

on or over any of its main track any self-propelled crane, pile-driver, weed-burner, or other self-propelled engine or machine not used for the transportation of passengers and/ or freight or property for hire which has sufficient power to draw or propel itself and one or more standard railroad cars, unless such engine or machine shall be manned by a full crew of competent employees consisting of not less than one (1) conductor, or pilot and one person qualified to do flagging duties as provided by law.

§ 2. The term "Main track" as used herein means any continuous track over which through trains operate through and between stations.

§ 3. Any railroad company doing business in the State of North Dakota which shall operate or permit to be operated any self-propelled engine or machine in violation of section 1 of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense and such company shall be liable in treble damages for any sickness, injury, loss, disability or accident resulting from or caused by any such violation, provided that in case of the disability of any member of said crew while the same is being operated upon the main track of any such railroad, it shall not be construed as a violation hereof to operate said vehicle to the nearest available side track with less than a full crew.

§ 4. REPEAL.] All acts or parts of acts in conflict with this act are hereby repealed.

Approved March 7, 1933.

SALES

CHAPTER 222

S. B. No. 186—(Wog.)

CORRECTION DEFAULT CONDITIONAL SALES CONTRACT OR PURCHASE MORTGAGE

An Act permitting the purchaser or mortgagor in a conditional sales contract or purchase mortgage to make good the default within a reasonable time.

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

§ 1. In actions for the foreclosure of conditional sales contracts, or purchase price chattel mortgages, the court in its discretion, upon the application of the defendant, may make an interlocutory order fixing a reasonable time within which the purchaser or mortgagor shall make the default good, and pay all costs of suit to date. If the purchaser or mortgagor shall show to the court on or before

the date fixed by the interlocutory order that he has made such payments or tenders them in court, then such action shall be dismissed; otherwise, final order for judgment for plaintiff may be made as though such interlocutory order had not been made. The court shall also have the power to impound the personal property in controversy during the pendency of the interlocutory order at the expense of the purchaser or mortgagor.

§ 2. When the mortgagee has commenced foreclosure proceedings or the vendor demands or takes possession of the property covered by the contract and it shall be made to appear by the affidavit of the mortgagor or vendee, his agent or attorney, to the satisfaction of the Judge of the District Court of the county wherein such property is situated, that the mortgagor or vendee has a legal counter-claim or is entitled to take advantage of the provisions of this Act, or has any other valid defense against the collection of the whole or any part of the amount claimed to be due, such judge may by an order to that effect enjoin the mortgagee from foreclosing such mortgage by advertisement, or the vendor from taking possession of or selling such property, and direct that all further proceedings be had in the District Court having jurisdiction of the subject matter; and for the purpose of carrying out the provisions of this Act, service may be made on the mortgagee or vendor or their attorney or agent. The provisions of this Act shall apply to the assignee or transferee of any mortgagee or vendor and to the assignee or successor in interest of the mortgagor or vendee.

§ 3. REPEAL.] All Acts or parts of Acts in conflict herewith are hereby repealed.

§ 4. 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 6, 1933.

SCHOOL AND STATE LANDS

CHAPTER 223

H. B. No. 27—(Falconer.)

FEES LEASING AND SALE OF SCHOOL LANDS

An Act to amend and re-enact Section 363 of the 1913 Compiled Laws of North Dakota, as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, relating to the fixing and collecting of fees at the leasing and sale of school lands.

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

§ 1. AMENDMENT.] That Section 363 of the Compiled Laws