

Civil Code.

CHAPTER 25.

CHATTEL MORTGAGES.

AN ACT to amend section 1748 of the Civil Code of the Territory of Dakota, approved, February 16, 1877.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. WHEN CHATTEL MORTGAGE CEASES TO BE VALID. RENEWAL.] That section 1748 of the Civil Code of the Territory of Dakota be amended so as to read as follows: "§ 1748. FILING VALID THREE YEARS. RENEWAL.]" A mortgage of personal property ceases to be valid as against creditors of the mortgagor, and subsequent purchasers or incumbrancers in good faith, after the expiration of three years from the filing thereof, unless within thirty days next preceding the expiration of such term, a copy of the mortgage and a statement of the amount of existing debt for which the mortgagee or his assignee claims a lien, sworn to and subscribed by him, his agent or attorney, are filed anew in the office of the register of deeds in the county in which the mortgagor then resides, and in like manner the mortgage and statement of debt must be again filed every three years, or it ceases to be valid as against the parties above mentioned.

§ 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. That this act shall be in force and effect from and after its passage and approval.

Approved, February 11, 1881.

CHAPTER 26.

CORPORATIONS—INSURANCE.

AN ACT to amend section 501 of the Civil Code, and to authorize Insurance Corporations to Invest Funds and accumulations in Real Estate in this Territory.

Be it enacted by the Legislative Assembly of the Territory of Dakota, as follows:

§ 1. PROHIBITED FROM PURCHASING REAL PROPERTY, EXCEPT WHEN TAKEN AS SECURITY.] Section 501, chapter 3, article 11, of the Civil Code, is hereby amended so as to read as follows: “§ 501. It is declared unlawful for any insurance corporation, whether incorporated under the laws of this Territory or of any other State or Territory, to purchase or hold any real property, save what shall be necessary for the transaction of its legitimate business of insurance; and deeds and conveyances to said corporation for any other purpose are hereby declared to be void: *Provided, however,* That it shall be lawful for any insurance corporation to take mortgages or other securities on real property for money loaned, and to foreclose and purchase the same at the sale thereof, to receive the certificates of sale and deeds therefor as is by law provided in the case of individual mortgagees, their assigns or legal representatives, and such mortgages, securities, certificates and deeds which heretofore have or hereafter may be executed are hereby declared to be good and valid.”

§ 2. All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, February 21, 1881.

CHAPTER 27.

CORPORATIONS—RAILROADS.

AN ACT to amend Section Four Hundred and Fifty-two of the Civil Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. PROCEEDINGS TO SETTLE VALUE OF REAL PROPERTY.] That section four hundred and fifty-two of the Civil Code be and the same is hereby amended by adding at the end of the second proviso of said section the following:

Or either party may within thirty days after the filing of such report, file with the clerk a written demand for a trial by a jury; in which case the amount of damages shall be assessed by a jury, and the trial shall be conducted and judgment entered on the verdict in the same manner as civil actions in the district court. If the party demanding such trial does not recover a verdict more favorable to him than the assessment of the commissioners, he shall not recover costs in the district court; and all the costs in the district court may be taxed against him.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 2nd, 1881.

CHAPTER 28.

CORPORATIONS—RELIGIOUS BODIES.

AN ACT to amend Section 542 of the Civil Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. MAY DISPOSE OF THEIR PROPERTY.] That Section 542 of the Civil Code is hereby amended to read as follows: § 542. Corporations of the character mentioned in this article may sell, exchange or mortgage any or all property held or owned by them in the manner determined by such corporations.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 5th, 1881.

CHAPTER 29.

DIVORCE.

AN ACT amending Section Sixty-five of the Civil Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. UNREASONABLE LAPSE OF TIME DEFINED.] That Section sixty-five of the Civil Code of this Territory be and the same is hereby amended so as to read as follows: § 65. A divorce must be denied when there is an unreasonable lapse of time before the commencement of the action. Unreasonable lapse of time is such a delay in commencing the action as establishes the presumption that there has been connivance, collusion or condonation of the offense, or full acquiescence in the same, with intent to continue the marriage relation notwithstanding the commission of the offense set up as a ground of divorce. The presumption, arising from lapse of time, may be rebutted by showing reasonable grounds for the delay in commencing the action.

§ 2. That all acts and parts of acts in conflict with this act be and the same are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, March 1st, 1881.

CHAPTER 30.

PARTNERSHIPS.

AN ACT to amend Section One Thousand Four Hundred and Forty-five of Article Seven, Chapter Two, of Title Ten, of the Civil Code.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. CERTIFICATE TO BE SIGNED AND ACKNOWLEDGED. WHEN ACTION CAN NOT BE MAINTAINED.] That section one thousand four hundred and forty-five of the Civil Code be and the same is hereby amended to read as follows: § 1445. The certificate filed with the clerk of the district court, provided in section 1443, must be signed by the partners and acknowledged before some officer authorized to [take] acknowledgments of conveyances of real property. Persons doing business as partners, contrary to the provisions of this article, shall not maintain any action on or on account of any contracts made or transactions had in their partnership name in any court of [this] Territory, until they have first filed the certificate and made the publication herein required; *Provided, however:* That if such partners shall at any time comply with the provisions of this article, then such partnership shall have the right to maintain an action in all such partnership contracts and transactions entered into prior as well as after such compliance with this article, and the disabilities heretofore imposed on partnerships by said article, for a failure to comply therewith, are hereby removed and made to conform to this section.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, February 21st, 1881.

CHAPTER 31.

USURY.

AN ACT to amend Section 1098, of Chapter 3, Title 4, in Part 4, of Division Third, of the Civil Code, entitled, "Loan of Money," and to repeal Section 1100, of the same Chapter in certain Counties.

Be it enacted by the Legislative Assembly of the Territory of Dakota:

§ 1. CERTAIN COUNTIES EXCEPTED FROM USURY LAW.] Section 1098, of chapter 3, title 4, in part 4, of division third, of the Civil Code, entitled, "Loan of Money," is hereby amended by adding to paragraph one thereof. the following:

Except in the counties of Lawrence, Pennington, Custer, Mandan and Forsythe, wherein it shall be lawful to take, receive, retain and contract for any rate agreed on between the parties.

§ 2. Section 1100 of the same chapter is hereby repealed in the counties of Lawrence, Pennington, Custer, Mandan and Forsythe.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Received at Executive Office, February 12th, 1881, at 5:50 P. M.

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor of the Territory for his approval and not having been returned by him to the Council of the Legislative Assembly, in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,

Secretary of the Territory.