

line shall run upon, over or across and as to the places where the poles to support the wires shall be located, and all grants or right of way for the construction of telephone lines heretofore made, in accordance herewith, by any board above mentioned, are hereby made valid.

§ 2. EMERGENCY.] Whereas, there is no law relating to the subject matter of this act: therefore, this act shall be in force and effect from and after its passage and approval.

Approved March 9, 1899.

TITLE TO REAL PROPERTY.

CHAPTER 157.

[H. B. 50.]

ACTIONS TO QUIET TITLE.

AN ACT to Amend Section 5907 of the Revised Codes of North Dakota, Relating to Who May be Made Parties Defendant in Acts to Quiet Title to Real Property.

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

§ 1. AMENDMENT.] That section 5907 of the Revised Codes of North Dakota be amended to read as follows:

§ 5907. In an action commenced by a person in or out of possession of real property to determine an adverse claim, interest or estate therein, the person making such adverse claim and persons in possession under him may be joined as defendants, and the plaintiffs may include as defendant or defendants in said action, and insert in the title thereof, in addition to the names of such persons or parties as appear of record to have, and other persons or parties, whether known or unknown, who may have some estate or interest in the lands in controversy, the following, to-wit: "Also all other persons or parties unknown, claiming any estate or interest in the real estate described in the complaint on file in said action," of deceased, "in case the unknown parties are heirs, and service of the summons may be had upon all such unknown persons or parties defendant by publication as provided by law in the case of non-residents, and all such unknown persons or parties so served shall have the same rights as are provided by law in case of all other defendants upon whom service is made by publication, and the action shall proceed against such unknown persons or parties in the same manner as against the defendants who are named, upon whom service is made by publication and with like effect; and any such unknown persons or parties who have any

estate or interest in said property in controversy at the time of the commencement of said action, duly served as aforesaid, shall be bound and concluded by the judgment in such case, if the same is in favor of plaintiff therein, as effectually as if the action was brought against such defendant in his or her name, and personal service of the summons obtained; provided, further that such judgment shall not bind such unknown persons or parties defendants unless the plaintiff shall file a notice of lis pendens in the office of the register of deeds, as provided by law, before commencing the publication of the summons. And a copy of said notice of lis pendens be printed and published with said summons," and following next thereafter in the columns of the newspaper wherein said summons is printed and published; and provided, further that this provision shall apply to all actions now pending wherein unknown persons or unknown heirs are made parties in the manner herein provided. If the judgment is for the plaintiff, he may have a writ for the possession of the premises as against the defendants in the action against whom the judgment is rendered.

§ 2. JUDGMENT OR DECREE, WHEN VALID.] That, when the heirs of a deceased person are proper parties defendant to any action relating to real property in this state, and when the names and residences of such heirs are unknown, such heirs may be proceeded against under the name and title of the unknown heirs of the deceased. Upon presenting an affidavit to the court or judge, showing to his satisfaction that the heirs of such deceased person are proper parties to the action, and that their names and residences cannot, with use of reasonable diligence, be ascertained, such court or judge may grant an order that service of the summons in such action be made on such unknown heirs by publication thereof in the same manner as in actions against non-resident defendants. Any order judgment or decree made or rendered in any such case shall be valid and binding on such unknown heirs, whether they be of age or minors. Such heirs may, on application to the court, and on sufficient cause shown, be allowed to defend such action at any time within one year after the rendition of judgment thereon; Provided that if it shall appear that such heirs were minors at the time such judgment was rendered, they may be allowed to defend the action at any time within two years from the day of their becoming of age.

§ 3. EMERGENCY.] Whereas, an emergency exists in that there is no law in force covering the subject matter of the foregoing enactment; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1899.

CHAPTER 158.

[S. B. 121.]

RELATING TO TITLES.

AN ACT Relating to Titles to Real Property.

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

§ 1. TITLES TO REAL PROPERTY.] All titles to real property vested in any person or persons who have been or hereafter may be in the actual open adverse and undisputed possession of the land under such title for a period of ten years and shall have paid all taxes and assessments legally levied thereon, shall be and the same are declared good and valid in law, any law to the contrary notwithstanding.

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

Approved March 8, 1899.

TOWNSHIP MEETINGS.

CHAPTER 159.

[H. B. 132.]

ANNUAL MEETINGS.

AN ACT Amending Section 2540 of Chapter 31 of the Revised Codes of North Dakota, Relating to Annual Township Meetings.

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

§ 1. AMENDMENT.] That section 2540 of the Revised Codes be amended to read as follows:

§ 2540. ANNUAL TOWNSHIP MEETING, WHEN HELD.] The citizens of the several townships of this state qualified to vote at general elections, shall annually assemble and hold township meetings in their respective townships on the second Tuesday of March, at such place in each township as the electors thereof at their annual township meetings from time to time appoint; and notice of the time and place of holding such meetings shall be given by the township clerk by posting up written or printed notices in three of the most public places in such township at least ten days prior to such meetings; provided, that before any change of place of holding meetings