

shall bear interest after that date at the rate of 7 per cent per annum, and if not paid on or before January 15, following, a penalty of 10 per cent on the amount of the assessment shall also be added and collected."

Sec. 6. **Inspection of canneries.**—That section 3844, General Statutes, 1923, as amended by Chapter 385, Laws 1925, be and the same hereby is amended so as to read as follows;

"Section 3844. *Whoever shall without permission of the commissioner use any brand, label or device authorized by the commissioner, or who shall fail to furnish reports containing information required or within the time specified, or who shall fail to obey any lawful direction of the commissioner given by him in carrying out the provisions of this act, or shall use any raw materials, articles or substances, forbidden to be used in canning, packing or preserving vegetables and/or fruits, or shall violate or fail to comply with any of the provisions of this act or the rules or regulations made hereunder, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25. nor more than \$100. or by imprisonment for not less than 30 days nor more than three months for each offense.*"

Approved April 13, 1927.

CHAPTER 178—H. F. No. 1257

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 a 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 in the notice of foreclosure sale as published and recorded, the hour of the day when such mortgage was recorded, in the office of the register of deeds was not written in.

2. That the notices of mortgage foreclosure sale correctly stated the day of the month and hour and place of sale but named a day of the week which did not fall on the date given for such sale.

3. That the notice of sale correctly describes the real estate but omits to name the county, or omits to name the county and state in which such real estate is located.

4. That the notice of sale does not state the amount due or fails to state the full and correct amount due or claimed to be due.

5. That the notice of sale states the place of sale to be a city in place of a village.

6. That the notice of sale did not give the date of such notice.

7. That the power of attorney to foreclose the mortgage provided for by Section 9606, General Statutes 1923, was executed by the mortgagee or assignee before there was a default and the power of sale therein contained had become operative.

8. That the power of attorney to foreclose the mortgage provided for by Section 9606, General Statutes 1923, did not refer to the book and page of record thereof in the office of the register of deeds where the same is of record, or otherwise definitely describe and identify the mortgage authorized to be foreclosed.

9. That the power of attorney to foreclose such mortgage had not been filed or recorded prior to such foreclosure sale, provided such power of attorney had in fact been executed and recorded in the proper office prior to the passage of this act.

10. That the power of attorney to foreclose the mortgage provided for by Section 9606, General Statutes 1923, is general in its terms and does not describe any mortgage in particular but authorizes the foreclosure of any and all mortgages then due or thereafter to become due and also all mortgages thereafter to be taken and acquired as mortgagee or assignee by the grantor in said power of attorney on real property in the county therein designated.

11. That the power of attorney to foreclose the mortgage was witnessed, and the acknowledgment of the execution of the same by the mortgagee or by the officers of the mortgagee, if a corporation, was taken by the person, to whom such power was granted.

12. 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.

13. That the notice of sale was published for six times but not for six full weeks prior to the date of sale or that the sale thereunder was held before one week had elapsed after the last and sixth publication had been made.

14. That the newspaper in which the notice of such sale was published, being a qualified weekly paper, changed its day of publication during the running of such publication, so that although published in full in the regular issues of a qualified

newspaper once in each week for a full six weeks, said notice was not published on the same day of the week in each of said weeks.

15. That 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.

16. That one of the regular publication days for a notice of mortgage foreclosure sale fell upon Thanksgiving day or any legal holiday.

17. That several distinct and separate and not continuous parcels of land were sold together as one parcel and to one bidder for one bid for the whole as one parcel.

18. That the mortgaged premises were sold by the sheriff at foreclosure sale and bid in by the mortgagee at such sale at a price which did not include the attorney's fees stipulated in the mortgage, and immediately thereafter were resold by the sheriff and bid in by the mortgagee for a price which included such attorney's fees.

19. That the mortgaged premises consisted of separate and distinct tracts of land, one of which tracts was occupied by the mortgagor and owner and the other tract was occupied by a tenant of the owner and where the notice of the mortgage foreclosure sale was actually served upon the mortgagor and the occupant of part of the mortgaged premises, but not served upon the tenant who occupied a part of the premises or parcels covered by the mortgage which premises were distinct and separate tracts from the tract occupied by such owner and mortgagor.

