

## CREATING EDDY COUNTY AND DEFINING ITS BOUNDARIES.

## CHAPTER 15.

AN ACT Creating the County of Eddy, Defining its Boundaries and Defining the Boundaries of the County of Foster, and for other purposes.

*Be it enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. That all that district of country included within the following boundary lines, shall be and the same is hereby constituted and declared to be the county of Eddy, viz: Beginning at the southeast corner of township number one hundred and forty-eight (148) north, of range sixty-two (62), west of the fifth principal meridian, running thence north along the line between ranges sixty-one (61) and sixty-two (62) west, to the northeast corner of township number one hundred and fifty (150) north, of range number sixty-two (62) west, thence west and along the line between townships one hundred and fifty (150) and one hundred and fifty-one (151) *west*, [north], to the northwest corner of township number one hundred and fifty (150) north, of range number sixty-seven (67) west, thence south along the line between ranges number sixty-seven (67) and sixty-eight (68) west, to the southeast corner of township number one hundred and forty-eight (148) north, of range number sixty-seven (67) west, and thence along the line between townships number one hundred and forty-seven (147) and one hundred and forty-eight (148) north, to the southeast corner of township number one hundred and forty-eight (148) north, of range sixty-two (62) west.

## § 2.

That all that district of country included within the following boundary lines shall be and the same is hereby constituted and declared to be the county of Foster, viz: Beginning at the southeast corner of township number one hundred and forty-five (145) north, of range number sixty-two (62) west of the fifth principal meridian, thence north along the line between ranges number sixty-one (61) and sixty-two (62) west to the northeast corner of township number one hundred and forty-seven (147) north, of range number sixty-two (62) west, thence west and along the line between townships numbers one hundred and forty-seven (147) and one hundred and forty-eight (148) north, to the northwest corner of township number one hundred and forty-seven (147) north, of range number sixty-seven (67) west, thence south along the line between ranges number sixty-seven (67) and sixty-eight (68)

west, to the southwest corner of township number one hundred and forty-five (145) north, of range number sixty-seven (67) west, and thence east along the line between townships number one hundred and forty-four (144) and one hundred and forty-five (145) north, to the southeast corner of township number one hundred and forty-five (145) north of range number sixty-two (62) west.

§ 3. That the county seat of Foster county shall be and remain at the village of Carrington, situated in section number nineteen (19), township number one hundred and forty-six (146) north, of range number sixty-six (66) west, in said county of Foster, until changed according to law, and the county seat of the county of Eddy shall be and remain at the village of New Rockford, situated in section number thirty-two (32), township one hundred and forty-nine (149) north of range number sixty-six (66) west, in said county of Eddy, until changed according to law.

§ 4. That the question of the creation of the county of Eddy and the division of the county of Foster as provided in section number (1) and two (2) of this act shall be submitted to the legal voters of the said counties of Foster and Eddy, as constituted and defined by this act, at a special election, to be held as provided in the next section of this act.

§ 5. That a special election shall be held in the counties of Foster and Eddy, as constituted and defined in this act, on the thirty-first day of March, A. D. 1885; that it shall be the duty of the county clerk of Foster county, as now organized, to give fifteen (15) days' notice of such special election, by publication for two (2) successive weeks next preceding said election in two (2) weekly newspapers, one of which newspapers shall be published in the county of Foster and one of which shall be published in the county of Eddy; that the election precincts, polling places and judges of election at said special election shall be the same as at the last general election in Foster county; *Provided*, That the said polling places shall be within the limits of said counties of Foster and Eddy, as herein defined, and that special ballot boxes shall be provided by said clerk for said special election; *And provided further*, That if any of such judges shall not be present at the opening of the polls, other judges may be chosen as provided by law at general elections.

§ 6. That said election, except as herein otherwise expressly provided, shall be governed in all things as provided by law for general elections; that the ballots used at said special election shall be in one of the following forms: "For the creation of Eddy county and the division of Foster county, Yes," or "For the creation of Eddy county and the division of Foster county, No;" and that if a majority of the legal votes cast at said special election upon the

question submitted shall be in favor of the creation of Eddy county and the division of Foster county, then said county of Eddy shall be deemed created and the said county of Foster shall be divided as provided in this act.

§ 7. That the county clerk, judge of probate and county treasurer of Foster county, or a majority of them, shall meet at the office of said county clerk on the first Monday after said special election and canvass the votes cast at said special election; that the judges of election of the several voting precincts shall make their election returns to said county clerk in time to enable said canvassers to canvass the votes cast at said election on the said first Monday after said election; that said canvassers shall canvass the votes cast at said election as provided by law, and they shall make three certified abstracts of the votes cast in the several precincts at said election, and they shall immediately forward one of said abstracts to the Governor of the Territory of Dakota and one of said abstracts to the Secretary of said Territory, and one abstract shall be filed as a public record with the county clerk of Foster county. The Governor and Secretary of said Territory shall proceed to canvass the votes cast at said special election as returned in said abstracts, as soon as they shall receive said abstracts; and if a majority of the votes cast at said election upon the question submitted shall be in favor of the creation of the county of Eddy and the division of the county of Foster, the Governor shall within ten days thereafter appoint three (3) commissioners for the said county of Eddy, residing therein, and shall appoint two (2) commissioners for the county of Foster, residing therein; that said commissioners so appointed for the county of Eddy shall, except as herein otherwise provided, proceed to organize said county of Eddy.

§ 8. That the register of deeds and the clerk of the District Court of the county of Eddy respectively, shall without delay transcribe all the records of deeds, mortgages, and other instruments and judgments, and mechanics' liens, and other records, from the books of said office in the county of Foster, and such transcribed records shall have the same force and effect for all purposes as the original records; and said register of deeds and clerk of the District Court shall be paid by the county of Eddy for transcribing such records, such fees as are provided by law for recording original instruments of the same character.

§ 9. That the indebtedness of the county of Foster, existing at the time of the passage of this act, except the sum of twenty-one hundred dollars (\$2100), to be paid exclusively by the county of Foster, shall be assumed and paid by the counties of Foster and Eddy in the proportion that the assessed valuation in 1884 of the property in each county shall bear to such indebtedness.

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§ 10. That all taxes heretofore assessed or levied upon property situated within said counties of Foster and Eddy shall be collected by the treasurer of Foster county, and that said taxes shall be applied in liquidation of the proportion of the indebtedness of Foster county herein assumed by Eddy county; *Provided*, That all school moneys belonging to school townships situated within the county of Eddy, shall be paid by the treasurer of Foster county to the treasurer of Eddy county.

§ 11. That in case any school township shall be divided by the division of said Foster county, then that part of such school township as may lie in either of said counties as herein provided, to be created or defined, shall be annexed to and become a part of the school township which may lie next east of it.

§ 12. That all acts and parts of acts inconsistent with this act are hereby repealed.

§ 13. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1885.