

pay all losses and expenses in full. In case any such delinquent assessment is collected after other assessments have been made and collected, then such assessment so collected shall be applied towards repaying the policy holders who have paid more than their just share in proportion to the amount of insurance carried by each. No assessment for loss or damage shall be made prior to the first day of September of the year the loss occurred.

Approved March 13, 1901.

JUDGMENTS.

CHAPTER 110.

[S. B. 199.]

METHOD OF REMOVING LIENS AND JUDGMENTS.

AN ACT Providing for the Removal of Judgments, and for Continuing the Lien Thereof, and Prescribing the Method of Renewing the same Without Suit for an Additional Term of Ten Years and Allowing an Execution Thereon After Renewal.

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

§ 1. JUDGMENTS. REMOVAL OF. CONTINUING LIEN.] That any judgment directing in whole or in part the payment of money which has been heretofore, or may hereafter, be duly entered and docketed in the book in the office of the clerk of any district court of this state, whether said judgment was originally rendered by the court in whose clerk's office the same is entered, or whether entered upon a transcript of judgment from any other county in the state, pursuant to sections 5490 and 5491, Revised Codes of 1899, or upon a certified transcript of the docket entry of a judgment or decree of any district court or circuit court of the United States, within the state of North Dakota, pursuant to sections 5492 and 5493, Revised Codes of 1899, or entered upon a certified transcript of the judgment of a justice of the peace, pursuant to section 5498, Revised Codes of 1899, or entered pursuant to any other provision of law, may be renewed, and the lien thereof continued for a further period of ten years from and after the filing of the affidavit for renewal, as hereinafter provided.

§ 2. AFFIDAVIT. WHO MAY MAKE. WHEN.] Any judgment creditor, his personal representative, agent, assignee or attorney may at any time within the ninety days next preceding the expiration of

the ten year period within which a judgment may be a lien under existing law, may make an affidavit, entitled as in the original judgment, setting forth the names of the parties, plaintiff and defendant, the name of the court in which docketed, the date and amount of the original judgment, the number of the judgment book in which entered and the page of the entry of the same, and such affidavit shall set forth the name of the owner of said judgment, and the source of his title thereto, if not the party in whose name the judgment was entered, a statement of each assignment of said judgment necessary to trace the title thereof from the original judgment creditor, and if the judgment was entered upon a certified transcript from any other court or county, this fact shall be made to appear, together with a statement of each county in which a transcript of said judgment has been filed, that no execution is outstanding and unreturned upon said judgment, either in the county of its original entry or in any county in which the same has been transcribed, or, if any execution is outstanding, that fact shall be stated, the date and amount of all payments upon said judgment, whether collected under execution or otherwise, and said affidavit shall make it appear that all payments have been duly credited upon said judgment, and whether any amount has been realized that has not been credited upon the judgment and upon the records in the court in which the judgment was originally rendered, or in any other court in which it has been transcribed, that there are no off-set or counterclaims against the person for whose benefit the renewal is sought and in favor of the judgment debtor or debtors, and if a counterclaim or set-off does exist in favor of the judgment debtor, the affidavit must contain a statement of the amount, if ascertained or certain, and an offer to allow the same as a credit pro tanto upon the amount due from the judgment debtor; or, if the counterclaim or set-off is unsettled or undetermined, an offer that when the same shall be settled or determined, by suit or otherwise, that the same may be allowed as a payment or credit upon said judgment to the full amount which may subsequently be adjudged due the judgment debtor thereon. Said affidavit shall also show the exact amount due upon said judgment, after allowing all off-sets and counterclaims known to the affiant, and must set forth any other facts or circumstances necessary to a complete disclosure as to the exact condition of said judgment; said affidavit must be verified positively by the person making it, and not on information and belief, and the filing of such affidavit in the office of the clerk of the district court where said judgment is duly entered and docketed, shall operate to renew and revive said judgment to the extent of the balance shown due in said affidavit for the period of ten years from the date of the filing of such affidavit and the docketing of said affidavit of renewal, as hereinafter set forth. An execution may issue upon said judgment as renewed under the same conditions and to same force and effect within said renewal period as upon a judgment primarily rendered and entered at the date of said renewal; and all other remedies for

the enforcements of judgments shall apply to the enforcement of said renewal judgment.

§ 3. CLERK SHALL ENTER AFFIDAVIT.] The affidavit mentioned in the preceding section shall be immediately entered by the clerk at length in the judgment book, and the clerk shall enter in his judgment book forthwith, after a statement of said original judgment, the date of said renewal, the fact of renewal, and the amount for which said judgment is renewed, and the entry and docketing of said affidavit of renewal shall operate to continue the lien of said judgment on all the real property, excepting the homestead of the judgment debtor or debtors, in the county where the same is so docketed, which he or they may have at the time of the docketing thereof in the county in which such real estate is situate, or in which he or they shall acquire at any time thereafter for ten years from the time of such docketing in the county where the same is so entered; and a certified copy of said renewal affidavit and of the docket entries thereon, certified by the clerk of the district court wherein the same is filed, entered and docketed, as aforesaid, may be by the plaintiff filed and docketed in any other county of the state of North Dakota in which a transcript of the original judgment was filed, pursuant to sections 5490 and 5491 of the Revised Codes of 1899.

