

further, that the above law shall not apply in case of emergency, that at such time female help may be employed ten hours in one day and seven days in one week, but not to exceed forty-eight hours in any one week. An emergency, as herein referred to, is defined to exist in the case of sickness of more than one female employee, in which case a doctor's certificate must be furnished, for the protection of human life, in the case of the holding of banquets, conventions, celebrations, session of the legislature in any city wherein such session is held and during the time such body is in session, or where a female is employed as reporter in any of the courts of the state of North Dakota.

§ 2. Any person violating any provision of this Act, shall upon conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Approved March 5, 1927.

FORECLOSURE

CHAPTER 143 (S. B. No. 85—Forbes)

NOTICE OF INTENTION ON FORECLOSURE AND VALIDATING SALES OF MORTGAGES EXECUTED PRIOR TO JULY 1, 1919

An Act to Amend and Re-enact Section 8099a of the Supplement to the Compiled Laws of 1913, Pertaining to the Giving of Notice of Intention to Foreclose Real Estate Mortgages and Legalizing and Validating Foreclosure Sales Heretofore Made Where No Such Notice of Intention to Foreclose Has Been Given On Mortgages Executed Prior to July 1, 1919.

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

§ 1. AMENDMENT.] That Section 8099a of the Supplement to the Compiled Laws of 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 8099a. NOTICE.] Before any action or proceeding shall be commenced to foreclose a mortgage on real property, a written notice describing the real estate, giving the date and amount of the mortgage, the sum due for principal, interest, and taxes, respectively, and stating that, if the same be not paid within thirty days from the date of the mailing or service of such notice, proceedings will be commenced to foreclose the mortgage, shall be served on the title owner of the real estate described in such mortgage, as shown by the records in the office of the Register of Deeds of the county in which said real estate is situated, except in the one case hereinafter

provided, more than thirty days prior to the commencement of such action or proceeding. The said notice shall be served on such title owner by registered mail, addressed to such title owner at his post office address, provided such post office address is shown in the chain of title of such real estate, in the records of the aforesaid office, but if such post office address be not so shown said notice may be served by registered mail addressed to said title owner at the post office nearest to any part or tract of said real estate. If the title to such real estate is in the name of a deceased person, no service of such notice need be made, but if an administrator or executor of the estate of such deceased person has been appointed in the county in which said real estate is located, said notice shall be served on such administrator or executor; provided that personal service of such notice on such title owner or on the administrator or executor of the estate of such deceased person, wherever appointed, made in the manner provided by law for the service of a summons in a civil action, either within or without the State of North Dakota, shall be sufficient; provided further that the certificate of the County Judge of the County in which the real estate is situated, stating that no executor or administrator has been appointed in said County, recorded in the office of the Register of Deeds of said County, shall be sufficient evidence of such fact. Proof of the service herein required or that such title owner is a deceased person shall be made by affidavit or by the certificate of the Sheriff of the county in which the real estate is situated, and such proof of service shall be filed at the time of the filing of the complaint in any action of foreclosure and shall be recorded with the notice and certificate of sale in all other cases; provided, that if said owner, administrator, or executor shall, before the expiration of thirty days from the service of such notice, perform the conditions or comply with the provisions upon which the default shall have occurred, such mortgage shall be reinstated and shall remain in full force and effect the same as if no default had occurred therein; provided, further, that if an action or proceeding to foreclose such mortgage be not commenced within ninety days after the date of the service of the notice herein provided for, all proceedings under such notice shall be deemed discontinued.

§ 2. All sales of real estate made or that may hereafter be made under a mortgage foreclosure of mortgages executed prior to July 1, 1919, are hereby declared legal and valid for all purposes even though no notice of intention to foreclose has been given or served as provided in Chapter 131 of the Session Laws of 1919, as amended by Chapter 66 of the Session Laws of 1921, as amended by Chapter 142 of the Session Laws of 1925.

§ 3. This act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 5, 1927.

CHAPTER 144
(S. B. No. 39—Forbes)

**POWER OF ATTORNEY REQUIRED ON FORECLOSURE REAL
ESTATE MORTGAGE**

An Act to Amend and Re-enact Sections 8075 of the Compiled Laws of North Dakota for 1913 and Section 8076 of the Supplement to the Compiled Laws of the State of North Dakota 1913.

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

§ 1. AMENDMENT.] That Section 8075 of the Compiled Laws of North Dakota, 1913, be and the same is hereby amended and re-enacted to read as follows:

§ 8075. It shall be unlawful for any agent or attorney of any mortgagee, assignee, person or persons, firm, corporation, 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; provided, that in any action, brought for the foreclosure of any mortgage or any other lien on real estate, any defendant in said action who is the owner, at the time of the commencement of such action, of any mortgage on the real estate, described in the complaint in said action, may plead and set up the mortgage of said defendant as a counter-claim and have the mortgage of such defendant foreclosed in said action and decree of foreclosure and deficiency judgment entered without the power of attorney herein mentioned and without the service of the notice provided for in Section 8099a of the 1925 supplement to the Compiled Laws of the State of North Dakota 1913; provided further that no power of attorney shall be required to foreclose an equitable mortgage or a deed or other instrument except a mortgage which has been executed or delivered to secure the payment of money or the performance of any other act.

§ 2. AMENDMENT.] That Section 8076 of the Supplement to the Compiled Laws of the State of North Dakota 1913, be, and the same is, hereby amended and re-enacted to read as follows:

§ 8076. No sale of real estate upon a foreclosure made by an agent or attorney by advertisement shall be valid for any purpose, except as provided in the preceding section, unless such power

of attorney shall be procured and filed for record in the office of the register of deeds of the county wherein said real estate is located on or before the day fixed or appointed to make the same.

Approved March 5, 1927.

GAME and FISH

CHAPTER 145

(H. B. No. 199—Committee on Game and Fish)

POWERS AND DUTIES OF GAME AND FISH BOARD

An Act to Amend and Re-enact Section 10322a4 of the Supplement to the Compiled Laws 1913 Relating to the Powers and Duties of the North Dakota Game and Fish Board.

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

§ 1. That Section 10322a4 of the Supplement to the Compiled Laws 1913 be amended and re-enacted to read as follows:

§ 10322a4. POWERS AND DUTIES OF THE BOARD.] Said Board shall enforce the laws of this state, involving the protection and propagation of all game animals, game birds, fish and harmless birds and animals.

1. The propagation and preservation of such variety of game and fish as it shall deem to be of public value.

2. The collection and diffusion of such statistics and information as shall be germane to the purpose of this act, and the publication of such information and reports.

3. The power to purchase, sell and lease for the state, all sales of real estate to be approved by the Governor, to control, construct, mark, designate and manage all state fish hatcheries, state game farms, game refuges, game reserves and game reservations, that are now or may hereafter be owned, leased or controlled for such purposes.

4. The receiving from the United States Commissioner of Fisheries or other persons and the gathering, purchase and distribution to the waters of this state of all fish spawn or fry.

5. The taking of fish from public waters of the state for the propagation and stocking of other waters therein. The taking alive at any time, by any means, under the personal supervision of any