
FEES.

CHAPTER 50.

REGULATING SALARIES OF REGISTERS OF DEEDS AND COUNTY TREASURERS.

AN ACT Regulating the Salary of Registers of Deeds and County Treasurers.

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

§ 1. SALARY IN PLACE OF FEES.] Registers of deeds and county treasurers shall each receive a salary not exceeding two thousand (2,000) dollars per annum, as provided in this act, to be paid quarterly from the special salary fund by warrant, which shall be liable during the year only to salary warrants, and at the end of the year any surplus shall be covered into the treasury and placed to the credit of the general fund; *Provided*, That neither of said officers shall be required to account for the fees received for making and certifying to abstracts, and the county treasurer shall not be required to account for the fee collected for sending tax receipts to non-residents of the Territory.

§ 2. SALARY FUND—HOW CREATED.] Each officer named in section one (1) of this act shall keep a book, to be provided by the county, and which shall be a part of the public records of his office, in which shall be entered each item of fees for services rendered, and shall within three (3) days after the close of each calendar month, and also at the end of his term of office, file with the county auditor or county clerk a statement, under oath, showing the fees which he has received as such officers [officer] since the date of his last report or the beginning of his term of office, and also within said three (3) days deposit with the county treasurer the total sum of such fees, which sum so deposited shall be placed to the credit of the special salary fund.

§ 3. SALARY NOT TO EXCEED FEES—DEFICIENCY PROVIDED FOR.] In case the fees paid into the county treasury by any officer named in section one (1) of this act, shall not equal his salary of two thousand (2,000) dollars as fixed herein, then and in that case such offices [officer] shall only be entitled to receive a sum equal to the fees paid into the treasury, and provided further, that in case there may be a deficiency in the salary of such officer for any quarter year or fractional quarter year, the deficiency shall

be made up from any excess of fees that may be paid into the county treasury by any such officer for services rendered during the calendar year in which such deficiency occurred.

§ 4 PENALTY FOR FAILURE TO COLLECT FEES.] Any officer named in section one (1) of this act, who shall neglect or omit to charge or collect the fees allowed by law for services rendered, or shall fail or neglect to keep a record of the same, or to make a correct statement thereof to the county auditor or county clerk, with the intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor.

§ 5. DEPUTIES AND CLERKS—HOW APPOINTED—TOTAL SALARY NOT TO EXCEED FEES.] If, in the judgment of the board of county commissioners of any county, it shall be deemed necessary for the prompt and accurate dispatch of business in the office of register of deeds or county treasurer that deputies or clerks be employed therein, they shall by resolution fix the number of, or clerks to be employed, and the compensation which they shall receive, which compensation shall be paid monthly from the special salary fund by warrant; *Provided*, That the officer in whose office such deputies or clerks are to be employed shall have the sole power of appointing the same, and of removing them at pleasure; *Provided, further*, That the total amount paid to the register of deeds or county treasurer, for salary and clerk hire, shall not exceed the amount of fees by such officer collected, and in no case to exceed the sum of five thousand (5,000) dollars; *Provided, further*, That any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed any clerk employed under the provisions of this act, shall be deemed guilty of a misdemeanor.

§ 6. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect and be in force from and after the first Monday in January, in the year eighteen hundred and eighty-nine.

Approved, March 11, 1887.

CHAPTER 51.

PROVIDING FOR CERTAIN LEGAL PRINTING.

AN ACT Providing for Certain Legal Printing and Fixing the Compensation Therefor.

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

§ 1. RATES—MEASUREMENT.] That section twenty-two, of chapter thirty-nine, of the Political Code of the Territory of Dakota be, and hereby is, amended to read as follows, to-wit: "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 seventy-five cents per square, of twelve lines of nonpareil type, or its equivalent, for the first insertion, and fifty cents per square, for each subsequent insertion. And in all cases of publication of notices, in connection with sales upon execution, the plaintiff, except in divorce cases, 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 nonpareil type or its equivalent."

