

Laws of North Dakota for 1913; provided, however, the admission of every patient shall be subject to the final approval of the superintendent and the board of administration.

§ 2590. FRATERNAL SOCIETY COTTAGES.] Any fraternal corporation or society organized under the laws of this state or authorized to transact business in this state, is hereby empowered and authorized to build upon the site of the state tuberculosis sanitorium at Dunseith in the county of Rolette, a cottage or cottages for the treatment of members of such corporations or societies and their families affected with tuberculosis of any kind or nature.

§ 2592. USE OF COTTAGES.] All members of such corporation or society mentioned in Section 2590, and all members (or) in their families affected with tuberculosis of any kind or nature may be admitted to said cottage or cottages under rules prescribed by the governing body of such corporation or society, except as otherwise provided in this act (Sections 2590-2593); provided, however, that all incurable patients must be kept separate and apart from the curable patients under rules and regulations to be prescribed by the board of administration.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 6, 1929.

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## VALIDATIONS

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### CHAPTER 252

(H. B. No. 241—State Affairs Committee.)

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#### VALIDATION SALE CITY TELEPHONE PLANT

An Act validating and legalizing the sale by any city in this state, of a telephone plant, system or line owned by such city.

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

§ 1. Where the officers of any incorporated city of this state have heretofore sold to any person, firm or corporation any telephone plant, system or line owned or claimed to be owned by such city, such sale by officers of such municipality, is hereby legalized

and validated; provided, however, that nothing contained herein shall affect any action or proceeding now pending in any court in this state, affecting the same.

§ 2. Whereas an emergency exists, therefore this act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1929.

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CHAPTER 253

(H. B. No. 80—Hendrickson by Request.)

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**VALIDATION CERTAIN CITY SPECIAL ASSESSMENT DISTRICTS  
CREATED PRIOR TO FEBRUARY 1, 1917, RE-ASSESSMENT  
BONDS, ETC.**

**An Act to validate certain special assessment districts created by cities prior to July 1, 1917, and improvements made therein, and warrants issued to pay the cost of the improvements constructed therein, and assessments levied pursuant thereto, and authorizing such cities to issue bonds, make re-assessments and issue special assessment warrants for the purpose of ultimately paying the cost of such improvements, and declaring an emergency.**

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

§ 1. Where any city in this state has, prior to July 1, 1917, by resolution created a special assessment sewer district and a special assessment watermain district, each of which districts included all land lying within the boundaries of such city, and thereafter contracts were let for the construction therein of sewer and water improvements, and such contracts were fully performed, and such city has issued its special assessment warrants in payment of such contracts and expenses incidental thereto and such warrants, or some of them, are now outstanding and unpaid, and such city did not comply with the provisions of Article 20, Chapter 44, Political Code, 1913, as amended, in making and levying special assessments on account thereof but in lieu of such compliance has levied and collected purported special assessments upon a basis of cost per front foot, the creation of such districts, the construction of such improvements, such warrants and the issuance thereof, the levy and collection of such parts of such purported special assessments as have been paid, and the indebtedness represented by such warrants, are hereby in all things legalized and validated for all purposes.

§ 2. Where any such city is now or may hereafter become unable to pay at the maturity thereof the warrants issued on account

of such improvements out of the moneys realized from such assessments, such city may issue its general obligation funding bonds, without authorization thereof by the electors, such bonds to be issued and sold in accordance with the provisions of Sections 11 to 19, both inclusive, of Chapter 196 Laws of 1927, and the proceeds thereof shall be used solely for the purpose of taking up, paying and retiring a like amount of principal and interest of such special assessment warrants.

§ 3. Any such city may cause a reassessment or new assessment of the property in such districts to be made and collected in the manner specified by Sections 3712 to 3739, both inclusive, Compiled Laws of 1913, and acts amendatory thereof and supplemental thereto, for such amount of the debt represented by said warrants as the city may be unable or deem inadvisable to retire by such funding bonds, provided that in levying such assessments the lots or parcels of land to be assessed shall be credited with any sums theretofore paid on account of such purported assessments, and no lot or parcel of land shall be assessed in all more than the benefits received from such improvement, and upon the completion of such assessments such city may issue special assessment warrants against the same in accordance with the provisions of Section 3711, Political Code 1913, and acts amendatory thereof and supplemental thereto. By agreement with the holders of such past due warrants the same may be exchanged par for par for such new warrants, or such new warrants may be sold and the proceeds thereof used to pay and redeem such past due warrants.

§ 4. This act shall not apply to or affect any proceedings, special proceeding, action at law, or suit in equity, now pending in any court in this state.

§ 5. Whereas an emergency exists in that certain cities in this state now have outstanding and unpaid special assessment obligations which are highly detrimental to their credit standing and which might subject them to suits and other impositions, this act is hereby declared to be an emergency measure, and shall take effect and be in full force from and after its passage and approval.

Approved March 1, 1929.

## CHAPTER 254

(H. B. No. 51—Lynch by Request.)

**VALIDATION PROCEEDINGS STATE HIGHWAY COMMISSION AND  
CHIEF ENGINEER CONSTRUCTION BRIDGES ACROSS STATE  
LINES OF INTERSTATE HIGHWAYS, ETC.**

An Act to validate and legalize the proceedings of the state highway commission and chief engineer of the said state highway commission in the construction of bridges across state lines of interstate highways or roads across the Little Missouri River on Federal Highway 85, or roads across navigable streams within the State of North Dakota.

