

or cannot pay his debts as they become due, whether he has committed an act of bankruptcy or not, and whether he is insolvent within the meaning of the federal bankruptcy law or not.

(4.) Goods are in a "deliverable state" within the meaning of this act when they are in such a state that the buyer would under contract, be bound to take delivery of them.

§ 76a. ACT DOES NOT APPLY TO EXISTING SALES OR CONTRACTS TO SELL.] None of the provisions of this act shall apply to any sale, or to any contract to sell, made prior to the taking effect of this act.

§ 76b. NO REPEAL OF UNIFORM WAREHOUSE RECEIPT ACT OR UNIFORM BILLS OF LADING ACT.] Nothing in this act or in any repealing clause thereof shall be construed to repeal or limit any of the provisions of the Act to Make Uniform the Law of Warehouse Receipts, or of the Act to Make Uniform the Law of Bills of Lading.

§ 77. INCONSISTENT LEGISLATION REPEALED.] All acts or parts of acts inconsistent with this act are hereby repealed, except as provided in section 76b.

The following sections of the Compiled Laws of North Dakota (1913) are hereby repealed: Sections 5888, (4), 5950, 5951, 5952, 5953, 5954, 5955, 5956, 5961, 5962, 5965, 5966, 5967, 5968, 5969, 5970, 5971, 5972, 5973, 5974, 5975, 5976, 5977, 5978, 5979, 5980, 5981, 5982, 5983, 5984, 5985, 5987, 5988, 5989, 5990, 5991, 5992, 5994, 5995, 5996, 5997, 5998, 5999, 6000, 6001, 6003, 6004, 6005, 6881, 6882, 6883, 6884, 6885, 7153, 7154, 7155, 7156, 7157, 7158 and 7159.

Approved March 10, 1917.

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## SCHOOL LANDS

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### CHAPTER 203.

[S. B. No. 212—King.]

#### DUTIES OF BOARD OF UNIVERSITY AND SCHOOL LANDS.

An Act to Amend and Re-enact Section 284 and 288 of the Compiled Laws of North Dakota for the year 1913, Relating to the Duties of the Board of University and School Lands.

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

§ 1. AMENDMENT.] That Section 284 of the Compiled Laws of North Dakota for the year 1913 be amended and re-enacted to read as follows:

§ 284. BOARD, HOW CONSTITUTED.] The governor, secretary of state, state auditor, attorney general and superintendent of public instruction shall constitute the Board of University and

School Lands. The governor shall be president, the secretary of state, vice president, and the commissioner of University and School Lands, secretary thereof. In the absence of the commissioner at any meeting of the board, the deputy commissioner of University and School Lands shall act as secretary. Such board when acting as such, must act personally; no member can be represented on such board by any assistant or clerk.

§ 2. AMENDMENT.] That section 288 of the Compiled Laws of the State of North Dakota for the year 1913 be amended and re-enacted so as to read as follows:

§ 288. SATISFACTION OF MORTGAGE LOANS ON REAL ESTATE.] The governor and commissioner of University and School Lands, who are respectively the chairman and secretary of the Board of University and School Lands, are hereby empowered and required to jointly satisfy real estate mortgages given to the Board of University and School Lands whenever the loans secured by such mortgages shall have been fully paid, as certified to these officers by the state treasurer.

Approved March 1, 1917.

## CHAPTER 204.

[S. B. No. 98—Kirkide, Cahill and Morkrid.]

### INVESTMENT OF SCHOOL FUNDS.

An Act to Amend and Re-enact Section 287 of the Compiled Laws of North Dakota for the year 1913, Relating to the Investment of School Funds on Farm Lands.

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

§ 1. AMENDMENT.] That Section 287 of the Compiled Laws of North Dakota for the year 1913, be amended and re-enacted to read as follows:

§ 287. BOARD INVESTS FUNDS. COMPENSATION OF BOARD. CONDITION OF LOANS.] Said board shall have power, and it is made its duty from time to time to invest any money belonging to the permanent funds of the common schools, university, school of mines, reform school, agricultural college and the school for the deaf and dumb, normal schools and other permanent funds derived from the sale of public lands or from any other source, in bonds of school corporations or of counties, or of townships, or of municipalities within the state, bonds issued for the construction of drains under the authority of law within the state, bonds of the United States, bonds of the State of North Dakota, bonds of other states; provided such states have never repudiated any of their indebtedness, or in first mortgages on farm lands in this state, not exceeding in amount one-third of the actual value of any sub-division on which the same may be loaned, such value to be determined by the board of appraisal

of school lands; provided, at least one-third of the whole amount of the several permanent funds aforesaid as computed by the commissioner of university and school lands at the end of each fiscal year, shall be invested in first mortgages on cultivated farm lands in this state, if there is a sufficient demand for investment in such loans; provided, further, that for said services as such board of appraisal, the county auditor and county superintendent of schools shall receive only their necessary traveling expenses, but that the chairman of the board of county commissioners shall be entitled to the same mileage and per diem as when serving on the board of county commissioners. The first mortgages on farm lands in this state shall be made only in the manner following, to-wit:

1. The first mortgage on farm lands and each of them, shall run for a period of time not to exceed twelve years, and the funds so invested shall bear interest at the rate of five per cent per annum, payable annually to the county treasurer of the county in which such lands are located. For the first five years payments shall consist only of interest, paid annually and commencing with the sixth year the interest shall be paid annually as above stated, and the borrower shall have his option of paying ten per cent or any multiple thereof of the principle at any interest bearing date, and the interest when paid shall be covered into and become a part of the interest and income fund.

