

move into any court of the United States any action or proceeding begun in any court of this state upon a claim or cause of action arising out of any business or transaction done in this state, or upon any contract made, executed or to be performed herein, the commissioner of insurance shall revoke all certificates of authority granted to such insurance corporation, or to its agents, and shall cause notifications thereof to be published three times, once in each week for three successive weeks, in some newspaper published at the seat of government, and no new business shall thereafter be done by it or its agents in this state until after the expiration of three years from the date of such last publication. If upon examination he is of the opinion that any domestic insurance company is insolvent, or has exceeded its powers or has failed to comply with any provisions of law, or that its condition is such as to render its further proceedings hazardous to the public or its policy holders, he shall apply to the district court of the county in which the principal office of the company is located to issue an injunction restraining it in whole or in part from further proceeding with its business. The court or judge may, in discretion, issue an injunction forthwith or upon notice and hearing thereon, and after a full hearing of the matter may dissolve or modify such injunction or make it perpetual, and may make all orders and decrees needful in the premises and may appoint agents or receivers to take possession of the property and effects of the company and to settle its affairs according to the course of proceedings in equity.

Approved March 13, 1905.

JUDGMENTS.

CHAPTER 125.

[H. B. No. 25—Midgarden.]

CANCELLATION OF JUDGMENTS.

AN ACT to Provide for the Cancellation of Judgments Against Persons Discharged Under the United States Bankruptcy Law, and the Mode of Procedure to Obtain Such Relief.

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

§ I. CANCELLATION OF JUDGMENT AGAINST BANKRUPTS; PROCEDURE.] Any person discharged from his debts pursuant to the act of congress known as "an act to establish a uniform system of bankruptcy throughout the United States, approved July 1, 1898," may, at any time, after obtaining such discharge in bankruptcy, file in the office of the clerk of any court of record in which a judgment shall

have been rendered, or a transcript thereof filed against him, a certified copy of such discharge in bankruptcy, and may make application to the judge of such court for a discharge of such judgment from record; and, if it shall appear to the court that the applicant has thus been discharged from the payment of such judgment, the court may order and direct that such judgment be discharged and satisfied of record; and, when such order is filed in the office of the clerk of such court, the said clerk shall immediately enter a satisfaction of such judgment upon his records; provided, however, that no such application shall be made, or order granted, except upon thirty days' notice to the judgment creditor whose judgment is sought thereby to be satisfied of record, or his executors, administrators or assigns, served in the manner provided for the service of notices in civil actions; or, in case such judgment creditor or his executors, administrators or assigns shall not reside within the state of North Dakota, in such manner as the court shall provide by order; provided, further, that nothing in this act shall be construed to apply to judgments not listed among the liabilities of the bankrupt in his petition in bankruptcy under said act of congress.

§ 2. CERTIFICATE OF CLERK OF BANKRUPTCY COURT TO BE PRIMA FACIE EVIDENCE OF FILING.] A certificate from the clerk of the bankruptcy court stating the names and addresses of the persons to whom notices of the hearing of the application for discharge in bankruptcy has been mailed by him, shall be prima facie evidence of service under said act of congress.

§ 3. AFFIDAVIT OF APPLICANT TO BE SERVED WITH NOTICE OF MOTION.] It shall not be necessary to serve, with the motion papers, a copy of the discharge in bankruptcy, or a copy of the certificate of the clerk of the bankruptcy court, but all the necessary facts may be incorporated in an affidavit of the applicant, or his attorney, which affidavit shall be served with the notice of motion.

§ 4. REPEAL.] All acts or parts of acts in conflict with this act are hereby expressly repealed.

Approved March 13, 1905.