

CHAPTER 468—S. F. No. 549.

An Act declaring the effect of sheriffs' certificates issued in mortgage foreclosure sales by action in certain cases and limiting the time within which the judgment and sale can be questioned.

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

Section 1. Declaring effect of sheriff's certificate of sale and limiting time for questioning judgment.—Where in a foreclosure of a real estate mortgage by action or in an attempted foreclosure of a real estate mortgage by action prior to 1910, the defendants or any of them were non-residents and the summons in said action was served on the non-resident defendants, but it does not affirmatively appear that the affidavit showing the non-residence of the defendants and other matters as required by Section 5204, General Statutes 1894 or Section 4111, Revised Laws 1905, was ever filed, but a judgment of foreclosure has been rendered and the property covered by said mortgage attempted to be foreclosed has been sold under such judgment and the sheriff has issued his certificate of sale and the sale has been confirmed by the court, such sheriff's certificate or the record thereof in the office of the register of deeds of the proper county shall be conclusive evidence of the filing of such affidavit, and no such judgment or sale shall be deemed invalid or be set aside unless the action or proceeding in which the validity of such judgment or sale is called in question or the defense alleging its invalidity be interposed with reasonable diligence and not later than five (5) years after such sale.

Sec. 2. Not to affect present actions.—This act shall not affect any action or proceeding now pending relating to the validity of any such foreclosure.

Sec. 3. This act shall take effect and be in force on and after September 1st, 1913.

Approved April 24, 1913.

CHAPTER 469—S. F. No. 663.

An Act authorizing certain cities of the first class to provide by ordinance for the prompt payment of bills rendered for goods purchased for city purposes.

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

Section 1. Payment for all current bills authorized.—The city council or other governing body of any city of the first class not operating under a home-rule charter, notwithstanding any provision of its charter to the contrary, may hereafter provide by ordinance for the payment of all current bills incurred by the city for goods, wares and merchandise, the purchase whereof has

been duly authorized for the use of the city or any of its departments, without awaiting the formal vote of said governing body directing payment thereof.

Sec. 2. Bills by purchasing agent.—If a purchasing department has been duly established in and for any such city the ordinance aforesaid may provide for the immediate payment by the city treasurer, out of the appropriate fund, or out of a special fund set aside for the purpose, of all bills approved by the city purchasing agent. And all officers of said city who are authorized by law to sign or countersign warrants or orders for the payment of merchandise accounts may accept the approval of the purchasing agent as a sufficient audit of such bills.

Sec. 3. Re-payment in case of excessive bill.—Should any bill so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the city on demand of the city attorney all such excess, or be subject to an action at law for double the amount thereof.

Sec. 4. What ordinances may contain.—Said ordinance or ordinances may contain such further provisions as the governing body shall deem necessary for protecting the city against fraud, irregularity and mistake in the matter of such purchase and may provide that any violation thereof shall be a misdemeanor and punishable as such.

Sec. 5. Application.—This act shall not apply to any city whose inhabitants have adopted a charter pursuant to Section 36, Article 4 of the state constitution.

Approved April 24, 1913.

CHAPTER 470—S. F. No. 865.

An Act to provide for the filing of claims against the estate of persons under guardianship and for notice of hearing upon such claims, the filing, allowance and payment of the same, and making Sections 3728 to 3749, Revised Laws 1905, as amended and supplemented by subsequent acts applicable as far as practicable to persons under guardianship.

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

Section 1. Claims against ward to be filed within certain time.—Upon granting letters of guardianship of any ward, whether a minor or incompetent, the court shall make an order limiting the time for creditors to present claims against the estate of such ward, and fixing a time and place when and where proofs will be heard and such claims examined and adjusted. The time so limited shall not be more than one year nor less than six months unless it shall appear by affidavit that there are no debts,