

must be members thereof. Unless a quorum is present and acting, no business performed or act done is valid as against the corporation. Whenever a vacancy occurs in the office of directors, unless the by-laws of the corporation otherwise provide, such vacancy must be filled by an appointee of the board.

§ 2. EMERGENCY.] *Whereas*, An emergency exists in that there is no provision of law requiring any of the directors of domestic corporations to be residents of this State, and the election of such directors takes place before July 1, 1897, this act shall take effect and be in force from and after its approval.

Approved, February 9, 1897.

CONTRACTS.

CHAPTER 59.

[S. B. 20.]

WRITTEN INSTRUMENTS.

AN ACT Governing the Method of Proof of a Written Instrument or Contract to Which There are One or More Subscribing Witnesses.

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

§ 1. PROVING WRITTEN INSTRUMENTS.] In proving any written instrument or contract to which there is a subscribing witness, or to which there are two or more subscribing witnesses, it shall not be necessary to call said witness or any one of two or more of said subscribing witnesses; but the instrument or contract may be proved, except for purposes of recording the same, by the same evidence by which an instrument or contract to which there is no subscribing witness may be proved; nor shall it be permissible to prove such instrument or contract in any case by proof of the handwriting of said subscribing witness or witnesses as the case may be, but in all cases such instrument or contract must be proved in the same manner as one having no subscribing witness whatever.

Approved, January 27, 1897.