

the security thereof to be approved by the clerk of such court, for the payment of all costs on appeal, but no mine shall be operated during the pendency of such an appeal, unless otherwise ordered by said district court after notice given to said inspector.

§ 7. PENALTY FOR FAILURE TO COMPLY WITH LAW.] Every mine owner and operator who shall operate any coal mine without having a license as herein provided in full force and effect, or who shall wilfully fail, neglect or refuse to comply with the provisions of this article, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of one hundred dollars (\$100.00), or imprisonment in the county jail not exceeding thirty days, or both such fine and imprisonment, as the court may determine.

§ 8. REPEAL.] Sections 3081, 3082, 3083 and 3084 of the Compiled Laws of the State of North Dakota for the year 1913 and all other acts or parts of acts in conflict herewith are hereby repealed.

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

Approved March 12. 1935

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## MORTGAGES

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### CHAPTER 168

S. B. No. 233—(Kolpin, Lemke and Green of Stutsman)

#### RENEWAL AND LIMITATION CHATTEL MORTGAGES

An Act to amend and re-enact Section 6762 of the Compiled Laws of North Dakota for the year 1913, as amended by Chapter 175, Session Laws of 1927, relating to filing, renewal and limitations of chattel mortgages, and providing for the cancellation and satisfaction of same; and further providing for the repeal of all acts or parts of acts in conflict herewith and making the same an emergency measure.

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

§ 1. AMENDMENT.] Section 6762 Compiled Laws of North Dakota for the year 1913, as amended by Chapter 175, Session Laws of 1927, is hereby amended and re-enacted to read as follows:

Section 6762. RENEWAL AND LIMITATION OF CHATTEL MORTGAGES.] Cancellation and Satisfaction. A mortgage of personal property ceases to be valid as against creditors of the mortgagor and subsequent purchasers and incumbrancers in good faith after the expiration of three years from the filing date thereof; provided, that

any such mortgage may be renewed for an additional period of three years from the expiration of said period, by filing anew in the office of the register of deeds in the county in which the mortgage was originally filed, an exact copy of the original mortgage together with a statement and affidavit of the exact amount of the then existing debt for which mortgagee, his agent or attorney or his assignees, claims a lien, sworn to and subscribed by him, his agent or attorney, within ninety days next preceding the expiration date of such term, or it ceases to be valid as against the parties above mentioned. Provided, further, however, that any chattel mortgage filed under the provisions of this act and any renewal thereof shall become void and cancelled of record as against all persons at the end of six years from the date of the filing of the original mortgage. All chattel mortgages or instruments of like nature shall be kept on file in the office of the register of deeds for a period of three years after the same have expired, and thereafter may be removed from the files and stored for safe-keeping.

Provided, further, that mortgages of personal property belonging to street car companies, telephone companies and telegraph companies need not be renewed; and provided, further, that trust deeds or other trust conveyances or instruments executed to secure bonds of corporations need not be renewed.

§ 2. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval. This measure is declared to be an emergency measure for the reason that the law, as it stands, now relating to chattel mortgages as to the expiration and renewal thereof, and the filing and disposition thereof is too indefinite and uncertain as to what is intended, and has created a condition of confusion; and that an act is needed providing that all chattel mortgages shall expire after six years from the date of filing thereof.

Approved March 5, 1935.

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## CHAPTER 169

S. B. No. 297—(Brostuen)

### CANCELLATION CROP MORTGAGES AND BILLS OF SALE— ASSIGNMENT

An Act providing for the cancellation of record of certain chattel mortgages and certain written agreements relating to personal property, by the register of deeds, for cancelling certain bills of sale, requiring assignments of chattel mortgages to be filed before the filing

of affidavit of renewal or satisfaction, and repealing all acts in conflict therewith.

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

§ 1. It shall be the duty of the register of deeds of each county to cancel any and all crop mortgages appearing upon the records in such office that have been filed therein more than three years, except where the mortgage is given for the purchase price, in whole or in part, on sale of land.

§ 2. The register of deeds of any county in this state shall cancel and discharge upon the records in his office any bill of sale upon the filing of a release executed by both parties to the instrument.

