

## COUNTIES

### CHAPTER 112

H. B. No. 68—(Symington)

#### BOND CERTAIN COUNTY OFFICERS

An Act relating to the bonds to be furnished by certain county judges, clerk of district court and/or register of deeds filling offices as consolidated pursuant to the provisions of Chapter 84, Laws of 1933, and declaring an emergency.

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

§ 1. BONDS REQUIRED.] That from and after the taking effect of this act, in counties where the office of county judge, clerk of the district court and register of deeds, or in counties where the office of county judge and clerk of the district court have been consolidated by reason of the Constitutional amendment as set forth in Chapter 84 of the Session Laws of 1933, only one bond shall be required, said bond being in the amount required of the clerk of the district court prior to the consolidation of said offices.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] An emergency is hereby declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved February 6, 1935.

### CHAPTER 113

H. B. No. 236—(Black and Graham)

#### COMPENSATION AND MILEAGE COUNTY HEALTH OFFICERS

An Act to amend and re-enact Section 409 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 105 of the Session Laws of North Dakota for 1929, relating to compensation of president, vice president of the board of health and county superintendent of health, mileage and expenses, and repealing all acts in conflict therewith.

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

§ 1. That Section 409 of the Compiled Laws of North Dakota for 1913 as amended by Chapter 105 of the Session Laws of North Dakota for 1929, be, and the same is hereby amended and re-enacted to read as follows:

§ 409. COMPENSATION.] The president and vice president of

the board shall receive three dollars per day for every day in which they may be actually and necessarily engaged in the performance of their duties and five cents per mile for every mile actually and necessarily traveled, in the discharge of their duties. The county superintendent of health shall receive from two hundred dollars to six hundred dollars a year from his office work, which sum shall be determined annually by the county commissioners, and according to the efficiency of the health officer and the amount and character of the work performed. He shall also receive five dollars per day for every day or fraction thereof that he may be actually and necessarily engaged in the performance of his official duties, not including work confined to his office, and in addition thereto, all his other necessary and actual expenses incurred while so engaged. Neither the county superintendent of health, or any deputy shall receive more than ten cents per mile for each mile actually and necessarily traveled in the performance of his duties.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1935.

---

## CHAPTER 114

S. B. No. 280—(Fine and Greene of Stutsman)

### COUNTY DEBT ADJUSTMENT BOARDS

An Act to provide for the establishment of county debt adjustment boards, prescribing the duties and powers of such boards and the duties of the judges and the clerks of the district courts as regards such boards.

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

§ 1. Within thirty days after the taking effect of this act, it shall be the duty of the judges of the district courts of the several judicial districts of the State of North Dakota to appoint, by joint action of the judges within each judicial district, a debt adjustment board for each county within the district. Said board shall consist of not less than three and not more than seven members who shall serve at the pleasure of the district judges of the district within which the county is located, and their services shall be rendered without fee or compensation. The board of county commissioners may authorize payment of the actual expenses of the members of the county adjustment board. In such case expenses shall be paid in the same manner and out of the same funds as expenses of county officers are paid. Provided, however, that not to exceed five hundred dollars may be expended in any county in any year for this purpose. Each member shall take and file with the clerk of the district court an oath of office in the manner and form provided by law for county offices.

§ 2. Whenever any debtor or creditor shall call upon the debt adjustment board of the county within which the debtor resides for assistance and pay to the clerk of the district court a filing fee of \$5.00, it shall be the duty of the clerk of the district court to call a meeting of the debtor and his creditors at the earliest possible date and to notify the members of the debt adjustment board and the debtor and creditors of the time and place of such meeting; provided, that if a debtor requesting such a meeting shall make and file an affidavit that he is financially unable to pay the fee, the payment thereof shall be waived. At the meeting of the debt adjustment board any one or more members of the board may conduct a hearing as to the financial condition of the debtor, and the condition of all his financial obligations shall be fully examined into and considered, and it shall be the duty of the board to attempt to conciliate between debtor and creditors, and to advise and assist in arriving at a fair basis upon which the debts can be adjusted, refinanced, or paid, and to advise, counsel and assist the parties in arriving at some agreement as to the future conduct of the relations between them. The members of the county debt adjustment board shall have power to administer oaths in all matters and proceedings before the board.

