

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 All Acts or parts of Acts in conflict herewith are hereby repealed.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

of North Dakota for 1913, as amended and re-enacted by Chapter 231 of the Session Laws of North Dakota for 1931, be and the same is hereby amended and re-enacted to read as follows:

§ 363. FEES FOR SERVICE. DUTY OF COUNTY TREASURER.] It shall be the duty of the Commissioner of University and School Lands to charge and collect the following fees: For each one year lease of school or other state lands, one dollar and fifty cents; for each lease for a period of more than one year, three dollars; for each contract for lands purchased, five dollars; for each patent, five dollars; for approving and recording each assignment of school land contract, five dollars; for furnishing certified copies of school land contracts, three dollars. All fees must be paid in advance, and when collected must be paid into the state treasury at the end of each month and be placed to the credit of the general fund of the State. It shall be the duty of the county treasurer, of any county where any such lands are leased, or sold, to collect the fees hereinbefore provided for at the time the first payment thereon is made for leases and contracts of sale, and transmit the same to the commissioner on the first day of each month.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Approved March 3, 1933.

CHAPTER 224

H. B. No. 151—(McManus.)

INTERNATIONAL PEACE GARDEN

An Act providing for the transfer of certain school lands situated in Rolette county, State of North Dakota, to the International Peace Garden, to be used and maintained as an International Peace Garden, and a memorial to commemorate the long existing peace and good will between the governments of Canada and the United States; Exempting same from Taxation and Providing that same shall revert to the state when it shall cease to be used and maintained as an International Peace Garden.

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

§ 1. The Congress of the United States, having by Act of Congress, authorized the transfer of Section 36, Township 164, North of Range 73, West of the Fifth Principal Meridian, located in Rolette County, State of North Dakota, containing 640 acres, more or less according to the United States government survey;

THEREFORE, the Governor and the Board of University and School Lands are hereby authorized and directed to transfer and convey said Section 36 to the International Peace Garden, a corporation organized and existing under the laws of the State of New

York, to be used and maintained by said International Peace Garden in connection with other land in the State of North Dakota and in the Province of Manitoba, Dominion of Canada, as a memorial to commemorate the long existing relationship of peace and good will between the people and the governments of Canada and the United States.

§ 2. The conveyance referred to in Section One of this Act is to be made as soon as convenient and possible by the Governor and the Board of University and School Lands, after the International Peace Garden, a New York corporation, shall have filed its articles of incorporation with the Secretary of State, or has re-incorporated in the State of North Dakota.

§ 3. The instrument of conveyance shall also contain a provision, that, if said land shall at any time thereafter cease to be used and maintained as an International Peace Garden, as aforesaid, that then the land shall revert to the State of North Dakota, and upon such reversion to the state, said land shall become subject to the laws of the state and the United States to the same extent as if this Act had not been passed. While the title to said land is in the International Peace Garden, Incorporated, the said International Peace Garden shall not in any manner alienate or encumber the same or in any manner dispose of the same, or any interest therein.

§ 4. That while the title to said land is in the International Peace Garden, Incorporated, and used and maintained as an International Peace Garden, in accordance with the intent and purposes of this Act, the said land shall not be subject to taxation for local, county or state purposes.

§ 5. That all costs of transferring said land, as aforesaid, shall be paid by the State of North Dakota, shall be audited in the usual way and paid by the State Treasurer out of moneys in the State Treasury, not otherwise appropriated.

Approved March 3, 1933.

SCHOOLS

CHAPTER 225

S. B. No. 149—(Trout, by request.)

CLOSING CERTAIN SCHOOLS — REPEAL

An Act repealing Chapter 242 of the Session Laws of North Dakota for the year 1927.

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

§ 1. REPEAL.] Chapter 242 of the Session Laws of the State of North Dakota for the year 1927 is hereby repealed.

Approved March 1, 1933.