

by railway companies, unless used upon steam vessels navigating the inland waters of the State; nor shall engineers employed by railroad companies be required to procure licenses from the State Board of Inspectors, but the penalties herein provided for shall not obtain in any case prior to the time the inspector or inspectors have notified the persons affected that they are ready to make inspection as herein provided for.

§ 16. INSPECTOR NOT TO ACT AS AGENT.] No inspector shall act as agent for any machinery manufacturer in the sale of machinery, under penalty of removal by the Governor.

§ 17. REPEAL.] All acts or parts of acts inconsistent with this act are hereby repealed.

§ 18. EMERGENCY.] Whereas, an emergency exists in that boilers should be inspected previous to July 1st, therefore, this act shall take effect and be in force immediately after its passage and approval.

Approved January 22, 1890.

BONDS.

CHAPTER 28

[S. F. 57.]

PROVIDING FOR ISSUE OF NORTH DAKOTA REVENUE BONDS.

AN ACT to Provide for Borrowing Money to Defray the Extraordinary Expenditures of the State Government.

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

§ 1. BONDS, HOW ISSUED.] That the Governor, State Auditor and State Treasurer are hereby authorized and empowered to prepare for issue negotiable bonds of the State of North Dakota to the amount of \$200,000; such bonds shall be made payable to the purchaser or bearer and payable in fifteen years from date of issue, and shall bear interest at a rate not to exceed four and one-half per cent. per annum, interest payable semi-annually on the first day of January and July of each year, with coupons attached for each interest payment, said interest coupons to be made payable anywhere in the United States; said bonds shall be executed under the great seal of the State by the Governor and Treasurer, and shall be attested by the Secretary of State, and shall be negotiated by the Treasurer.

§ 2. PROPOSALS.] The State Treasurer shall receive sealed proposals for the purchase of said bonds, and he shall give public

notice for at least thirty days in two or more newspapers of general circulation, one of which shall be published in the city of New York, giving date of such sale; and the said bonds shall be sold to the highest bidder for cash, at not less than their par value.

§ 3. INTEREST FUND TAX.] The State Board of Equalization, at the time other taxes are levied, shall levy a sufficient tax annually, to pay the interest on said bonds as the same shall become due, which tax shall be collected in the same manner that other State taxes are collected. Also, seven years before the maturity of said bonds, said board shall provide a sinking fund sufficient to retire and pay said bonds at their maturity, and for such purpose shall annually levy a tax sufficient to provide such funds. No tax or fund provided for the payment of such bonds or the interest thereon shall be used for any other purpose.

§ 4. TREASURER TO PAY.] When the interest coupons attached to such bonds become due, and whenever said bonds mature, it shall be the duty of the State Treasurer to pay the same on presentation out of any funds in the Treasury applicable thereto, and to cancel the same when paid.

§ 5. RESIDUE TO BE TURNED INTO GENERAL FUND.] When said bonds are all redeemed and all interest thereon paid, the residue of said fund and all subsequent collections of said tax shall be transferred to the general revenue fund of the State.

§ 6. WHEN BONDS MAY BE ISSUED.] The State Treasurer is hereby authorized and empowered to offer for sale said bonds in such amounts and at such times as the Governor, State Auditor and State Treasurer may deem proper and for the best interests of the State.

§ 7. STYLE OF BONDS.] Said bonds to be known and styled "North Dakota Revenue Bonds," which shall be of denominations of not less than \$1,000 each.

§ 8. EMERGENCY.] Whereas, an emergency exists in this, that there is no provision of law by which the extraordinary expenditures of the State can be met; therefore, for the reasons stated, this act shall take effect and be in force from and after its passage and approval.

Approved March 11, 1890.

CHAPTER 29.

[H. F. 19.]

PROVIDING FOR REFUNDING OUTSTANDING BONDS OF THE STATE.

AN ACT Providing for Refunding the Outstanding Bonds of the State of North Dakota.

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

§ 1. BONDS, HOW ISSUED—RATE OF INTEREST.] That in order to provide for refunding as far as possible, at a lower rate of interest, all the outstanding bonds, the payment of which has been assumed by the State of North Dakota, under the provisions of the report of the Joint Commission, which was approved by the people of North and South Dakota, the Treasurer of the State is hereby authorized and empowered, and it is made his duty to prepare for issue the negotiable bonds of the State of North Dakota, for such amounts as shall be necessary to refund all the outstanding bonds subject to the call of the State, or soon to become subject to such call; and also for such amounts as shall be necessary to refund all the other outstanding bonds possible, whenever the rate of interest can be reduced, in accordance with the provisions of this act. Such bonds shall be made payable to the purchaser or bearer, payable in not less than ten nor more than thirty years from the date of their issue, and shall bear interest at a rate not to exceed four per cent. per annum, payable semi-annually, on the first day of January and July of each year, with coupons attached for each interest payment, and they may be made payable anywhere in the United States. Said bonds shall be executed under the great seal of the State by the Governor and Treasurer, and shall be attested by the Secretary of State, and shall be negotiable by the Treasurer.