§ 3. Any offer of settlement or compromise made during, or incident to, proceedings before the county debt adjustment board shall not be admissible in evidence in any court in this state; but such offers of settlement or compromise shall be subject to the general rules relating to offers of settlement or compromise.

§ 4. Rules of procedure for debt adjustment boards may be prescribed and adopted in the same manner and by the same authority as rules of practice are prescribed and adopted for the district courts.

§ 5. The clerk of the district court (or the county judge, in counties wherein the county judge is ex-officio clerk of the district court) shall personally, or by his deputy designated by him, act as secretary of the debt adjustment board. The expenses incurred by the clerk of the district court (or county judge in counties wherein the county judge is ex-officio clerk of the district court) in sending out notices and performing other acts prescribed by this act shall be defrayed out of funds available for payment of expenses in official business carried on by him as clerk of the district court.

§ 6. EMERGENCY.] Whereas, the lack of county debt adjustment boards interferes with and delays the refinancing activities of Federal Credit agencies, and, hence, it is highly desirable that such boards should be appointed and begin to function as soon as possible, therefore this act is declared to be an emergency measure, and shall be in full force and effect immediately upon its passage and approval.

§ 7. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1935.

---

## CHAPTER 115

H. B. No. 276—(Erickson and Holey)

### SPECIAL ELECTION REMOVAL COUNTY SEATS IN CERTAIN COUNTIES

An Act relating to special election for removal of county seats in certain counties, and petition therefor, providing for preliminary resolutions by the board of county commissioners and publication thereof, notice of election, election—how conducted and county seat designated, repealing all acts in conflict therewith, and declaring an emergency.

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

§ 1. Whenever the board of county commissioners of any county in this state where the county seat is not located on a railroad or interstate river and having no court house, or having a court house that is inadequate for the county's needs and purposes, shall, by resolution, declare the necessity of a new court house and stating their reasons therefor, and shall also, by resolution, declare that it is inadvisable to build such new court house at the present county seat and stating the reasons therefor, and if such resolution shall also contain a feasible general plan for financing the building of a new court house without bonding the county for such purpose, and stating the approximate cost, then a copy of such resolutions and plans shall be published in the official newspaper in the county for two successive weeks. If, within six months from the date of such resolutions, not less than thirty per cent of the electors of the county, as determined by the vote cast for Governor at the last general election, shall petition the county commissioners to submit to the electors the question of removing the county seat, then said board of county commissioners shall, if the petition is regular, call a special election for such purpose, to be held not more than sixty (60) days and not less than forty (40) days from the date of approval and allowance of such petition; provided, however, if a primary or general election will be held within six (6) months of the filing of such petition, then such special election shall be held at the same time. Any town, village, or city, including the present county seat town, may be a candidate at such election by filing a petition to that effect with the county auditor not less than thirty (30) days before the election. The town, village or city then receiving the highest number of votes cast for the county seat location at such special election shall be designated the county seat of such county, and the county seat located thereat, and the question of county seat removal must not again be

voted on for two (2) years in any county where the county seat is so located.

The provisions as to petition, notice, ballot, etc., provided by law for election for the removal of county seats, so far as applicable, shall govern such special election.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas an emergency exists in that the National Recovery Act provides for certain grants and liberal loans to counties for the purpose of constructing court houses, which offer of assistance may continue for only a limited time, and, Whereas such construction would give immediate employment to many persons in need, Therefore, this act is hereby declared an emergency and shall be in force and effect from and after its passage and approval.

Approved March 13, 1935.

---

## CHAPTER 116

H. B. No. 176—(Parkinson and Blaisdell)

### EX-SERVICE MEN'S ROOM IN COURTHOUSES

An Act authorizing the board of county commissioners to provide room or rooms in the courthouse for the exclusive use of ex-service men who served in any war in which the United States has been engaged.

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

§ 1. In county seat cities having a population of over ten thousand (10,000) inhabitants and where no memorial building has been erected at such county seat, under the provisions of Chapter 32B, Supplement to the Compiled Laws of North Dakota for 1913, and acts amendatory thereto, the county commissioners are authorized and directed to equip and maintain room or rooms in the court house adequate for the exclusive use of ex-service men who served in any war in which the United States has been engaged.

