

## Fees.

### CHAPTER 51.

#### ATTORNEYS FEE IN CERTAIN CASES.

AN ACT Providing for the Payment of Attorney's Fees to the Prevailing Party in Cases of Forcible Entry and Detainer, or Detainer in Justices Courts.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. JUSTICE TO TAX FEE.] That in all cases of forcible entry and detainer, or unlawful detainer, now pending, or hereafter brought, the justice shall tax as a part of the costs in the case, to the prevailing party, five dollars as attorney's fees, whether a trial is had or not, whenever an attorney who is actually an attorney of a court of record of this Territory, shall have appeared in such action in behalf of such prevailing party.

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

Approved, February 7, 1883.

## CHAPTER 52.

## DELINQUENT TAX SALE.

AN ACT Providing Compensation for Publishing Tax Sale.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. AMOUNT TO BE COLLECTED BY TREASURER.] The county treasurer shall charge and collect in addition to the taxes and interest and penalty, the sum of twenty cents on each tract of real property and ten cents on each town lot advertised for sale, which sum shall be paid into the county treasury and the county shall pay the costs of publication, but in no case shall the county be liable for more than the amount charged to the delinquent lands for advertising.

§ 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 That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.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 on and after its passage.

ENDORSED.—Received at Executive Office, March 1, 1883, at 12 M.

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**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.*

## CHAPTER 53.

## LEGAL ADVERTISEMENTS.

AN ACT to Amend Section Twenty-two (22) of Chapter Thirty-nine (39) of the Political Code, entitled "Compensation of Public Officers," approved, February 17, 1877.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. FEES FOR LEGAL ADVERTISING] That section twenty-two (22) of chapter thirty-nine (39) of the Political Code, entitled "Compensation of public officers," approved, February 17, 1877, be amended to read as follows:

That in all cases where publication of legal notices of any kind are required or allowed by law, the person or officer desiring such publication shall be required to pay one dollar per square of 12 lines of nonparel type, or its equivalent, for the first insertion, and seventy-five cents per square for each subsequent insertion. And in all cases of publication of notices in connection with commencement of actions in court, or sales upon execution, the plaintiff may designate the newspaper published within the county in which such notice shall be published; that in all legal advertisements, fractional parts of twelve lines shall be paid for at the rate of ten cents per line of nonparel type, or its equivalent.

§ 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, March 9, 1883.

## CHAPTER 54.

## SHERIFF'S FEES.

AN ACT Requiring Sheriffs and Other Officers to Make Return of their Fees on Writs in Criminal Cases, when Returned.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. OFFICER TO ENDORSE STATEMENT OF FEE.] That when any sheriff or other officer shall serve any summons, subpoena, bench warrant, venire or other process in any action to which this Territory or any county is a party, such officer shall be required to endorse upon said writ or process or upon a paper attached thereto, at the time he makes his return of service thereon a statement of his fees for such service, the number of miles traveled and the amount of his mileage, and in case he shall fail to make his return with such statement and file the same with the clerk of the court from which such process issued before judgment shall be pronounced in the action to which such process relates, he shall receive no fees for such service, and the county commissioners of the county where such service is performed are hereby prohibited from allowing the same.

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

Approved, March 7, 1883.