2. That it shall be optional with the borrower to negotiate such loan as prescribed in subdivision One of this section, or as hereinafter provided. The first mortgage on farm loans may be made to run for a period of time not to exceed twenty-five years, and the fund so invested shall bear interest at five per cent on the amount due on the mortgage payable annually to the treasurer of the county in which such lands are located. Provided, that where a loan is made for twenty-five years, five per cent of the principal shall be at the time and place, providing for the payment of the annual interest during the life of the loan, and until the principal has been fully paid. After five years, such mortgage may be satisfied by the payment of four per cent or any multiple of four per cent of the original amount due thereon without requiring the payment of any interest in advance.

3. First mortgage loans will only be made upon cultivated lands within the state and to persons who are actual residents thereof, and in no case on lands of which the appraised value is less than ten dollars per acre, and in sums not more than five thousand dollars, to any person, firm or corporation.

4. Any or all of said mortgages may be satisfied at any time after three years from the date when made on payment of the whole amount due thereon, provided, if the loan is sought to be paid off in full previous to the time specified for payment in the contract, then the party so paying said loan shall pay in addition to the principal and interest then due on said loan the interest on the principal for six months in advance of date of such payment. All pro-

ceedings in regard to investments in first mortgages as provided in this chapter shall conform to and be governed by the laws of the State of North Dakota in such case made and provided. Said board of university and school lands shall not purchase or approve the purchase of any bonds or mortgages except at a legal session thereof, nor unless every member of the board is notified by the secretary of said board in time to be present at such meeting, and notified also that the question of purchasing or acting on a proposition for the purchase of certain bonds or mortgages is to be considered at the meeting, nor unless a majority of all the members vote in favor of such a purchase, and the vote on the purchase of every bond and mortgage shall be taken by the yeas and nays and shall be duly recorded in the books of the board.

§ 2. PROCEDURE IN NEGOTIATING AND COMPLETING A LOAN.] The borrower shall submit the state land commissioner an application stating the amount he wishes to borrow and giving other information as to the land and character thereof on a blank, prepared and furnished by the land commissioner, together with an appraisal of the land signed by at least two members of the county board of appraisal and other information which may be required by the land commissioner to be furnished by said board. Such application and appraisal shall be presented to the board of university and school lands at their next meeting for consideration. Immediately after a loan is authorized the land commissioner shall notify the applicant in writing stating the amount that will be loaned. If the amount is satisfactory to the applicant he shall present the attorney general of the state an abstract continued to date.

The attorney general shall carefully examine same and ascertain the amount necessary to release each encumbrance, if any. The applicant shall also execute and deliver to the attorney general a mortgage and note executed by the owner of said premises, by wife or husband as the case may be, with the State of North Dakota as mortgagee. The mortgage shall be recorded and abstract continued to a date subsequent. The attorney general shall then certify in duplicate to the land commissioner and state auditor as to the condition of the title and as to the amount or amounts necessary to release each encumbrance and deliver the certificates, abstract, mortgage and note to the state auditor. If the attorney general finds the title satisfactory and that the encumbrances do not exceed the amount of the loan, he shall place the certificate and abstract before the state auditor who shall draw his warrant in favor of the county treasurer of the county in which the loan is made for the amount of the loan. The county treasurer shall obtain and file with the proper county officer the releases necessary to release the land from all encumbrances, as stated in the certificate. The county treasurer shall also ascertain the amount of the unpaid recording, appraisal and abstract fees in connection with the loan, and file a statement of such fees with the state

auditor. The county treasurer shall then draw warrants disbursing the proceeds of the loan in the following manner:

First: To each of the parties holding an encumbrance against the property, if any, the amount thereof;

Second. The balance to the applicant, and shall cause all releases to be recorded and continued on the abstract and forward to the state auditor, the abstract and all other instruments in connection with the loan.

Approved March 9, 1917.

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## CHAPTER 205.

[H. B. No. 144—Liederback.]

### WITHDRAWING FROM SALE CERTAIN LANDS.

An Act Withdrawing from Sale Certain School Lands in Dunn County, North Dakota.

WHEREAS, efforts are being made to set aside a portion of Dunn County, known as the Killdeer Mountains, for a game, fish and forest reserve; and Whereas, the school land herein described is embraced within the said section of Dunn County; Therefore,

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

§ 1. LAND DESCRIBED.] That Sections 16 and 36, Township 147, Range 96 and Sections 16 and 36, Township 148, Range 96, and Sections 16 and 36, Township 147, Range 97 and Sections 16 and 36, Township 148, Range 97, all west of the fifth principal meridian in Dunn County, all in the Killdeer Mountain district, be withdrawn from sale except for park purposes, until otherwise provided by law.

Approved March 10, 1917.

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## SCHOOLS

### CHAPTER 206.

[S. B. No. 121—Carey.]

### COMPULSORY ATTENDANCE AT SCHOOL.

An Act to Amend and Re-enact Chapter 141 of the Session Laws of North Dakota for the year 1915, Being Section 1342 of the Compiled Laws of North Dakota for 1913 as Amended, Relating to Compulsory Attendance, School Age and the Transportation of Pupils.

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

§11. That Chapter 141 of the Session Laws of North Dakota for the year 1915, being Section 1342 of the Compiled Laws of