Approved March 13, 1935.

## CHAPTER 117

H. B. No. 330—(Fedje and Borstad, by request)

COUNTY PARK COMMISSIONERS, REGULATION COUNTY  
PARKS, ETC.

An Act to provide for the creation of county parks and for the organization of a board of county park commissioners and for the regulation and control of said county parks and lands adjacent thereto.

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

§ 1. The members of the board of county commissioners, together with the states attorney and county superintendent of schools of each county, shall constitute the board of county park commissioners who shall serve as such without additional compensation. Regular meetings of such board shall be held at the time of the regular meetings of the board of county commissioners, and special meetings may be held at any time upon the call of the chairman.

§ 2. At the first regular meeting of the board of county commissioners in each county in the state after the taking effect of this act, the county board of park commissioners shall organize by electing a chairman who may or may not be the chairman of the board of county commissioners. The county auditor shall act as secretary of the board of county park commissioners without additional compensation and the county treasurer shall act as treasurer therefor without additional compensation and shall keep in his custody, subject to all laws with reference to the care, custody and disbursement of county funds, all funds belonging to and/or held by said county for park and recreational purposes. Such funds shall be placed in a special fund and shall not be diverted to any other use or purpose whatever.

§ 3. The board of county park commissioners shall have the power and it shall be its duty:

(1) To accept, on behalf of the county, any and all lands and waters and any and all interests, easements or rights therein, and any gifts, grants, donations, or trusts in money or property, real or personal, for park and recreational purposes or objects, and to accept and assume the supervision and control of any privately owned property which may be tendered for public use as a park or recreational center, when the conditions of the offer for its public use are such as in the judgment of the board will be conducive to the best interests of the people of the county.

(2) To regulate, control and supervise all such areas of land or water as may be owned or held by the county or as may be placed by private individuals under the supervision and control of the board for park and/or recreational purposes, and to promulgate and impose such rules and regulations concerning the uses to which the same may be put as may be deemed necessary and proper, including

the regulation and/or prohibition of the construction or maintenance therein or within one-half mile thereof of concessions, dance parlors, soft drink parlors, and any and all establishments of any name, nature or description which may, in the judgment of the board, be unsightly, improper or detrimental to the best social usages of the areas for park and recreational purposes.

(3) To exercise supervision over any and all lakes, streams and artificial bodies of water in the county which may have resulted or may hereafter result from water development and water conservation projects of the County, State or Federal Government, and to exercise full police supervision over such bodies of water and the adjacent land within one-half mile thereof, and by regulations duly promulgated and imposed, to regulate and/or prohibit the establishment or maintenance within one-half mile of any such body of water of any dance hall, soft drink parlor, or similar establishment which, in the judgment of the board, may be detrimental to the best social usages of the body of water so created. This sub-section is intended to be exercised for the protection of the health, safety and good morals of the people of the state to the fullest extent permissible under the police power of the state.

§ 4. All rules and regulations governing the conduct of county parks and other areas hereinbefore described shall be published at the expense of the county in the same manner as the proceedings of the board of county commissioners are published. Notice of all other proceedings of the board of county park commissioners shall be given by posting a copy of the minutes of such proceedings at such place in the county court house as is provided for the posting of legal notices.

§ 5. Violation of any rule or regulation of the board of county park commissioners shall be a misdemeanor and shall be punishable by a fine of not to exceed \$25.00, or by imprisonment in the county jail for not to exceed ten days, or both such fine and imprisonment, and in addition, the board of county park commissioners shall have remedy by injunction to enjoin the operation or maintenance of any establishment prohibited by the rules and regulations of the board.

§ 6. The states attorney of the county shall act as legal advisor to the board of county park commissioners and shall, without additional compensation, prosecute and defend any and all actions brought by or against said board.

§ 7. It shall be the duty of all police, constables, sheriffs and other peace officers to enforce the provisions of this act and of the rules and regulations of the board of county park commissioners within their respective jurisdictions.