§ 3. It is hereby provided that before the assignee of a mortgage, or any subsequent assignee or assignees, can file an affidavit of renewal or satisfaction of any chattel mortgage that has been filed in the office of the register of deeds, he shall first file such assignment or assignments of the mortgage to show full record title or ownership of the mortgage.

§ 4. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1935.

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## CHAPTER 170

S. B. No. 269—(Miklethun)

### RELEASE, ETC., REAL ESTATE MORTGAGE, COMPANY G, 1st REGIMENT, NORTH DAKOTA NATIONAL GUARD TRAINING SCHOOL

An Act authorizing, directing and empowering the proper officials of the State of North Dakota to release, discharge and satisfy that certain real estate mortgage executed by "Company G," 1st Regiment, North Dakota National Guard Training School, a corporation, as mortgagor, to the State of North Dakota, dated January 25th, 1909, filed for record in the office of the Register of Deeds of Barnes County, North Dakota, on April 9th, 1909, at two o'clock P. M. and recorded in Book 43 of Mortgages on page 3, and covering Lot Sixteen (16) and the North Half (N½) of Lot Seventeen (17) in Block Seventeen (17) of the Original Plat of Valley City, North Dakota.

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

WHEREAS, the Company "G," 1st Infantry, North Dakota National Guard Training School was, on and prior to the 25th day of January, 1909, a corporation, organized and existing under the laws of North Dakota for the purposes and with the powers set forth in Chapter 35 of the Political Code (being Sections 2347 et seq., Com-

piled Laws for 1913) and was the owner of Lot Sixteen (16) and the North Half (N $\frac{1}{2}$ ) of Lot Seventeen (17) of Block Seventeen (17) of the Original Plat of Valley City, North Dakota, upon which there was erected an armory building belonging to said corporation, and

WHEREAS, said corporation duly executed and delivered to the State of North Dakota, pursuant to Section 2416, Compiled Laws of 1913, its real estate mortgage dated January 25th, 1909, and filed for record in the office of the register of deeds of Barnes county, North Dakota, on the 9th day of April, 1909, at 2 o'clock p. m., and recorded in Book "43" of Mortgages, on page 3, and which said mortgage covered and was a lien upon the whole of the said premises, and

WHEREAS, the said armory building was destroyed by fire in the early spring of 1919, and it is now desired to obtain federal aid in the matter of the erection of a new armory upon the said premises, the said Company "G" 164th Infantry, being without armory facilities, and that to secure such a grant it is necessary that the said mortgage be discharged and released of record, therefore, be it enacted

§ 1. That the proper officials of the State of North Dakota be and they are hereby directed, authorized and empowered to release, satisfy and discharge that certain real estate mortgage executed by Company "G" 1st Regiment, North Dakota National Guard Training school, a corporation, as mortgagor to the State of North Dakota as mortgagee, dated January 25th, 1909, and filed for record in the office of the register of deeds of Barnes county, North Dakota, on April 9th, 1909, at 2 o'clock p. m., and recorded in Book "43" of Mortgages, on page 3 and covering upon Lots Sixteen (16) and the North Half (N $\frac{1}{2}$ ) of Lot Seventeen (17) in Block Seventeen (17) of the Original Plat of the City of Valley City, North Dakota, insofar as said mortgage is a lien upon and affects said real estate therein described. Provided, however, that such mortgage shall only be discharged as provided herein, in the event there shall have been procured through federal aid a sufficient amount to insure financing the construction of a new armory upon these lots.

Approved March 12, 1935.

## CHAPTER 171

S. B. No. 40—(Bonzer)

RELEASE, ETC., WAHPETON MILITARY TRAINING SCHOOL  
REAL ESTATE MORTGAGE

An Act authorizing, directing and empowering the proper officials of the State of North Dakota to release, discharge and satisfy that certain real estate mortgage executed by the Wahpeton Military Training School as mortgagor to the State of North Dakota as mortgagee, dated October 4, 1910, filed for record in the office of the register of deeds of Richland county, North Dakota, on October 12, 1910 at 11:30 A. M. and recorded in Book 69 of Mortgages, at page 176, and covering Lots numbered Sixteen (16) and Seventeen (17) in Block Thirty-seven (37) of the Original Townsite of the City of Wahpeton, Richland county, North Dakota, insofar as said mortgage is a lien upon and affects said Lot Sixteen (16) but not otherwise and declaring an emergency.

