

TRANSFERS

CHAPTER 128.

(H. B. No. 155—Olson of Billings.)

RECORD OF TRANSFERS.

AN ACT to Amend and Re-enact Section 4624 of the Compiled Laws of the State of North Dakota for the year 1913, relating to conveyances and Mortgages of railroad corporations, so as to provide the manner of execution and manner and place of record of every conveyance or lease, deed of trust, mortgage or assignment, or satisfaction thereof, made by any railroad, telegraph or telephone corporation.

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

§ 1. That Section 4624, Compiled Laws of the State of North Dakota for the year 1913, is hereby amended and re-enacted to read as follows:

§ 4624. CONVEYANCES, ETC., OF RAILROAD, TELEGRAPH AND TELEPHONE CORPORATIONS, HOW EXECUTED AND RECORDED.] Every conveyance, or lease, deed of trust, mortgage, assignment or satisfaction thereof, made by any railroad telegraph or telephone corporation, of any franchises, right-of-way, real estate, fixtures, poles, wire and general equipment used in carrying on the business of the corporation, or any real property in pursuance of law shall be executed and acknowledged in the manner in which conveyance of real estate by corporations is required to be to entitle the same to be recorded, and shall be recorded in the office of the Secretary of State, who shall endorse thereon his certificate thereof, specifying the day and hour of its reception, and the volume and page where recorded, which shall be evidence of such fact. Every such record of any such instrument shall from the time of reception, have the same effect as to any property in this state described therein as the record of any similar instrument in the office of a register of deeds may have by law as to property in his county, and shall be notice of the rights and interest of the grantee, lessee, or mortgagee, by said instrument to the same extent as if it was recorded in each and all of the several counties in which any property therein described may be situated. And provided, further, that every conveyance or lease, deed of trust, or mortgage, thus made, which covers any real property other than that used by said railroad, telegraph or telephone corporation, as right-of-way for its railroad or telegraph or telephone lines, shall likewise be recorded in the office of register of deeds for each and every county wherein such other real estate, or any part thereof is situated; and provided, further, that such

conveyance, lease, deed of trust or mortgage shall not operate as a conveyance of, or as creating any lien upon, any such real estate other than railroad or telegraph or telephone right-of-way, until such instrument has been duly recorded in the office of the register of deeds of the county in which the same is situated.

§ 2. Whereas there is now no provision for the recording of certain of the documents herein described in the office of the Secretary of State, it is hereby declared that this Act is an emergency measure and shall take effect and be in force from and after its passage and approval.

Approved March 10, 1921.

TRIAL

CHAPTER 129.

(H. B. No. 63—Martin and Bjorgo.)

AFFIDAVIT OF PREJUDICE.

AN ACT to Amend and Re-enact Section 7644 of the Compiled Laws of North Dakota for the year 1913 as Amended by Chapter 1 of the Session Laws for the year 1919, (regular session), Relating to change of Judges in Civil and Criminal Actions in the District Court, for Prejudice or Bias of Judge thereof; providing for the calling in of another Judge of another Judicial District, and the payment of his expenses, and the discharge of Jurors therein, and repealing all acts or parts of acts in conflict herewith.

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

§1. FOR PREJUDICE OR BIAS.] When either part to a Civil action pending in any of the District Courts of the state, or any defendant in any criminal action pending in any of the District Courts of the state, shall after issue joined and before the opening of any regular, special or adjourned term at which the cause is to be tried file an affidavit stating that he has reason to believe and does believe that he cannot have a fair and impartial trial or hearing before the Judge of the District Court by reason of the prejudice or bias of such Judge, the Court shall proceed no further in the action and shall thereupon be disqualified to do any further act in said cause; provided that where the information in a criminal action is filed in term time such affidavit may be filed at any time before trial.

§ 2. AFFIDAVIT OF PREJUDICE. BY WHOM MADE.] Such affidavit shall be made by the defendant or his attorney in a criminal action and in civil actions by the party to the action desiring such change of Trial Judge or by his attorney.