

petitive bids when the amount to be paid for the same exceeds the sum of Three Hundred Dollars (\$300.00); that in all cases advertisements for bids shall be published in the official newspaper of the county wherein such townships are located for two consecutive weeks immediately preceding the date for opening bids. The notice for advertisement of bids shall be by resolution of the township supervisors authorizing the township clerk to advertise for such bids. If the purchase is to be by two or more townships jointly, the resolution hereinbefore mentioned shall be by all of the township supervisors of such civil townships and the resolution in such cases shall designate the clerk of one of such townships to advertise for such bids.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this Act shall take effect and be in force from and after the date of its passage and approval.

Approved March 11, 1931.

VALIDATIONS

CHAPTER 304

(S. B. No. 71—Matthaei.)

LEGALIZATION DEEDS, JUDGMENTS, DECREES

An Act to legalize certain deeds, judgments, decrees, mortgage foreclosures and other transfers of real property.

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

§ 1. DEEDS, JUDGMENTS, DECREES, MORTGAGE FORECLOSURES AND OTHER TRANSFERS LEGALIZED.]

Deeds, Judgments, Decrees, Mortgage Foreclosures or other transfers, including Sheriff's Certificates of Sale, affecting the title to real property in this State, in good faith taken, made or rendered in favor of or in the name of a deceased person or the estate of a person deceased, or to the Executor or Administrator thereof, prior to the first day of January, 1931, shall be construed and held to be made in favor of, and be in favor of, the domestic or foreign Executor or Administrator (as the case may be) of the estate of such person deceased, and the same are hereby declared to be legal and valid for all purposes, and such Executor or Administrator is hereby authorized and empowered to assign, transfer and set over to the person or persons entitled thereto, any or all such property, provided further, that in the event a Final Decree of Distribution has heretofore been issued, by any domestic or foreign Court relating to any property so acquired by Deed, Judgment, Decree, Mortgage Foreclosure or other transfer, assigning or transferring any such property to any person or persons, such Final Decree of Distribution shall fully and completely vest in and transfer to such

person or persons so designated, all right, title, interest, claim or demand thereto of the deceased and his estate.

§ 2. In case of a Sheriff's Certificate of Sale of any real property in this State, so made in favor of, or in the name of a deceased person, or of the estate of a deceased person, or the Executor or Administrator thereof, prior to the first day of January, 1931 and on which a Sheriff's Deed has not been issued, it shall be lawful and proper in case of the issuance of a Sheriff's Deed upon such Certificate, to issue the same to such domestic or foreign Executor or Administrator of said estate, as the case may be, or in the event a Final Decree of Distribution has heretofore been issued by any domestic or foreign Court having had jurisdiction and control of a mortgage under and through which a Sheriff's Certificate was obtained, assigning or transferring such Sheriff's Certificate to any person or persons, it shall be lawful and proper to issue a Sheriff's Deed to the person or persons to whom such Certificate has been assigned or transferred, upon the recording of an authenticated copy of such Decree in the office of the Register of Deeds of the County in which such property is located.

§ 3. The fact that any such Deed, Judgment, Decree or other transfer shall have been issued, shall be in itself presumptive evidence of good faith.

§ 4. EMERGENCY.] Whereas, some question has arisen as to the legal effect of certain Deeds, Judgments, Decrees and other transfers affecting real estate, in this State, made to or rendered in favor of the estate of a person deceased and the sufficiency of title thereto is dependent thereon, therefore this Act is declared an emergency and shall be in full force and effect immediately upon its passage and approval.

Approved March 6, 1931.

CHAPTER 305
(S. B. No. 131—Sperry.)

**LEGALIZING EXECUTIONS AND ACKNOWLEDGMENTS
CERTAIN DEEDS, MORTGAGES, ETC.**

An Act to legalize the execution and acknowledgment of certain deeds, mortgages, and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

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

§ 1. EXECUTION, ACKNOWLEDGEMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgement, filing and recording of all deeds, mortgages and other instruments in writing affecting the title to real property in this State, in good faith made, taken or certified to prior to the first day of January, 1931, and which have been filed or recorded in the proper counties of this State, be, and the same are hereby declared to be legal and valid for

all purposes, anything in the laws of the State of North Dakota, or of any other state, territory or country at the time of such execution, acknowledgement, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers of corporations, deputy public officials and attorneys-in-fact, done in good faith, in the execution and acknowledgement of such instruments, are hereby declared to be valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGEMENTS LEGALIZED.] The acts of all notaries public, justices of the peace, or other officers, done in good faith in taking or certifying to the acknowledgment of such instruments, whether within or without the State, and whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed on the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments and it shall be prima facie presumed that such officer acted within the scope of his authority. Provided, that nothing in this act shall be construed to validate any deed, transfer or other instrument in writing where there shall be now pending any suit, action or proceeding of any kind affecting the title to any real property owned by the State of North Dakota or any subdivision thereof, or of any person, firm or corporation.