§ 2. EXCHANGE OR SALE.] Said bonds may be exchanged by the State Treasurer, at not less than their par value for an equal amount of the bonds of the State permitted to be refunded under the provisions of this act; or said bonds may be sold by him, at the highest cash price possible, not less than par, and the proceeds applied solely to the payment of said outstanding bonds. If said bonds or any part thereof are to be sold for cash, as provided in this section, the State Treasurer shall receive sealed proposals for the purchase of the same, and he shall give public notice, for at least thirty days, in two or more newspapers of general circulation, one of which shall be published in the city of New York, giving date of such sale, and said bonds shall be sold to the highest bidder for cash.

§ 3. TAX.] The State Board of Equalization at the time the other taxes are levied shall levy a sufficient tax annually to pay the interest on such bonds as the same shall become due, which tax shall be collected in the same manner that other State taxes are collected. Also, a reasonable time before the maturity of said bonds said board shall provide a sinking fund sufficient to retire and pay said bonds at their maturity, and for such purpose shall annually levy a tax sufficient to produce such fund. No tax or fund provided for the payment of such bonds or interest thereon shall be used for any other purpose.

§ 4. TREASURER TO PAY.] When the interest coupons attached to said bonds become due and whenever any of said bonds mature it shall be the duty of the State Treasurer to pay the same on presentation, out of any funds in his hands applicable thereto, and to cancel them when paid. Whenever any of said bonds become subject to the call of the State and funds are in the hands of the Treasurer to be applied to the payment thereof, he shall call in for payment and cancellation such portion of the same as he may have funds to pay; and, if to the advantage of the State he may purchase any of said bonds at their market value and retire and cancel the same, with the sinking fund tax, as the same shall be collected and received by him.

§ 5. APPROPRIATION.] There is hereby appropriated out of the State Treasury all of the funds realized by the sale of the bonds provided for in this act for the purposes in this act provided.

§ 6. EMERGENCY.] That a portion of the bonds proposed to be refunded by this act being now subject to call and there being no funds provided for the payment or refunding thereof, and it being necessary for an economical administration of the finances of the State that this act take effect and become operative immediately, an emergency exists; therefore this act shall take effect and be in force immediately from and after its passage and approval.

Approved February 17, 1890.

CHAPTER 30.

[H. F. 96.]

AUTHORIZING FUNDING OF COUNTY INDEBTEDNESS.

AN ACT Authorizing Counties to Fund Outstanding Indebtedness, and Adjust Disputed Claims; to Issue and Dispose of Bonds, and to Provide for the Payment of the Principal and Interest thereof.

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

§ 1. BONDS, HOW ISSUED—DISPUTED CLAIMS, ETC.] Each and every organized county in this State is hereby authorized and empowered by and through its board of county commissioners, or in counties adopting the township supervisor plan, through the chairman of the several township boards and such others as may be by law provided for incorporated cities, towns or villages, when in the judgment of said board it is deemed to [be] to the best interests of the county, to issue its negotiable bonds in the name of said county corporation, for the sole purpose of funding or refunding the outstanding indebtedness of such county, represented by the county warrants, bonds or orders of such county; or for the purpose of funding and paying claims against such county which have heretofore been disputed, but which may have been or may hereafter be adjusted and allowed by said board; or for the purpose of paying any final judgment which may have been rendered against such county; *Provided*, That the board in making settlement of disputed claims shall not allow interest at a greater rate than seven per cent. per annum; *Provided, however*, No county shall in any event issue its bonds in any amount, which with its prior bonded indebtedness will exceed the maximum indebtedness allowed by law; and, *Provided, however*, That the issuing of new bonds in lieu of outstanding bonds or indebtedness shall not be considered as the creation of a new debt.

§ 2. APPEAL IN DISPUTED CLAIMS.] Whenever any disputed or litigated claim shall have been adjusted and determined by said board, an appeal may be taken from said settlement in the manner and within the time now allowed by law, to the district court in and for said county; and no bonds shall be issued as hereinafter provided until the expiration of the period allowed by law within which said appeal may be taken.

§ 3. INTEREST.] Said bonds shall be in denomination of not less than one hundred (100) dollars nor more than \$1,000, shall bear the date of their issue, and shall be made payable to the order of the purchaser, in no [not] less than five nor more than

twenty years from their date, and bear interest not to exceed six per cent, per annum, payable semi-annually, with coupons attached for each interest installment; said bonds and coupons shall be signed by the chairman of the board of county commissioners, or the chairman of the county board as the case may be, and shall be attested by the county clerk, or in counties having an auditor, by the county auditor. The seal of the county shall be affixed to each bond, but not to the coupons. Said bonds shall be printed, lithographed, or engraved on good bond paper, and each bond shall state on its face that it is issued in accordance with an act of the Legislative Assembly of the State of North Dakota, entitled "an act authorizing counties to fund outstanding indebtedness, and adjust disputed claims; to issue and dispose of bonds, and to provide for the payment of the principal and interest thereof," approved——1890, (here insert date of approval of this act), and a copy of this act shall be printed on the back of each bond. Said bonds may be made payable anywhere in the United States.

