

of the provisions of this section, shall be entitled to a writ of mandamus to remedy the wrong. No person holding a position by appointment or employment in the state of Minnesota or in the several counties, cities or towns thereof, who is a *member of the United States army or navy reserves* or an honorably discharged soldier, sailor or marine, having served as such in the army and navy of the United States in the late Civil and Spanish and Philippine Insurrection wars and the China relief expedition, and the late world war wherein the United States of America and the allied nations of England, France, etc., were engaged in war against the Imperial German Government and its allies, shall be removed from such position or employment except for incompetency or misconduct shown after a hearing, upon due notice, upon stated charges, and with the right of such employe or appointee to review by writ of certiorari. The burden of proving incompetency or misconduct shall rest upon the party alleging the same. Nothing in this act shall be construed to apply to the position of private secretary or deputy of any official or department, or to any person holding a strictly confidential relation to the appointing officer.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1919.

CHAPTER 193—H. F. No. 298.

An act to amend Section 8703, General Statutes, 1913, defining the crime of fornication and providing punishment therefor.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Each person guilty.—Section 8703, General Statutes, 1913, is hereby amended so as to read as follows:

8703. Whenever any man and single woman *have sexual intercourse* with each other, *each* is guilty of fornication and *shall be* punished by imprisonment in the county jail for not more than ninety days, or by a fine of not more than one hundred dollars.

Sec. 2. Effective Jan. 1, 1920.—This act shall take effect and be in force from and after the first day of January, 1920.

Approved April 7, 1919.

CHAPTER 194—H. F. No. 1147.

An act to legalize mortgage foreclosure sales heretofore made.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Certain mortgage foreclosure legalized.—Every mortgage foreclosure sale by advertisement heretofore made in this state, under power of sale in the usual form, contained in any mortgage duly executed and recorded in the office of the register

of deeds of the proper county of this state, together with the record of such foreclosure sale, is hereby legalized, and made valid and effective to all intents and purposes, as against either or all of the following objections, viz.:

1. That the date of the mortgage, or of any assignment thereof, or the day, hour, book or page of the record of the mortgage, or of any assignment thereof, in the office of the register of deeds, is incorrectly stated in the notice of sale, or in any of the foreclosure papers, affidavits or instruments.

2. That the notice of sale was served upon the occupant of the mortgaged premises by leaving a copy thereof with a member of the family of said occupant, of suitable age and discretion, then residing upon said premises, but who, at the time of such service, was not upon said premises.

3. That the power of attorney to foreclose said mortgage provided for by section 8119, General Statutes of Minnesota, 1913, had not been executed and recorded prior to such foreclosure sale as provided by law, or had been executed prior to such foreclosure sale but not recorded until after such sale.

4. That the acknowledgment upon the power of attorney to foreclose such mortgage was taken and certified by a notary public who was also one of the attorneys named in such power of attorney to foreclose such mortgage.

5. That the sheriff's certificate of foreclosure sale and the affidavit of costs and disbursements of the foreclosure, or either were not filed in the office of the register of deeds of the proper county within the time required by law, but have since been filed and recorded in such register of deeds office before the passage of this act.

6. That the foreclosure sale notice stated a date of sale falling on a legal holiday, and said foreclosure sale was held by the sheriff of the proper county on a legal holiday.

7. That the mortgage foreclosed, or the record thereof, is defective, by reason of having no witnesses, or only one witness, or has no scroll for a seal, or has a defective certificate of acknowledgment, or has no certificate of acknowledgment.

8. That the power of attorney provided for by section 8119, General Statutes of Minnesota, 1913, has not been executed and recorded as provided by law, and an original instrument of ratification, signed and acknowledged by the party owning and foreclosing such mortgage, ratifying all acts done by the attorney or attorneys conducting such foreclosure, and stating therein that such foreclosure was authorized by such owner, and same shall have been recorded in the office of the register of deeds of the proper county, prior to September 1, 1917.

9. That the notice of the mortgage foreclosure sale was published only five or more successive weeks.

Sec. 2. Not to affect pending actions.—The provisions of this act shall not affect any action or proceeding now pending in any of the courts of this state.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1919.

CHAPTER 195—H. F. 1141.

An act fixing compensation for clerk hire in offices of registers of deeds in certain counties of the state.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Clerk hire for register of deeds in Otter Tail county.—In each county of this state now or hereafter containing more than 60 and less than 80 congressional townships, and which now has or may hereafter have a population of more than 45,000 and less than 75,000 inhabitants, according to the last preceding federal or state census, and in which the salary of the register of deeds is fixed by law at \$2,200 per annum, the county commissioners may allow a sum not to exceed \$2,500 per annum for clerk hire in said register of deeds office. At the end of each month the register of deeds shall furnish each of the clerks and deputies employed in his office with a certificate showing the compensation such clerk or deputy is entitled to for such month and upon the presentation of said certificate the county auditor shall issue to such clerk or deputy his warrant upon the county treasurer for the amount thereof. The allowance for clerk hire shall in all cases be for actual services rendered. At the first meeting of the county commissioners of such county after the passage of this law the said county commissioners shall fix the amount to be allowed for such clerk hire for the remainder of the year 1919 and shall annually thereafter at the first meeting in January fix the amount to be allowed for such clerk hire during said year.

Sec. 2. Fees to be turned in to county treasurer.—That this act shall in no way affect or modify any existing law regulating the salaries of register of deeds in such counties, but that the same shall be and remain as now fixed by law, and all fees collected by the register of deeds of such counties shall be turned into the county treasury of said county as now provided by law.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 7, 1919.