§ 8. It is the purpose of this act, among other things, to insure

to the people of the state that the bodies of water created by public agencies and/or with public funds within the state for the use and enjoyment of the people shall not be made the source of private gain through means inconsistent with the best social uses of the same, and to that end this act shall be liberally construed. The provisions of this act relating to the manner in which these objects are to be accomplished do not form an inducement for its enactment. The powers herein granted to the board over private lands shall extend only so far as not prohibited by the State or Federal Constitution. Should any word, sentence, paragraph or section hereof be held to be unconstitutional, or should the exercise of any of the powers herein granted be in any particular circumstance in violation of either the State or Federal Constitution, the remaining provisions would have been enacted even though such provisions had been eliminated from the act, hence invalidity of any part of this act shall not affect the remainder of this act, but the same shall continue to be in full force and effect as to all other provisions and all other circumstances within the limits of the Constitution.

§ 9. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1935.

---

## CHAPTER 118

S. B. No. 295—(Brostuen, Lind and Wog, by request)

### AUTHORIZATION COUNTY COMMISSIONERS TO SET ASIDE COUNTY TAX DEED LANDS FOR PARKS, ETC. PURPOSES

An Act to permit boards of county commissioners to set aside and transfer for park and recreational purposes lands acquired by the county through tax deed, and declaring an emergency.

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

§ 1. The board of county commissioners of any county is hereby authorized to set aside and transfer for park and recreational purposes any land within, and held by, the county and acquired through tax sales proceedings and upon which tax deed has been issued to the county and which lands are suitable or fitted for use as a public park or recreation center. All unpaid taxes against such land shall be cancelled and the land so set aside shall be withdrawn from the list of property for sale by the county.

§ 2. Whenever it appears that public interest so requires, the board of county commissioners may convey any of such lands to a city or to a village for park and/or recreational purposes without consideration, or for such consideration as to the board of county com-

missioners shall seem sufficient. The board of county commissioners may also by resolution establish such property as a county park or attach the same to and make it a part of a county park theretofore established.

§ 3. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect immediately upon its passage and approval.

Approved March 8, 1935.

---

## CHAPTER 119

### H. B. No. 289—(McIlraith)

#### RESIDENCE REQUIREMENTS COUNTY POOR RELIEF ADMINISTRATION

An Act to amend and re-enact Subdivision 4 of Section 4 and Sections 13 and 14 of Chapter 97 of the Session Laws of 1933, relating to the administration of county poor relief.

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

§ 1. AMENDMENT.] That Subdivision 4 of Section 4 of Chapter 97 of the Session Laws of 1933 be and the same is hereby amended and re-enacted to read as follows:

4. Each male person and each unmarried female over the age of twenty-one years, who shall have resided one year continuously in any county in this state, shall thereby gain a residence in such county. Every person who has resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such year. Each minor whose parents and each married woman whose husband has no residence in this state, who shall have resided one year continuously in the state, but not in any one county, shall have a settlement in the county in which he has longest resided within such year. Every minor not emancipated and settled in his own right shall have the same settlement as the parent with whom he has last resided. The time during which a person has been an inmate of a hospital, poor house, jail, prison, or other public institution, and each month during which he has received relief from the poor fund of any county, and/or from funds provided by the State and/or by the Federal Government, or has received Mother's Pension, shall be excluded in determining the time of residence hereunder.

§ 2. AMENDMENT.] That Section 13 of Chapter 97 of the 1933 Session Laws is hereby amended and re-enacted to read as follows:

§ 13. WHEN RESIDENCE UNCERTAIN. ACTION TO DETERMINE.] If any one within the description of the poor persons specified in this act shall be found in any county and the overseer of the poor of such county shall be unable to ascertain and establish the place of legal residence of such person, he shall proceed to provide for such poor person in the same manner as other persons are hereby directed to be provided for. When the question of legal residence of any poor person who is likely to become a public charge or has become a public charge is an issue between the overseers of the poor in two or more counties and when an agreement cannot be effected, the county commissioners of the county in which said person is then residing may bring action in the district court against the county or counties in which legal residence of such poor person is alleged to be to determine the issue. Such poor person shall also be made a party defendant. The summons in such action shall be in the form prescribed for summons in civil actions except that the defendants shall be required to serve an answer to the complaint within fifteen days after the service of the summons upon such defendants. When it appears from the pleadings in said action or is made to appear to the satisfaction of the court during the course of the trial that some county other than the ones named in the title of the action is or may be the legal residence of such poor person, or that some person is legally responsible for the care of such poor person under Section 10 of this act, then the court shall cause such county or persons to be brought into the action and made a party thereto. The court shall have full power in such action to make determination fixing the rights and liability of the counties and of the several persons that may be parties to such action. It may order that such person be allowed to remain where he is upon condition that the county of his legal residence pay for his support; or it may direct the removal of said person to the place of his legal residence. Such action shall be tried to the court without a jury on ten days notice served by either party. When an action is brought for the purposes herein provided, the county commissioners of the county in which the poor person is located shall contribute to the support of such poor person during the pendency of said action, subject to reimbursement by the county where it is finally determined such poor person has legal residence, if such action is decided favorably to the county contributing to the maintenance of such poor person. After the determination of the residence of a poor person, either by the court or by agreement between the overseers of the poor of the counties involved, the county commissioners shall have authority and power to enter into a contract with regard to the abode and keep of said poor person and the time such poor person resides in a place under either a contract of the county commissioners or under an order of the court shall be excluded in determining the time in which such poor person shall gain a new residence hereunder.

§ 3. AMENDMENT.] That Section 14 of Chapter 97 of the

1933 Session Laws is hereby amended and re-enacted to read as follows:

§ 14. POOR PERSONS CONVEYED TO PLACE OF RESIDENCE ON ORDER TO SHOW CAUSE.] Whenever any poor person who is likely to become a public charge or has become a public charge is found in any county other than that of his legal residence, and such poor person refuses to voluntarily remove to the county of his legal residence, it shall be the duty of the overseers of the poor to make investigation and ascertain whether or not the county which is claimed the legal residence of such poor person will concede such legal residence in that county; and if it is found that such county will concede such legal residence, but no agreement regarding the abode and keep of such poor person can be reached, then the overseer of the poor in the county where such poor person is found shall make application to the district court for an order directed to such person and to be executed by the sheriff to cause any such poor person to be sent and conveyed at the expense of the county to the place where such poor person belongs, if the same can be conveniently done; and if such poor person cannot be so removed, such person shall be relieved as herein provided. Such application for an order for removal to the district court shall be made upon written notice and order to show cause served upon such poor person and such poor person shall be entitled to a hearing thereon before an order of removal is issued. Such application shall state that the person either has or is liable to become a public charge and that the county of his legal residence concedes his legal residence therein. Upon said hearing the court shall have the same power as provided for in Section 13. Any person who has been removed to another county pursuant to an order and who returns to such county and any person who knowingly aids and abets such poor person in so returning shall be in contempt of court. If any such poor person shall be a legal resident of another state, the county in which he shall be found may, in like manner, procure an order of the court causing his removal to the state of his legal residence. Provided, however, that if the county of such poor person's claimed legal residence refuses to acknowledge such residence and its liability for poor relief to such person, then the action provided for in Section 13 of this act shall be brought. Provided further that if the overseer of the poor of the county of such poor person's legal residence concedes such residence, then the county commissioners of the two counties shall have the authority and power to make a contract with regard to the abode and keep of said poor person, according to the provisions of Section 13 hereof and without bringing the matter into court.

Approved March 12, 1935.

## CHAPTER 120

H. B. No. 46—(Muus and Scholl)

## POOR RELIEF FUND TRANSFER

An Act to amend and re-enact Section 4 of Chapter 98, Session Laws of 1933, relating to expenditures for poor relief purposes where the regular appropriation is insufficient and where there is not a sufficient unexpended balance in any funds to meet an emergency created by unusual and unanticipated demands for the relief of the poor, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 4 of Chapter 98, Session Laws of 1933, is hereby amended and re-enacted to read as follows:

§ 4. If the appropriation for poor relief purposes shall not be sufficient to meet the expenditures required by law, the county auditor may, on order of the board of county commissioners, make a transfer to the county poor relief fund from any other fund, except sinking and interest funds, set aside to pay the principal or interest on outstanding bond issues, or funds set aside to retire any other outstanding indebtedness. Provided, however, that if there is not a sufficient unexpended balance in any fund or funds to meet an emergency created by unusual and unanticipated demands for the relief of the poor, then in that case and for that purpose, the board of county commissioners may, by resolution, authorize the expenditure of an amount in excess of budget appropriations, and may by resolution obligate the county in excess of such appropriations for the purpose of replenishing said poor relief fund. For such emergency expenditures so authorized the county auditor shall immediately issue special warrants to be known and designated as "Warrant for Emergency Poor Relief," and that the provisions of Section 2079b3 of the 1925 Supplement to the Compiled Laws of 1913 as amended by Section 2079b3 of Chapter 247 of Session Laws of 1933 shall not apply to such emergency expenditures.

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

Approved February 13, 1935.

## CHAPTER 121

H. B. No. 256—(Wendland)

## RIGHT OF WAY PURCHASE COUNTY COMMISSIONERS

An Act authorizing the County Commissioners to purchase and condemn right of ways.

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

§ 1. PURCHASE OF RIGHT OF WAY BY COUNTY COMMISSION-

ERS.] That the county commissioners of any county of the State of North Dakota, by resolution or order may, as part of the cost of construction, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning or maintaining, may purchase, acquire, take over or condemn, under the right and power of eminent domain, for any county, any and all lands which it shall deem necessary for the present use, either temporary or permanent, to provide adequate drainage in the improvement, constructing, reconstruction, widening, altering, changing, locating, relocating, aligning, realigning or maintaining of any highway in said county, and it may by the same means acquire said lands notwithstanding the fact that the title thereto now or hereafter is vested in the state or any of its subdivisions. Whenever said county commissioners shall determine by resolution or order that the public necessity requires the taking of land as aforesaid, it shall cause said lands to be surveyed and described and a plat thereof prepared and recorded in the office of the Register of Deeds of the county wherein the same is located. The county commissioners or their duly authorized agents and employees are hereby authorized and empowered to enter upon any land or lands for the purpose of making such surveys, examination or test; provided, however, that in case of damages to said premises the county commissioners shall forthwith pay to the owner of said premises the amount of said damages.

§ 2. DAMAGES TO BE ASCERTAINED AND AWARDED.] If the county commissioners are unable to purchase such land or lands at what is deemed to be a reasonable valuation, then the board of county commissioners of the county wherein said land or lands are located shall proceed to ascertain and determine the damages and make awards in the manner hereinafter provided; within fifteen days after the making of said order or passing of said resolution the county auditor, the county treasurer and the register of deeds of the county wherein said land is situated shall fix a time and place not later than thirty days from and after the passage of said order or resolution for hearing all persons or parties interested or aggrieved by such taking, and they shall cause notice of said hearing to be served upon all parties interested either by registered mail or by publication thereof, once each week for two successive weeks prior to the date of hearing, stating the time and place where the hearing shall be held, together with the description of the property to be appraised. Such published notice shall be in lieu of all other notices and if notice is given by registered mail the same shall be served not less than ten days prior to the date of hearing; provided, however, that personal notice by copy of said notice may be made in lieu of publication or service by mail when made at least ten days prior to the date of hearing, said personal service to be made in the same manner as the service of a summons in District Court.

At the time and place fixed for said hearing, said Board as so organized shall proceed to fix the damages to be paid by the county

and any person interested may be heard, and when said damages have been awarded the Board of County Commissioners shall pay or cause to be paid to the Clerk of the District Court, for the benefit of the persons interested, the sums awarded by said board, said amount to be paid in cash.

Every owner entitled to such an award, before receiving the same, shall sign and execute a receipt to be received by the clerk of said district court, which receipt shall contain a description of the premises covered by said award and an acknowledgment of full and complete satisfaction for all damages sustained. In case the owner shall fail or refuse to accept such award and execute such receipt within ten days after being notified of the amount awarded to him, the clerk of the court to whom said amount has been paid shall execute a receipt reciting a deposit of such award and a description of the premises covered thereby.

