

and informed to understand the nature of the act and consented thereto.

§ 7166. ABDUCTION FOR PROSTITUTION.] Every person who takes away any female under the age of eighteen years, from her father, mother, guardian or other person having legal charge of her person, without the consent of such father, mother, guardian or other person having legal charge of her person, or any friendless female under the age of eighteen years, either for the purpose of concubinage or prostitution, is punishable by imprisonment in the penitentiary not less than one and not exceeding five years, or in the county jail not exceeding one year, or by fine not exceeding one thousand dollars, or by both.

Approved March 10, 1903.

REAL ESTATE.

CHAPTER 150.

[H. B. No. 275—Ryan.]

EXECUTION, ACKNOWLEDGMENT AND LEGALIZATION OF INSTRUMENTS.

AN ACT Prescribing Who May Execute Assignments, Discharges, Satisfaction, Etc., of Liens on Real Estate on Behalf of Corporations, and Legalizing Prior Like Instruments.

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

§ 1. WHO MAY EXECUTE.] Any officer of any foreign or domestic corporation may execute and acknowledge in its behalf assignments of, releases of, satisfactions of, or other instruments affecting liens upon real estate.

§ 2. PRIOR INSTRUMENTS LEGALIZED.] All assignments of, releases of, satisfactions of, or other instruments affecting liens upon real estate heretofore executed and acknowledged in good faith by any officer of any foreign or domestic corporation in its behalf, are declared valid and effectual to the same extent as they would have been had section 1 hereof been in force at the time of their execution.

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 All acts and parts of acts in conflict herewith are hereby repealed.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is no adequate law relating to this subject, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1903.

CHAPTER 151.

[H. B. No. 16—Rose.]

LEASES OF REAL ESTATE.

AN ACT to Amend Section 3310 of Article 4 of Chapter 24 of the Civil Code, Relating to Leases of Real Estate.

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

§ 1. AMENDMENT.] That section 3310 of article 4, chapter 24, of the civil code be amended so as to read as follows:

§ 3310. LEASES LIMITED.] No lease or grant of agricultural land for a longer period than ten years, in which shall be reserved any rent or service of any kind, shall be valid. No lease or grant of any town or city lot for a longer period than ninety-nine years, in which shall be reserved any rent or service of any kind, shall be valid.

§ 2. EMERGENCY.] An emergency exists in this, that there is now no law providing for the leasing of any city property for a longer period than twenty years, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 13, 1903.

CHAPTER 152.

[S. B. No. 205—Lewis.]

DEFINING THE TERM "CONVEYANCE."

AN ACT Amending Sections 3594 and 3595 of the Revised Codes, Relating to the Recording of Conveyance, and the Effect Thereof and Defining the Term "Conveyance."

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

§ 1. AMENDMENT.] That section 3594 of the revised codes be, and the same is hereby amended so as to read as follows:

§ 3594. RECORDING EFFECT.] Every conveyance by deed, mortgage or otherwise, of real estate within this state, shall be recorded in the office of the register of deeds of the county where such real estate is situated, and every such conveyance not so recorded shall be void as against any subsequent purchaser in good faith, and for a valuable consideration, of the same real estate, or any part or portion thereof, whose conveyance, whether in the form of a warranty deed, or deed of bargain and sale, deed of quit claim and release, of the form in common use, or otherwise, is first duly recorded; or as against any attachment levied thereon, or any judgment lawfully obtained, at the suit of

any party, against the person in whose name the title to such land appears of record, prior to the recording of such conveyance. Every conveyance aforesaid heretofore executed, and not so recorded, and which shall not be so recorded within three months from the passage of this act, shall be void as against any subsequent purchaser in good faith, and for a valuable consideration, of the same real estate, or any portion thereof, claiming under or through a deed of quit-claim and release, of the form in common use, heretofore so recorded, or which may be recorded before such prior conveyance. The fact that such first recorded conveyance of such subsequent purchaser for a valuable consideration is in the form, or contains the terms of a deed of quit claim and release aforesaid, shall not affect the question of good faith of subsequent purchaser, or be of itself notice to him of any unrecorded conveyance of the same real estate or any part thereof; provided, however, that all deeds, mortgages, and other instruments affecting real estate, situated in any unorganized county, may be recorded in the county to which such unorganized county is attached for judicial purposes; and records of such instruments which have been or shall be so made, shall have the same effect as if recorded in a county where the premises are situated.

§ 2. AMENDMENT.] That section 3595 of the revised codes be, and the same is hereby amended so as to read as follows:

§ 3595. CONVEYANCE DEFINED.] The term "conveyance," as used in the last section, embraces every instrument in writing by which any estate or interest in real property is created, aliened, mortgaged or encumbered, or by which the title to any real property may be affected, except wills, and powers of attorney.

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

Approved March 13, 1903.

CHAPTER 153.

[H. B. No. 52—Cassell.]

POWER OF ATTORNEY TO FORECLOSE MORTGAGES TO BE FILED BY ATTORNEYS.

AN ACT Requiring Agents and Attorneys to Have a Power of Attorney Authorizing the Foreclosure of Real Estate Mortgages, and Requiring it to be Filed for Record in the Office of the Register of Deeds.

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

§ 1. MORTGAGES. AGENTS AND ATTORNEYS MUST HAVE POWER OF ATTORNEY TO FORECLOSE.] It shall be unlawful for any agent or attorney of any mortgagee, assignee, person or persons, firm, corpora-

tion, executor, administrator, trustee or guardian, owning or controlling any real estate mortgage to foreclose the same until he shall receive a power of attorney from such mortgagee, assignee, person or persons, firm, corporation, executor, administrator, trustee or guardian, authorizing such foreclosure and in foreclosure proceedings by action the possession of such power of attorney shall be alleged in the complaint.

§ 2. FORECLOSURE OF REAL ESTATE MORTGAGE BY AGENT OR ATTORNEY NOT VALID. WHEN.] No sale of real estate upon foreclosure made by an agent or attorney shall be valid for any purpose, unless such power of attorney shall be procured as herein provided, and filed for record in the office of the register of deeds of the county wherein said real estate is located, before the day fixed or appointed to make the same; provided, that any person, firm or corporation not owning such mortgage, but controlling the same, shall, in addition to furnishing such power of attorney, furnish such agent or attorney making such foreclosure a copy of the instrument authorizing such control, and a failure to do so shall invalidate such foreclosure.

§ 3. REPEAL.] Chapter 132 of the session laws of 1899, and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved March 5, 1903.

REGISTERS OF DEEDS.

CHAPTER 154.

[H. B. No. 54—Van Arnam.]

SALARIES OF REGISTERS OF DEEDS AND APPOINTMENT OF DEPUTIES.

AN ACT to Amend Section 2078 of the Revised Codes of 1899, Providing for the Payment of Salaries to Registers of Deeds and their Deputies and for Fixing the Number and Compensation of Such Deputies.

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

§ 1. AMENDMENT.] That section 2078 of the revised codes of the state of North Dakota, as revised and compiled in 1899, be and the same is hereby amended so as to read as follows:

§ 2078. COUNTY COMMISSIONERS MAY EMPLOY DEPUTIES OR CLERKS. WHEN. COMPENSATION.] If, in the judgment of the board of county commissioners, it shall be deemed necessary for the prompt and accurate dispatch of the business in the office of the