

may be issued, shall pass a satisfactory examination in person and prove by actual demonstration that he is competent and qualified to properly use such tester and make an accurate test with the same. *Provided, however, that no person who is not a resident of the United States shall be licensed under the provisions of this act.*

Approved April 9, 1925.

CHAPTER 165—S. F. No. 1033.

An act to legalize and validate mortgages on real property and the records thereof made, executed and delivered by special administrators pursuant to orders of the probate court between January 1, 1921, and January 1, 1924, and heretofore duly recorded in the offices of the registers of deeds of the respective counties wherein the real property described therein is situate.

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

Section 1. Mortgage foreclosures legalized.—That all mortgages on real property and the records thereof made, executed and delivered by special administrators pursuant to orders of the probate court between January 1, 1921, and January 1, 1924, and heretofore duly recorded in the offices of the registers of deeds of the respective counties wherein the real property described therein is situate hereby are legalized and validated to the same effect as though the same had been duly made, executed and delivered by general administrators thereunto duly authorized by orders of the probate court.

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.

Approved April 9, 1925.

CHAPTER 166—S. F. No. 1188.

An act to legalize mortgage foreclosure sales heretofore made.

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

Section 1. Mortgage foreclosures 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 or registered with the registrar of titles 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 notice of sale was signed by the representative of the estate of the mortgagee as administrator, where the said representative was in fact the executor of the estate of said mortgagee.

2. That the notice of sale was signed by the attorney foreclosing said mortgage as attorney for said mortgagee, where said attorney was in fact attorney for the representative of the estate of said mortgagee, or that the place of sale was stated as "village court house" instead of "court house," or that one of the regular publication days for a notice of a mortgage foreclosure sale fell upon *Thanksgiving Day or any legal holiday and such notice was published either the day before or the day after such legal holiday or Thanksgiving Day, or 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, or that the notice of sale and the sheriff's certificates incorrectly stated that the mortgage, but did state all other facts necessary for computing the amount due; 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; or that the notice of sale and the sheriff's certificate incorrectly stated that the mortgage was foreclosed as of the year 1920, whereas it should have stated the year 1921; or that the notice of sale incorrectly named a different county than the county in which the mortgaged land was located and that the notice of sale was signed by the assignee as mortgagee instead of as assignee, said mortgage having been duly assigned and the assignment placed of record; or that the notice of foreclosure sale was not served upon some of the persons in possession of the mortgaged premises, or on the person or persons in possession but who were not actually residing thereon; where the notice was published for six full weeks, and the mortgage sale was postponed for one week and the original notice, together with notice of postponement, was regularly published in one issue of the same newspaper immediately preceding the postponed date of sale, but no notice was published for one week intervening between the last publication of the original notice and publication of said notice of sale with a notice of postponement in the issue of the newspaper immediately preceding the postponed date of sale; or that the notice incorrectly stated the amount due.*

3. That the date of the mortgage or of any assignment thereof, or the date, the month, 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.

4. That the sale thereunder was held before one week had elapsed after the last and sixth publication had been made.

5. That the notice of mortgage foreclosure sale correctly stated the day of the week, the date of the month and the hour and place of sale, but omitted the year when the sale was held, or omitted to state the volume and page where such mortgage was registered in the office of the registrar of titles of the proper county in the case of land registered under the Torrens system; or that the amount claimed to be due on account of such foreclosure was incorrectly stated in said notice of foreclosure sale.

6. That the affidavit of publication, of notice, affidavit or return of service of such notice, return of officer as to vacancy, sheriff's affidavit of sale, sheriff's certificate of sale, or either of them, or any other of the papers or documents constituting a part of said foreclosure proceedings were not executed or recorded in the office of the register of deeds of the proper county or registered in the office of the registrar of titles of the proper county in time case of land registered under the Torrens system, within the time required by law, but have since been recorded or executed and recorded in the office of such register of deeds, or registered or executed and registered in the office of such registrar of titles before the passage of this act.

7. That the power of attorney to foreclose said mortgage provided for by Section 9606, General Statutes 1923, 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, but has since been recorded or executed and recorded before the passage of this act; or that the power of attorney to foreclose the mortgage was not properly witnessed and that the acknowledgment of the execution of the same by the mortgagee or assignee of the mortgagee was taken and certified by the person or one of the persons to whom such power was granted, or that the corporate seal of the corporation mortgagee was not affixed to the power of attorney authorizing the foreclosure of the mortgage.

8. Where the mortgage was assigned and such assignment is set forth in the body of the notice of foreclosure sale and such notice is signed by the said assignee but said notice of foreclosure sale does not specify the name of such assignee of the mortgage in the body of said notice.

9. That the notice of mortgage foreclosure sale was not signed with the full name of the mortgagee but the name of the mortgagee as stated in such mortgage was correctly stated in such notice.

10. Where the publication of the notice of foreclosure sale was in all respects regular except that the notice was published only five times; or where the affidavit of publication of notice of foreclosure

sale did not in all respects comply with the provisions of Chapter 484, General Laws 1921, but did comply in all respects with the provisions of Section 9413, General Statutes 1913.

11. That the sheriff's certificate of sale is signed by only one witness and the acknowledgment to said certificate bears no date, or that the certificate of sale did not state the correct amount for which the property described therein was sold.

