

JUSTICE COURT

CHAPTER 177.

[H. B. No. 167—Leonard.]

GIVES STATE RIGHT OF CHANGE OF VENUE IN JUSTICE COURT.

AN ACT to Amend Section 10598 of the Compiled Laws of 1913.

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

§ 1. AMENDMENT.] That Section 10598 of the Compiled Laws of 1913 be amended to read as follows:

§ 10598. CHANGE OF PLACE OF TRIAL.] Whenever a person accused of a public offense is brought before a justice of the peace for examination, and at any time before such examination is commenced, he files with such justice his affidavit stating that by reason of the bias or prejudice of said justice he believes he cannot have a fair and impartial examination before him, such justice must transfer said action, and all the papers therein, including a certified copy of his docket entries, to another justice of the same county, if there is another justice in said county qualified to act; *provided*, that unless the parties agree upon the justice to whom said action shall be transferred, it shall be sent to the nearest justice of the county. The State's Attorney, or his assistant, may, in the same manner and for the same reasons as the defendant, obtain a transfer of such action from the justice before whom the action was commenced, or from the justice to whom it has been transferred on the application of the defendant. When the action has been once transferred, by one party, it shall, on motion of the other party as herein provided, be transferred to the nearest qualified justice in the county, unless the parties agree upon a justice to whom said action shall be transferred. The place of examination cannot be changed more than once by each party under this Section.

§ 2. EMERGENCY.] Whereas, an emergency exists this Act shall take effect and be in force from and after its passage and approval.

Approved, February 26, 1915.