

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

to payment of benefits, that a guardian be appointed for a ward, such appointment shall be made in the manner hereinafter provided.

§ 3. Except as hereinafter provided it shall be unlawful for any person to accept appointment as guardian of any ward if such proposed guardian shall at that time be acting as guardian for five wards. In any case, upon presentation of a petition by an attorney of the administration under this section alleging that a guardian is acting in a fiduciary capacity for more than five wards and requesting his discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge such guardian in said case.

The limitation of this section shall not apply where the guardian is a bank or trust company acting for the wards' estates only. An individual may be guardian of more than five wards if they are all members of the same family.

§ 4. A petition for the appointment of a guardian may be filed in the county court having jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the Administration to the last known address of such person indicating the necessity for the same a petition for such appointment may be filed in the court having jurisdiction by or on behalf of any responsible person residing in this State.

The petition for appointment shall set forth the name, age, place of residence of the ward, the names and places of residence of the nearest relatives, if known, and the fact that such ward is entitled to receive moneys payable by or through the administration and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward.

In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent on examination by the administration in accordance with the laws and regulations governing the administration.

§ 5. When a petition is filed for the appointment of a guardian of a minor ward a certificate of the administrator, or his representative, setting forth the age of such minor as shown by the records of the administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the administration, shall be prima facie evidence of the necessity for such appointment.

§ 6. When a petition is filed for the appointment of a guardian of a mentally incompetent ward a certificate of the administrator, or his representative, setting forth the fact that such person has been rated incompetent by the administration on examination

in accordance with the laws and regulations governing such administration; and that the appointment of a guardian is a condition precedent to the payment of any moneys due such person by the administration, shall be prima facie evidence of the necessity for such appointment.

§ 7. Upon the filing of a petition for the appointment of a guardian, under the provisions of this Act, the court shall cause such notice to be given as provided by law.

§ 8. Before making an appointment under the provisions of this Act the court shall be satisfied that the guardian whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made the guardian shall execute and file a bond to be approved by the court in an amount not less than the sum then due and estimated to become payable during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians appointed under the guardianship laws of this State. The court shall have the power from time to time to require the guardian to file an additional bond.

When a bond is tendered by a guardian with personal sureties, such sureties shall file with the court a justification under oath to the effect that they are each worth the sum named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution.

§ 9. Every guardian, who shall receive on account of his ward any moneys from the administration, shall file with the court annually, on the anniversary date of the appointment, in addition to such other accounts as may be required by the court, a full, true and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. A certified copy of each of such accounts filed with the court shall be sent by the guardian to the office of the administration having jurisdiction over the area in which such court is located. The court shall fix a time and place for the hearing on such account not less than fifteen days nor more than thirty days from the date of filing the same and notice thereof shall be given by the court to the aforesaid administration office not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian.

§ 10. If any guardian shall fail to file any account of the moneys received by him from the administration on account of his ward within thirty days after such account is required by either the court or the administration, or shall fail to furnish the administration a copy of his accounts as required by this Act, such failure shall be grounds for removal.

§ 11. Compensation payable to guardians shall not exceed five per cent of the income of the ward during any year. In the

event of extraordinary services rendered by such guardian the court may, upon petition and after hearing thereon, authorize additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given the proper office of the administration in the manner provided in Section 9. No compensation shall be allowed on the corpus of an estate received from a preceding guardian. The guardian may be allowed from the estate of his ward reasonable premiums paid by him to any corporate surety upon his bond.

§ 12. Every guardian shall invest the funds of the estate in such manner or in such securities, in which the guardian has no interest, as allowed by law or approved by the court.

§ 13. A guardian shall not apply any portion of the estate of his ward for the support and maintenance of any person other than his ward, except upon order of the court after a hearing, notice of which has been given the proper office of the administration in the manner provided in Section 9.

§ 14. Whenever a copy of any public record is required by the administration to be used in determining the eligibility of any person to participate in benefits made available by such administration, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the representative of such administration with a certified copy of such record.

§ 15. Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United State Veterans' Bureau Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the County Court is hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate from the official in charge of such hospital the court may then direct such veteran's commitment to such United States Veterans' Bureau Hospital. Thereafter such veteran upon admission shall be subject to the rules and regulations of such hospital and the officials of such hospital shall be vested with the same powers now exercised by superintendents of state hospitals for mental diseases within this state with reference to the retention of custody of the veteran so committed. Notice of such pending proceedings shall be furnished the person to be committed and his right to appear and defend shall not be denied.

§ 16. When a minor ward for whom a guardian has been appointed under the provisions of this Act or other laws of this State shall have attained his or her majority, and if incompetent shall be declared competent by the administration and the court, and when any incompetent ward, not a minor, shall be declared competent by said administration and the court, the guardian shall

upon making a satisfactory accounting be discharged upon a petition filed for that purpose.

§ 17. This Act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the administration.

§ 18. This Act may be cited as the "Uniform Veterans' Guardianship Act".

§ 19. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

§ 20. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

§ 21. All laws or parts of laws relating to beneficiaries of the administration inconsistent with this Act are hereby repealed.

§ 22. This Act is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 10, 1931.

VILLAGES

CHAPTER 310

(H. B. No. 115—Lamb and Nelson.)

APPOINTMENT VILLAGE POLICEMAN AND NIGHT WATCHMAN

An Act providing for the appointment of policeman and night watchman by the board of trustees of an incorporated village.

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

§ 1. APPOINTMENT OF VILLAGE POLICEMAN AND NIGHT WATCHMAN AUTHORIZED.] The Board of Trustees of any incorporated village in the State of North Dakota is hereby authorized and empowered to appoint one or more night watchmen or policemen when deemed necessary to the preservation of the peace of the village, and are hereby authorized and empowered to fix the compensation of such officers.

Any officer so appointed shall qualify by taking oath of office, and shall possess all the powers and perform all the duties now provided by law for village marshals.

Approved March 7, 1931.