

tion, executor, administrator, trustee or guardian, owning or controlling any real estate mortgage to foreclose the same until he shall receive a power of attorney from such mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian, authorizing such foreclosure and in foreclosure proceedings by action the possession of such power of attorney shall be alleged in the complaint.

§ 2. FORECLOSURE OF REAL ESTATE MORTGAGE BY AGENT OR ATTORNEY NOT VALID. WHEN.] No sale of real estate upon foreclosure made by an agent or attorney shall be valid for any purpose, unless such power of attorney shall be procured as herein provided, and filed for record in the office of the register of deeds of the county wherein said real estate is located, before the day fixed or appointed to make the same; provided, that any person, firm or corporation not owning such mortgage, but controlling the same, shall, in addition to furnishing such power of attorney, furnish such agent or attorney making such foreclosure a copy of the instrument authorizing such control, and a failure to do so shall invalidate such foreclosure.

§ 3. REPEAL.] Chapter 132 of the session laws of 1899, and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 5, 1903.

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## REGISTERS OF DEEDS.

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### CHAPTER 154.

[H. B. No. 54—Van Arnam.]

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#### SALARIES OF REGISTERS OF DEEDS AND APPOINTMENT OF DEPUTIES.

AN ACT to Amend Section 2078 of the Revised Codes of 1899, Providing for the Payment of Salaries to Registers of Deeds and their Deputies and for Fixing the Number and Compensation of Such Deputies.

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

§ 1. AMENDMENT.] That section 2078 of the revised codes of the state of North Dakota, as revised and compiled in 1899, be and the same is hereby amended so as to read as follows:

§ 2078. COUNTY COMMISSIONERS MAY EMPLOY DEPUTIES OR CLERKS. WHEN. COMPENSATION.] If, in the judgment of the board of county commissioners, it shall be deemed necessary for the prompt and accurate dispatch of the business in the office of the

register of deeds that deputies or clerks be employed therein, it shall by resolution fix the number of clerks to be employed and the compensation which they shall receive, which compensation shall be paid monthly from the special salary fund by warrant; provided, that the officers in whose office such deputies or clerks are to be employed shall have the sole power of appointing and removing them at pleasure; provided, further, that the total amount paid to the register of deeds for salary and clerk hire shall in no case exceed the amount of fees by such officer collected; and in counties having a population of less than fifteen thousand, to be ascertained as hereinafter provided, such amount so paid such register of deeds and clerk hire shall not exceed the sum of five thousand dollars; and in counties having a population of more than fifteen thousand, to be ascertained as hereinafter provided, such amount so paid to such register of deeds and clerk hire shall not exceed the sum of seven thousand five hundred dollars; provided, however, that all moneys received for compiling or the continuation of abstracts of title, shall be turned over to the county treasurer, who shall credit the same to the county general fund; such population shall be ascertained by taking the total number of votes cast at the last presidential election in said county and multiplying the same by five. Any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed to any such clerk or deputy, shall be guilty of a misdemeanor.

§ 2. EMERGENCY.] Whereas, an emergency exists in this, that in certain counties of this state the amount now allowed by law for clerk hire in the office of the register of deeds is insufficient to pay a sufficient number of competent clerks or deputies for the prompt and accurate dispatch of the business of such office, and such business is being therefore delayed, therefore, this act shall take effect from and after its approval.

Approved March 10, 1903.