

CHAPTER 113.

ONE BALLOT FOR TOWNSHIP AND COUNTY OFFICERS.

AN ACT to Amend Section 7 of Chapter 59 of the Laws of 1879.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. ALL OFFICERS TO BE CHOSEN TO BE NAMED ON ONE BALLOT.] That section 7 of chapter 59 of the laws of 1879, is amended to read as follows :

The electors of each township shall have power at the annual or general election to elect such officers for the township as are by law required to be chosen, and shall be elected and named upon the same ballot as county, district and territorial officers at such election.

§ 2. That section 1 of chapter 130 of the laws of 1881 is hereby repealed.

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 All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

Approved, March 9, 1883.

Townsites.

CHAPTER 114.

DISPOSITION OF LOTS IN TOWNS ENTERED UNDER THE ACT OF CONGRESS OF 1867.

AN ACT to Amend Section 13 of Chapter 135 of the Laws of 1881, Entitled An Act Prescribing Rules and Regulations for the Execution of the Trust Arising Under the Act of Congress, Entitled An Act for the Relief of Inhabitants of Cities and Towns Upon the Public Lands, Approved, March 2, 1867, and Acts Amendatory thereto.

Be it Enacted by the Legislative Assembly of the Territory of Dakota :

§ 1. REMAINING LOTS TO BE DEEDED TO BOARD OF EDUCATION.] That section thirteen of the session laws of 1881 be amended so as to read as follows :

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When any lots or parcels of land within the limits of any city or town shall remain unclaimed after the expiration of the time allowed by this act for the filing of claimants, statements, it shall be the duty of the corporate authorities, or judge of the probate court, to convey the lots or parcels of land so remaining unclaimed by good and sufficient deed to the board of education of such city or town, if there be such body qualified to take the title to real property, to be taken and disposed of by such board of education for school purposes and for the exclusive use and benefit of the school district in which such city or town may be situated, under such directions and limitations as are provided by this act.

§ 2. WHO TO ACT IN ABSENCE OF PROBATE JUDGE.] If there be no such board of education legally authorized to take the title to real property, then the corporate authorities, or judge of the probate court, shall sell and dispose of the said unclaimed lots or parcels of land so remaining for school purposes, and for the exclusive use and benefit of the school district in which said city or town may be situated, under the directions, limitations and provisions contained in this act.

§ 3. APPRAISAL.] The board of education, corporate authorities or judge of the probate court aforesaid, shall appoint three competent and suitable freeholders of such city or town 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 appraisement they shall make and return a full and complete report of their proceedings and appraisement to the board of education, corporate authorities, or judge of the probate court, 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 boundaries and upon each lot or parcel of land separately, they shall designate the valuation thereof as fixed by their appraisement; said appraisement and report shall be subscribed and sworn to by at least two of said appraisers.

§ 4. PUBLIC SALE.] The board of education, corporate authorities, or judge of the probate court, 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 the school district, 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 Territory, 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.

§ 5. BIDS—PRIVATE SALE.] At the time and place appointed in said notice, the board of education, corporate authorities, or judge of the probate court, 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 school district, returned by the report of said board of appraisers as unclaimed:

Provided, That no bid shall be received, or lot or parcel of land sold for a less sum than the appraised valuation, 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 school district, shall have been offered for sale. Any lots or parcels of land remaining unsold at the close of such sale for want of bids equal to the appraised valuation thereof, may thereafter be sold at private sale by said board of education, corporate authorities or judge of probate court, for a sum of money not less than the appraised valuation thereof, and not otherwise.

§ 6. PURCHASER TO 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 board of education, corporate authorities, or judge of probate court, 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 of conducting sale, giving notice, appointing appraisers, etc., etc.

§ 7. PROCEEDS, 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 days actually and necessarily employed by them in making such appraisal, 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 board of education, corporate authorities, or judge of the probate court, to the treasurer of the school district, and by said treasurer placed to the credit of the school house fund of said school district, only to be disbursed and applied in the payment of outstanding bonds, warrants or other indebtedness against said school district, contracted or created in the erection or construction of school houses, procuring grounds or appurtenances therewith, if any such bonds, warrants or other indebted-

ness exists, otherwise to be applied and placed to the credit of the general school fund of the school district.

§ 8. DISPOSITION OF SURPLUS.] 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 ten of the act, of which this act is amendatory, then such surplus shall so soon as ascertained by the corporate authorities, or judge of the probate court, be accounted for and turned over to the treasurer of the school district, wherein such city or town may be situated, to be by such school district treasurer placed to the credit of the school house fund, then to be disbursed and applied as herein provided for the disbursement of proceeds derived from the sale of unclaimed lots or parcels of land.

§ 9. That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

§ 10. This act to take effect from and after its passage and approval.

Approved, February 8, 1883.

Trespass of Animals.

CHAPTER 115.

AN ACT to Amend Section 747, Chapter 38 of the Code of Civil Procedure Entitled "Herd Law."

Be it Enacted by the Legislative Assembly of the Territory of Dakota, as follows:

§ 1. LIABILITY FOR TRESPASS.] That section 737 [747] chapter 38 of the Code of Civil Procedure, entitled "Herd Law," be, and the same is hereby amended to read as follows:

§ 743. [747] LIABILITY FOR TRESPASS OF ANIMALS.] Any person owning or having in his or their charge, or possession, any horses, mules, cattle, goats, sheep or swine, or any such animals, which shall trespass upon the lands of another, or upon lands either fenced or not fenced, belonging to any person or persons other than the owner or owners of such animals, such person or