

EMERGENCY COMMISSION

CHAPTER 142 (H. B. No. 6—Mau.)

TRANSFER OF FUNDS BY EMERGENCY COMMISSION

An Act empowering the Emergency Commission to authorize transfers from one fund to another belonging to the same state board, commission, department, or officer.

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

§ 1. Whenever it shall be made to appear to the Emergency Commission by an itemized verified petition of any board, commission, department or officer, that the petitioner has incurred a loss of furniture, fixtures, equipment, books, supplies or records requiring immediate replacement, the Emergency Commission may order transferred from one fund to another belonging to or appropriated for the same board, commission, department or officer, such sum or sums as the Emergency Commission may consider necessary in order to care for the emergency then existing. No transfer shall be ordered pursuant to this act after June 30, 1931.

§ 2. This act shall be deemed cumulative and in addition to the powers vested in the Emergency Commission by Chapter 152, Session Laws of North Dakota for 1915, and not a repeal thereof.

§ 3. This act is hereby declared to be an emergency measure and shall be in full force and effect from its passage and approval.

Approved January 31, 1931.

EMINENT DOMAIN

CHAPTER 143 (S. B. No. 102—Porter.)

EMINENT DOMAIN FOR PUBLIC USE

An Act to amend and re-enact Section 8203, Supplement to the Compiled Laws of 1913, relating to the right to exercise eminent domain.

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

§ 1. AMENDMENT.] That Section 8203 Supplement to the Compiled Laws of 1913 is hereby amended and re-enacted to read as follows:

§ 8203. Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

1. All public uses authorized by the Government of the United States.
2. Public buildings and grounds for the use of the State and all other public uses authorized by the legislative assembly of the State.
3. Public buildings and grounds for the use of any county, incorporated city, village, town or school; canals, aqueducts, flumes, ditches, or pipes for conducting water for the use of the inhabitants of any county, incorporated city, village or town; or for draining any county, incorporated city, village or town; raising the banks of streams, removing obstructions therefrom and widening, deepening or straightening their channels; roads, streets and alleys and all other uses for the benefit of any county, incorporated city, village or town, or the inhabitants thereof which may be authorized by the legislative assembly; but the mode of apportioning and collecting the costs of such improvements shall be such as may be provided in the statutes by which the same may be authorized.
4. Wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, by-roads, plank and turnpike roads, railroads and street railways, electric light plants and power transmission companies, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mains and for irrigating purposes, draining and reclaiming lands.
5. Roads, tunnels, ditches, flumes, pipes and dumping places for working mines; also outlets, natural or otherwise for the flow, deposit or conduct of the tailings or refuse from mines; also mill dams.
6. By-roads leading from highways to residences and farms.
7. Telegraph and Telephone lines.
8. Sewerage of any incorporated city, or any village or town, whether incorporated or unincorporated, or of any settlement consisting of not less than ten families, or of any public buildings, belonging to the state, or of any college or university.
9. Cemeteries and public parks.
10. Oil and gas pipe lines and works and plants for supplying or conducting gas, oil, heat, refrigeration or power for the use of any county, incorporated city, village or town or the inhabitants thereof, together with lands, buildings and all other improvements in or upon which to erect, install, place, maintain, use or operate pumps, stations, tanks and other machinery or apparatus, and buildings, works and plants for the purpose of generating, refining, regulating, compressing, transmitting or distributing the same or necessary for the proper development and control of such gas, oil, heat, refrigeration or power, either at the time of the taking of said property or for the future proper development and control thereof.

11. Lands sought to be acquired by the State or any duly authorized and designated state official or board, which lands must necessarily be flooded in widening or raising the waters of any body or stream of navigable or public water in the State of North Dakota.

Approved March 11, 1931.

EXECUTORS AND ADMINISTRATORS

CHAPTER 144

(S. B. No. 39—Whitman.)

PARTITION OF ESTATES

An Act to amend and re-enact Section 8852 of the Compiled Laws of North Dakota for 1913.

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

§ 1. AMENDMENT.] Section 8852 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

“§ 8852. PARTITION MAY BE MADE.] Partition or distribution of the real and personal estate may be made as provided in this Chapter, although some of the original heirs, legatees or devisees may have conveyed their share to other persons and such shares must be assigned to the persons holding the same, in the same manner as they otherwise would have been, to such heirs, legatees or devisees.”

Approved March 6, 1931.

CHAPTER 145

(H. B. No. 97—Martin of Bottineau)

RENEWAL CHATTEL MORTGAGES, ETC., BY EXECUTORS, ADMINISTRATORS AND GUARDIANS

An Act to authorize executors, administrators and guardians of estates of incompetent persons to execute renewals of chattel mortgages and notes secured thereby and providing for foreclosure thereof.

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

§ 1. The County Court having jurisdiction may, without service of citation or notice, upon the verified petition of an administrator, executor or guardian of estate of incompetent person, order such administrator, executor or guardian to execute a mortgage or mortgages upon all of that part of the personal property of a decedent which was included in a valid mortgage in existence at the time of the death of such decedent, and to execute a renewal promissory note or notes for the indebtedness secured thereby, the due date of which shall