§ 2. DUTIES OF COUNTY COMMISSIONERS.] That section fifty-four, chapter twenty-one, of the Political Code of the Territory of Dakota, be and hereby is amended to read as follows, to-wit: It shall be the duty of the board of county commissioners of the several counties of this Territory to cause to be published in three newspapers printed in their respective counties, or in case there shall not be three newspapers within the county eligible to make such publication, then in as many papers as there shall be so eligible, a full and complete report of all their official proceedings at each regular and special meeting, such proceedings to be so published as soon after any meeting of the commissioners as practicable, and the board of county commissioners shall pay at the rate of twenty-five cents per square of twelve lines of solid brevier type, or its equivalent, to each newspaper designated to publish such proceedings, which shall file or cause to be filed with the county clerk or auditor an affidavit of publication, executed in proper form; *Provided*, That not more than two newspapers in any congressional township shall be so designated, and when there are but two papers in a county, and both are in the same congressional township, the commissioners shall designate but one of such papers; and *Provided further*, That in case there shall be no newspaper published in their respective counties,

then the board of county commissioners shall cause such proceedings to be published in such other newspaper in the Territory as shall be printed nearest to the county-seat of their respective counties, and shall also cause such report to be posted in three public places within their respective counties, one of which places shall be the office of the county clerk."

§ 3 AFFIDAVIT, WHAT IT SHALL CONTAIN.] That the affidavit of publication, of all notices required by law to be published, shall contain a statement, that the full amount of the fee charged for the publishing of the same, inures to the benefit of the publisher, or publishers thereof, that no agreement or understanding for the division thereof has been made with any other person and that no part thereof has been agreed to be paid to any person whomsoever, that every affidavit of publication shall state in plain terms, the fees charged thereon.

§ 4 ADDITIONAL AFFIDAVIT REQUIRED—FORM.] That there shall be annexed to all affidavits of publication of notices, required by law, an affidavit sworn and subscribed to by the party, or one of the parties, or his, or their authorized agent or attorney, or one of his or their authorized agents or attorneys, that they directed the publication of the annexed notice, that no agreement or understanding for any division of the fees therefor has been made with any person whomsoever, and that no part thereof has been refunded, or rebated by the party or parties publishing said notice, that no affidavit of publication, shall in any case be filed, or recorded, until such additional affidavit shall be so annexed thereto.

§ 5. NOTICE OF ALL ELECTIONS TO BE PUBLISHED.] That section five, chapter twenty-seven, of the Political Code of the Territory of Dakota, be, and hereby is amended, to read as follows, to-wit: "The county clerks, or auditors, of the several counties, shall cause to be published in each of the newspapers designated by the board of county commissioners to publish their official proceedings, for at least four consecutive weeks, next preceding any general election and at least three consecutive weeks, next preceding any special election, a notice thereof; said notice to be as nearly as circumstances will admit as follows, to-wit:

Notice is hereby given that on the second Tuesday the . . . day of . . . next at the house of . . . in the town, district, or precinct of . . . in the county of . . . an election to [will] be held for Territorial, township, or district officers, (naming the offices to be filled, as the case may be,) which election will be opened at nine o'clock in the morning, and will continue open until four [five] o'clock in the afternoon of the same day. Dated this . . . day of . . . A. D. 188 (as the case may be.) (Signed) A— B—, County Clerk.

That the filing with the county clerk, or auditor of the county, in which said general or special election is held, of an affidavit of publication in proper form, by one of the publishers, or

the foreman or manager of each of said newspapers, shall be received as evidence that such publication has been properly made; *Provided, further,* That in case there shall be no newspaper published in the county, in which such election is to be held, then the county clerk, or auditor shall deliver three copies of such notice to the sheriff, coroner, or other person designated by the board of county commissioners.

Approved, March 11, 1887.

CHAPTER 52.

COMPENSATION OF SHERIFFS IN CERTAIN CASES.

AN ACT To Fix the Compensation of Sheriffs in Certain Cases.

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

§ 1 MILEAGE IN CERTAIN CASES.] That the sheriffs of all counties in the Territory of Dakota be entitled to receive five cents a mile for each mile necessarily and actually travelled for summoning a grand and petit jury, to be paid by the county, in addition to the compensation now allowed by law; *Provided,* That no additional mileage shall be allowed a sheriff for summoning talesmen, over and above that now fixed by law.

§ 2. All acts and parts of acts conflicting with this act are hereby repealed.

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

Approved, March 3, 1887.