

order or direction of any court; provided, however, that any retailer or wholesaler claiming the benefits of any of the exemptions herein above provided, shall have the burden of proof of facts entitling such retailer or wholesaler to any of the benefits of said exemptions.

§ 7. Any party of record to any civil action or proceedings instituted or brought pursuant to the provisions of this Act may be required to testify in such proceedings and to produce books, papers, tariffs, contracts, agreements and documents before the Court in such proceedings, providing, however, that no person compelled under the provisions of this section to testify or produce evidence tending to incriminate him shall be prosecuted for any crime which such testimony or evidence tends to prove or to which the same relates. This section shall not exempt any person from prosecution for perjury.

§ 8. If any section, sentence, clause or provision of this Act shall, for any reason, be held invalid or unconstitutional, the validity of the remaining parts hereof shall not be affected thereby.

Approved March 17, 1941.

VALIDATIONS

CHAPTER 292

S. B. No. 136—(Committee on Judiciary)

LEGALIZING CERTAIN ACKNOWLEDGEMENTS ON DEEDS

An Act to legalize the execution and acknowledgment of certain deeds, mortgages and other instruments in writing, and the record thereof, and making the same or certified copies thereof, admissible in evidence.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. ACKNOWLEDGMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording of all deeds, leases, including oil and gas leases, mortgages and other instruments in writing affecting the title of real property in this State, in good faith made, taken or certified to prior to the first day of January, 1941, and which have been filed or recorded in the proper counties of this State, be, and the same are hereby declared to be legal and valid for all purposes, anything in the laws of the State of North Dakota, or of any other state, territory or country at the

time of such execution, acknowledgment, witnessing, filing or recording, to the contrary notwithstanding.

§ 2. ACTS OF EXECUTORS, ADMINISTRATORS, DEPUTIES, OFFICERS OR ATTORNEYS-IN-FACT LEGALIZED.] The acts of all properly appointed and constituted executors, administrators, officers, or corporations, deputy public officials and attorney-in-fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be valid for all purposes, notwithstanding the fact that such executor, administrator, officer, deputy officer or attorney-in-fact may not have signed the same in the form provided by law in force at that time, or that the same was not sealed or stamped as required by laws in force at the time of such execution, and notwithstanding the fact that the certificate of acknowledgment thereon may not be in the form required or sealed as required by any laws in force at the time of making the same.

§ 3. ACKNOWLEDGMENTS LEGALIZED.] The acts of all notaries public, justices of the peace, or other officers, done in good faith in taking or certifying to acknowledgment of such instruments, whether within or without the State, and whether such officers were qualified or otherwise by law at the time to do so or not, are hereby declared legal and valid for all purposes.

§ 4. GOOD FAITH PRESUMED.] Good faith shall be presumed by the part of all persons and officers in the execution, acknowledgment, filing and recording of such instruments and it shall be prima facie presumed that such officer acted within the scope of his authority. Provided, that nothing in this Act shall be construed to validate any deed, transfer or other instrument in writing where there shall be now pending any suit, action or proceeding of any kind affecting the title to any real property owned by the State of North Dakota or any subdivision thereof, or of any person, firm or corporation.

Approved March 7, 1941.

CHAPTER 293

S. B. No. 131—(Committee on Judiciary)

VALIDATING CERTAIN MINERAL DEEDS

An Act Validating the Record of Mineral Deeds in the Office of the Register of Deeds of the Counties of the State Made Prior to the Passage and Approval of this Act.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any record of a mineral deed that has been actually made in the office of the Register of Deeds of any County of the State prior to the passage and approval of this Act, is hereby validated and declared to be fully operative as constructive notice notwithstanding that such deed was not certified for transfer by the County Auditor as provided by Section 2212 of the Compiled Laws of North Dakota for 1913, as amended by Chapter 252 Session Laws of 1915, as amended by Chapter 211 Session Laws of 1925, as amended by Chapter 271 Session Laws of 1927, as amended by Chapter 121 Session Laws of 1931, and notwithstanding that at the time such deed was filed for record and actually recorded there may have been delinquent taxes or special assessments on the land described in such deed.

Approved March 7, 1941.

CHAPTER 294

S. B. No. 132—(Committee on Judiciary)

VALIDATING RECORD OF DEEDS AND MORTGAGES

An Act Validating the Record of all Deeds and Mortgages in the Office of the Register of Deeds of the Counties of the State made prior to the Passage and Approval of this Act, and Declaring an Emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. Any record of a deed or mortgage, in which real estate is described, that has been actually made in the office of the Register of Deeds of any County of the State prior to the passage and approval of this Act, is hereby validated and declared to be fully operative as constructive notice notwithstanding such deed or mortgage shall have failed to contain the post office address of the grantee or mortgagee named in such deed or mortgage, as directed by Chap-

ter 249 of the Session Laws of North Dakota for 1929, if said deeds or mortgages shall have been otherwise entitled to record.

§ 2. EMERGENCY.] An emergency is hereby declared to exist and this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1941.

VETERANS

CHAPTER 295

H. B. No. 340—(Committee on Appropriations)
Approved by Committee on Delayed Bills

SPECIAL GUARDIAN FOR VETERANS

An Act to Amend and Re-enact Section 15 of Chapter 247 of the Session Laws for the Year 1939 Relating to the Commitment of Veterans; Appointing the Veteran's Service Commissioner as Special Guardian; Authorizing the Transfer of Veterans to Federal Veteran's Administration Hospitals; Requiring the County Judge to Give Written Notices of the Commitment of Veterans and Declaring an Emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT. Chapter 247, Laws of North Dakota, 1939, is hereby amended and re-enacted to read as follows:

(a) Whenever it appears that a veteran of any war, military occupation or expedition is eligible for treatment in a United States Veterans Administration Hospital and commitment to such hospital is necessary for the proper care and treatment of such veteran, the chairman of the Commissioners of Insanity is hereby authorized to communicate with the official in charge of such hospital with reference to available facilities and eligibility, and upon receipt of a certificate from the official in charge of such hospital the commissioners may then direct such veteran's commitment to such United States Veterans Administration Hospital. In any case where such procedure is not feasible and as an alternative to such procedure, the Commissioners of Insanity may direct such veteran's commitment to the State Hospital for the Insane in this State until facilities are available at such United States Veterans Administration Hospital. Thereafter such veteran upon admission to such United States Veterans Administration Hospital shall be subject to the rules and regu-