

or receive in money, goods or things in action, or in any other way, any greater sum or any greater value for the loan or forbearance of money, goods or things in action, than nine per cent per annum, and in the computation of interest, the same shall not be compounded. Any violation of this section shall be deemed usury; provided, that any contract to pay interest not usurious on interest overdue shall not be deemed usury.

§ 2. EMERGENCY.] Whereas, some question has arisen as to whether or not interest upon past due interest may be collected under the provisions of Chapter 155, Session Laws of 1925, therefore this act is declared an emergency and shall be in full force and effect immediately upon its passage and approval.

Approved March 5, 1927.

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

Senate—29—19—1

House—63—43—7.

VALIDATIONS

CHAPTER 275

(H. B. No. 104—Sperry)

VALIDATION 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, 1927, 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 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. Provided, that nothing in this act shall be construed to validate any deed, transfer or other instrument in writing where there shall be now pending any suit, action or proceeding of any kind affecting the title to any real property owned by the State of North Dakota or any subdivision thereof, or of any person, firm or corporation.

Approved, March 7, 1927.

CHAPTER 276
(S. B. No. 248—Atkins)

VALIDATING LEGAL PUBLICATIONS IN OFFICIAL NEWSPAPERS
An Act Legalizing and Validating All Legal Publications Made Prior to the 1st Day of January, 1927, Contrary to the Provisions of Chapter 187 of Session Laws, 1919, and of the Initiated Measure Relating to Official Newspapers Approved November 2, 1920.

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

That all legal publications of any kind or character, which prior to the 1st day of January, 1927, have been made in a newspaper other than a newspaper legally designated therefor under the provisions of Chapter 187 of Session Laws 1919, and of the Initiated Measure relating to Official Newspapers approved November 2, 1920, are hereby declared legal and valid for all purposes.

Approved March 7, 1927.

CHAPTER 277

(S. B. No. 187—Sathre and Forbes)

VALIDATING MORTGAGE FORECLOSURES

An Act Limiting the Time Within Which Any Action May Be Brought to Void a Foreclosure of a Mortgage, a Mortgage Foreclosure Set Aside, or Any Defense Interposed in Any Action, by Virtue of Any Defect in the Form, Substance or Service of Notice of Intention to Foreclose a Mortgage.

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

§ 1. After six months from and after this act takes effect no action shall be commenced to set aside the foreclosure of a mortgage and no foreclosure of a mortgage shall thereafter be set aside, and no defense shall be interposed in an action based upon the foreclosure of such mortgage, by virtue of any defect in the form, substance, service or manner of service of the notice of intention to foreclose such mortgage, which mortgage has been foreclosed prior to the taking effect of this act.

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

Approved, March 5, 1927.

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

Senate—27—20—2

House—64—42—7.

CHAPTER 278

(S. B. No. 258—Bakken)

VALIDATION PARK DISTRICT BOND ISSUES

An Act to Validate and Legalize Certain Proceedings of Park Districts and Their Commissioners Relating to Bond Issues.

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

§ 1. Where the voters of any park district of this state have heretofore authorized at an election held pursuant to a resolution passed by the Board of Park Commissioners of such districts to issue the bonds of the district and the Park Commissioners thereof have heretofore or shall hereafter adopt ordinances providing for the issuance of such bonds and the levy of taxes for the payment thereof, all in accordance with the purported authorization and within the limitations of Chapter 96 as printed in the Session Laws of North Dakota for the year 1921, and laws supplemental thereto, except that the maturities of such bonds have been fixed at a date

or dates not more than twenty years from the date of such bonds, such proceedings are hereby declared to be valid and legal, and such bonds when signed by the president and clerk of such district and sold in accordance with Chapter 327, Laws of 1923, as amended, shall be and are hereby declared to be valid and enforceable obligations of such park district.

Approved, March 3, 1927.

CHAPTER 279

(S. B. No. 204—Forbes and Sathre)

VALIDATION SALES OF REAL ESTATE ON EXECUTION AND
FORECLOSURE

An Act to Legalize and Make Valid All Sales of Real Estate, Made Prior to the Passage and Approval of this Act, Whether Under Execution or by Advertisement, in All Cases Where the Certificate of Sale Was Not Recorded in the Office of the Register of Deeds Within Sixty (60) Days After the Date of Sale.

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

§ 1. Any sale of real estate, made prior to the taking effect of this act, whether under execution or in foreclosure of a mortgage by advertisement, is hereby declared to be legal and valid for all purposes, even though the Sheriff's Certificate of Sale, issued in completion of such sale, was not filed for record in the office of the Register of Deeds within Sixty (60) Days after the date of such execution or foreclosure sale.

§ 2. This act shall not apply to or effect any proceeding, special proceeding, action at law, or suit in equity now pending in any court of this state.

§ 3. EMERGENCY.] Whereas, an emergency exists in that in many foreclosure sales of real estate, heretofore made, both under execution and in foreclosure by advertisement, the purchaser has, by inadvertence or mistake, failed or neglected to record the Sheriff's Certificate of Sale within the time required by law and such failure or neglect may cause technical defects or clouds in the title to real estate in this state, which ought to be corrected and cured without expense or litigation, this act shall take effect and be in force from and after its passage and approval.

Approved, March 5, 1927.

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

Senate—26—19—4
House—67—38—8.

CHAPTER 280
(H. B. No. 270—Fowler)

VALIDATION SALES OF REAL ESTATE BY EXECUTOR OR
ADMINISTRATOR

An Act to Validate Sales of Real Estate Made by An Executor or Administrator Pursuant to Contract, Which Has Not Been Confirmed by the County Court.

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

§ 1. All sales of real estate made by any executor or administrator, where his testator or intestate had contracted in writing for the sale thereof in his lifetime, and conveyance of which has been made pursuant to a decree of any county court of this state as provided by Article 8, Chapter 6, of the Probate Code of North Dakota, in estates which are closed and such administrator or executor has been discharged, and which conveyances have been otherwise legally made but have not been approved by the judges of the county courts wherein such conveyances were had, pursuant to Section 8794, of the Compiled Laws of 1913, are hereby declared valid and of the same effect as if an order or judgment of approval had been made by the county judge of the court in which such proceedings were had.

Approved, March 3, 1927.

VETERANS

CHAPTER 281
(S. B. No. 109—Baird, Hamilton and Schlosser)

VETERANS' SERVICE COMMISSIONER

An Act Creating the Office of Veterans' Service Commissioner; Providing the Qualifications, the Manner of Appointment, Duties, Salary, Tenure of Office of Such Officer, Providing An Appropriation Therefor, and Declaring An Emergency.

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

§ 1. There is hereby created the office of Veterans' Service Commissioner.

§ 2. QUALIFICATIONS AND APPOINTMENT.] Such commissioner shall be appointed by the Governor of the State of North Dakota from a list of names of five men furnished by the State Executive Committee of the American Legion. Any person to be eligible for appointment as such commissioner shall be an actual and bona fide resident of North Dakota, a regularly licensed attorney, or someone experienced in the prosecution of claims against the Veteran's Bureau, and shall possess an honorable discharge either from the Navy, Army or Marine Corps of the United States Government.