

but not later, an appeal may be taken by either party to the supreme court, but such appeal shall not stay or hinder the use or enjoyment to the fullest extent of the right, privilege and easement asked for by the petition conferred by the judgment, if the party instituting the proceedings shall make and file a bond with sureties, to be approved by the court, in an amount double the gross sum or annual rental, conditioned to pay such sum or rental and to abide and satisfy any judgment the supreme court may render in the premises. Costs and disbursements as in civil actions shall, in each court, be paid by the unsuccessful party. If the finding of the court or jury is for a less or the same amount as tendered by the applicant before the person, firm or corporation owning, leasing or operating the railway at such station or siding instituted the proceedings, then the applicant shall be deemed the successful party, but if the amount found is larger than the sum tendered, then the person, firm or corporation owning, leasing or controlling said railway at such station or siding shall be deemed to be the successful party. In the Supreme Court, if the judgment or order appealed from is reversed or modified, the appellant shall be deemed the successful party; but if the judgment or order appealed from is affirmed, the respondent shall be deemed the successful party.

§ 3118 B. PENALTY.] If the person, firm or corporation owning, leasing or operating the railway at such station or siding either directly or indirectly, by any agent, servant or attorney interferes with the construction or operation of said warehouse or elevator upon said selected site, or refuses to render the service necessary for the proper maintenance and operation of said elevator or warehouse as asked for in the application and petition aforesaid, they shall be deemed guilty of a misdemeanor.

Approved March 9, 1917.

WEEDS

CHAPTER 252.

[S. B. No. 239—Welford.]

COMMISSIONERS OF NOXIOUS WEEDS.

An Act to Amend and Re-enact Sections 624 and 627 of the Compiled Laws of North Dakota for the year 1913, Relating to the Commissioner of Noxious Weeds.

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

§ 1. That Section 624 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 624. WEED COMMISSIONERS; HOW APPOINTED.] Whenever the board of county commissioners of any county is petitioned by

at least one sixth of the voters in such county, said board shall appoint some competent person in each commissioner's district of said county, who shall be styled commissioner of noxious weeds, who shall take the oath required of county officers and shall hold his office for the term of one year, and until his successor is appointed and qualified. Each such commissioner shall receive for compensation the sum of four dollars per day for each day necessarily spent in the performance of his duties, and mileage at the rate of five cents per mile for each mile necessarily traveled. The board of county commissioners may at any time for good cause remove any weed commissioner from office and appoint a successor to serve the remaining portion of his time, and it shall be the duty of said board of county commissioners to strictly enforce all of the provisions of Article 28 of Chapter 5 of the Political Code of the Compiled Laws of 1913.

And all the powers and duties of the township supervisors, city council or board of trustees of any town or village, in said Article 28 are hereby transferred and made part of the duties and powers of the county commissioners of each county.

§ 2. That Section 627 of the Compiled Laws of North Dakota for the year 1913 is hereby amended to read as follows:

§ 627. It shall be the duty of the board of county commissioners to pay out of the general fund the salary and mileage of the commissioners of noxious weeds, and all expenses and disbursements incurred under the provisions of Article 28 of Chapter 5 of the Political Code of said Compiled Laws, upon verified vouchers duly audited and approved.

And the board of county commissioners in each county may appropriate and set aside a sum not exceeding twenty-five hundred dollars in each year, or so much thereof as is necessary to pay the salaries and expenses of the commissioners of noxious weeds; and the board is authorized to levy a sufficient tax on all taxable property for such purpose.

Approved March 8, 1917.