EMERGENCY.] Whereas, there is no provision of law whereby the lien of the judgment may be continued beyond the period of ten years, as now limited, or remedies for the collection of the same, or the amount due thereon; provided, therefore, there is an emergency existing because of which this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1901.

CHAPTER 111.

[S. B. 141.]

STAY OF EXECUTION OF JUDGMENT.

AN ACT Entitled an Act to Provide When Execution of Judgment in Civil Actions May Be Stayed.

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

§ 1. JUDGMENTS. EXECUTION OF.] Entry of judgments upon the decision of the court or the verdict of a jury in civil actions in the district court shall not be stayed; but the court may stay execution of such judgment for such reasonable time as may be necessary to move for a new trial in the action, or to perfect an appeal from the judgment entered therein.

§ 2. EMERGENCY.] There being no provision of law for the stay of execution of judgments in civil actions, this act shall take effect and be in force from and after its passage and approval.

Approved March 8, 1901.

CHAPTER 112.

[H. B. 166.]

SATISFACTION OF JUDGMENTS.

AN ACT to Provide for the Satisfaction of Judgments When Any Person Having the Power or Authority to Satisfy the Same Cannot Be Found, or Refuses to Satisfy the Same, and Prescribing the Duties of the Clerk of the Court in Relation Thereto.

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

§ 1. SATISFACTION OF JUDGMENTS.] That whenever any person against whom there exists a judgment for the payment of money, or on whose property such a judgment is a lien, files in the office of the clerk of the court in which said judgment was rendered, an affidavit setting forth the existence of such judgment, and that he desires to pay the same, and has made diligent effort, but has been unable to find any person having power or authority to satisfy the same, or that the person having power or authority refuses to satisfy the same, such person may pay the amount shown by the records of such court to be due on such judgment to the clerk of the court in which such judgment was entered, and such clerk shall receive such money when tendered in payment of any such judgment, and shall thereupon note satisfaction of such judgment on the judgment docket, and on the register of the action in which such judgment was entered, and shall execute under his hand and official seal, and deliver to the person paying such judgment, a certificate reciting the receipt by him, said clerk, of such money in satisfaction of such judgment, and that the same is fully paid and satisfied of record. Such clerk shall immediately notify all persons appearing of record to have any interest in, or lien upon said judgment, including the attorney of record of the original judgment creditor, that he has received the amount due on such judgment and has satisfied the same of record, which notice shall be given in writing and be mailed by registered letter to the last known postoffice address of each of such persons, and the registry receipts for such letters shall be filed with the other papers in the case. Such clerk, shall, upon demand therefor, pay over such money to the person entitled thereto, and take his duplicate receipts therefor, one of which said clerk shall retain, and the other he shall file in the action in which such judgment was rendered, provided, however, that such clerks shall not discharge any judgments until the time for perfecting any appeal provided by law therefor has expired, and any discharge in violation of this proviso shall be void without prejudice to a judgment creditor or his assigns in any way.

§ 2. EMERGENCY.] Whereas, an emergency exists in that there is no provision of law for the satisfaction of judgments when any person having the power or authority to satisfy the same cannot be found, this act shall take effect and be in force from and after its passage and approval.

Approved March 13, 1901.

JURORS.

CHAPTER 113.

[H. B. 73.]

JURORS.

AN ACT to Amend Sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, Relating to Jurors and the Manner of Drawing Same.

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

§ 1. AMENDMENT.] That sections 450, 453, 456 and 457 of the Revised Codes of North Dakota, be amended so as to read as follows:

§ 450. DRAWING JURORS. MANNER OF.] At such meeting the clerk of the district court, or his deputy, shall strike from such juror list the names of any person known to such officers to be dead or to have removed from such county, and said clerk or his deputy, shall then write the name of each person on such juror list on a separate ticket, and the remainder of the officers at such meeting shall compare such tickets with such list, and when all of such names on such tickets are found to correspond with such list, such tickets shall be folded and placed in a box or some suitable receptacle and shaken.

§ 453. NUMBER OF NAMES TO BE ALWAYS AT MAXIMUM.] Such number of two hundred names shall at all times be kept full, when possible, by completing the number after each jury term of court; and at the end of each jury term of the district court the clerk shall make requisition upon the county commissioners for the furnishing of as many names as have been drawn so as to keep such list full. And at the subsequent meeting the board of county commissioners shall proceed to apportion as hereinbefore provided for making up the whole of such list, and the same proceedings shall be had as to such names so required, as are herein directed to be taken in making said list full,