

election for township officers will be held before July 1st, this act shall take effect and be in force on and after its passage and approval.
Approved March 9, 1903.

TRIALS.

CHAPTER 201.

[H. B. No. 254—Young.]

TRIALS WITHOUT JURY AND APPEALS.

AN ACT to Amend Section 5630, Relating to Trials in District Court Without a Jury, and Appeals Therefrom.

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

§ 1. AMENDMENT.] That section 5630 of the revised codes of North Dakota be, and the same is hereby amended and re-enacted so as to read as follows:

§ 5630. ALL EVIDENCE RECEIVED. EXCEPTION. APPEAL.] In all actions tried by the district court without a jury, in which an issue of fact has been joined, excepting as hereinafter provided, all the evidence offered on the trial shall be received. Either party may have his objections to evidence noted as it is offered; but no new trial shall be granted by the district court on the ground that incompetent or irrelevant evidence has been received, or on the ground of the insufficiency of the evidence. A party desiring to appeal from a judgment in any such action, shall cause a statement of the case to be settled within the time and in the manner prescribed by article 8, of chapter 10, of this code, and shall specify therein the questions of fact that he desires the supreme court to review, and all questions of fact not so specified shall be deemed on appeal to have been properly decided by the trial court. Only such evidence as relates to the questions of fact to be reviewed shall be embodied in this statement. But if the appellant shall specify in the statement that he desires to review the entire case, all the evidence and proceedings shall be embodied in the statement. All incompetent and irrelevant evidence, properly objected to in the trial court, shall be disregarded by the supreme court, but no objection to evidence can be made for the first time in the supreme court. The supreme court shall try anew the questions of fact specified in the statement or in the entire case, if the appellant demands a retrial of the entire case, and shall finally dispose of the same whenever justice can be done without a new trial, and either affirm or modify the judgment or direct a new judg-

ment to be entered in the district court; the supreme court may, however, if it deem such course necessary to the accomplishment of justice, order a new trial of the action. In actions tried under the provisions of this section, failure of the court to make findings upon all the issues in the case shall not constitute a ground for granting a new trial or reversing the judgment; provided, that the provisions of this section shall not apply to actions or proceedings properly triable with a jury.

Approved March 13, 1903.

TRUST COMPANIES.

CHAPTER 202.

[S. B. No. 233—Regan.]

SECURITY DEPOSITS OF TRUST COMPANIES.

AN ACT to Amend Section 3258c of Chapter 20½ of the Revised Codes of 1899, Relating to Certificates of Deposit. State Treasurer's Duties.
Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That section 3258c of chapter 20½ of the revised codes of 1899 be, and the same is hereby amended to read as follows:

§ 3258c. CERTIFICATE OF DEPOSIT. STATE TREASURER'S DUTIES.] Whenever any such corporation shall have so invested fifty thousand dollars of its paid in capital, and shall assign, transfer and deliver to the state treasurer the said securities and all evidences of such investment so made, he shall execute and deliver a certificate of such deposit; and thereupon the said corporation may commence and carry on business under the provisions of this chapter. The state treasurer and his successors in office shall hold the said securities so deposited with him as collateral security for the depositors and creditors of said corporation, and for the faithful execution of any trusts which may lawfully be imposed upon and accepted by such corporation; such corporation may from time to time withdraw the said securities from said state treasurer, or any part thereof, upon depositing with him other securities of equal amount and value and of the kinds specified in section 3258, and until otherwise ordered by a court of competent jurisdiction, the said state treasurer shall pay over to such corporation, the interest dividends which he shall collect upon such securities, and any such corporation having a larger deposit with the state treasurer than fifty thousand dollars shall be