If no appeal is taken from such award, then at the expiration of thirty days from the date of such deposit, the receipt of the owner of said premises or the clerk of district court shall be recorded in the office of the register of deeds of the county in which said real estate is situated and the title of the land so taken shall thereupon be and become vested in the county so condemning the same.

§ 3. APPEALS.] Any party aggrieved by the award granted as herein provided shall have like remedies now provided by law for appeals from any determination of the board of county commissioners in taking of lands by counties for highway purposes, the service of a written or printed notice of such appeal to be made upon the board of county commissioners. Appeal from such award shall be taken without bond and shall be taken by the service of notice of appeal served in the same manner as a summons in a civil action is now served.

The issues involved in the appeal so taken shall be tried and determined at the next term of the district court. The damages shall be assessed by a jury, unless a trial by jury is waived, and no fees shall be collected by the clerk of the district court for the filing of said appeal.

§ 4. APPEAL DOES NOT STAY PROCEEDINGS.] Notwithstanding any appeal being taken, as herein provided for, the board of county commissioners may proceed with the use of the property so condemned and shall be liable for any additional amount awarded to the appellant upon any such appeal.

§ 5. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1935.

**CHAPTER 122**

S. B. No. 80—(Thatcher)

**SHERIFF FEES**

An Act to amend and re-enact Section 2178 of the Compiled Laws of 1913 relating to fees of sheriff or his deputy for making distress and sale of goods and chattels, for the payment of taxes, and repealing all acts and parts of acts in conflict herewith.

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

§ 1. AMENDMENT.] That Section 2178 of the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 2178. FEES OF SHERIFF.] The sheriff or his deputy shall be allowed the same fees for making distress and sale of goods and chattels, for the payment of taxes, as are allowed by law for making levy and sale of property on execution; provided, however, that the traveling fees shall be five cents a mile for each mile actually and necessarily traveled, and that in no case shall the mileage herein provided for be charged more than once under any pretext whatever, which fees shall be added to any tax and collected by the sheriff, and it shall be the duty of the sheriff or his deputy to furnish the county commissioners, together with his bill for such services, a full and complete description of his route traveled, and in no case shall mileage be charged more than once from the county seat of the county in which the services required in this article are performed.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1935.

**CHAPTER 123**

H. B. No. 362—(Committee on Delayed Bills)

**COUNTY WELFARE BOARD**

An Act to amend Section 25, Chapter 97 of the Session Laws of North Dakota for 1933 relating to relief for the poor, prescribing the establishment of a county welfare board by the board of county commissioners.

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

§ 1. AMENDMENT.] That Section 25, Chapter 97 of the Session Laws of North Dakota for 1933 is hereby amended and re-enacted to read as follows:

§ 25. The board of county commissioners shall provide for the establishment of a county welfare board. Such board shall

have five, seven or nine members. Not less than one nor more than two of such members shall be a county commissioner as designated by such board of county commissioners. The remaining members of the welfare board shall be appointed by the board of county commissioners by and with the advice and consent of the public welfare board of North Dakota. The members of the county welfare board shall be chosen without regard to political affiliation and upon the basis of their fitness to serve in said capacity by reason of character, experience and training. There shall be persons of both sexes on the board. The terms of the original members shall be as follows: One shall serve for three years; half of the remaining members shall serve for two years and the other half for one year, respectively. Thereafter all members shall serve for three years or until their successors have been duly qualified. Each member shall file an oath of office with the county auditor. The members shall serve without compensation but the board of county commissioners may make provision for payment of the actual expenses incurred by the members of the board in the discharge of their duties. It shall be the duty of such county welfare board to supervise and direct all relief and welfare activities conducted by the county; and, under the direction and supervision of the public welfare board of North Dakota, to supervise and administer such relief and welfare activities in the county as may be financed in whole or in part by or with funds allocated or distributed by the public welfare board of North Dakota. It shall also be the duty of such county welfare board to aid and assist in every possible way to coordinate and bring about an efficient operation of all relief and welfare activities within the county by private as well as public organizations engaged in relief and/or welfare work. A member of the county welfare board may be removed without cause by resolution to that effect adopted by the board of county commissioners and by the state board of public welfare; such resolution may be initiated either by the board of county commissioners or by the public welfare board of North Dakota.

§ 2. REPEAL.] All acts and parts of acts in conflict are hereby repealed.

