

after the said Secretary of State shall have decided that the same conflicts with a previously recorded brand or earmark, shall be deemed guilty of a misdemeanor and upon conviction in any court of competent jurisdiction, shall be punished by a fine of not exceeding \$1,000, or by imprisonment in the county jail for a term not exceeding one year, or by both such fine and imprisonment, in the discretion of the court.

§ 12. REPEAL.] That all laws or parts of laws, in conflict herewith are hereby repealed, and this act must be construed as repealing Chapter 61 of the Session Laws of 1881.

§ 13. WHAT BRANDS HAVE PRIOR RIGHT.] All brands or earmarks heretofore recorded in any county within this State shall have prior right in the order in which they are recorded in their respective counties; *Provided*, That such brands or earmarks shall be filed for record with the Secretary of State within four months after the taking effect of this act.

§ 14. EMERGENCY.] The absence, in the present laws of the State of North Dakota, of speedy and adequate remedies for the enforcement of the provisions of this act, creates an emergency, which calls for the immediate taking effect of the same; therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1890.

BRIDGES.

CHAPTER 39.

[S. F. 118.]

COUNTY TO BUILD WHERE COST EXCEEDS ONE HUNDRED DOLLARS.

AN ACT Entitled "An Act Authorizing Counties to Build all Bridges Within the County Limits, Wherein the Cost of the Construction of Same Exceeds the Sum of One Hundred Dollars."

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

§ 1. PETITION—BIDS.] Whenever a majority of the freeholders of a civil township or a majority of freeholders living within a radius of three miles of the proposed location shall petition the board of county commissioners for a bridge at a specified location within said township, when the cost of said bridge will

exceed the sum of one hundred (100) dollars, it shall be the duty of the board of county commissioners to view and investigate the necessity of said proposed bridge; and if said county board approve its location and building, said county board of commissioners shall then proceed to advertise in the official paper of the county, for a period of thirty days, the plans and specifications of the proposed bridge, asking for sealed bids for the building of said bridge, to be submitted to them at their next regular or special meeting, at which meeting of the board the county board of commissioners shall proceed to examine all sealed proposals or bids for the building of said bridge, and shall award the building of said bridge to the lowest responsible bidder, requiring said bidder to give a good and sufficient bond, in a sum not less than the amount stipulated in the bid or contract, for the faithful construction of any bridge according to plans and specifications; said bond to be approved by a majority of said county board of commissioners and filed in the office of the county auditor.

§ 2. COST, HOW PAID.] The cost and expense of the construction of such bridge shall be paid for out of the county bridge fund, upon the warrants of the chairman of the board of county commissioners, if said bridge is accepted and approved by said board.

§ 3. SUPERVISION.] After any bridge built by the county according to the provisions of this act said bridge shall be under the supervision of the township board and all repairs not exceeding twenty-five (25) dollars shall be borne by the township or townships in which said bridge is located. All repairs exceeding twenty-five (25) dollars and less than one hundred (100) dollars shall be divided equally between the county and township or townships. All repairs exceeding one hundred (100) dollars shall be paid by the county.

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 8, 1890.

CHAPTER 39.

[S. F. 212.]

COUNTY TAX TO BE TURNED OVER TO CITIES IN CERTAIN CASES.

AN ACT Relating to Bridge Tax in Certain Cities or Municipalities.

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

§ 1. COUNTY TREASURER TO PAY OVER.] That from and after the passage of this act, it shall be the duty of the county treasurer of each and every county wherein any city or municipality

shall have constructed a bridge or bridges, or shall hereafter construct any bridge or bridges, over any navigable stream of water, to pay to the treasurer of such city or municipality, whereby such bridge or bridges have been constructed or is or are about to be constructed, all monies now in the hands of the county treasurer of said county, or hereafter to come into his hands in the bridge fund of said county, which shall have been or shall be levied, assessed and collected upon and from persons and property, or either, in said city or municipality.

§ 2. REPEAL.] All acts or parts of any act of the Territory of Dakota, in conflict herewith, are hereby repealed.

§ 3. EMERGENCY.] Whereas, an emergency exists in that certain cities have already constructed expensive bridges and require the taxes levied to pay the deficiency between the amount of bonds issued and the total cost of the bridges, this act shall take effect and be in force from and after its passage and approval.

Approved March 20, 1890.

CHATTEL MORTGAGES.

CHAPTER 40.

[H. F. 181.]

REGULATING SALE UNDER CHATTEL MORTGAGE.

AN ACT to Amend an Act Entitled "An Act to Give Publicity to Chattel Mortgage Sales," Approved March 8, 1889.

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

§ 1. AMENDMENT.] That Section 3 of an act entitled "An act to give publicity to chattel mortgage sales," approved March 8, 1889, be amended to read as follows:

"Sec. 3. PUBLIC PLACES.] The boards of county commissioners of the several counties shall, at their regular quarterly meetings in April and every year thereafter, designate not less than five public places in their respective counties, which shall be the only market places for the sale of chattels under the provisions of this act; *Provided*, That the mortgagor and mortgagee may at the time of seizure agree and designate in writing any other place in the county as the place of sale, which written notice or designation shall be delivered to the mortgagee or his agent, and shall be attached to and filed with the report of sale, and in case the mort-