 12. Section 2976p of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 2976p. LICENSE MONEY TO BE EXPENDED FOR REPAIRS AND MAINTENANCE OF HIGHWAYS.] The money received by each county from this source shall be expended only for the repair and dragging of highways within the county, under the direction of the county board of commissioners, provided, that upon the application of any township which levies 50 cents on each \$100.00 valuation based on last prior valuation or more for road purposes, the county commissioners shall credit such township with a sum of money not to exceed five (\$5.00) dollars per mile, to be used in dragging the roads of said township, provided there are sufficient funds available for this purpose; otherwise the money shall be pro-rated between the townships making application therefor. No township shall receive more than fifty (\$50.00) dollars under the provisions of this section, in any one year. Provided, further, that none of this money shall be expended within the limits of any incorporated city or village.

§ 13. Section 1946 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 108 of the Session Laws of 1915, is hereby amended to read as follows:

§ 1946. FUND. HOW EXPENDED.] Such fund shall be expended only for road machinery and in grading, ditching and surfacing in proper form and condition for public travel, and dragging at proper times, such highways or parts of highways, howsoever established, as constitute the principal thoroughfares of the county, communicating with shipping points and market places resorted to by inhabitants of the county, for which the means otherwise provided are not, in the opinion of the county commissioners, sufficient; or the whole of said sum or any part thereof may be expended in co-operation with the state highway commission.

§ 14. REPEAL.] Sections 602 to 607 inclusive, of the Compiled Laws of North Dakota for the year 1913, and all other Acts and parts of Acts in conflict herewith are hereby repealed.

EMERGENCY.] Whereas it is highly necessary and expedient that this law shall go into immediate operation, owing to the fact that nearly all owners of motor vehicles apply for registration prior to July 1st, and owing to the further circumstance that if this Act does not go into effect before July 1st there will not be sufficient money available in the state treasury to enable the state to comply with the requirements of the Federal law providing Federal aid for the construction and maintenance of roads, therefore, an emergency exists and this Act is hereby declared to be necessary for the immediate preservation of the public peace,

health, and safety, and shall go into effect and be in force from and after its passage and approval.

Approved March 5, 1917.

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## HOMESTEADS

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### CHAPTER 132.

[H. B. No. 98—Maxwell.]

#### CONFIRMATION OF CONVEYANCE OF THE FAMILY HOMESTEAD.

An Act to Re-enact Section 5517 of the Compiled Laws of North Dakota for the year 1913, Relating to the Confirmation of the Conveyance of the Family Homestead in any Case in which the same has been Deeded by both Husband and wife in Separate Instruments which Purport to Convey the Land to the Same Person, or his Grantees, and Validating such Deeds.

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

§ 1. That Section 5517 of the Compiled Laws of North Dakota for the year 1913 is hereby re-enacted to read as follows:

§ 5517. SEPARATE DEEDS OF HUSBAND AND WIFE TO SAME PROPERTY LEGALIZED.] In all cases where a married man or woman has heretofore conveyed real property which may have been the homestead of himself or herself, or family, by a deed duly signed and acknowledged, but not signed by the wife or husband of such grantor, and such wife or husband either before or after, by a deed duly signed and acknowledged, conveys same real estate to the same grantee or a subsequent grantee from him, this conveyance by such separate deeds shall be valid and effectual to pass the title to such grantee or subsequent grantee, the same as if the conveyance had been made by a single instrument duly executed and acknowledged by both husband and wife.

Approved February 20, 1917.