

any other person or persons to do any of the aforementioned unlawful acts, shall be deemed guilty of felony, and shall be punished by a fine of not less than two hundred dollars, nor more than five hundred dollars, or by imprisonment in the Penitentiary for a period of not less than one nor more than five years, or by both fine and imprisonment within the limits hereinbefore specified, at the discretion of the court.

§ 2. REPEAL.] That all acts and parts of acts in conflict herewith be and the same are hereby repealed.

§ 3. EMERGENCY.] An emergency existing in that there is now no law covering the subject of this act; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved, February 28, 1893.

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## TOWNS.

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### CHAPTER 129.

[S. B. No. 93.]

#### INCORPORATION OF TOWNS.

AN ACT to Amend Section 9 of Chapter 24 of the Political Code, Being Section 1030 of the Compiled Laws, as to Incorporation of Towns.

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

§ 1. AMENDMENT.] That Section 9 of Chapter 24 of the Political Code, being Section 1030 of the Compiled Laws, be amended so as to read as follows:

§ 9. MANNER OF VOTING.] The qualified voters of said proposed incorporated town shall vote by ballot, having thereon the words "for incorporation, yes," or the words "for incorporation, no;" and if a majority of the votes given at such meeting shall have thereon the word "no," the voters of such proposed town shall be deemed not to have assented to the incorporation thereof as a town, and no further proceedings shall be had in reference thereto; but if a majority of such ballots shall have thereon the word "yes," such territory shall from that time be deemed an incorporated town and shall thereafter, for all purposes except the payment of any prior bonded indebtedness, be separate and disconnected from any civil township of which it theretofore formed a part and to have continuance thereafter by the name and style specified in the order made by the board of county commissioners as hereinbefore provided; and the inspectors of such meeting shall

make a statement showing the whole number of ballots given at such meeting—the number having the word “yes” thereon, and the number having the word “no” thereon—which statement shall be verified by the affidavit of such inspectors and shall be returned to such board of county commissioners at their next session, who, if satisfied of the legality of such election, shall make an order declaring that said town has been incorporated by the name adopted, which order shall be conclusive of such incorporation in all suits by or against such corporation; and the existence of such corporation by the name and style aforesaid shall thereafter be judicially taken notice of in all courts in this State without specially pleading or alleging the same.

§ 2. REPEAL.] That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

Approved, March 6, 1893.

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## CHAPTER 130.

[H. B. No. 123.]

### TO LEGALIZE TOWNSITE PROCEEDINGS.

AN ACT to Legalize and Confirm Townsite Proceedings and to Limit the Time Within Which the Validity Thereof May be Questioned.

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

§ 1. WHEN ACT APPLIES.] That in all cases where the United States has heretofore executed to the corporate authorities or any of them, of any town or city in this State or portion of the former Territory of Dakota comprised within the present limits of this State, in trust for the inhabitants of such town or city, a patent of the townsite thereof, and the corporate authorities of such town or city have executed and delivered to the inhabitants deeds of the same, which have been recorded in the office of the register of deeds of the proper county, such deeds and the record thereof are hereby legalized and confirmed, and the same shall be *prima facie* evidence that all the requirements of law antecedent and requisite to their due execution have been duly complied with and of the due record of such deeds and *prima facie* evidence of title in fee thereunder in the grantees, their heirs and assigns; and no such deed shall be held invalid or set aside by reason of any defect in complying with any such requirements, unless the action in which the validity of such deed shall be called in question be commenced, or the defense alleging its invalidity be interposed within five years after the date of the record to such deed.

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

Approved, March 6, 1893.