

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.

MOTOR VEHICLES

CHAPTER 169

S. B. No. 50—(Morgan of Walsh)

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:

§ 30. DUTY TO REPORT ACCIDENTS.] The driver of any vehicle involved in an accident resulting in injuries or death to any person or property damage to an apparent extent of fifty dollars (\$50.00) or more, shall within twenty-four hours forward a report of such accident, such report to be forwarded to the police headquarters in the city or town in which such accident occurs, when the accident occurs within an incorporated city or town, and to the sheriff of the county in which such accident occurs, when such accident occurs outside of an incorporated city or town.

Approved March 5, 1943.

CHAPTER 170

S. B. No. 149—(Senator Nelson of McKenzie)

HEADLIGHTS, MOTOR VEHICLE

An Act to Amend and Re-enact Subsection (c) of Section 51 of Chapter 162 of the Session Laws of North Dakota for the year 1927, providing for the tilting of motor vehicle headlights, and declaring an emergency.

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

§ 1. AMENDMENT. That subsection (c) of Section 51 of Chapter 162 of the Session Laws of North Dakota for the year 1927 be and the same is hereby amended and re-enacted to read as follows:

(c) Whenever a motor vehicle is being operated upon a highway, or a portion thereof, which is sufficiently lighted to reveal a person on the highway at a distance of 200 feet ahead of the vehicle it shall be permissible to dim the head lamps or to tilt the beams downward or to substitute therefor the light from an auxiliary driving lamp or pair of such lamps, subject to the restrictions as to tilted beams and auxiliary driving lamps set forth in this subsection.

Whenever a motor vehicle meets another motor vehicle on any highway the operator shall at a distance of not less than 500 feet tilt the beams of the head lamps downward or substitute therefor the light from an auxiliary driving lamp or pair of such lamps subject to the requirement that the tilted headlamp or auxiliary lamp or lamps shall give sufficient illumination under normal atmospheric conditions and on a level road to render clearly discernible a person seventy-five (75) feet ahead, but shall not project glaring or dazzling light to persons in front of the vehicle, provided that at all times as required in Section 49 of this Act, at least two lights shall be dis-

played on the front of and on opposite sides of every motor vehicle other than a motorcycle, road roller, road machinery, or farm tractor.

§ 2. 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 10, 1943.

CHAPTER 171

H. B. No. 50—(Bjella, Dahlen and Forseth)

TRUCK REGISTRATION FEES

An Act for an Act to Amend and Re-enact Sub-section (e) (1) of Section Two of Chapter 194 of the Session Laws of North Dakota for the year 1941, said Sub-section (e) (1) of Section Two of Chapter 194 being an amendment to sub-division (b) of Section 25 of Chapter 186 of the Session Laws of North Dakota for the year 1931, as amended by Chapter 161 of the Session Laws of North Dakota for the year 1933, providing for the registration fees for trucks on a gross weight basis, and providing for the classification of special auxiliary equipment used by rural mail carriers for registration purposes, and declaring an emergency.

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

§ I. AMENDMENT.] That Sub-section (e) (1) of Section Two of Chapter 194 of the Session Laws of North Dakota for the year 1941 be amended and re-enacted to read as follows:

(e) (1) Motor vehicles which are used by the owner of such vehicle for the transportation of farm or agricultural products of such owner from the farm where such products are produced or grown to the market, or the transportation of goods of the owner of such vehicle from the market or from livestock markets to the farm of such owner; and motor vehicles which are used for the transportation of any and all property between the farms and the usual local trading places and between the farms and the livestock markets of the person for whom such transportation is performed or between farms locally; and motor vehicles which operate exclusively within the corporate limits of any city or village, or within two miles thereof; shall pay the registration fees provided for in Schedule B herein. Trucks used by star and rural mail carriers in the course of their duties in the delivery of mail, and equipped with special auxiliary equipment for use in snow and mud, shall be charged a license fee of Three Dollars (\$3.00) per annum. All other trucks, including

commercial and non-commercial trucks; and excluding vehicles for the transportation of passengers, shall pay the license fees as otherwise provided by law.

§ 2. EMERGENCY.] Whereas, under present laws rural mail carriers are charged full license fees on snow equipment which is used only a short period each year; therefore, this Act is declared to be an emergency measure and shall be in full force and effect from its passage and approval.

Approved March 19, 1943.

MINES AND MINING

CHAPTER 172

S. B. No. 76—(Kamrath, Stucke and Day)

MINES, INSPECTION OF

An Act amending and re-enacting Section 5 of Chapter 168 of the Session Laws of the State of North Dakota for the year 1919 and acts amendatory thereof, relating to inspection of mines.

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

§ 1. AMENDMENT.] That Section 5 of the Chapter 168 of the Session Laws of the State of North Dakota for the year 1919 and acts amendatory thereof is hereby amended and re-enacted to read as follows:

§ 5. The State Coal Mine Inspector shall have the right, and it is hereby made his duty, to enter, inspect and examine any coal mine including what is commonly known as a "strip mine", or any shaft, drift, slope, gravel pit, stone quarry or clay pit, or other excavations in the process of sinking for the purpose of mining coal, gravel, clay, bentonite or any other substitute mined or extracted in this State, and the workings and the machinery belonging thereto, at all reasonable times, either by day or night. He shall also have the right and it is his duty to make inquiry into the condition of such mine workings, machinery, scales, ventilation, drainage, method of lighting or using lights, and into all methods and things connected with or relating to, as well as to make suggestions providing for the health and safety of persons employed in or about the same, and especially to make inquiry whether or not the provisions of the laws