

be certified to by the engineer having said work in charge, as being correct copies.

§ 4. The negatives for the prints, and the typewritten copies of the description and dedications shall be filed and not used by the public except by persons authorized by the county commissioners to make additional copies.

§ 5. Said engineer shall furnish one set of prints from the negatives, either on paper or cloth, which prints shall be placed in substantial covers and bound in one or more books and each book furnished with an index thereto. He shall also furnish one set of descriptions and dedications which shall be bound and indexed to correspond with the prints. Said prints and supplementary descriptions and dedications shall be for the use of the general public, and the county commissioners are authorized to replace from time to time as may be needful, the prints and typewritten sheets that have become mutilated or worn out, and they may cause to be made at different times, prints and typewritten descriptions of all new plats and plans that hereafter may be added to the register of deeds office.

§ 6. The county commissioners shall not pay more than twenty dollars per sheet for such work performed, and this shall include the work necessary for making the negatives, one set of prints, the necessary covers, and two typewritten copies of descriptions and dedications heretofore mentioned.

§ 7. All acts and parts of acts in conflict herewith are hereby repealed.

§ 8. Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1911.

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## SCHOOL LANDS

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### CHAPTER 261.

[S. B. No. 131—Welo]

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#### DUTIES OF COUNTY BOARD OF APPRAISAL.

AN ACT Amending Sections 167, 169, 170, 171, 189, and 191 of the Revised Codes of North Dakota for 1905, Relating to the Appraisal and Sale of School Lands.

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

§ 1. AMENDMENT.] Section 167 is hereby amended to read as follows:

§ 167. COUNTY BOARD OF APPRAISAL. DUTIES OF.] The county superintendent of schools, the chairman of the board of county commissioners and county auditor of each county shall constitute the "County Board of Appraisers" of the public lands of the state in and for their county. The county board of appraisal in each county shall, upon the request of the board of university and school lands, designate on or before such date as it may specify, the public lands of the state in their county, that in its judgment can be sold for ten dollars an acre or upwards on the terms prescribed in this article, designating the tracts separately and giving an approximate estimate of their selling value. Thereupon the commissioners shall, if so ordered by the board of university and school lands, prepare a list and order an appraisal of such lands as shall be designated in such list, and it is made the duty of such board of appraisers within ten days after the receipt of such list to examine such lands and appraise them at their cash value as nearly as can be determined, describing each tract or subdivision in parcels not greater than one hundred and sixty acres, more or less, according to the government survey, and in smaller subdivisions thereof if so listed by the commissioners, and set opposite each described tract or parcel of land the appraised value per acre thereof; and when such appraisal is completed, which shall not be later than thirty days after the receipt of the order directing it, the county board of appraisers, or the members of the same who made such appraisement, shall certify to its correctness and make duplicate copies thereof, one of which shall be forwarded immediately to the board of university and school lands, and the other filed in the office of the county auditor for reference, and in addition to the appraisal of such lands the county board of appraisal shall furnish such other information regarding the lands as may be required by the commissioner in the manner and form prescribed by him. The report of such appraisal shall be verified by each of such appraisers and shall disclose any interest, real or contingent, that any of such appraisers has in any of the lands or improvements so appraised. Any appraiser who wilfully makes any false statement in such report, relative to such interest in any of the lands so appraised, or improvements thereon, shall be deemed guilty of a misdemeanor. For all services performed under the requirements of this article the appraisers shall be paid at the rate of three dollars per day and actual traveling expenses, upon vouchers approved by the commissioner of university and school lands to be paid by the state treasurer upon warrants issued by the state auditor. Provided, that all lands designated for sale and not sold within two years after appraisal shall be reappraised before they are sold.

§ 2. AMENDMENT.] Section 169 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 169. NOTICE OF SALE TO BE PUBLISHED.] The board of university and school lands shall cause to be published for a period of sixty days prior to the day of sale, in a newspaper in general circulation in the vicinity of the land to be sold, and also in a newspaper published at the county seat of the county in which the lands are situated, and also in a newspaper published at the seat of government, a notice of such sale, with the list of lands, that are to be offered for sale, properly described, together with the appraised value thereof, and the terms and conditions of sale.

§ 3. AMENDMENT.] Section 170 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 170. MANNER OF SALE.] On the day and hour appointed for such sale, the commissioner, or in case he cannot attend, the deputy land commissioner, or other person designated and authorized by the board of university and school lands, shall proceed to sell or offer for sale at public auction, to the highest bidder, at the court house or at the place where the terms of the district court are held at the county seat of the county in which the lands are situated, the lands so advertised, offering them for sale or selling in the order in which they occur in the advertisement for sale. Such lands as shall have not been specially subdivided shall be offered in tracts of one-quarter section, and those subdivided, in the smallest subdivision thereof. No tract of land shall be sold for less than the appraised value and in no case for less than \$10 an acre.

§ 4. AMENDMENT.] Section 171 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 171. TERMS OF SALE.] Each tract of land shall be sold upon the following terms: The purchasers shall pay one-fifth of the price in cash at the time of sale, and the remaining four-fifths as follows: One-fifth in five years, one-fifth on or before the expiration of ten years; one-fifth on or before the expiration of fifteen years, and one-fifth on or before the expiration of twenty years, with interest at the rate of not less than six per cent per annum, payable annually in advance. The highest bidder for any offered tract shall be declared the purchaser thereof, and shall immediately pay over to the county treasurer the amount of one-fifth of the purchase price as specified in the terms of sale. In case the purchaser fails to pay the amount so required to be paid at the time of such sale, such commissioner or whoever shall be conducting the sale, shall immediately re-offer the tract, but no bids shall be received from such person failing to pay as aforesaid; and the person refusing or neglecting to make such payment shall forfeit the sum of \$100 for each tract purchased by him.

§ 5. AMENDMENT.] Section 189 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 189. PATENTS, WHEN TO ISSUE.] No grant or patent for

any lands sold under the provisions of this article shall issue until payment in full is made for the same and all terms of the contract of purchase are fully complied with. Provided that payments upon the contract of purchase may be made before due after the expiration of five years from the day of sale, and that if made before due they shall be made at an interest paying date and one year's interest in advance shall be paid on all moneys so paid. Provided, further, that any school or institution lands that may be required for townsite purposes may be paid for at any time and patents issued therefor. Provided further, that any lands sold under the provisions of law heretofore existing may be paid for, upon the terms herein prescribed for sales of land hereafter to be made. When the terms of the contract of purchase are fully complied with as herein provided, the board of university and school lands shall so certify to the Governor, who shall thereupon issue to the purchaser thereof, his heirs and assigns, a patent conveying the title of the state to said land, and the governor shall likewise issue a patent to the purchaser of the rights, title and interest of the original purchaser, his heirs and assigns, acquired by any execution sale. All such patents shall be signed by the governor and attested by the secretary of state with the great seal of the state, and shall be countersigned by the board of university and school lands with the seal of the secretary of said board.

§ 6. AMENDMENT.] Section 191 of the Revised Codes of 1905 is hereby amended to read as follows:

§ 191. The commissioner shall, as soon as possible after a sale of land, transmit to the auditor of each county in which any lands mentioned in this article have been sold, a detailed description of each parcel of the land so sold, and the names of the purchasers, and the auditor shall extend the same upon his tax duplicate for the purpose of taxation. The lands so contracted to be sold by the state shall be subject to taxation from the date of such contract and the taxes assessed thereon shall be collected and enforced in like manner as against other land. Provided that in case the taxes assessed against any of said lands remain unpaid until the first Monday in October of the following year then and thereupon the contract of sale for such lands shall, if the board of university and school lands so determine, become null and void. Provided further, that when a contract is not declared null and void by said board for failure to pay taxes before the time provided by law for the sale of land for delinquent taxes, any lands upon which taxes are delinquent at the time of such tax sale may be sold for delinquent taxes as other lands are sold, and the purchaser at such tax sale of any such lands so sold shall only acquire, by virtue of such purchase, such rights and interests as belong to the holder and owner of the contract of sale issued by such commissioner under the provisions of this article, and the right to be substituted in the place of such

