

adverse party previous notice of the time and place of the examination, the name of the officer, and the witness; such notice shall be given at least three days before the day of the examination, if the distance of the place of examination from the residence of the person to whom notice is given does not exceed twenty-five miles, and one day in addition for every additional twenty-five miles, unless the Court or Judge thereof by order prescribe a shorter time. When a shorter time is prescribed the order shall be served with the notice.

“Provided that when the residence of the witness is such that he is not obliged to attend the trial of a cause in obedience to a subpoena without a special order of the Court or Judge therefor, his deposition may be taken upon written interrogatories, and the commission may be issued by a Clerk of the District Court or by a Justice of the Peace in a cause in his own Court, in the same manner and upon the same notice as provided by Chapter 62 of the Code of Civil Procedure of the Compiled Laws of Alaska of the year 1913, for taking the deposition of a witness out of the Territory.”

Approved April 11, 1925.

CHAPTER 5.

AN ACT

[S. B. 31]

Providing for recording of notices of the pendency of actions affecting title or right of possession of real property situated in established recording districts.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. In an action affecting the title to, or the right of possession of any real property situated

Deposition on written interrogatories.

Commission to take deposition, how and by whom issued.

in a recording district that may have been established according to law, the plaintiff at the time of filing the complaint, or at any time afterwards, and the defendant, when affirmative relief is claimed, at the time of filing the answer, or at any time afterwards, may record in the office of the Recorder of said recording district, a notice of the pendency of the action, containing the names of the parties, and the object of the action or defense, and a description of the property in said district affected thereby. From the time of filing such notice for record only, shall a purchaser, holder of a contract or option to purchase, or encumbrancer of the property affected thereby, be deemed to have constructive notice of the pendency of the action, and only of its pendency against parties designated by their real names.

Notice of pendency of action affecting title to real property may be filed with District Recorder.

Approved April 11, 1925.

CHAPTER 6.

AN ACT

[S. B. 2]

To authorize the dismissal of criminal cases against persons held to answer to the Grand Jury before the presentation of such cases to the Grand Jury.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That any criminal case in the Courts of the Territory of Alaska in which any person has been held to answer to the Grand Jury on any criminal charge may be, by the District Court upon motion of the United States Attorney or any of his assistants, dismissed before presentation of the case to the Grand Jury, and the defendant so held to answer discharged, and such dismissal of the case and discharge of the defendant shall have the same effect as though the case were dismissed after indictment had been found and

Criminal cases awaiting action of Grand Jury may be dismissed on motion, when and by whom.