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

§ 1. All acts of the state highway commission of North Dakota and the chief engineer of the said state highway commission, prior to the enactment of this act, in the selection and approval of sites for the construction of any bridge across the state line, or upon interstate roads or highways, or roads across the Little Missouri River on Federal Highway No. 85, or across navigable streams within the State of North Dakota on state highways or roads, under the terms and provisions of Chapter 73, Session Laws 1919, as amended and re-enacted by Chapter 161, Session Laws 1927, and in the making and approval of plans, and the award and making of contracts, and the allowance and payment of estimates thereunder to defray the cost of the construction of any of the bridges aforesaid and issuance of warrants by the state auditor for the payment of such estimates aforesaid and the payment thereof by the state treasurer, are hereby confirmed, ratified, approved and declared legal and valid for all purposes.

§ 2. EMERGENCY.] This act is hereby declared an emergency measure, and shall take effect and be in force from and after its passage and approval.

Approved February 13, 1929.

## CHAPTER 255

(H. B. No. 50—Lynch by Request.)

VALIDATION ACTS STATE HIGHWAY COMMISSION AND COUNTY  
COMMISSIONERS IMPROVEMENT STATE HIGHWAYS

An Act validating and legalizing the acts and proceedings of the state highway commission and the boards of county commissioners under Chapter 159, Session Laws 1927, and more especially Section 22 thereof.

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

§ 1. All acts and proceedings of the state highway commission and boards of county commissioners, prior to the enactment of this act, relative to applications by boards of county commissioners for the improvement and construction of a state highway, the approval thereof by the said commission, the apportionment of the cost of such improvement, the acquisition of right of way, engineering and other expense, the award and making of contracts, the payment of estimates both by the said commission and any county board and all other acts and proceedings of the said commission and any board of county commissioners, done under the terms of Chapter 159, Session Laws 1927, and more especially Section 22 thereof, whether the same have been done strictly in accord with the provisions of Section 22 thereof or not, or done or had in an endeavor to comply with the terms or provisions of Section 22 thereof are hereby ratified, confirmed and validated the same as if said Section 22 aforesaid had been strictly and exactly followed and complied with, provided, however, that nothing contained herein shall affect any act or proceeding now pending in any court in the state affecting the same.

§ 2. EMERGENCY.] This act is hereby declared an emergency measure, and shall take effect and be in force from and after its passage and approval.

Approved February 13, 1929.

## CHAPTER 256

(H. B. No. 49—Lynch by Request.)

VALIDATION ACTS OF COUNTY COMMISSIONERS, COUNTY  
OFFICERS AND STATE HIGHWAY COMMISSION IN PURCHASE  
OR CONDEMNATION OF LAND FOR STATE HIGHWAY  
PURPOSES

An Act to validate and legalize all acts and proceedings of boards of county commissioners, county officers and the state highway commission in the purchase or condemnation of land, lands or materials for state highway purposes.

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

§ 1. All acts or proceedings by any board of county commissioners and the state highway commission, prior to the enactment of this act, for the acquisition of any land, or lands to constitute part of any state highway or for any state highway purpose, or any materials for state highway purposes, whether acquired by purchase or condemnation, either upon voluntary volition of such board of county commissioners, or upon motion, request or petition of the state highway commission, and the issuance of any warrant by any county auditor and the payment thereof by any county treasurer pursuant to such acts and proceedings of said board of county commissioners, or under and pursuant to the terms and provisions of Chapter 141, Session Laws 1919, and Chapter 159, Session Laws 1927, and acts amendatory thereof are hereby confirmed, ratified, validated and declared legal the same as if such acts and proceedings had been made and done strictly according to law.

Provided, however, that any person or persons who have or may have suffered any serious or substantial injury or damage by reason of such acts or proceedings aforesaid shall commence action or proceedings thereunder within one year after this act shall take effect and be in force, or be forever barred from instituting any proceedings or asserting any rights or claim therein or thereunder.

Approved February 13, 1929.

## CHAPTER 257

(S. B. No. 205—Fowler.)

VALIDATION FORECLOSURES BETWEEN JULY 1st, 1901, TO  
JULY 1st, 1903

An Act validating mortgage foreclosure sales made between July 1st, 1901, and July 1st, 1903, in cases in which no power of attorney to foreclose was procured or filed.

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

§ I. SALE OF REAL ESTATE AT FORECLOSURE MADE BY AGENT OR ATTORNEY.] That all sales of real estate upon foreclosure made by an agent or attorney between July 1st, 1901, and July 1st, 1903, shall be valid for all purposes notwithstanding that a power of attorney authorizing such foreclosure by such agent or attorney was not procured nor filed 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 sale or at all as then required by Chapter 132 of the Laws of 1901. Provided that the provisions of this act shall not apply to any action or proceeding now pending or heretofore had in any of the courts of this state in which notice of lis pendens shall have been recorded in the office of the register of deeds of the county in which such land is situated, prior to the passage of this act.

Approved March 7, 1929.

## CHAPTER 258

(S. B. No. 144—Lynch.)

VALIDATION REAL ESTATE FORECLOSURE SALES PRIOR  
TO THIS ACT

An Act to legalize and validate real estate mortgage foreclosure sales made prior to the taking effect of this act where the power of attorney to foreclose was executed prior to the sale as provided by law, but was not filed at or before the date of sale.

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

§ I. All sales of real estate made under a mortgage foreclosure of mortgages prior to the passage and taking effect of this act are hereby declared legal and valid for all purposes, even though the power of attorney to foreclose was not recorded in the office of the register of deeds of the county wherein said real estate is located on or before the date of sale, providing the power of attorney to foreclose was executed before the date of sale, and is recorded in the office of the register of deeds of the county wherein said real estate is located within six months after the taking effect of this act.

Approved March 11, 1929.