

ship one supervisor for the term of three years, one township clerk, one treasurer, one assessor, one overseer of highway for each road district in such township, each for the term of one year, and two justices of the peace and two constables for the term of two years, but justices of the peace and constables shall be elected only once in two years except to fill vacancies. At the first annual township meeting in each township after the passage and approval of this act there shall be elected at large for such township three supervisors, one to serve until the first annual township meeting, one to serve until the second annual township meeting, and one to serve until the third annual township meeting thereafter. The board of supervisors at their first regular meeting shall elect one of their members as chairman to serve for the period of one year.

Approved March 1, 1905.

## TOWNSITES.

### CHAPTER 183.

[S. B. No. 207—Little.]

#### TOWNSITES ON PUBLIC LANDS.

AN ACT to Amend Sections 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, of Chapter 30, Article 19, Entitled "Townsites Located on Public Lands," as Published in the Revised Codes of 1895, and Providing Who Can Sue and Maintain Actions Against Corporate Authorities Acting as Trustees Under the Townsite Laws.

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

§ 1. AMENDMENT.] That section 2516 be amended so as to read as follows:

§ 2516. UNCLAIMED LOTS OR PARCELS OF LAND.] That before any of the unclaimed lots or parcels of land are sold or disposed of, it shall be the duty of the corporate authorities of such city, town or village, by a vote of the city council of such city, town or village, as the case may be, to lay out and set aside, if it has not been done, a reasonable portion of the unclaimed lots or parcels of land into public squares and to reserve for future public use of such city, town or village, such lots and parcels of land as they deem advisable for the immediate or future use of such city, town or village.

§ 2. AMENDMENT.] That section 2517 be amended so as to read as follows:

§ 2517. UNCLAIMED LANDS TO BE APPRAISED.] The corporate authorities or county judge aforesaid shall appoint three competent

and suitable freeholders of such city, town or village a board of appraisers whose duty it shall be to make a careful inspection and examination of all the unclaimed lots or parcels of land aforesaid, and upon each of such lots or parcels of land they shall affix a reasonable and just valuation, and upon the completion of their appraisalment they shall make and return a full and complete report of their proceedings and appraisalment to the corporate authorities or county judge, which said report shall contain a full schedule of each and every lot or parcel of land remaining unclaimed, giving an exact description of said lots by their numbers and the number of the block and all parcels of land not so numbered shall be described by metes and bounds, and upon each lot or parcel of land separately they shall designate the valuation thereof as fixed by their appraisalment; said appraisalment and report shall be subscribed and sworn to by at least two of said appraisers.

§ 3. AMENDMENT.] That section 2518 be amended so as to read as follows:

§ 2518. PUBLIC SALE OF UNCLAIMED LANDS.] The corporate authorities or county judge shall within thirty days after the receipt of the aforesaid report of said board of appraisers give public notice that all such unclaimed lots or parcels of land, or so much thereof as may be considered for the best interest of such city, town or village, will be sold at public auction to the highest bidder for cash; said notice to be given by publication in not less than three newspapers of general circulation in the state and for a period of not less than thirty days immediately prior to such sale, specifying the time and place when said unclaimed lots or parcels of land will be sold, together with a description of the same as returned by the board of appraisers.

§ 4. AMENDMENT.] That section 2519 be amended so as to read as follows:

§ 2519. BIDS. PRIVATE SALE.] At the time and place appointed in such notice the corporate authorities or county judge shall offer for sale at public auction subject to competitive bids all the lots and parcels of land or so much thereof as may be considered for the best interest of the city, town or village, returned by the report of said board of appraisers as unclaimed, without reference to the appraisalment before mentioned, and such sale shall continue open from day to day until all such lots or parcels of land, or so much thereof as may be considered for the best interest of the city, town or village, shall have been offered for sale. Any lots or parcels of land remaining unsold at the close of such sale for want of bids may be sold as follows: Provided, that all lots or parcels of land remaining unsold, and not reserved or unclaimed, may, after ten years from the date of the entry of the townsite, be sold by the city council of such city or by the board of trustees of any town or village, at either public or private sale, without reference to the appraisalment before mentioned, and on such notice as they may deem advisable; provided,

further, that no person not a beneficiary under the townsite laws of the United States and this state at the time of the entry of the townsite shall be permitted to sue or maintain any action in the courts of this state against the corporate authorities or their grantees, nor shall any city, town or village attorney be authorized to institute or maintain any action against the corporate authorities or their grantees without first having been authorized so to do by a majority vote of the city council or board of trustees of such city, town or village, as the case may be, nor shall any law of this state regulating the sale of trust property be held to apply to sales by the corporate authorities made under the provisions of this act.

