

interested, within thirty days from the date of such finding, and thereupon it shall be the duty of the district court to determine the residence of such patient and determine to what county such patient is a proper charge, and such determination shall be conclusive unless an appeal shall be taken therefrom in the same manner as now provided for by law for appeals in civil actions.

§ 14. TO WHOM PROVISIONS APPLY.] The two preceding sections shall apply to all patients now or heretofore in the state hospital for the insane in reference to which a dispute may exist, as well as cases hereafter to arise, and the state auditor shall make his charges against the counties in accordance with the determination made as herein provided.

§ 15. EXPENSE CHARGEABLE AGAINST ESTATE OF INSANE PERSONS.] The amount incurred by any county of this state for treatment and maintenance of any insane person in the state hospital for the insane shall be a charge against the estate of such insane persons; provided, that the insane person has no heirs within the United States dependent on said estate for support; and provided, further, that no real property shall be sold during the life of the insane person; and further, provided, that no personal property shall be sold under five years from the date of the sending of such insane person to the state hospital for the insane, unless by order of the proper court where such property is liable to deteriorate in value during the time above specified, and when sold as above the county court shall order the proceeds thereof to be safely invested for the benefit of such insane person.

§ 16. EMERGENCY.] Whereas, an emergency exists, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 14, 1907.

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## INSTRUMENTS LEGALIZED

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### CHAPTER 138.

[S. B. No. 253—Plain]

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#### WRITTEN INSTRUMENTS LEGALIZED.

AN ACT to Legalize the Execution and Acknowledgement 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. EXECUTION, ACKNOWLEDGEMENT, FILING AND RECORDING LEGALIZED.] The execution, acknowledgment, filing and recording

of all deeds, mortgages and other instruments in writing, affecting the title to real property in this state, in good faith made, taken or certified to prior to the first day of January, 1907, 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 territory of Dakota or 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 of corporation, deputy public officials and attorneys in fact, done in good faith, in the execution and acknowledgment of such instruments, are hereby declared to be legal and 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 or other officers, done in good faith in taking and certifying to the acknowledgment of such instruments, 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 on 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.

Approved March 19, 1907.

## CHAPTER 139.

[S. B. No. 120—Purcell]

## PROOF OF WRITTEN INSTRUMENTS.

AN ACT to Repeal Chapter 59 of the Session Laws of 1897, Being Section 5334 of the Revised Codes of 1905, in Relation to the Method of Proof of Written Instruments and Contracts to Which There Are One or More Subscribing Witnesses, and to Re-enact the Same.

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

§ 1. REPEAL.] Chapter 59 of the laws of North Dakota, 1897, being section 5334 of the revised codes of 1905, and relating to the method of proof of a written instrument or contract to which there are one or more subscribing witnesses, be and the same is hereby repealed.

§ 2. 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 filing or 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.

§ 3. EMERGENCY.] Whereas, an emergency exists in that doubt has arisen as to the validity of chapter 59 of the session laws of 1897, being section 5334 of the revised codes of 1905, on account of the improper manner of enacting it, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1907.