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**CHAPTER 165****S. B. N. 146—(Committee on State Affairs)**

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**SUNDAY BOWLING LEGALIZED**

An Act to Legalize the operation of bowling alleys during certain hours on the first day of the week; permitting labor and services to be performed in connection therewith; permitting municipalities by ordinance to prohibit operation; Repealing all Acts or parts of Acts in conflict herewith.

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

§ 1. BOWLING PERMITTED ON FIRST DAY OF WEEK; WHEN.] That any licensed bowling alley in the State of North Dakota may be operated from and after one o'clock p. m. on the first day of the week, and that all necessary labor performed and service rendered in connection therewith is hereby declared to be legal and lawful; provided, that any municipality may by ordinance prohibit the operation of bowling alleys on the first day of the week.

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 All Acts or parts of Acts in conflict herewith are hereby repealed.

Approved March 17, 1943.

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**MORTGAGES**

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**CHAPTER 166****S. B. No. 59—(Young)**

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**CHATTEL MORTGAGE AND BILL OF SALE ON  
HOUSEHOLD GOODS**

An Act to amend and re-enact Section 1 of Chapter 205 of the Session Laws of North Dakota for the year 1933, relating to rendering void incumbrance upon exempt personal property unless the execution of same be joined in by husband and wife.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 205 of the Session Laws of North Dakota for 1933 is hereby amended and re-enacted to read as follows:

§ 1. INCUMBRANCE. PERSONAL PROPERTY, EXEMPTIONS.] No incumbrance of personal property which may be held exempt from execution by the head of a family, if a resident of this State, under the provisions of law, shall be of any validity as to such exempt property, unless the same be by written instrument and unless the husband and wife, if both be living, concur in and execute the same joint instrument in the manner provided in Section 6763 of the Compiled Laws of North Dakota, 1913, provided however, that the provisions of this Act shall not apply to the incumbrance of threshed grains made with any loaning agency authorized to make Commodity Credit Corporation loans on threshed grains.

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

Approved March 12, 1943.

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## CHAPTER 167

H. B. No. 213—(Ohnstad and Shure)

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### CHATTEL MORTGAGE, RENEWAL AND LIMITATIONS

An Act amending and re-enacting Section 6762 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 175 of the Session Laws of 1927, as amended by Chapter 168 of the Session Laws of 1935, 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.] That Section 6762 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 175 of the Session Laws of 1927, as amended by Chapter 168 of the Session Laws of 1935, is hereby amended and re-enacted to read as follows:

§ 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 in the office of the Register of Deeds in the county in which the mortgage was originally filed, 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 safekeeping.

Provided, further, that mortgages of personal property belonging to public utility companies need not be renewed, and provided, further, that trust deeds or other trust conveyances, instruments or chattel mortgages executed to secure bonds or other indebtedness of corporations need not be renewed, and shall remain in full force and effect so long as any bonds or indebtedness issued thereunder remain outstanding.

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

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

Approved March 10, 1943.

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## CHAPTER 168

S. B. No. 136—(O'Brien and Kehoe)

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### REAL ESTATE MORTGAGE FORECLOSURE PROCEEDINGS

An Act to limit the time for commencement of all actions and interposition of all defenses and counterclaims grounded upon certain defects in proceedings for and preliminary to foreclosure of real estate mortgages where the foreclosure sales in such proceedings were had prior to January 1st, 1943, and to validate and confirm such mortgage foreclosure sales.

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

§ 1. From and after January 1st, 1944, no action shall be commenced or maintained, and no defense or counterclaim in any action shall be recognized, in the Courts of this State, upon the ground that

any real estate mortgage foreclosure, sale in connection with which was had prior to January 1st, 1943, is defective, legally insufficient, or void, unless such action, defense or counterclaim is upon grounds other than the following:

1. That no notice of intention to foreclose the mortgage was served upon the record owner or other person or persons in the manner required by law, or that any such notice is defective in form or substance, or in manner of service or filing.
2. That no application for permission to foreclose such mortgage was made to or granted by the District Court.
3. That the printer's affidavit of publication of the Notice of Mortgage foreclosure Sale in connection with such foreclosure was made by an employee of the newspaper printing the notice other than the printer, publisher, foreman, clerk or bookkeeper of such newspaper.
4. That no Power of Attorney, or Attorney's affidavit was filed or recorded as provided by law.

§ 2. That after January 1st, 1944, all proceedings for and preliminary to the foreclosure of real estate mortgages where sales were had prior to January 1st, 1943, shall be deemed valid and sufficient notwithstanding the defects enumerated in Section One hereof.

Approved March 17, 1943.

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## MOTOR VEHICLES

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### CHAPTER 169

S. B. No. 50—(Morgan of Walsh)

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#### ACCIDENTS, DUTY OF DRIVER

An Act to Amend and Re-enact Section 30 of Chapter 162 of the 1927 Session Laws Relating to the Duty of the Driver of any Vehicle Involved in an Accident to Report such Accident.

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

§ 1. AMENDMENT.] That Section 30 of Chapter 162 of the 1927 Session Laws be amended and re-enacted to read as follows: