

## CHAPTER 129

(H. B. No. 246—Burkhart and Watt.)

## SUNDAY DANCES

An Act Amending and Re-enacting Chapter 297 of the Session Laws of North Dakota for 1923, Being an Act to Prohibit the Keeping Open, Running or Permitting the Running or use of any Place for Public Dances on the First Day of the Week, Commonly Called the Sabbath, and Prohibiting the Same Prior to Sunrise on Monday Morning, and Providing a Penalty Therefor.

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

§ 1. AMENDMENT.] Section 1 of Chapter 297 of the Session Laws of North Dakota for 1923 is hereby amended and re-enacted to read as follows:

§ 1. It shall be unlawful to keep open or to run or to permit the running of any place or to permit the use of any place for public dancing between the hours of twelve midnight on Saturday and sunrise the following Monday morning. Any person, firm, association or corporation violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of not less than \$25.00 nor more than \$50.00 for each offense.

§ 2. EMERGENCY.] This act is hereby declared to be an emergency measure, and shall be in force and effect from and after its passage and approval.

Approved March 10, 1925.

## DRAINS

## CHAPTER 130

(S. B. No. 92—Van Camp.)

## REPAIRING AND KEEPING OPEN OF DRAINS

An Act To Amend and Re-enact Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, Relating to Drain Kept Open and in Repair. Cost of.

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

§ 1 AMENDMENT.] That Section 2486 of the Compiled Laws of the State of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 2486. DRAIN KEPT OPEN AND IN REPAIR. COST OF.] All drains that may have been constructed under any law of this state, or that may be constructed under the provisions of this chapter and situated in this state, shall, except as otherwise provided, be under the charge of the board of county commissioners and their successors in office and be by them kept open and in repair. In all cases when any completed drain is or may be situated in more than one county the care of the portion lying within any county is hereby assigned to the board of county commissioners of such county to be by it kept open and in repair. The cost of such keeping open and in repair shall in all cases be assessed, levied and collected in the same manner as is provided in this chapter for the construction of drains in the first instance, and in cases when no assessments of benefits shall have been made, the board of commissioners having charge of or to whose care such drain may be assigned shall make such assessment.

Provided that any work of cleaning out or repairing any drain, the cost of which said work is not in excess of \$150.00 in any one year, may be done by day work or under contract therefor, which contract may be let without such work being advertised and the expense thereof shall be paid out of the county road and bridge fund.

Approved February 9, 1925.

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## CHAPTER 131

(H. B. No. 73—Tuneberg.)

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### DRAINS

An Act To Amend and Re-enact Section 2464 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 58 of the Session Laws of 1921, and Amending and Re-enacting Section 2468 of the Compiled Laws of North Dakota for the year 1913, relating to the establishment of Drains and the assessment of benefits subject to review.

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

§ I. AMENDMENT.] Section 2464 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 58 of the Session Laws of 1921, is hereby amended and re-enacted to read as follows:

§ 2464. HOW ESTABLISHED.] A petition for the construction of a drain may be made in writing to the board of drain commissioners which petition shall designate the starting point and ter-

minus and general course of the proposed drain. If among the leading purposes of the proposed drain are benefits to the health, convenience or welfare of the people of any city or other municipality, the petition shall be signed by a sufficient number of the citizens of such municipality or municipalities to satisfy the board of drain commissioners that there is a public demand for such drain. The petition shall be signed by at least six free-holders whose property shall be affected by the proposed drain. Upon the presentation of a petition as hereinbefore provided and filing of the same, the board of drain commissioners shall, personally, as soon as practicable, proceed to examine the line of the proposed drain, and if in its opinion it is necessary for the public good, it shall enter a resolution to that effect, and shall also enter a resolution designating a competent surveyor who shall survey the line thereof and establish the commencement and terminus and determine the route, width, length and depth thereof.