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

WHEREAS, the Wahpeton Military Training School was, on and prior to the 4th day of October, 1910, a corporation, organized and existing under the laws of North Dakota for the purposes and with the powers set forth in Chapter 35 of the Political Code (being Sections 2347 et seq., Compiled Laws for 1913) and was the owner of Lots Sixteen (16) and Seventeen (17) of Block Thirty-seven (37), Original Townsite of City of Wahpeton, North Dakota, upon which said Lot Seventeen (17) there was erected an armory building belonging to said corporation, and said Lot Sixteen (16) was then vacant and unoccupied, and

WHEREAS, said corporation duly executed and delivered to the State of North Dakota, pursuant to Section 2416, Compiled Laws of 1913, its real estate mortgage dated October 4th, 1910, and filed for record in the office of the register of deeds of Richland county, North Dakota, on October 12th, 1910, at 11:30 o'clock a. m., and recorded in Book sixty-nine (69) of Mortgages, on page one hundred seventy-six (176) and which said mortgage covered and was a lien upon both said Lots Sixteen and Seventeen, and

WHEREAS, said corporation was unable to keep up the cost of operation and maintenance of said armory and the payment of special assessments upon both of said Lots Sixteen (16) and Seventeen (17) and therefore sold and disposed of said Lot Sixteen (16), and the purchaser erected a building thereon and has ever since been the owner and occupant of said Lot Sixteen (16), and has paid all the taxes thereon but said mortgage, to the State of North Dakota, has never been satisfied, released and discharged so far as said Lot Sixteen (16) is concerned, therefore,

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

§ 1. That the proper officials of the State of North Dakota be

and they are hereby directed, authorized and empowered to release, satisfy and discharge that certain real estate mortgage executed by Wahpeton Military Training School, a domestic corporation, as mortgagor to the State of North Dakota as mortgagee, dated October 4th, 1910, and filed for record in the office of the register of deeds of Richland county, North Dakota, on October 12th, 1910, at 11:30 o'clock a. m. and recorded in Book sixty-nine (69) of Mortgages, at page one hundred seventy-six (176) and covering Lots Sixteen (16) and Seventeen (17) in Block Thirty-seven (37), Original Townsite of Wahpeton, North Dakota, insofar as said mortgage is a lien upon and affects said Lot Sixteen (16), but not otherwise.

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

Approved February 6, 1935.

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## MOTOR VEHICLES

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### CHAPTER 172

S. B. No. 164—(Thorson and Marshall)

#### MOTOR VEHICLE FUEL—DEALER'S LICENSE—TAX REFUND

An Act to amend and re-enact Section 4 (a) of Chapter 166 of the Session Laws of North Dakota for the year 1929, and to amend and re-enact Section 6 of Chapter 189 of the Session Laws of North Dakota for the year 1931, being an act to impose a tax upon the sale of motor vehicle fuels; providing for the collection of said tax, for reports of sales of such motor fuels, and for the disposition of the revenue derived therefrom; providing for the licensing and bonding of dealers in motor vehicle fuels and the revocation of such license; regulating the sale of such fuels and fixing penalties for the violation of this act. Repealing all acts or parts of acts in conflict with the provisions of this act.

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

§ 1. AMENDMENT.] That Section 4 (a) of Chapter 166 of the Session Laws of North Dakota for the year 1929 be and the same is hereby amended and re-enacted to read as follows:

Section 4 (a). It shall be unlawful for any dealer, as herein defined, to engage in business in this state as a dealer, unless such dealer is the holder of an unrevoked license issued by the State Auditor to engage in such business. To procure such license such dealer shall file with the State Auditor a sworn application upon a form prescribed and to be furnished by the State Auditor. Such application shall contain the name under which the applicant intends