

# GENERAL LAWS.

## ABSTRACTERS.

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### CHAPTER 1.

#### TO GIVE BOND.

AN ACT Entitled an Act to Provide Security to the Public Against Errors, Omissions and Defects in Abstracts of Title to Real Estate.

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

§ 1. ABSTRACTERS TO GIVE BOND.] It shall be unlawful for any person, firm or corporation to engage in the business of making or compiling abstracts of title to real estate in the Territory of Dakota, or to demand and receive pay for the same without first filing in the office of the County Clerk or Auditor of the county in which such business is conducted a bond to the county in which said business of abstracting is conducted, in the penal sum of ten thousand (\$10,000) dollars, with not less than three sureties, residents of the county, to be approved by the board of county commissioners of such county conditioned for the payment by such abstracters of any and all damages that may accrue to any party or parties by reason of any error, deficiency or mistake in any abstract or certificate of title made and issued by said person, firm or corporation; *Provided*, That in counties of less than ten thousand (10,000) inhabitants, the bond herein required shall be five thousand (\$5,000) dollars.

§ 2. CERTIFICATE OF FILING.] When any abstracter shall have duly filed his bond and the same shall have been approved, as above provided, he shall be entitled to receive a certificate from such county clerk (or Auditor) that said bond has been by the board of county commissioners of such county duly approved, and that the same has

been filed in his office, which certificate shall be valid so long as such abstracter shall maintain his surety upon the bond as herein provided for unimpaired.

And it is hereby made the duty of said county clerk or auditor after the bond of any abstracter shall have been filed and approved to issue to such abstracter on demand, a certificate of authority in writing, under his hand and official seal, to make such abstracts which shall continue in force for five (5) years, unless recalled or cancelled, as provided in section three of this act. After such certificate shall have been issued, the person, firm or corporation holding the same during the continuance of such certificate, shall have full access to all records of said county during office hours; and it is hereby made the duty of any person, firm or corporation holding said certificate, to furnish an abstract of the title to any tract of land in said county when requested so to do, and on the payment of the fees hereafter provided.

§ 3. ADDITIONAL SECURITY.] The bond herein provided for may run during the continuance of said person, firm or corporation in said abstract business not to exceed five years, and the board of county commissioners of the county where the bond herein provided for may be filed, may at any time require such abstracter upon ten days notice to give additional security upon said bond, and show cause why the same should not be declared invalid, and the certificate thereof recalled and annulled, and if within such time the additional security to be approved by said board of county commissioners be not furnished, and no sufficient reason be shown to the commissioners why the same should not be required, then said bond shall be declared invalid and the certificate thereof be recalled and annulled.

§ 4. APPEAL.] The abstracter or complainant may have an appeal to the district court of such county from the decision of the board of county commissioners by preserving the evidence taken at the hearing, which shall be certified up by the county clerk (or auditor) of such county, and such appeal shall be summarily decided by the court upon such evidence, and the cost of such appeal including the furnishing of said evidence shall be adjudged against the defeated party.

§ 5. PENALTY FOR VIOLATION.] Any person, firm or corporation violating the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, and not less than twenty-five dollars, for each and every offense.

§ 6. OFFICERS CERTIFICATES OF ABSTRACTS.] The provisions of this act shall not be construed to prevent the Register of Deeds, Treasurers and Clerks of court of the different counties of this Territory from certifying to abstracts of titles to land from the records of their respective offices; *Provided*, That such officers shall be liable on their official bonds for the faithful performance of all acts as abstracters.

§ 7. FEES. The fees allowed said person, firm or corporation doing business under the provisions of this act, shall be as follows, and no more: For the first entry or transfer on any one abstract one (\$1.00) dollar; for each subsequent entry, or transfer on said abstract twenty-five cents (25c.); for entry or certificate relating to taxes, twenty-five cents (25c.); for entry or certificate relating to Mechanics' liens, twenty-five cents (25c.); for certificate as to judgments, which may constitute a lien on the property so abstracted, fifteen cents (15c.); for each name so certified to. And it shall be the duty of said abstracters to continue any abstract so made by them, on the payment of twenty-five cents (25c.) for each entry made thereon, and twenty-five cents (25c.) for the certificate of continuation thereto.

§ 8. SEAL.] Any person, firm or corporation furnishing abstracts of titles to real property under the provisions of this act, shall first provide a seal, which seal shall have stamped thereon the name and location of said person, firm or corporation, and shall deposit with the county clerk or auditor an impression of said seal, before the certificate mentioned in section 2, shall issue, which said seal shall be affixed to every abstract or certificate of title, issued by said abstracters.

§ 9. REPEAL.] All acts, and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 10. WHEN TAKES EFFECT. This act shall take effect, and be in force, from and after the 10th day of April, A. D., 1889.

COUNCIL CHAMBER,  
BISMARCK, D. T., March 8, 1889. }

I hereby certify that the within act, together with the objections of his Excellency, Governor Louis K. Church, was returned to the Council, the House in which it originated, on the 8th day of March, 1889. That the objections of the Governor were read at length and entered upon the Journal, that thereupon the said bill was laid over for consideration until March 8th, 1889, and upon that day the matter coming up for consideration the question was put, "Shall this bill pass, the objections of the Governor to the contrary, notwithstanding?" The roll was called and the bill did pass, more than two-thirds of the members present and voting, voting in the affirmative.

Attest: R. E. WALLACE,  
Chief Clerk.

SMITH STIMMEL,  
President of the Council.

HOUSE OF REPRESENTATIVES,  
BISMARCK, DAKOTA, March 8, 1889. }

I hereby certify that the within act, together with the objections of his Excellency, Governor Louis K. Church was received by the House from the Council, that being the House in which it originated, on the 8th day of March, 1889. That the objections of the Governor were read at length and entered upon the Journal. That thereupon the said bill came before the House for consideration and the question was put, "Shall this bill pass, the objections of the Governor to the contrary, notwithstanding?" The roll was called and the bill did pass, more than two-thirds of the members present and voting, voting in the affirmative.

Attest: JNO. C. HAMILTON,  
Chief Clerk.

H. H. KEITH,  
Speaker of the House.