

DEATH

CHAPTER 106.

[S. B. No. 80—McGray.]

ACTION FOR DEATH BY UNLAWFUL ACT.

An Act to Amend and Re-enact Section 8323 of the Compiled Laws of North Dakota for the year 1913, Relating to who may bring action for death by unlawful Act.

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

§ 1. AMENDMENT.] That Section 8323 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted so as to read as follows:

§ 8323. WHO MAY BRING ACTION.] The action shall be brought by the following persons in order named:

1. The surviving husband or wife, if any.
2. The surviving children, if any.
3. The surviving mother or father.
4. The personal representative.

If any person entitled to bring the action refuses or neglects so to do for a period of thirty days after demand of the person next in order, such person may bring the same.

Approved, March 1, 1917.

DEEDS AND MORTGAGES

CHAPTER 107.

[H. B. No. 259—Hoghaug.]

LEGALIZE EXECUTION AND ACKNOWLEDGMENT OF CERTAIN DEEDS, MORTGAGES AND OTHER INSTRUMENTS.

An Act to Legalize the Execution and Acknowledgment of Certain Deeds, Mortgages, and Other Instruments in Writing, and the Record Thereof, and Making the Same or Certified Copies Thereof, Admissible in Evidence.

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

§ 1. EXECUTION, ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, mortgages and other instruments in writing affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1916, and

which have been filed or recorded in the proper counties of this state, be, and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the State of North Dakota, or of any other state, territory or county at the time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys-in-fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be legal and valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy, officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public or other officers, done in good faith in taking or certifying to the acknowledgment of such instruments, whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments and it shall be prima facie presumed that such officer acted within the scope of his authority.

Approved March 10, 1917.

CHAPTER 108.

[S. B. No. 18—Carey By Request.]

MORTGAGES—FILING—ASSIGNMENTS.

An Act Relating to the Receipt and Filing by the Register of Deeds, of Mortgages and Assignments of Mortgages.

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

§ 1.] No mortgage shall be received for record by any register of deeds in this state which does not contain the postoffice address of the mortgagee, and which does not in full describe the indebtedness secured by the said mortgage as to the amount, rate of interest, when and where due. No assignment of mortgage shall be received for record which does not contain the postoffice address of the assignee.

Approved February 19, 1917.

CHAPTER 109.

[H. B. No. 7—Lathrop, Strom, Quam, Moen.]

REDEMPTION OF REAL PROPERTY SOLD UNDER EXECUTION
AND MORTGAGE FORECLOSURE.

An Act to Amend Sections 7754 and 7758 of the Compiled Laws of North Dakota, 1913, relating to redemption from Sales of Real Property Under Execution, and Mortgage Foreclosure Sales, as amended by chapter 223 of the Session Laws of the State of North Dakota for the year 1915.

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

§ 1. AMENDMENT.] Section 7754 of the Compiled Laws of North Dakota, 1913, as amended by chapter 223 of the Session Laws of the State of North Dakota for the year 1915, is hereby amended and re-enacted to read as follows:

§ 7754. PAYMENT OF AND PERIOD OF REDEMPTION.] The judgment debtor or redemptioner may redeem the property from the purchaser within one year after the sale on paying the purchaser the amount of his purchase with eight per cent interest thereon together with the amount of any assessment or taxes which the purchaser may have paid thereon after the purchase, and interest at the same rate on such amount; and if the purchaser is also a creditor having a prior lien to that of the redemptioner other than the judgment under which such purchase was made, the amount of such lien with interest.

§ 2. AMENDMENT.] Section 7758 of the Compiled Laws of North Dakota, 1913, as amended by Chapter 223 of the Session Laws of the State of North Dakota for the year 1915, is hereby amended to read as follows:

§ 7758. REDEMPTION. FILING OF CERTIFICATE.] In no case shall the debtor be required to pay more to effect a redemption than the purchase price with eight per cent interest from the day of sale and all taxes and assessments paid with eight per cent interest thereon from the date of payment, notwithstanding the fact that he seeks to redeem from the redemptioner. If the debtor redeems, the effect of the sale is terminated and he is restored to his estate. Upon a redemption by the debtor the person to whom the payment is made must execute and deliver to him a certificate of redemption acknowledged or proved before an officer authorized to take acknowledgments of conveyances of real property. Such certificate must be filed and recorded in the office of the register of deeds of the county in which the property is situated, and the register of deeds must note the record thereof in the margin of the record of the certificate of sale. In case the debtor redeems from a redemptioner who has to effect his redemption paid liens on the property, other than for taxes or assessments, the redemptioner shall be subrogated to all the rights of the former holders of such liens, and the filing of written notices of such redemptions as required by section 7756 shall constitute notice of the rights of such redemptioner in

and to all the liens so held by him as equitable assignee as fully as if formal written assignments thereof had been recorded. All the statutes relating to redemptions from execution sales shall govern sales on mortgage foreclosure and these provisions shall apply to all sales hereafter made.

Approved March 10, 1917.

DEPOSITIONS

CHAPTER 110.

[S. B. No. 142—Martin.]

TESTIMONY OF INJURED PERSONS.

An Act for the Purpose of Perpetuating the Testimony of Injured Persons in Actions and Proceedings in the Courts of this State.

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

§ 1. The testimony of a person injured may be taken and perpetuated in the following manner:

1. The party desiring the perpetuation of such testimony shall issue a written notice specifying the time and place of taking the same, which shall be served upon the party against whom proceedings for damages for such injury is intended to be commenced.

2. The notice shall be served a sufficient time before the day specified therein to allow the intended defendant party time to attend by the usual route of travel, and one day for preparation, exclusive of Sundays and the day of service.

3. The examination may be adjourned from day to day and it shall be unlawful for any person or corporation to prevent or attempt to prevent the taking of such testimony.

4. Such depositions and testimony may be taken before any officer authorized to take depositions and must be written by the officer, or in his presence by the witness or some disinterested person, and must be subscribed to by the witness if the witness is able.

5. Testimony so taken shall be sealed and endorsed with the name of the officer taking same and by him addressed and transmitted to the clerk of the district court in which the contemplated action or proceeding is intended to be commenced. It shall remain under seal until opened by the order of the court, officer or tribunal or at the request of a party to the action or proceeding or his attorney.

6. On the trial of an action brought by any person for the recovery of damages for injury against the party upon whom such notice has been served, or their successors in interest wherein it may be