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**JUDICIAL PROOF**

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**CHAPTER 213**

**H. B. No. 589**  
**(Jansonius, Beede and Holand)**

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**WITNESSES IN CIVIL ACTIONS; WHERE COMPELLED TO  
ATTEND**

**AN ACT**

To amend and reenact subsection 1 of section 31-0113 of the North Dakota Revised Code of 1943, providing for places where persons may be compelled to attend as witnesses in civil matters, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 1 of section 31-0113 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0113. PLACES WHERE PERSONS MAY BE COMPELLED TO ATTEND AS WITNESSES IN CIVIL MATTERS.) A person shall be obliged to attend as a witness in a civil action or proceeding only:

1. In the district court of any of the judicial districts of the state of North Dakota;

§ 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved January 31, 1951.

## CHAPTER 214

H. B. No. 546  
(Legislative Research Committee)

COMPENSATION AND MILEAGE OF WITNESS; COUNTY TO  
PAY FEES IN CRIMINAL CASES

AN ACT

To amend and reenact section 31-0116 of the North Dakota Revised Code of 1943, relating to compensation and mileage of witnesses.

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

§ 1. AMENDMENT.) Section 31-0116 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

31-0116. COMPENSATION AND MILEAGE OF WITNESS; COUNTY TO PAY FEES IN CRIMINAL ACTION.) A witness in a civil or criminal case is entitled to receive:

1. The sum of four dollars for each day's attendance before the district court or before any other court, board, or tribunal; and
2. The sum of ten cents for each mile actually travelled one way.

In all criminal cases such witness fees and mileage on the part of the state shall be paid out of the county treasury of the proper county.

Approved January 31, 1951.

## CHAPTER 215

S. B. No. 246  
(Day, Knudson and Duffy)

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ADMISSIBILITY OF HANDWRITING IN EVIDENCE  
FOR COMPARISON

AN ACT

Providing for the admissibility in evidence of handwriting for purposes of comparison.

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

§ 1.) The handwriting of any person shall be competent evidence for the purpose of furnishing a standard of comparison, in all cases wherein the genuineness of a writing is questioned or the identity of the writer is sought to be established.

Approved March 5, 1951.

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CHAPTER 216

H. B. No. 534  
(Legislative Research Committee)

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PHOTOGRAPHIC COPIES OF BUSINESS AND PUBLIC RECORDS  
ADMISSIBLE IN EVIDENCE

AN ACT

Authorizing the use of photographic copies of business and public records as evidence.

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

§ 1.) If any business, institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity has kept or recorded any memorandum, writing, entry, print, representation or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, micro-card, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be

destroyed in the regular course of business unless held in a custodial or fiduciary capacity or unless its preservation is required by law. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding whether the original is in existence or not and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of court. The introduction of a reproduced record, enlargement or facsimile, does not preclude admission of the original.

Approved January 31, 1951.

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## JUDICIAL REMEDIES

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### CHAPTER 217

H. B. No. 541

(Legislative Research Committee)

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**FORECLOSURE OF REAL ESTATE MORTGAGES; DEFICIENCY  
JUDGMENTS; LIMITATION  
AN ACT**

To amend and reenact sections 32-1904, 32-1906, and 32-1907 of the North Dakota Revised Code of 1943, relating to foreclosures of mortgages; providing for deficiency judgments but limiting them to an amount not exceeding the difference between the mortgage debt and the fair value of the mortgaged premises; and prohibiting other suits except for the difference between the mortgage debt and the fair value of the mortgaged premises, and declaring an emergency.

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

SECTION 1. AMENDMENT.) Section 32-1904 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

32-1904. WHAT COMPLAINT SHALL STATE.) In an action for the foreclosure or satisfaction of a mortgage, the complaint shall state whether any proceedings have been had at law or otherwise for the recovery of the debt secured by such mortgage, or any part thereof, and if there have been, whether any and what part