

property necessary to the maintenance or expansion thereof, or to the acquirement of any of the essentials of their existence or necessary to their operation or the health, safety or support of any inmates thereof, or the protection or care of their property.

§ 2. The proceedings for the acquirement of any such property shall be prosecuted by the Attorney General in the name of the state as plaintiff, and shall be governed by the general provisions of law, applicable to condemnation proceedings.

§ 3. EMERGENCY.] Whereas, an emergency exists, this act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1925.

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## ESTRAYS

### CHAPTER 140

(H. B. No. 159—Currie.)

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#### ESTRAYS

An Act To Amend and Re-enact Section 2664 of the Compiled Laws of North Dakota for the Year 1913, Having to do With Estrays and the Sale Thereof.

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

§ 1. Section 2664 of the Compiled Laws of North Dakota for the year 1913 is hereby amended and re-enacted to read as follows:

§ 2664. MAY BE SOLD, WHEN.] If the appraised value of any estray exceeds twenty-five dollars, and the same is not called for within sixty days after the advertisement in the official estray paper, the person taking up such estrays shall notify some justice of the peace of the county or township, and such justice shall designate a place where such sale shall be held, and shall name the day, and the time of day for such sale, and cause notice of such sale to be published three times in a weekly newspaper, if there is one published in the county; in case no paper is published in the county, this notice shall be posted in three public places in the county at least twenty-two days before such sale, and on the appointed day the person taking up such estray shall have the same present at the place, and the justice shall proceed to sell such estray at public auction for cash, and after paying the proper fees and charges for taking up such estray and feeding and caring for same, to be fixed

by such justice, and the fees advanced for the advertisement and appraisal of such estray as herein provided, and after deducting the fees allowed such justice for such sale and advertisement thereof, the residue of the proceeds of such sale shall be paid to the county treasurer, who shall receipt to the justice therefor. All moneys so deposited with the county treasurer shall by him be retained in the treasury for six months thereafter, separate and apart from all other moneys, and if the owner of any such estray shall within such period appear before the board of county commissioners and establish his title to such estray, such board shall order the amount so paid into the treasury to be paid to such owner. If no such person appear within six months after the deposit of such money as herein provided, the same shall be passed to the school fund of the county and shall be accounted for and expended as other school money.

Approved March 10, 1925.

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## FORECLOSURE

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### CHAPTER 141

(H. B. No. 69—Carr and Elken.)

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#### FORECLOSURE OF REAL ESTATE MORTGAGES BY AGENT OR ATTORNEY AND VALIDATING PRIOR SALES

An Act To Amend and Re-enact Section 8076 of the Compiled Laws of North Dakota for the year 1913, as Amended and Re-enacted by chapter 250 of the Session Laws of North Dakota for the year 1923 relating to foreclosure of mortgages by agent or attorney, and legalizing and validating sales heretofore made where the power of attorney has been filed for record at or prior to the time fixed for the making of the same.

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

§ 1. AMENDMENT.] That Section 8076 of the Compiled Laws of North Dakota for the year 1913, as amended and re-enacted by chapter 250 of the Session Laws of North Dakota for the year 1923, is amended and re-enacted as follows:

§ 8076. FORECLOSURE OF REAL ESTATE MORTGAGE BY AGENT OR ATTORNEY NOT VALID, WHEN.] No sale of real estate upon a foreclosure made by an agent or attorney by advertisement shall be valid for any purpose, unless such power of attorney as is provided for by law, shall be procured and recorded in the office of the Regis-