

the amount appropriated shall not exceed one-half of one mill on the net assessed valuation of the taxable property of the city or village.

(c) In cities or villages having a net assessed valuation in excess of fifteen million dollars, the amount appropriated shall not exceed one-fourth of one mill on the net assessed valuation of the taxable property of the city or village.

§ 5. A like petition may at any time be presented to the council or commission asking that the following proposition be submitted, to-wit: "Shall the power to levy a tax for the maintenance or employment of a band be cancelled?" Said submission shall be made at any general or municipal election as heretofore provided, and if a majority of the votes be in favor of said question, no further levy for said purpose shall be made until such time as the said question may be again voted upon favorably as heretofore provided.

§ 6. All funds derived from said levy shall be expended as set out in Section One hereof by the council or commission.

Approved March 3, 1927.

TRANSFERS

CHAPTER 271

(H. B. No. 65—Rulon)

TRANSFER REAL PROPERTY, DUTY OF COUNTY AUDITOR

An Act to Amend and Re-enact Section 2212 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota, Relating to the Duty of the County Auditor and Requirements of the Transfer of Real Property as to Taxes, Deeds and Other Instruments of Conveyance and Declaring an Emergency Exists.

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

§ 1. AMENDMENT.] That Section 2212 of the Supplement to the Compiled Laws of 1913 of the State of North Dakota be amended and re-enacted to read as follows:

§ 2212. Whenever any deed or patent is presented to the County Auditor for transfer, he shall ascertain from the books and records in the offices of the County Treasurer and County Auditor if there be delinquent taxes or special assessments on the land described therein, or if it has been sold for taxes and if there are delinquent taxes or delinquent special assessments or installments of special assessments due thereon, he shall certify to the same, and when the receipt of the County Treasurer shall be produced for the said delinquent taxes or special assessments or installments of special assessments that may be in the hands of the County Treasurer or County Auditor for collection, the County Auditor shall enter on every deed, or patent so transferred, over his official signature,

"Delinquent taxes and special assessments or installments of special assessments, paid and transfer entered," or if the land described has been sold for taxes, "paid by sale of the land described within," or if it is an instrument entitled to record without regard to taxes, "transfer entered," and unless such entry is made upon any deed or patent, the Register of Deeds shall refuse to receive or record the same; provided that sheriff's or referee's certificates of sale on execution or foreclosures of mortgages may be recorded by the Register of Deeds without any such certificate from the County Auditor. The County Auditor shall keep a record of such transfers in a book kept for that purpose, showing the names of the grantor and grantee, a description of the property and the date of the transfer, and shall collect twenty-five cents for each certificate from the person or persons presenting the same for certification, and said money so collected shall be by him paid into the office of the County Treasurer at the end of each month and be placed to the credit of the general funds of the county.

§ 2. EMERGENCY.] An emergency is hereby declared to exist, and this act shall take effect and be in force from and after its passage and approval.

Approved February 9, 1927.

Note: The foregoing measure carried the following vote on final passage:

House—109—0—4

Senate—28—15—6.

CHAPTER 272

(S. B. No. 37—Forbes)

RECORDING TRANSFERS—AFFIDAVIT

An Act to Amend and Re-enact Section 5552 of the Compiled Laws of North Dakota for the Year 1913.

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

§ 1. AMENDMENT.] That Section 5552 of the Compiled Laws of North Dakota for 1913 be, and the same is, hereby amended and re-enacted to read as follows:

§ 5552. AFFIDAVIT ENTITLED TO RECORD.] The affidavit provided for in Section 5551, duly verified according to law, and containing a description of the land to which it relates, may be recorded in the office of the register of deeds of any county in this

state, in the proper book of miscellaneous records, in such office, and such affidavit, when so recorded, shall be prima facie evidence of the truth of the facts set forth or contained therein.

Approved January 28, 1927.

TRUSTEES

CHAPTER 273

(H. B. No. 192—Fowler)

EFFECT OF INSTRUMENTS BY TRUSTEES

An Act Defining the Effect of Instruments, Affecting Real and Personal Property Belonging to a Trust, Executed by Trustees in Their Respective Capacity as Trustee.

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

§ 1. Whenever any Trustee, in the course of the administration of its trust, shall execute any deed, mortgage, bill of sale or other instrument affecting real or personal property belonging to said trust, and proper recitals shall appear in such instrument showing that the same was executed by said Trustee solely in its representative capacity as Trustee, such instrument shall only be binding upon said Trustee in its representative capacity, and shall create no personal liability against the person, firm or corporation executing such instrument.

Approved February 28, 1927.

USURY

CHAPTER 274

(S. B. No. 195—Seamands)

USURY DEFINED

An Act to Amend and Re-enact Section 2 of Chapter 155, Session Laws of 1925, the Same Being Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, Defining Usury.

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

§ 1. AMENDMENT.] That Section 2 of Chapter 155, Session Laws of 1925, the same being Section 6073 of the Supplement to the 1913 Compiled Laws of North Dakota, be and the same hereby is amended and re-enacted to read as follows:

§ 6073. USURY DEFINED.] No person, firm, company or corporation shall directly or indirectly take or receive, or agree to take