

# THE LAWS.

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## ACKNOWLEDGMENTS.

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### CHAPTER 1.

[S. B. 124.]

#### DEFECTIVE ACKNOWLEDGMENTS.

##### AN ACT to Cure Defective Acknowledgments.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. ACKNOWLEDGMENTS.] That the acknowledgments of all deeds, mortgages or other instruments in writing, taken and certified by any township or city clerk, or auditor of any city, recorder of any town or village in this state, and which have been duly recorded in the proper counties in this state, be, and the same hereby are declared to be legal and valid; and in all courts of law and equity in this state and elsewhere, they shall be so taken; and in such courts all instruments so acknowledged, and the record of such instruments shall have the same force and evidentiary value as instruments, the acknowledgment of which was taken before any officer qualified to take such acknowledgments and certified by him. Provided, that nothing here contained shall in any manner affect the right or title of a bona fide purchaser, without notice, of such instrument or the record thereof, for a valuable consideration, of any property or real estate. And, provided further, that a purchaser on execution at foreclosure sale of any lands affected by this act shall be considered a bona fide purchaser.

§ 2. EMERGENCY.] Whereas an emergency exists in that by a recently promulgated opinion of the attorney general of this state, doubt exists as to the validity of acknowledgments taken by the officers mentioned in this act it shall take effect and be in force from and after its passage and approval.

Approved February 24, 1899.

## CHAPTER 2.

[S. B. 72.]

## ACKNOWLEDGMENTS AND AFFIDAVITS.

AN ACT to Define and Limit the Officers Before Whom Affidavits and the Proof or Acknowledgment of Certain Instruments May be Made, and the Relationship Which May Exist Between the Parties to Instruments and Officers Taking the Proof or Acknowledgment of the Same, and of Affidavits.

*Be it Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. WHO SHALL NOT EXECUTE.] No person heretofore or hereafter authorized by law to take or receive the proof or acknowledgment of the execution of an instrument or affidavit, and to certify thereto, shall take or receive such proof or acknowledgment or affidavit or certify to the same, if he shall be a party to such instrument, or a member of any partnership which partnership shall or may be a party to such instrument, nor if the husband or wife of such person or officer shall be a party to such instrument.

§ 2. AS TO CORPORATIONS.] Nothing herein contained, nor in the laws of the State of North Dakota, heretofore enacted, relating to the proof and acknowledgment of instruments, and taking of affidavits, shall be construed to invalidate or affect the proof or acknowledgment, affidavit, or the certificate thereof, of any instrument to which a corporation may be a party, and which instrument shall have been or may be proven or acknowledged or sworn to before, or certified to by an officer or person authorized by law, who may be an officer, director, employe or stockholder of such corporation, and no person otherwise qualified or authorized by law to take and receive the proof or acknowledgment of instruments or affidavits, and to certify thereto, shall be disqualified by reason of being an officer, director, employe or stockholder of any corporation, a party to such instrument, and such proof, acknowledgments, and certificates thereof shall be and are hereby declared valid for all purposes.

§ 3. PERSONS AUTHORIZED.] All officers and persons authorized by law to take the proof or acknowledgment of instruments and affidavits and to certify thereto, may take such proof or acknowledgment and certify to the same, in all cases not prohibited by this act.

§ 4. EMERGENCY.] Whereas, an emergency exists in that there is a conflict of authority as to the relationship permissible by law between parties to instruments and persons or officers authorized to take and receive the proof or acknowledgment and affidavits thereof, and to certify to the same, therefore, this act shall take effect upon its passage and approval.

Approved March 6, 1899.