20. That the mortgaged premises were not occupied by any person living on said premises but such notice was served upon the persons who were using part of said premises for hay purposes or for field land or for pasturage but not served upon other persons who were not living upon the land but who were using some small portion of said land for pasturage, haying or other purposes.

21. That the notice of foreclosure sale was not served upon the occupant or occupants of the premises affected by said sale at least four weeks previous to the date of such sale where such notice was actually served upon such occupant or occupants at least two weeks before such foreclosure sale.

22. That a copy of the published notice of sale was not served on the person in possession of the mortgaged premises, where such mortgaged premises were used for business purposes, and where the copy of the published notice of sale was served on the person in possession of the mortgaged premises by handing to and leaving with a person of suitable age and discretion, upon said premises, who was employed by the person in possession or was in charge of the business located on said premises for the person in possession, a copy of said notice of sale.

23. That no certified copy of the final decree of distribution entered by the probate court in the estate of the mortgagee or his assigns was filed and recorded in the office of the register of deeds where the mortgage is of record, provided such decree has in fact been recorded in the proper office prior to the passage of this act.

24. That no certified copy of the order appointing and letters issued by the probate court to a representative or guardian of the estate of the mortgagee or his assignee was filed and recorded in the office of the register of deeds where the mortgage is of record, provided such orders and letters have in fact been recorded in the proper office prior to the passage of this act.

25. That the date of the filing and recording of the mortgage was stated as of 1920 when the correct date should have been 1921.

26. That said mortgage was twice assigned and said assignment duly recorded in the office of said register of deeds before the commencement of said foreclosure and which said mortgage was foreclosed by the assignee of record and the actual owner of said mortgage, but that the notice of said foreclosure sale and the foreclosure sale record omitted to describe the first assignment of said mortgage and described the second assignment as having been made direct from the mortgagee instead of by the assignee of the mortgagee.

27. That the affidavit of publication of notice of such sale, affidavit or return of service of such notice, affidavit or return of officer as to vacancy, affidavit of costs, sheriff's certificate of sale and sheriff's affidavit of sale, or either of them or any of the papers or documents constituting a part of the record of said foreclosure proceedings, were not recorded in the office of the register of deeds in the proper county but have since been recorded in the office of such register of deeds.

Any sheriff's certificate of mortgage foreclosure sale executed under and by virtue of Section 9313, General Statutes 1923, and any certificate executed to supplement or correct a defective certificate executed under said Section, not having

been executed, proved or acknowledged and recorded within 20 days mentioned in said execution, but has been executed, proved or acknowledged and recorded after the expiration of said 20 days, is hereby legalized and made valid, and said record shall have the same force and effect as if said certificates or supplementary certificates had been executed, proved or acknowledged and recorded within said 20 days.

All mortgage foreclosure sales by action, wherein heretofore the record of sale has been confirmed by order filed in the action, and the certificate of sale was thereafter executed in proper form and recorded more than 20 days after such confirmation, such certificate, and the record thereof, are hereby legalized with the same effect as if such certificate had been executed, acknowledged and recorded within 20 days.

Any mortgage foreclosure against registered land is hereby made valid and effective to all intents and purposes as against the objection that the notice of the pendency of the suit or proceeding to enforce or foreclose the mortgage as provided by Sections 8301, 8302 and 8303, General Statutes 1923, has not been filed with the Registrar of Titles and a memorial thereof entered on the Register at the time or prior to the commencement of such action or proceeding.

28. That said mortgage or any assignment thereof shall not have been registered and a memorial thereof duly entered upon the certificate of title.

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

Approved April 13, 1927.

CHAPTER 179—H. F. No. 140

An act authorizing any creamery association now or hereafter organized to acquire easements for sewers and sites for filtration plants necessary for the conduct of its business by condemnation under the right of eminent domain and to promote and protect the public health in connection therewith.

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

Section 1. Creamery associations to have right of eminent domain in certain cases.—Any creamery association, now or hereafter organized in the State of Minnesota, shall have the right, power and authority to condemn lands under the right of eminent domain for easements for sewers and sites for filtration plants to take care of all sewage and refuse made in the operation of its business and said power and authority shall