Approved March 11, 1931.

CHAPTER 306
(S. B. No. 161—Cain)

LEGALIZATION JUDGMENTS AND SALES FORECLOSURE
REAL ESTATE

An Act to legalize and validate judgments and sales in the foreclosure of mortgages upon real estate by action prior to the taking effect of this act where the assignment or assignments of the mortgage were not recorded before the instituting of the action to foreclose such mortgage by the assignee of the mortgagee.

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

§ 1. All judgments of foreclosure obtained, entered and filed prior to the passage and taking effect of this Act, by the assignee

of a mortgagee in any action for the foreclosure of a mortgage upon real estate, and all sales of real estate under such judgment of foreclosure prior to the passage and taking effect of this Act, are hereby declared legal and valid in all respects and for all purposes, even though the assignment or assignments of such mortgage were not recorded prior to the instituting of such action in foreclosure, provided such assignment or assignments were executed and recorded before the entry or filing of the judgment of foreclosure.

Approved March 11, 1931.

CHAPTER 307
(H. B. No. 145—Swingen.)

LEGALIZATION REAL ESTATE MORTGAGE FORECLOSURE
SALES

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 and filed prior to the sale, but was not executed prior to the beginning of foreclosure proceedings.

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

§ 1. All sales of real estate made under a 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 executed and delivered to the attorney or attorneys named therein prior to the commencement of such foreclosure proceedings, providing the power of attorney to foreclose was executed and recorded in the office of the Register of Deeds of the County wherein said real estate is located prior to the time of said sale.

§ 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 March 2, 1931.

CHAPTER 308
(H. B. No. 7—Fitch.)

VALIDATION REAL PROPERTY SALES BY COUNTY
COMMISSIONERS

An Act validating certain sales of real property by boards of county commissioners of the State of North Dakota.

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

§ 1. CERTAIN SALES VALIDATED.] Any sale of real property made and consummated more than three years prior to January 1st, 1931 by any Board of County Commissioners in any of the various Counties in the State of North Dakota, under the provisions of Section 3274 of the Compiled Laws of the State of North Dakota for

the year 1913, is hereby validated and confirmed, and no action shall hereafter be commenced to vacate or set aside the same; provided, however, that this Act shall not apply to any such sale where an action or proceeding shall have been brought to vacate or set aside the same prior to the first day of July, 1931.

§ 2. EMERGENCY.] Whereas, certain sales of real property by the Board of County Commissioners in certain of the Counties of the State of North Dakota, under Section 3274 of the Compiled Laws of North Dakota for the year 1913, have been questioned by parties other than county officials, by reason of certain claimed irregularities in the proceedings of such Board or Boards; and whereas, innocent purchasers of titles to such property may by reason thereof be required to expend time and money in correcting such claimed irregularities in such proceedings, 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 7, 1931.

VETERANS

CHAPTER 309 (H. B. No. 68—Fitch.)

VETERANS GUARDIANSHIP

An Act concerning the guardianship of incompetent veterans and of minor children of disabled or deceased veterans, and the commitment of veterans and to make uniform the law with reference thereto.

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

§ 1. As used in this Act:

The term "Person" includes a partnership, corporation or an association.

The term "Administration" means the Veterans' Administration or its successor.

The terms "Estate" and "Income" shall include only moneys received by the guardian from the Administration and all earnings, interest and profits derived therefrom.

The term "Benefits" shall mean all moneys payable by the United States through the Administration.

The term "Administrator" means the Administrator of the Veterans' Administration or his successor.

The term "Ward" means a beneficiary of the Administration.

The term "Guardian" as used herein shall mean any person acting as a fiduciary for a ward.

§ 2. Whenever, pursuant to any law of the United States or regulation of the administration, the administration requires, prior