holder and owner of such contract of sale, as the assignee thereof; and upon the production to the proper officer of the tax certificate given upon such tax sale, in case such lands have not been redeemed, such tax purchaser shall have the right to make any payment of principal or interest then in default upon such contract of sale as the assignee thereof. But no tax deed shall be issued upon any tax certificate procured, under the provisions of this section while the legal title of said lands remain in the state of North Dakota. Whenever the contract for the sale of any of said lands has been cancelled, it shall be the duty of the commissioner to notify the auditor of the county in which such lands are located, of said cancellation, and thereafter such lands shall not be listed for taxation, but, in the event of the redemption of any such lands, the redemptioner shall pay as taxes, in addition to all other charges, an amount equal to the tax last levied thereon for each year such land was not listed for taxation, together with such interest and penalty as would have been charged, if the same had been regularly listed and taxed.

Approved Mar. 3, 1911.

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#### CHAPTER 262.

[S. B. No. 238—Welch]

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#### EXAMINATION OF LANDS BY BOARD OF UNIVERSITY AND SCHOOL LANDS.

AN ACT Authorizing the Board of University and School Lands to Make Examination of all State and School Lands to Determine the Extent, Depth and Thickness of any Lignite Coal Veins Underlying the Surface, and to Show the Soil Characteristics and Topographical Features of Such Lands, and Providing an Appropriation Therefor.

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

§ 1. The board of university and school lands shall, as soon as practicable after the passage of this act, proceed to make an examination of all unsold school and state land, to ascertain the depth below the surface, the thickness and extent of any coal vein underlying such land, and to obtain data bearing on the soil characteristics and topographical features of each quarter section of land.

§ 2. It shall be the duty of the state engineer to aid the board of university and school lands in carrying out the provisions of section one of this act, and whenever in the opinion of the state engineer it is necessary to make test drillings or borings in order to determine the depth below the surface, the thickness of the vein and the area of coal which underlies any state or school land, to make such test drillings or borings, and it is also

made the duty of the state engineer when making such examinations to, at the same time, make a surface examination showing the soil characteristics and topographical features of each quarter section of land investigated. All data on the lignite coal veins and the surface characteristics of each and every quarter section examined by the state engineer shall be filed with the board of university and school lands for their use.

§ 3. All expenses incurred for equipment and assistants shall be paid by the state auditor upon presentation of properly prepared vouchers approved by the board of university and school lands.

§ 4. There is hereby appropriated out of the general fund the sum of fifteen hundred dollars, or so much thereof as may be necessary, for the purchase of drilling apparatus and equipment, and the sum of two thousand dollars for the expenses connected with the carrying out of this act.

§ 5. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1911.

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## SCHOOLS AND SCHOOL OFFICERS

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### CHAPTER 263.

[S. B. No. 178—Welo]

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PROHIBITING COUNTY OFFICIALS FROM RECEIVING COMMISSION.  
AN ACT Prohibiting County Superintendents of Schools, Deputies, School District Officers, School Officials, Principals and Teachers From Receiving Commission or Fees or Reward for or on Account of any School Books, Furniture or Other Supplies Purchased During the Incumbency of Such Office, and Providing a Penalty therefor.

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

§ 1. Every county superintendent of schools, deputy thereof, school district directors, clerk, treasurer, principal of a school or teacher therein who shall receive any commissions, fee or reward for or on account of any school books, furniture or other supplies purchased during the incumbency of such official, principal or teacher for the use of the school district or school under the supervision of such official, principal or teacher, is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars and not exceeding five hundred dollars and may be removed from his office.

Approved March 3, 1911.