

VENDEE AND VENDOR.

CHAPTER 204.

[S. B. No. 105—Johnson.]

DETERMINING RIGHTS OF VENDEE AND VENDOR.

AN ACT Requiring Notice to the Vendee or Purchaser, or His Assigns, Under Any Contract for the Future Conveyance of Land Hereinafter Made to be Given Before the Rights of Any Vendee or Purchaser, or His Assigns, Can Terminate.

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

§ 1. OWNER MUST GIVE WRITTEN NOTICE TO VENDEE OR PURCHASER.] No owner of real estate, or owner of any equity therein, shall hereafter make or execute a contract for deed, bond for deed, or other instrument for the future conveyance of any such real estate or equity therein, shall have the right to declare a cancellation, termination or forfeiture thereof of thereunder, except upon written notice to the vendee or purchaser, or his assigns, as hereinafter provided; and such notice shall be given to such vendee or purchaser or his assigns, notwithstanding any provision or condition in any such instrument to the contrary.

§ 2. IN CASE OF DEFAULT. CONTENTS OF NOTICE.] Whenever any default shall have been made in the terms or conditions of any such instrument hereinafter made, and the owner or vendor shall desire to cancel or terminate the same shall, within a reasonable time after such default, cause a written notice to be served upon the vendee or purchaser, or his assigns, stating that such default occurred, and that said contract will be cancelled or terminated, and shall recite in said notice the time when said cancellation or termination shall take effect, which shall not be less than thirty (30) days after the service of such notice.

§ 3. NOTICE, HOW SERVED.] Such notice shall be served upon the vendee or purchaser, or his assigns, in the manner now provided for the service of summons in the district court of this state, if such person to be served resides within the state. If such vendee or purchaser, or his assigns, as the case may be, resides without the state or cannot be found therein, of which fact, the return of the sheriff of the county in which said real estate is situated, that such person cannot be found in his county, shall be prima facie evidence, then such notice shall be served by the publication thereof in a weekly newspaper within said county; or, if there is no weekly newspaper

within said county, then in a newspaper published at the capital of this state for a period of three successive weeks.

§ 4. TIME ALLOWED.] Such vendee or purchaser, or his assigns, shall have thirty (30) days after the service of such notice upon him in which to perform the conditions or comply with the provisions upon which the default shall have occurred; and upon such performance, and upon making such payment, together with the costs of service of such notice, such contract or other instrument shall be reinstated, and shall remain in force and effect, the same as if no default had occurred therein. No provision in any contract for the purchase of land, or an interest in land, shall be construed to obviate the necessity of giving the aforesaid notice, and no contract shall terminate until such notice is given, any provision in such contract to the contrary notwithstanding.

§ 5. EMERGENCY.] Whereas, an emergency exists, inasmuch as there is no adequate law regulating the proceedings to be had before the rights of vendee or purchaser shall terminate, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1903.

VITAL STATISTICS.

CHAPTER 205.

[S. B. No. 145—Taylor.]

COLLECTION OF VITAL STATISTICS.

AN ACT to Amend and Re-enact Sections 274a, 274b, 274c, 274d, 274e, 274f, 274g, of Chapter 4 of the Political Code of 1899, Relating to the Collection and Reporting of Vital Statistics, Prescribing the Duties of Officers Who Collect and Report Such Statistics, Defining the Duties of County Auditors in Relation Thereto, and Fixing Compensation and Method of Paying the Same, and Providing Penalties for the Violation of this Act.

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

§ 1. AMENDMENT.] That sections 274a, 274b, 274c, 274d, 274e, 274f, and 274g, of chapter 4 of the political code of 1899, be amended and re-enacted so as to read as follows:

§ 274a. VITAL STATISTICS, COLLECTION OF.] The health officer of each city, the clerk of each civil township, and in counties not organized into civil townships, the county commissioner of such county for the district for which he was elected, and the superintendent of the county board of health of each county in the state, shall obtain and register the following facts concerning the births, deaths,