

to the insured, and to any mortgagee to whom this policy is made payable, and tendering to the insured a ratable proportion of the premium, to cancel this policy as to all risks subsequent to the expiration of ten days from such notice, and no mortgagee shall then have the right to recover as to such risks.

In case of loss, except in case of total loss on buildings, under this policy and a failure of the parties to agree as to the amount of the loss, it is mutually agreed that the amount of such loss shall, as above provided, be ascertained by two competent, disinterested and impartial appraisers who shall be residents of this state, the insured and this company each selecting one within fifteen days after a statement of such loss has been rendered to the company, as herein provided, and in case either party fail to select an appraiser within such time the other appraiser and the umpire selected, as herein provided may act as a board of appraisers and whatever award they shall find shall be as binding as though the two appraisers had been chosen; and the two so chosen shall first select a competent, disinterested and impartial umpire; provided that if after five days the two appraisers cannot agree on such an umpire, the presiding judge of the district court of the county wherein the loss occurs may appoint such an umpire upon application of either party in writing by giving five days notice thereof in writing to the other party. Unless within fifteen days after a statement of such loss has been rendered to the company, either party, the assured or the company, shall have notified the other in writing that such party demands an appraisal, such right to an appraisal shall be waived; the appraisers together shall then estimate and appraise the loss, stating separately sound value and damage and, failing to agree, shall submit their differences to the umpire; and the award in writing of any two shall determine the amount of the loss; the parties thereto shall pay the appraisers respectively selected by them and shall bear equally the expenses for the appraisal and umpire. The fees of any appraiser or umpire shall in no case exceed ten dollars (\$10.00) per day.

No suit or action against the company for the recovery of any claim by virtue of this policy shall be sustained in any court of law or equity in this state, unless commenced within two years from the time the loss occurred.

In witness whereof the said Company has caused this policy to be signed by its president and attested by its secretary (or by such proper officers as may be designated), at its office in
.....Date

Approved April 19, 1923.

CHAPTER 411—H. F. No. 258.

An act amending Sections 5272, 5273, General Statutes, 1913,

as amended by Chapter 325, Laws 1917, relating to sales of timber on state lands.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Public auction of state lands—Notice.—That Section 5272, General Statutes, 1913, as amended by Chapter 325, Laws 1917, be amended to read as follows:

"5272. No timber shall be sold, except to the highest bidder at public auction, and the minimum price shall be the appraised value as fixed by the record of appraisals. All sales, except as provided for in section 5273, shall be held at the capitol. The auditor shall give *three weeks' published* notice thereof in *one or more* daily newspapers, published in *each city of the first class*, and also in his discretion may give *preliminary or further* notice thereof by the publication of *display or ad*, notices therein or in some other newspaper, as in his judgment may be best calculated to give information of such sale to prospective bidders for such timber.

At least 30, days before the date of sale, the auditor shall compile a list containing a description of each tract of land upon which any timber to be offered is situated, and a statement of the quantity of timber thereon, and of the appraised price of each kind of timber thereon, as shown by the official estimate. No description shall be added after the list is compiled and posted as herein provided, and no timber shall be sold from land not described therein. Copies of the list shall be furnished to all applicants. A Copy of such list shall be conspicuously posted in the office of the auditor and in the office of the county auditor of each county in which any of said lands are situated at least thirty days prior to the date of sale and extra copies of such posted lists shall be furnished to each county auditor for distribution to applicants. The published notice of sale shall make reference to the posted lists for a description of the lands from which timber is offered for sale and of the kinds and estimated quantity thereof.

Sec. 2. Stumpage in small parcels—Conduct of sale.—That section 5273, General Statutes 1913, as amended by Chapter 325, Laws of 1917 be amended so as to read as follows:

5273. The board of timber commissioners may authorize the auditor to sell the stumpage, on any tract of state land at public auction to the highest bidder, at the county seat of the county in which such tract is located. He shall give three weeks' published notice of any such sale in a paper published at the county seat of the county where such land is situated, instead of eight weeks' notice in papers at St. Paul and Minneapolis, as provided for in Section 15 for the sale to be held at the Capitol Building. Such notice of sale shall contain a description of each tract of land upon which is situated any timber that is to be offered, and a statement of the estimated quantity of each kind of timber thereon, and of

the appraised price of each kind of such timber, per M. feet, or per piece, or per cord, as the case may be. Timber estimated and appraised as log timber shall be offered and sold by the thousand feet; timber estimated and appraised as tie, or pole or post timber shall be offered and sold by the tie, or pole, or post, as the case may be; timber estimated and appraised as pulpwood, or lath bolts, or mine lagging, or wood for fuel purposes, shall be offered and sold by the cord; all cords to be single cords. The sale shall be made to the party who shall bid the highest price for all the several kinds of timber as advertised. The purchaser of any such timber at any such sale shall immediately pay to the auditor, or the person conducting the sale for him, for delivery by such official to the state treasurer, 25 per cent of the appraised value of such timber, and shall thereupon be entitled to receive from the auditor a permit to enter upon such land and cut and remove such timber. Before receiving such permit, however, he shall execute a bond to the state of Minnesota, with sureties to be approved by the auditor, in an amount at least double the appraised value of such timber, conditioned upon cutting of all said kinds of timber that there may be upon said land, clean, acre by acre, and paying the state the balance, that may be due therefor, and for the faithful performance of all the terms and conditions of the law governing such matters. All timber cut on any of the state lands under any such sale permit is to be scaled, or counted, as the case may be by a deputy surveyor general. In no case shall any such timber be removed from the land where it was cut, until it has been so scaled or counted by a deputy surveyor general. Any person removing any such timber from the land where it was cut before it has been so scaled or counted by a deputy surveyor general shall be deemed guilty of a felony, and may be prosecuted criminally therefor. The purchaser of any such timber shall pay the state for all timber that may be cut upon or removed from such land during the life of his permit, at his purchase price per thousand feet, or per piece, or per cord, as the case may be. In all other respects such sale be subject to all the restrictions and conditions applicable to the sale of other state timber.

Approved April 21, 1923.

CHAPTER 412—H. F. No. 640.

An act relating to the terms of the district courts of the state, and for convening the same during the vacation period for the trial of actions, civil or criminal, whenever public interests may justify, and providing for other special or adjourned terms to be appointed or called by the judge thereof, and the jurisdiction and authority to be exercised at any such terms.