

and three dollars for all services performed in case a jury is had.

§ 3. ATTORNEY GENERAL TO DRAFT BLANK FORMS.] It shall be the duty of the Attorney General to draft, or cause the same to be done under his supervision, a complete set of all the blank forms that may be used or required under the provisions of this act.

§ 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. This act shall take effect from and after its passage and approval.

Approved, March 11, 1887.

ASSIGNMENTS.

CHAPTER 8.

AMENDING AND RE-ENACTING SECTION 2042 OF THE CIVIL CODE.

AN ACT to Amend and Re-enact Section Two Thousand and Forty-two (2042) of the Civil Code of Dakota.

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

§ 1. That section two thousand and forty-two (2042) of the Civil Code be amended and re-enacted so as to read as follows, to-wit:

SEC. 2042. WHEN ASSIGNEE TO ACCOUNT.] After the lapse of six months from the date of filing his bond the assignee, on motion of any one of the creditors, with ten days' notice, accompanied by an affidavit of the creditor, his agent or attorney, setting forth his claim, and the amount thereof, and that no account has been filed within six months, may be ordered by the court, or by the judge thereof, at any place in his judicial district, to render an account of his proceedings, within a given time, to be fixed by the court, or the judge thereof, not to exceed fifteen days.

§ 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, February 5, 1887.

CHAPTER 9.

AN ACT To Amend Section 2042, of Title 3, of Part 2, of the Civil Code,
in Relation to Assignments for the Benefit of Creditors.

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

§ 1. WHEN ASSIGNEE TO ACCOUNT—SUBJECT TO ORDER OF COURT.] That section two thousand and forty-two (2042) of the Civil Code is hereby amended by adding thereto the following: All proceedings under this title shall be subject to the order and supervision of the judge of the district court of the county in which such assignment was made, and such judge may, from time to time, in his discretion, on the petition of one or more of the creditors, by order, citation, attachment or otherwise, require any assignee or assignees to render accounts and file reports of his or their proceedings and of the conditions of such trust estate, and may order or decree distribution thereof; and such judge may, in his discretion, for cause shown, remove any assignee or assignees and appoint another or others instead, who shall give such bonds as the judge, in view of the conditions and value of the estate, may direct, and such order or removal and appointment, shall in terms transfer to such new assignee or assignees all the trust estate, real, personal and mixed, and may be recorded in the deed records in the office of registers of deeds of any county wherein any real estate affected by the assignment may be situated. And such judge may by order, which may be enforced as upon proceedings for contempt, compel the assignee or assignees so removed to deliver all property, money, choses in action, book accounts and vouchers, to the assignee or assignees so appointed, and to make, execute and deliver to such new assignee or assignees such deeds, assignments and transfers as such judge may deem proper, and to render a full account and report of all matters connected with such trust estate. Whenever any assignee so removed shall have fully accounted for and turned over to the assignee or assignees appointed by the judge all the trust estate and made full report of all his doings, and complied with all orders of the judge touching such estate, and, also, whenever an assignee has fully complied with his trust, he may by order of the judge be fully discharged from all further duties, liabilities and responsibilities connected with the trust. In either case he shall give notice by publication in some newspaper of the county, if there be one printed and published therein, if not, in a newspaper published at the capital of the Territory, once in each week, for at least three weeks, that he will apply to such judge for such discharge, at a time and place to be stated in such

notice, which time shall not be more than three weeks after the last publication of the notice. If upon the hearing the judge shall be satisfied with [that] the assignee is entitled to be discharged, he shall make an order accordingly; or if, in the opinion of the judge, anything remains to be done by such assignee, he may require the performance thereof before making such order. Such order shall have the effect of discharging the assignee and his sureties from all further responsibility in respect to the trust, and such order shall not be refused on account of any failure on the part of the assignee to comply with the formal provision of law, where no loss or damage to any one shall have occurred through such failure. Whenever the trust estate shall have been taken out of the hands of the assignee by proceedings in bankruptcy in the federal court, the assignee may in like manner be discharged, upon showing that he has fully accounted with the assignee in bankruptcy, and turned over to him the whole of the trust estate.

§ 2. This act shall take effect and be in force from and after its passage and approval, and apply to all such assignments heretofore made in this Territory.

Approved, March 11, 1887.

AUDITOR.

CHAPTER 10.

CREATING THE OFFICE OF COUNTY AUDITOR.

AN ACT Creating the Office of County Auditor and Defining the Duties Thereof.

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

§ 1. HOW APPOINTED.] Whenever the county commissioners of any county within the Territory of Dakota in which the office of county auditor does not now exist, shall declare by resolution, at any regular meeting, that a county auditor is necessary for the proper and expeditious dispatch of public business in their respective county, said commissioners, together with the probate judge and treasurer of their county, may appoint a legally qualified person county auditor, who shall hold and discharge the duties of