

SEC. 2. This act shall take effect from and after its passage and approval. When to take effect.

Approved, January 6th, 1873.

PROOF OF DEEDS.

CHAPTER 31.

AN ACT RELATING TO THE PROOF, ACKNOWLEDGMENT AND RECORDING OF DEEDS, MORTGAGES AND OTHER INSTRUMENTS IN WRITING.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

SECTION 1. The proof or acknowledgment of any deed, mortgage, or other instrument, may be made either within or without this Territory, and within the United States, before any public officer having an official seal, including notaries public, clerks of courts of record, and all other public officers, in addition to the ones mentioned in Article III, Chapter IV, of Title IV, of the laws of 1865-6. Officer before proof of deed to be taken.

SEC. 2. Whenever the proof or acknowledgment of any deed, mortgage, or other instrument is certified by a public officer having an official seal, under his hand and seal, it shall be a sufficient authentication of such instrument to entitle it to record; and such record shall have the same force and ef- When proof sufficient to entitle it to record.

fect as though such certificate was accompanied by the certificate provided in section 527, 528, or 529 of the civil code of 1865-6.

Officer prohibited from taking proof outside jurisdiction.

SEC. 3. Nothing herein contained shall be deemed or held to authorize the taking of proofs or acknowledgments of instruments by any officer outside of his jurisdiction, when the same is not now by law so authorized.

Married woman's acknowledgment.

SEC. 4. The acknowledgment of a married woman to an instrument may be taken the same as though she were unmarried; and no different certificate of such proof or acknowledgment shall be necessary.

Acknowledgments heretofore taken to be sufficient.

SEC. 5. The acknowledgment of instruments heretofore taken and certified in the manner, and before the officers herein specified, shall be sufficient to authorize their being recorded without other or additional certificates; and all records of instruments heretofore made in any of the counties of this Territory, the acknowledgment and certificate of which instruments are taken and certified by the officers, and in the manner herein provided, shall, from and after the taking effect of this act, have the same force and effect as though such certificates of acknowledgment were accompanied by the additional certificates heretofore required by law.

When to take effect.

SEC. 6. This act shall take effect and be in force from and after its passage and approval.

Approved, January 6th, 1873.