§ 4. BONDS IN EXCHANGE FOR OUTSTANDING INDEBTEDNESS.] Said bonds may be exchanged at par value for an equal amount of indebtedness of said county with the holder of such indebtedness, whether evidenced by county warrants, bonds or orders, judgment or adjusted claim; or said bonds may be sold by the board at not less than par value, and the proceeds applied solely to the payment of the indebtedness for which they were issued. A record of each bond so issued shall be kept by the county treasurer showing the number of each bond so issued, its date, amount, rate of interest, when and where payable, the amount received therefor, to whom sold, and how the proceeds were disposed of, and it shall be the duty of the county clerk or auditor to keep a duplicate account of the same.

§ 5. TAX.] The board of county commissioners or county board, as the case may be, shall levy each year upon the taxable property of the county a sufficient tax to pay the interest on said bonds as the same accrues, and a reasonable time before maturity a sufficient tax to provide a sinking fund for the payment of the bonds when they mature.

§ 6. COUNTY TREASURER TO PAY.] When said bonds and the coupons thereto attached mature, it shall be the duty of the county treasurer to pay the same on presentation, out of any funds in his hands applicable thereto; and he shall then cancel them by writing or stamping across the face of each coupon or bond the words: Paid this.....day of.....(inserting the date of the payment).

§ 7. COMMISSION.] The county treasurer shall be allowed a commission of one-fourth of one per cent. on the face value of said bonds for receiving and disbursing all funds arising from the sale or exchange of said bonds, and the commission herein provided for shall be in lieu of all other commissions allowed by law,

and shall be paid into the salary fund and be disposed of as is now provided by law.

§ 8. WHAT BONDS NEGOTIABLE.] Bonds issued in substantial conformity with this act shall in law be deemed negotiable.

§ 9. REPEAL.] That chapter 13 of the session laws of 1887, and all acts and parts of acts in conflict with this act are hereby repealed.

Approved March 17, 1890.

CHAPTER 31.

[S. F. 85.]

LIMITING ISSUE OF COUNTY BONDS.

AN ACT Amending Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly of the Territory of Dakota, Entitled "An Act Authorizing and Empowering Organized Counties of Dakota to Erect County Buildings for Court Houses and Jail Purposes, and to Issue and Dispose of Bonds to Provide Funds to Pay Therefor, and to Provide for the Payment of Principal and Interest of Such Bonds."

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

§ 1. AMENDMENT.] That Section 2 of Chapter 42 of the General Laws of the Eighteenth Session of the Legislative Assembly of Territory of Dakota be amended to read as follows:

"Sec. 2. No county shall issue its bonds under the provisions of this act in excess of five per cent. of its valuation according to the last assessment thereof, and including all the outstanding indebtedness of such county at the time of issuing such bonds."

§ 2. EMERGENCY.] Whereas, an emergency exists in that it is important that the limit of indebtedness fixed in said Chapter 42 be in accord with the provisions of Section 183 of the Constitution, therefore, this act shall take effect from and after its passage and approval.

Approved February 26, 1890.

CHAPTER 32.

[S. F. 198.]

DEPOSITORY FOR BONDS OF STATE OFFICERS.

AN ACT to Require the Secretary of State to Keep a Record of Bonds of the State Officers and to regulate the Depository of the Bonds of all the State Officers of the State of North Dakota.

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

§ 1. BOND RECORD.] That the Secretary of State be required and it is hereby made the duty of said Secretary of State to keep a book in which shall be made a correct copy of the bonds of each and all the State officers, either elected or appointed or that may hereafter be elected or appointed, who are or may be required by law to execute a bond to the State, and said book shall be called the bond record.

§ 2. BONDS WHERE FILED.] The bonds of the several State officers as referred to in Section 1 of this act, shall be deposited with and kept on file in the office of the State Auditor; except that the bond of such State Auditor shall be deposited with and kept on file in the office of the Secretary of State. Said State Auditor and Secretary of State on receipt of such bond or bonds, shall issue a receipt therefor and such receipt shall be filed in the office of the State Treasurer.

§ 3. REPEAL.] All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. EMERGENCY.] Inasmuch as there is no adequate law for the government of the depository of bonds, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1890.

CHAPTER 33.

[S. F. 228.]

CERTAIN BONDS INVALID.

AN ACT Making Invalid Bonds or Other Evidences of Debt of Counties and Bonds of Townships and Other Political Corporations, Unless the Same Have Endorsed Thereon a Certificate Showing Legality of Issue, and Designating the Proper Officer for Making such Certificate.

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

§ 1. BONDS AND EVIDENCES OF DEBT, WHEN INVALID.] No bond or evidence of debt of any county, or bond of any township or other political subdivision of this State shall be valid unless the same have endorsed thereon a certificate stating that said bond or evidence of debt is issued pursuant to law and is within the debt limit, which certificate in the case of a county shall be signed by the county auditor or county clerk, and in the case of a township or other political subdivision shall be signed by the treasurer of such township or other political subdivision.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is now no law fully carrying into effect the provisions of Section 187 of the Constitution; therefore, this act shall take effect from and after its passage and approval.

Approved March 20, 1890.