Provided, that the board of drain commissioners shall require a bond from the petitioners in a sum sufficient to pay all expenses of the surveys and of the drainage commissioners if it should appear after the surveyor's report is filed, that the proposed drain would cost more than the amount of the benefit to be derived therefrom, or if a majority of the land owners whose lands are subject to assessment for the construction of the proposed drain petition the board of drain commissioners to have further proceedings discontinued, as hereinafter provided. For the purpose of making examinations or surveys the board of drain commissioners, surveyors and their employees may enter upon any land traversed by any such proposed drain or upon other lands when necessary. Such surveyor shall prepare profiles, plans and specifications of the proposed drain, and estimate of the cost thereof and a map or plat of the lands to be drained in duplicate, showing the regular sub-divisions thereof, one copy of which shall be filed in the office of the county auditor in the county in which the drain is proposed to be constructed and the other with the board of drain commissioners, subject to inspection. In locating a drain a board of drain commissioners may, under the advice of the surveyor, vary from the lines described in the petition as it seems best. When the line proposed is along highways already established the drain shall be located at a sufficient distance from the center of such highway to permit a good road along the central line thereof. When the length of the line described in the petition does not give sufficient fall to drain the land sought to be drained, the board of drain commissioners may extend the drain below the outlet named in the petition far enough to obtain a sufficient fall and outlet. Drains shall as far as practicable be located on dividing lines between sections or regular subdivisions thereof, but the general utility of the drain must not be sacrificed to avoid cross-

ing any tract of land in such direction as the board of drain commissioners find advisable. Upon the filing of the surveyor's report the board of drain commissioners shall fix a date and public place for hearing objections to the petitions, and such place for hearing shall be located at some point in the vicinity of the land which will be effected by such drain and that will be the most convenient point for the majority of the land owners affected by the proposed drain to attend. At least ten days' notice of such hearing shall be given by causing five notices to be posted along the line of the proposed drain at such points as will be likely, in the opinion of the board, to secure the greatest publicity, and in addition a notice shall be sent by registered mail to the last known address of each and every owner of land which may be affected by the proposed drain. Notices of this hearing shall contain a copy of the petition and a statement of the date of filing of the surveyor's report and the date when the board will act upon the petition, and must be signed by the members of the board or a majority thereof. All persons, whose land may be affected by any such drain, may appear before the board of drain commissioners and fully express their opinion and offer evidence upon the matters pertaining thereto. Should a majority of the land owners, whose land is subject to assessment for the construction of the proposed drain, believe that the benefits to be derived are not equal to the expense of the construction, they may petition the board of drain commissioners to have further proceedings discontinued, whereupon the said board shall by resolution order further proceedings discontinued.

§ 2. AMENDMENT.] Section 2468 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2468. ASSESSMENT OF BENEFITS SUBJECT TO REVIEW.] The assessments of benefits provided for in this chapter shall be subject to review, and ten days' notice of the time and place, when and where such assessment will be reviewed by the board of drain commissioners, shall be given by publishing in some newspaper of general circulation in the county, and printed notices, not less than five in all and at least one in each township or municipality interested in such drain, shall be posted in such township and municipality at such points as may be likely, in the opinion of the board, to secure the greatest publicity for each notice. Printed notices shall also be sent by registered mail to the last known address of each and every land owner whose land shall be affected by construction of the proposed drain. The place appointed for such hearing shall be located at some point in the vicinity of the land which shall be affected by such drain and that will be the most convenient point for the majority of the land owners affected by the proposed drain to attend. At the time and place appointed such board shall proceed to hear all complaints

relative to such assessment and correct or confirm the same. Should a majority of the land owners, subject to assessment for the construction of the proposed ditch, believe that the assessment had not been fairly or equitably made, or that the drain is not properly located or designed, they may appeal to the state engineer by petition to make a review of such benefits and assessments and to examine the location and design of the proposed drain. Upon the receipt of such petition the state engineer shall proceed to examine the lands assessed and the location and design of the proposed drain, and should it appear to him that such assessments have not been equitably made, he may proceed to correct the same and his correction and adjustment of said assessment shall be final. Should it appear that, in the judgment of the state engineer, the drain has been improperly located or designed, he may order a relocation and design, which location and design shall be followed in the construction of the proposed drain. For his services in making such review of assessments and examination of location and design, the state engineer shall be allowed ten dollars per day and actual and necessary expenses during the time he is engaged upon this work. All moneys received by the state engineer for this work shall be paid into the state treasurer and credited to the general fund.

Approved March 10, 1925.

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## ELECTIONS

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### CHAPTER 132

(S. B. No. 77—Ward.)

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#### ASSISTING ELECTOR TO MARK BALLOT

An Act To Amend and Re-enact Section 988, of the Compiled Laws of the State of North Dakota for the Year 1913, as Amended and Re-enacted by Chapter 201 of the Session Laws of 1923, Relating to the Disability of Electors in Marking Their Ballots.

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

§ 1. AMENDED.] That Section 988, Compiled Laws of the State of North Dakota for the year 1913, as amended and Re-enacted by Chapter 201 of the Session Laws of 1923, be Amended and Re-enacted so as to read as follows:

§ 988. Any Elector, who declares to the Judges of Election that he or she cannot read the English language, that by blindness