

ATTORNEY FEES.

CHAPTER 16.

LIMITATION IN NOTES, BONDS, MORTGAGES, ETC.

AN ACT to Declare certain Provisions for Attorney's Fee Void, and to Provide a Reasonable Attorney's Fee in such cases.

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

§ 1. CONTRACT DECLARED VOID.] That any provision contained in any note, bond, mortgage or other evidence of debt for the payment of an attorney fee in case of default in payment or of proceedings had to collect such note, bond or evidence of debt or to foreclose such mortgage is hereby declared to be against public policy and void.

§ 2. FEES PRESCRIBED.] In all actions commenced and prosecuted to judgment in the district court for the foreclosure of any chattel or real estate mortgage the plaintiff in such action shall be allowed an attorney's fee as follows: On the first one hundred dollars or under of such judgment, ten dollars, and three per cent on each dollar of judgment in excess of one hundred dollars, and not exceeding five hundred dollars; *Provided*, That the attorney fee in no such case shall exceed the sum of twenty-five dollars, unless the court shall by order allow an additional sum, when issue has been joined in such action, and provided further, that if the plaintiff shall fail to recover in such action, the defendant in such action shall be allowed an attorney fee not exceeding twenty-five dollars.

§ 3. FEES IN FORECLOSURES.] In all cases of foreclosure of chattel or real estate mortgages by advertisement and sale, if such foreclosure be made by an attorney at law who is a resident of this territory and admitted to practice law in the courts of this territory, there shall be allowed an attorney fee as follows: For foreclosing a chattel mortgage by advertisement and sale, five dollars, and no more; for foreclosing a mortgage on real estate by advertisement and sale, ten dollars and no more.

§ 4. REPEAL.] All acts and parts of acts conflicting with this act are hereby repealed.

§ 5. IN EFFECT—WHEN.] This act shall take effect and be in force from and after its passage and approval.

Approved, March 7, 1889.

ATTORNEY GENERAL.

CHAPTER 17.

MAY APPOINT AN ASSISTANT.

AN ACT, To Authorize the Attorney General to Appoint an Assistant Attorney General.

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

§ 1. ASSISTANT—HOW APPOINTED.] That the Attorney General may appoint an Assistant Attorney General—whose appointment shall be in writing and filed in the office of the Governor. That such Assistant Attorney General shall have the same powers and authority as the Attorney General.

§ 2. OATH OF ASSISTANT.] That the Assistant Attorney General shall, before entering upon the duties of his office, take and subscribe upon his appointment an oath that he will support the constitution of the United States and the act organizing this Territory, and that he will faithfully and impartially to the best of his ability and knowledge perform all the duties of the office of the Attorney General, as provided by the conditions of the bond of the Attorney General. That the Assistant Attorney General shall be paid by the Attorney General out of his salary, and receive no other compensation whatever.

Approved, February 19, 1889.