

An. Code, sec. 35. 1904, sec. 35. 1888, sec. 33. 1861, ch. 3. 1894, ch. 191. 1918, ch. 151.

34. Every person who has obtained a warrant to survey vacant or escheat land shall within one year from the date of such warrant pay for the vacant land included in the certificate of survey not less than fifty cents per acre, or such sum per acre as shall be assessed by the Commissioner of the Land Office based upon, but not exceeding, the value of similar land as assessed by the county or city authorities for land in the vicinity of such vacant land, and shall in addition pay the value of any improvements there may be on such vacant land, but there shall be deducted from the purchase money aforesaid the sum which the party paid as caution upon obtaining the warrant, and for land which has escheated two-thirds of the real value of the same and the real value of the improvements thereon; if any person shall fail to pay within one year, as required by this and the preceding sections, the land may be taken up by any other person under a proclamation warrant or escheat warrant, as the case may be.

A presumption will not be made in support of title acquired in violation of rules of land office. *Lee v. Hoye*, 1 Gill, 202. And see *Hutchins v. Erickson*, 1 H. & McH. 339.

See notes to secs. 29, 32 and 40.

An. Code, sec. 36. 1904, sec. 36. 1894, ch. 191, sec. 33A. 1892, ch. 532. 1904, ch. 570.

35. The amounts due the State upon any certificate of survey for fees and for composition or purchase money and the value of improvements are hereby declared to be a lien upon the land surveyed; and the commissioner of the land office is authorized in his discretion, whenever the amount involved justifies it, to enforce said lien either by appropriate action in the name of the State in a court of competent jurisdiction or by a sale of the certificate of survey, which sale shall be conducted in the following manner: He shall first give notice in writing to the party in whose name said certificate was returned, or to the assignee thereof, that unless the amount of the fees, composition or purchase money and value of improvements due on said certificate is paid within the time specified in such notice, not less than two months from the date thereof, the said certificate will be offered for sale, and if the amount due the State, as aforesaid, is not paid within the time specified in said notice, the commissioner of the land office may sell said certificate at public auction for cash after reasonable notice of such sale inserted in some newspaper published in the county where the land lies, the commissioner reserving the right to reject any bid if he deems the price offered inadequate; and the purchaser of such certificate shall be entitled to a patent thereon upon the payment of the price bid and the fees for patent, in the same manner as an assignee of the certificate would be entitled to a patent under the rules of the land office, upon exhibition of the proof of assignment. This section to apply only to those cases in which more than one year has elapsed since the date of warrant, and nothing herein contained shall prevent any person from obtaining a proclamation warrant on such certificate as fully as if this section had not been enacted. If the amount involved does not justify in proceeding as above, the commissioner, after giving at least two months' notice in writing to the owner of the certificate of the amount due thereon