

cost of acquiring the right of way for a detour road by and around the part of the road so taken, together with the cost of putting the new road in as good condition for travel as the road so taken was in at the time it was taken; and in case it shall appear in the action that the taking of said road will not permanently prevent its use, but that at the end of the mining operations it may be restored and used as a road, the party taking the same may be relieved from payment of any damages therefor, upon furnishing and undertaking with sufficient surety to be approved by the Court, in an amount to be fixed by the Court, payable to the governing body having jurisdiction of such road; conditioned that he will immediately procure and maintain a passable detour road to take the place of the road so taken, and that upon completion of the mining operations he will restore the road so taken to as good condition for travel as it was in at the time of the taking thereof.

Approved February 24th, 1923.

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## MISSOURI RIVER CONFERENCE

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### CHAPTER 248.

(S. B. No. 258—Baird and Garberg.)

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#### MISSOURI RIVER CONFERENCE.

An Act Providing for the Appointment of Representatives on Behalf of the State of North Dakota to Negotiate a Compact and Agreement Between the States of North Dakota, South Dakota and Montana, and Between said States and the United States of America, Respecting the Use and Distribution of the Waters of the Missouri River and the Rights of said States and the United States Thereto.

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

Sec. 1. The Governor of the State of North Dakota shall appoint the State Engineer, or the Assistant to the State Engineer, who is in charge of matters relating to irrigation and water rights, and one other elector and taxpayer of the state, both of whom shall serve without compensation as representatives of the State of North Dakota, and who shall be duly authorized to represent the State of North Dakota on a joint commission to be composed of representatives of North Dakota, South Dakota, and Montana, and a duly authorized representative of the United States of America, such commission to be constituted for the purpose of negotiating and entering into a compact or agreement between the said states, and between said states and the United States, with the consent of Congress, respecting the further

utilization and disposition of the waters of the Missouri River and streams tributary thereto and fixing and determining the rights of the said states and the rights of the United States in and to the use and disposition of the waters of said stream and the benefits to be derived therefrom, provided, however, that any compact or agreement so entered into by said states and the United States, shall not be binding or obligatory upon any of the high contracting parties thereto, unless and until the same shall have been ratified and approved by the Legislatures of the said states and by the Congress of the United States.

Sec. 2. The Governor of North Dakota shall notify the respective Governors of the States of South Dakota and Montana of the appointment of the representatives of North Dakota, as soon as said representatives shall have been appointed and qualified, but said representatives shall not enter upon the performance of their duties until a representative or representatives to serve upon said joint commission shall have been named and qualified for each of the said states named in Section 1 hereof, provided, however, that said representative shall proceed immediately after the passage of this act and its approval by the Governor, in carrying out the provisions of Section 3 hereof as pertains to the Missouri river and its tributaries within the boundaries of the State of North Dakota, and the securing of the necessary data and information called for by this Act shall not be contingent upon appointment and qualification of the representatives of the other states concerned or of the representative of the United States of America.

Sec. 3. Said representatives of the State of North Dakota shall have full authority to make or cause to be made any and all investigations of the Missouri river and the drainage area thereof, which may become necessary in order to sufficiently advise said representatives of the physical conditions obtaining upon said streams and the drainage area thereof, and of the present and future needs of the State of North Dakota and its citizens in the use and benefit of the waters of the said stream and the streams tributary thereto. To that end, said representatives shall have authority to administer oaths, examine and require the attendance of witnesses, and to perform such other duties and gather such data as may be necessary to sufficiently apprise said representatives of the facts and furnish him or them with adequate information in order that they may properly perform their duties as representatives of the State of North Dakota upon said joint commission.

Sec. 4. No appropriation is made for the purposes of carrying out this act; but the State engineer shall be permitted to utilize his office force and staff, where this can be done without

detriment to the other work required to be performed under existing laws; and the representatives appointed under the provisions of this act may receive financial or other assistance from such associations or individuals as are interested in and willing to give such aid in performance of the services required to be performed under the provisions of this act.

Approved March 2nd, 1923.

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## MORTGAGES

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### CHAPTER 249.

(H. B. No. 42—Ellingson.)

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#### CROP MORTGAGES.

An Act Prescribing certain requisites with respect to crop mortgages given for other than as rental of premises or to secure the purchase price of land, and making all crop mortgages not executed in compliance with such requirement void and not subject to being filed for record.

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

**Sec. 1. CERTAIN CROP MORTGAGES DECLARED VOID AND NOT ENTITLED TO BE FILED OF RECORD.)** No mortgage given upon crops, other than mortgages to secure the rental or the purchase price of the premises upon which such crop mortgage is given, shall be valid as a lien or encumbrance upon the crop sought to be so mortgaged or encumbered, nor shall the same be entitled to be filed for record in the office of the Register of Deeds of the county in which such land is situated, if the instrument evidencing such crop mortgage shall contain any provision by which a mortgage is claimed upon any personal property other than such crop.

**Sec. 2. EMERGENCY.)** This act is hereby declared to be an emergency and shall be in full force and effect after April 1, 1923.

Approved February 7th, 1923.