
JUDICIAL PROCEDURE, CIVIL

CHAPTER 213

Senate Bill No. 87
(Flatt)

SURVIVAL OF CAUSES OF ACTION**AN ACT**

Providing for survival of causes of action.

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

SECTION 1. No action or cause of action, except for breach of promise, alienation of affections, libel and slander, shall abate by the death of a party or of a person who might have been a party had such death not occurred.

Approved March 15, 1949.

CHAPTER 214

Senate Bill No. 92
(Judiciary Committee)

LIMITATION OF ACTION IN CASE OF DEATH**AN ACT**

To amend and reenact section 28-1236 of the North Dakota Revised Code of 1943, relating to limitation on actions in case of death.

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

SECTION 1. AMENDMENT.) Section 28-0126 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

28-0126. LIMITATION IN CASE OF DEATH.) If a person entitled to bring an action dies before the expiration of the time limited for the commencement thereof and the cause of action survives, an action may be commenced by his representatives after the expiration of that time and within one year from his death. If a person against whom an action may be brought dies before the expiration of the time limited for the commencement thereof and the cause of action survives and is not one based upon a claim which may be filed in a probate proceeding, an action may be commenced against his executors or administrators after the expiration of that time and within one year after the issuing of letters testamentary or of administration.

Approved March 7, 1949.

CHAPTER 215

Senate Bill No. 212
(Day and Duffy by request)

CAUSES FOR NEW TRIAL, CIVIL ACTION

AN ACT

To amend and reenact Subsection 8 of Section 28-1902 of the North Dakota Revised Code of 1943, relating to causes for new trial.

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

SECTION 1. AMENDMENT.) That Subsection 8 of Section 28-1902 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

8. When without fault or negligence on the part of the party aggrieved, such party is unable to obtain or secure a correct and complete transcript of the testimony and instructions given and proceedings had at the trial. This ground or cause shall apply to all cases now pending.

Approved March 8, 1949

JUDICIAL PROCEDURE, CRIMINAL

CHAPTER 216

Senate Bill No. 211
CAUSES FOR GRANTING NEW TRIAL AND TIME OF
(Day and Duffy by request)

MAKING MOTION, CRIMINAL ACTION

AN ACT

To amend and reenact section 29-2402 of the North Dakota Revised Code of 1943, relating to causes for granting new trial, and time of making motion on cause No. 8 in this section.

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

SECTION 1. AMENDMENT.) That Section 29-2402 of the North Dakota Revised Code of 1943 be amended and reenacted to read as follows:

29-2402. CAUSES FOR GRANTING NEW TRIAL; TIME FOR MAKING MOTION BASED UPON CAUSE NO. 8 IN THIS SECTION.) When a