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

Approved March 13, 1935.

## CHAPTER 124

H. B. No. 202—(Hurd, by request)

## COUNTY WORLD WAR MEMORIALS

An Act amending and re-enacting Chapter 94, Session Laws of the State of North Dakota for the year 1933.

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

§ 1. AMENDMENT.] That Chapter 94, Session Laws of the State of North Dakota for the year 1933, is hereby amended and re-enacted to read as follows:

§ 2071C1. COUNTY COMMISSIONERS AUTHORIZED TO ERECT A MEMORIAL OR MEMORIALS OR OTHER SUITABLE RECOGNITION. TO LEVY TAXES.] The Board of County Commissioners of any county in the State of North Dakota is hereby authorized to erect a memorial or memorials, or other suitable recognition in commemoration of the people of the county who rendered services, or who lost their lives in the service of their country during the great World War and may for each purpose use funds out of the general fund of the county if there is sufficient money in said fund, or use funds heretofore raised by tax levy for such memorial or memorials, and may after the taking effect of this act and prior to September 1, A. D. 1937, levy a tax not in excess of one mill on the dollar in any one year upon the assessed valuation of all property in the county, or may use funds for that purpose donated to the county for that purpose, or may use for such purpose funds out of the general fund of such county if there is sufficient money in said fund in conjunction with the funds so donated or obtained by such levy and tax, and the proceeds of such levy, tax, and donations, together with the amount taken out of the general fund, shall be used solely for the purpose of erecting such memorial, or memorials, or other suitable recognition; provided, however, that in no case shall the board expend tax moneys in excess of the maximum levy permitted under this act together with such amount as has been heretofore levied under the provisions of Chapter 181 of the Session Laws for the year 1919, Chapter 117 of the Session Laws for the year 1927, and Chapter 175 of the Session Laws for the year 1929, and Chapter 94 of the Session Laws of 1933. The total levy authorized to be made under the provisions of this act and under the provisions of Section 2071C1 of the Supplement to the Compiled Laws of 1913 and Chapter 117 of the Session Laws of North Dakota of the year 1927, and Chapter 175 of the Session Laws for the year 1929, and Chapter 94 of the Session Laws of 1933, shall in no event exceed four mills upon the taxable property of the county. Provided, further, that where a suitable memorial, or memorials, or other suitable recognition has been made, no further levy is authorized. Provided, however, that nothing therein

contained shall be construed to prohibit said board from expending any additional moneys derived from sources other than taxation. Such memorial, or memorials, or other suitable recognition shall be erected within the county at a place determined upon by such board and such memorial, or memorials, or recognition when erected, shall be properly and permanently maintained by such board by necessary expenditures from the general fund of the county or from funds donated to the county therefor or from either or both of such funds. Provided, further, that where funds have been heretofore raised by tax levy for such memorial or memorials, and the funds so raised are unexpended, the board of county commissioners may at any time after September 1, 1937, by resolution transfer any such unexpended funds to the general fund of the county.

§ 2. The board of county commissioners in any county of this state in which a fund has been or may be created for the erection of a war memorial or memorials, may combine such war memorial fund with other funds of the county for the purpose of erecting a memorial court house.

Approved March 5, 1935.

---

## CRIMES AND PUNISHMENTS

---

### CHAPTER 125

H. B. No. 133—(Anfinson)

#### ADDITIONAL DUTIES ATTORNEY GENERAL

An Act authorizing judges of the District Court to demand the Attorney General to perform certain duties relating to criminal matters, providing for payment of expenses in connection therewith, and repealing all acts or parts of acts in conflict herewith.

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

§ 1. ADDITIONAL DUTIES OF ATTORNEY GENERAL. PAYMENT OF EXPENSES.] Upon the written demand of a judge of the district court, with or without the consent and approval of the state's attorney of the county wherein such duties are to be performed, the Attorney General, either personally or through his assistants, shall be required to make a full and complete investigation of any criminal matter or complaint referred to in said demand, and to take full charge of and conduct any criminal prosecution in any county within the district of said district judge to the same effect and with like power and authority that the duly elected state's attorney of that county could. All expenses, including mileage as now provided