

## CHAPTER 176

(H. B. No. 173—Carr and Starke.)

## INTOXICATION IN A PUBLIC PLACE

An Act To Amend and Re-enact Section 10141 of the Compiled Laws of North Dakota for the Year 1913, Relating to Being Intoxicated in a Public Place.

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

§ 1. That Section 10141 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 10141. BEING INTOXICATED IN PUBLIC PLACE.] Every person being or found intoxicated in any public place is punishable upon conviction before a Justice of the Peace by a fine of not more than Fifty Dollars (\$50.00) nor less than Five Dollars (\$5.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.

Approved March 7, 1925.

## PUBLIC LANDS

## CHAPTER 177

(S. B. No. 176—Hjelmstad.)

By Request.

## LEASING AND SALE OF SCHOOL AND OTHER PUBLIC LANDS

An Act To Amend and Re-enact Section 336, Compiled Laws of 1913, Relating to the Leasing and Sale of School and Other Public Lands of the State.

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

§ 1. AMENDMENT.] That Section 336, Compiled Laws of 1913, is hereby amended and re-enacted so as to read as follows:

§ 336. LANDS SUBJECT TO LEASE.] All the common school lands and all other public lands of the State that are not of such

value as will admit of appraisal at ten dollars or more per acre, at the time of any regular appraisal, may be leased; provided, that no leases can be granted for a period longer than five years, and only for pasturage and meadow purposes, and at public auction after notice as hereinafter provided; provided, further, that all of such school and public lands now under cultivation may be leased at the discretion and under the control of the Board of University and School Lands for other than pasturage and meadow purposes until sold; provided, further, that in case of a sale of the lands so leased during the term of the lease, the lessee shall be given ninety days' notice; provided, further, that at the expiration of said lease or within ninety days of the date of receiving the aforesaid notice, the said lessee may remove from said lands so leased, all fences, sheds, water tanks, windmills, etc., used upon said lands by said lessee. All rents shall be paid annually in advance and in the event such land is leased or sold to any person, other than the lessee at the time of such sale or lease, the party purchasing or leasing such land shall, in addition to purchase price or rental of said land, pay to the prior lessee the fair and reasonable value of all permanent improvements placed on said land by such prior lessee with the written consent and permission of the Commissioner of University and School Lands, and in the event of the parties being unable to agree, the value of such improvements to be fixed and determined by a board composed of such Commissioner, or some one designated by him, and a member appointed by each of said parties.

§ 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] This Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 6, 1925.

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#### CHAPTER 178

(H. B. No. 53—Brown.)

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#### MORTGAGE LOANS, PUBLIC LANDS, FORECLOSURE, ETC.

An Act To Amend and Re-enact Section 292 of the Compiled Laws of North Dakota for the year 1913, Relating to the Foreclosure of Mortgages Held by the Board of University and School Lands, Assignments Thereof, and Conveyance of Interests in Lands Acquired Thereunder:

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

§ 1. AMENDMENT.] That Section 292 of the Compiled Laws of North Dakota for the year 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 292. MORTGAGE LOANS, FORECLOSURE, ASSIGNMENTS, RE-SALE AND CONVEYANCE TO MORTGAGORS.] Mortgage loans made under the provisions of this chapter may be foreclosed either by action or advertisement, in the same manner and upon the same notice as required in other real estate foreclosures. When foreclosure is made by action, said action shall be brought and prosecuted in the name of the state; provided, that the board of university and school lands may, and it is hereby authorized and empowered to assign any or all of said mortgages, whenever in the judgment of said board it shall be for the best interests of the state so to do; provided, however, that said board shall not accept as a consideration for said assignment any amount less than the principal and interest due upon said mortgage or mortgages. Such assignments when made shall be executed by the governor and attested by the secretary of state with the great seal of the State of North Dakota attached. Provided, further; that whenever a mortgage loan made under the provisions of this chapter has been foreclosed and a sheriff's deed to the mortgaged premises issued to the State, the board of university and school lands, may at any time before sale of state lands by said board to any other purchaser, sell and convey the said land to the person, or to the heirs of the person, who at the time of such foreclosure sale was the record owner thereof; provided, however, that such sale be subject to any then existing lease of such land and premises, and such land must be so sold for cash and for not less than the amount for which the land was sold to the State on mortgage foreclosure sale, with interest on such sums at eight percent per annum, and the amount of all taxes and recording fees paid by the State, with interest at eight percent thereon to the date of such reconveyance to such mortgagor. The board of university and school lands shall issue to such purchaser a quit claim deed conveying the right of the State in and to such land and premises, which deed shall be signed and executed in the manner hereinbefore provided as to assignments of mortgages.

Approved February 24, 1925.

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CHAPTER 179  
(S. B. No. 84—Bond.)

REDEMPTION OF LAND CONTRACTS BEFORE RE-SALE

An Act To Amend and Re-enact Section 319 of the Compiled Laws of North Dakota for 1913, Relating to Redemption of State and School Lands, on which the Contracts have been cancelled.

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

§ 1. AMENDMENT.] That Section 319 of the Compiled Laws of North Dakota for 1913, be, and the same is hereby amended and re-enacted to read as follows:

§ 319. REDEMPTION BEFORE RE-SALE.] In all cases where the rights of a purchaser, his heirs or assigns, become forfeited under the provisions of this article, by failing to pay the amounts required, such purchaser, his heirs, or assigns, may, before the re-sale at public auction of the lands described in such contract, pay to the County Treasurer the amount of interest due and payable on such contract, and all costs which have been incurred in addition thereto, together with interest at the rate of six per cent per annum on the interest and costs so due from the date of delinquency to the date of payment, and such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns, and such contract from the time of such payment shall be in full force and effect, as if no forfeiture had occurred; provided, that after the rights of a purchaser, his heirs or assigns, shall have become forfeited under the provisions of this article, the Board of University and School Lands shall have the power, and it is hereby made their duty, to provide for the re-sale of said lands so forfeited if in their opinion a re-sale of said land shall be most advantageous to the state, otherwise the said Board shall provide for the leasing of said land from year to year as herein provided, and after a lease of said land shall be made by said Board, the lessee, his heirs and assigns shall be entitled to the full and absolute possession of all said lands and premises so leased.

§ 2. EMERGENCY.] This Act is hereby declared an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved February 9, 1925.

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## RAILROADS

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### CHAPTER 180

(S. B. No. 98—Benson.)

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#### MAXIMUM LIGNITE RATE WITHIN NORTH DAKOTA

An Act Fixing the Maximum Rate that Railroad Companies may Charge for the Transportation of Lignite within the State of North Dakota. *Be It Enacted by The Legislative Assembly of the State of North Dakota:*

§ 1. MAXIMUM RATES.] All railroad companies doing business as common carriers within the State of North Dakota shall charge for the transportation in carload lots within the State of North Dakota of Lignite not more per ton of two thousand pounds than the following rates, to-wit:

§ 2. The rates herein fixed and established shall apply only to the transportation of lignite, and shall in no manner be construed as