12. That the mortgagor signed his full given first name and the initial of his middle name in the execution of a mortgage, but thereafter in the power of attorney to foreclose said mortgage in the notice of sale, and in the sheriff's certificate of sale said mortgagor was referred to by initials only, or that the notice of the pendency of any suit or proceeding to enforce or foreclose a mortgage had not been filed according to law with the registrar of titles and a memorial thereof entered upon the register at the time of or prior to the commencement of such action or proceeding, or that the mortgage foreclosed had been assigned and such assignment duly placed of record, and said mortgage reassigned to the mortgagee and such reassignment duly placed of record, and the mortgage again assigned and such assignment duly placed of record, but the notice of foreclosure sale omits the description of the first assignment and of the reassignment thereof, or 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, or that the date of the expiration of the notary's commission or date of acknowledgment, was incorrectly stated.

Sec. 2. Sheriff's certificates of mortgage foreclosures legalized.—Any sheriff's certificate of mortgage foreclosure sale by advertisement which has been heretofore correctly spread upon the records of the proper county, together with all indexing records thereof, is hereby legalized and made valid as against any irregularity or defect in the entering or noting thereof in the numerical register book, reception book and all other indexing books of said county.

Sec. 3. Mortgage foreclosures by action legalized.—Every mortgage foreclosure sale by action heretofore made in this state of any mortgage duly executed and recorded in the office of the register of deeds of the proper county of this state covering land not registered under the Torrens system, wherein heretofore the report of sale has been confirmed by order filed in the action, and the certificate of sale was thereafter executed in proper form and recorded in the office of the register of deeds of the proper county more than twenty days after such confirmation, is, together with such certificate and the record thereof, hereby legalized with the same effect as if such certificate had been executed, acknowledged

and recorded in the office of such register of deeds within such twenty days.

Sec. 4. Mortgage foreclosures legalized.—That in all cases of the foreclosure by action of an installment or installments due on a real estate mortgage due in installments, whether the same was conducted by the record owner of the mortgage or by party claiming to be equitably entitled to the rights in such mortgage to the extent of installment or installments foreclosed, when such foreclosure has been had pursuant to a duly rendered judgment, order or decree of a court of competent jurisdiction, reserving the mortgage as a lien for the principal and interest to become due on said mortgage, and an official certificate of sale has been made, executed, acknowledged and delivered by the proper officer to the proper party and such certificate has been filed for record and actually recorded in the office of the register of deeds of the county in which the real estate foreclosed is situate and no appeal has been taken from such judgment, order or decree, such foreclosure is hereby declared to be in all respects legal, valid and effective as a foreclosure of the mortgage to the extent of the installment or installments described in such proceedings, provided that nothing herein contained shall be construed to apply to actions now pending, which involve the validity of any such sale, nor to prevent the holder of the mortgage to foreclose such mortgage for the balance due thereon, in case of further default in the terms of such mortgage. The provisions of this section shall take effect and be in force from and after July 1, 1925.

Sec. 5. Mortgage foreclosure on registered land legalized.—Where a real estate mortgage covered both land that was registered and land that was not registered, and said land is contiguous and was occupied as one farm, and said mortgage was duly executed, acknowledged and recorded and the same was thereafter duly foreclosed by advertisement after default and the land sold thereunder pursuant to the power of sale therein contained, and all requirements of law relating to such foreclosure and sale were duly had and taken except that the notice did not set forth that the title to a portion of said land had been registered, or when or where the mortgage was registered, as to said registered land; and where the time to redeem from said foreclosure sale had expired and the mortgagor had voluntarily abandoned possession of said property and the purchaser at the sale had taken possession thereof prior to the year 1924 under said foreclosure proceedings and so continues; in all such cases said mortgage foreclosure sale and the record thereof in the office of the register of deeds in the county where the foreclosure was had, and each of the same shall be and the same hereby is validated and declared to be valid for all purposes, the same as if said notice had been in all respects as required by statute.

Sec. 6. Not to effect pending actions.—The provisions of this

act shall not affect any action or proceeding now pending in any of the courts of this state.

Approved April 9, 1925.

CHAPTER 167—S. F. No. 24.

(Sec. 3791, G. S. 1923.)

An act to amend Section 4, Chapter 495, General Laws 1921, being an act entitled "An act to amend, supplement, revise, consolidate, rearrange, and codify the laws of this state relating to dairy and food products, to define certain offenses in connection therewith, to prescribe penalties for violations thereof, to provide for enforcement of the provisions thereof, and to repeal certain laws relating thereto, and repealing conflicting acts.

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

Section 1. **Definition of adulterated food.**—That Section 4, Chapter 495, General Laws 1921, be and the same is hereby amended to read as follows:

"Sec. 4. For the purposes of this act an article shall be deemed to be adulterated—

In the case of confectionery:

If it contains terra alba, barytes, coal tar dye, *except those colors certified as harmless for use in foods under the United States Foods and Drugs Act, or the rules and regulations for its enforcement*, or saccharine, chrome yellow, or other mineral substance or any other poisonous or injurious coloring or flavoring matter, or any substance or ingredient deleterious or detrimental to health or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First: If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second: If any substance has been substituted wholly or in part for the article.

Third: If any valuable constituent of the article has been wholly or in part abstracted.

Fourth: If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth: If it contain any added boric acid or borates salicylic acid or salicylates, formaldehyde, sulphurous acid or sulphites, except such nominal percentage of sulphurous acid or sulphites as the process of manufacture may necessitate, hydrofluoric acid or fluorides, coal tar dye or color, *except that such coal tar dyes or colors as are certified as harmless for use in foods by the Secretary of the United States Department of Agriculture under the United States*