

TAX DEEDS

CHAPTER 281.

[S. B. No. 177—Hookway.]

TAX DEEDS.

AN ACT to Provide for the Execution of Tax Deeds for Lands Sold for Delinquent Taxes Under the Provisions of Section 1576 of the Revised Codes of North Dakota for 1905, and Acts Amendatory Thereof, and to Prescribe the Form and to Define the Effect of All Such Deeds and the Title Thereby Conveyed.

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

§ 1. At the expiration of the time for redemption of lands sold for delinquent taxes and after the filing of the proof of notice of expiration of period for redemption, as provided in Section 1608 of the Revised Codes of North Dakota for 1905, and on production of the certificate of purchase the county auditor of the county in which the sale of such lands took place shall execute to the purchaser, his heirs or assigns, in the name of the state, a deed of the land remaining unredeemed, which shall vest in the said purchaser, his heirs or assigns, an absolute estate in fee simple in such land, subject, however, to all the claims which the state may have thereon for taxes, or other liens or incumbrances; and such deeds shall be executed by the county auditor under his hand and the seal of the county, and such deed shall be conclusive evidence of the truth of all the facts therein recited and prima facie evidence of the regularity of all the proceedings from the assessment and valuation of the land by the assessor up to the execution of the deed, and such deed shall be substantially in the following or other equivalent form:

“Whereas,, did on the day of, A. D., 19...., produce to the undersigned,, county auditor of the county of, in the state of North Dakota, a certificate of purchase, in writing, bearing the date of the day of A. D. 19...., signed by, who at the last mentioned date was county auditor of said county, from which it appears thatdid on the.....day of..... A. D., 19...., purchase at public auction at the office of the county auditor (or the usual place of holding court in

the same building) the tract, parcel or lot of land lastly in this indenture described, and which lot was struck off and sold to for the sum of dollars, being the total amount of taxes, penalites and costs charged against said land, including any personal taxes specified in the lists and in the advertisement, constituting a lien thereon for the year (or years), 19...., to-wit: (Herein insert the description of the land offered for sale); and that the said did at the time and place of said public auction, as a part of his bid, agree to accept the lowest rate of interest on the amount of such taxes, penalties and costs so paid by him, to-wit: The rate of per cent, per annum, and it appearing that the said is the legal owner of the said certificate of purchase, and the time fixed by law for reedeming the land herein described having now expired and proof of legal notice of expiration of the period of redemption having been filed in the office of the count auditor prior to the maturity of such certificate as provided by law, and said land not having been redeemed from such purchase pursuant to law, and the said having demanded a deed for the tract of land mentioned in said certificate; and it appearing that said lands were legally liable for taxation, and had been duly assessed and properly charged on the tax book or duplicate for the year (or years), A. D. 19...., and that said lands had been legally advertised for taxes and were sold on the day of A. D., 19...., to the said

Now, therefore, this indenture, made this day of A. D., 19...., between the state of North Dakota, by, as county auditor of the said county, party of the first part, and the said, party of the second part:

WITNESSETH, That the said party of the first part, for and in consideration of the premises and the sum of one (1) dollar, in hand paid, has granted, bargained and sold and by these presents does grant, bargain, sell and convey unto the said party of the second part, heirs and assigns, forever, the tract or parcel of.....of land mentioned in said certificate, and described as follows, to-wit:

..... in county, in the state of North Dakota.

TO HAVE AND TO HOLD SAID mentioned tract or parcel of land, with the appurtenances thereto belonging, to the said party of the second part,, heirs and assigns, forever, in as full and ample manner as the said county

auditor of said county is empowered by law to sell the same.

IN TESTIMONY WHEREOF, the said, as county auditor of the said count of, has hereunto set his hand and seal of the said county, on the day and year aforesaid.

(Seal)
County Auditor of,
North Dakota.”

Attest: (Seal).

Which deed shall be acknowledged by said county auditor before someone authorized by law to take acknowledgments of deeds, for which said deed said county auditor shall be entitled to a charge of fifty cents, to be paid by the grantee in such deed. In case the land is bid in for the county and the certificate assigned under the provisions of Section 1588 of the Revised Codes of North Dakota for 1905, the language of such deed inappropriate to such sales shall be stricken out and the following inserted in lieu thereof:

“Offer for sale to the bidder who agreed to accept the lowest rate of interest on the amount of such taxes, penalties and costs so paid, the following described tract or parcel of real property (insert description), which property was returned delinquent for the non-payment of taxes for the year 19...., amounting to dollars, including interest and penalty thereon and the costs charged against said land including personal property taxes specified in the list and in the advertisement constituting the lien thereon, for the year (or years) 19...., and no one bidding upon such offer an amount equal to that for which said piece or parcel of land was subject to be sold, the same was bid in for the county. And it appearing by said certificate that the right, title and interest of the county in said tract or parcel of land acquired therein at said sale was on the day of 19...., assigned to for the sum of dollars, being the amount due thereon at that time.”

Which deed shall be acknowledged as aforesaid. In case the certificate of purchase is assigned by the purchaser then a statement shall be inserted in such tax deed briefly describing each assignment of such certificate, which may be in substantially the following or other equivalent form:

“And which said certificate of purchase issued to said, purchaser, at said tax sale and the right, title and interest of the said, purchaser in said tract or parcel of land acquired therein

at said sale was on the day of....., A. D., 19...., assigned to” Which said deed shall be acknowledged as aforesaid.

§ 2. Whereas, an emergency exists in this: That the supreme court of the state of North Dakota has held that tax deeds issued in the form prescribed by Section 1591 of the Revised Codes of North Dakota for 1905 are invalid, and for that reason there is now no adequate legislation covering the matter embraced by this act, therefore the same shall be in full force and effect from and after the date of its passage and approval.

Approved March 17, 1913.

TELEGRAPH AND TELEPHONE

CHAPTER 282.

[S. B. No. 152—Englund.]

TELEGRAPH MESSAGES.

AN ACT Relating to the Transfer of Messages by Telegraph Companies and Penalty for Violation Thereof.

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

§ 1. TRANSFER OF MESSAGES.] Every telegraph company, firm, or corporation engaged in the business of transmitting messages by telegraph, in this state, or partly within and partly without this state, shall upon receipt of a message within this state to a point not on its own lines, transmit and deliver such message to another telegraph company on whose line such point may be reached, at the interesting point where both such companies maintain an office for the transmission of messages which will, when the rate of both such companies are combined, make the cheapest route to the destination of such message, *provided*, however, that nothing in this act shall prohibit the transfer of such message at convenient or central points where both such telegraph companies may be better equipped, but in no case shall this rate exceed the combined rate of both companies at the nearest intersecting point, nor the transmission of such message partly by telephone, *provided* it is cheaper or more expedient, and agreeable to sender, when copy is delivered within reasonable time to addressee, if required.

§ 2. PENALTY.] Every telegraph company, firm or corporation violating the provisions of this act shall be fined