§ 5. AMENDMENT.] That section 2520 be amended so as to read as follows:

§ 2520. PURCHASER SHALL PAY FOR DEED.] Any purchaser at such sale, in addition to the amount of purchase money paid for any lot, lots or parcel of land, shall pay to the corporate authorities or county judge the sum of two dollars as a fee for making, executing, and acknowledging a deed of conveyance therefor, and all such lots or parcels of land purchased by any one person may be conveyed to such purchaser in one deed, which fee shall be in full for all charges for conducting sale, giving notice, appointing appraisers, and other services; provided, further, that when any city, town or village holding property in trust for the use and benefit of the occupants under any law of the United States or this state, has sold any or a part of such trust property and the deed of conveyance thereof, for any cause, has not been executed and delivered to the purchaser or purchasers by the proper officer or officers of such city, town or village, the purchaser or purchasers having deposited with the treasurer of such city, town or village, the purchase price therefor, the successors in office of such officers may at any time within five years from the date of sale execute to such purchaser or purchasers of such property, a deed of such property in the name of such city, town or village, or the purchaser or purchasers of such property is empowered to get from the proper officer of such city, town or village, an exemplified copy of the record of the sale of such property and to file the same with the register of deeds of the county in which such city, town or village is located and such recorded record of the proceedings of sale shall be considered by all courts of this state as sufficient evidence of the sale and transfer of such trust property to the purchaser or purchasers.

§ 6. AMENDMENT.] That section 2521 be amended so as to read as follows:

§ 2521. PROCEEDS OF SALE, HOW APPLIED.] The proceeds derived from the sale of such lots or parcels of unclaimed land, after first paying the expenses of advertising, printing and a per diem of not more than three dollars per day to each member of the board of appraisers for the time actually and necessarily employed by them in making such appraisalment and report as aforesaid,

and other expenses actually and necessarily incurred in the proper conduct and management of such sale, shall be immediately turned over at the close of said sale by the corporate authorities of such city, town or village, or county judge to the treasurer of the city, town or village, and by said treasurer placed to the credit of the general fund of such city, town or village.

§ 7. AMENDMENT.] That section 2522 be amended so as to read as follows:

§ 2522. SURPLUS, HOW DISPOSED OF.] In case there should be found any surplus on hand over and above receipts for fees and awards for expenses arising from the conveyances of lots as provided in section 2514, then such surplus shall as soon as ascertained by the corporate authorities of such city, town or village, or county judge, be accounted for and turned over to the treasurer of such city, town or village to be by such treasurer placed to the credit of the general fund of such city, town or village, then to be disbursed and applied as follows: To aid school districts within their incorporate limits, to construct, repair and furnish school houses, to erect and repair public buildings within their incorporate limits, to construct and repair roads, to lay down and repair sidewalks and crossings, to construct sewerage and irrigation canals within their incorporate limits, to purchase other lots or parcels of land either within or without their incorporate limits, or any other general purpose that will conduce to the interest of the community; provided, however, that no part of this fund shall ever be appropriated for salaries of any city, town or village officer.

§ 8. EMERGENCY.] An emergency exists in this that the supreme court of Colorado in the case of the city of Denver vs. Kent et al., decided that an act of the legislative assembly by which unclaimed lots under the United States townsites laws, were granted to the city of Denver for the use of common schools, was repugnant to the acts of congress relating thereto and therefore void, and if the courts of this state should follow such decision, section 2516 of the revised codes of this state and other sections of the code carrying out the provisions of section 2516 would be likewise void; therefore, that the statutes may be made clear, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1905.