

COUNTY COURTS.

CHAPTER 51.

[H. B. No. 177.]

JURISDICTION OF COUNTY COURTS AND PROVIDING FOR CLERK HIRE.

AN ACT Defining the Criminal Jurisdiction of County Courts Having Civil and Criminal Jurisdiction, and Providing for the Practice and Procedure Therein, and to Provide Clerk Hire Therefor.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. CONCURRENT JURISDICTION, TO WHAT EXTENT.] That all county courts having increased jurisdiction are hereby vested with and shall have concurrent jurisdiction in all criminal offences and misdemeanor below the grade of felony. They also have power to remit fines, forfeitures and recognizance and to accept and approve the same as provided by law.

§ 2. POWER AND AUTHORITY.] They shall have power and authority to issue all writs necessary to carry into effect their judgments, decrees and orders.

§ 3. CONCURRENT JURISDICTION WITH DISTRICTS COURTS.] They shall have concurrent jurisdiction with district courts in appeals from all final judgments of justice of the peace, police magistrates, police justices or city justices for cities or towns, and the proceedings on such appeals shall be the same as now or may hereafter be provided for appeals from judgments of justice of the peace to the district court.

§ 4. JURISDICTION.] They shall have jurisdiction to grant new trials, affirm, modify, or set aside judgments in actions tried in such court upon bill of exceptions or case made.

§ 5. APPEALS AND WRITS OF ERROR.] Appeals from, and writs of error to the county court shall be allowed to the district court from all judgments orders and decrees of said county court and the proceedings on such appeals shall be the same as now or may hereafter be provided for appeals from judgment of justice of the peace to the district court.

§ 6. SAME AS IN DISTRICT COURT.] The process, pleadings, practice and mode of procedure in the county courts shall be the same as provided for in the district courts of this State by the Code of Civil Procedure, or as may hereafter be provided by law, so far as the same is applicable, and the process, orders, judgments

and decrees of such county court shall have the same forms, force, lien and effect as in the district court, and the clerks of said county courts shall charge and collect like fees in the county court as in the district court; *Provided*, That no preliminary examination shall be necessary before trial in criminal actions in the county court.

§ 7. PROSECUTION OF OFFENSES.] All offenses of which the county courts have jurisdiction shall be prosecuted by information of the states attorney or Attorney General and every information shall set forth the offense with reasonable certainty, substantially as required in an indictment, and may be filed either in term time or vacation and the proceedings thereon shall be the same as near as may be as upon indictment in the district court, except as hereinafter provided.

§ 8. WARRANTS OF ARREST, WHEN MAY ISSUE.] The county court in term time or the judge in vacation may issue warrants of arrest for persons against whom an information has been filed; shall fix the amount of bail to be required of the accused, and the clerk shall indorse the same upon the warrant, except when the warrant is issued in term time, the same may be returnable forthwith when it shall not be necessary to fix the amount of bail until the accused is brought into court.

§ 9. RECEIVE PLEA AND PASS JUDGMENT.] The court may receive the plea of guilty and pass judgments in term time or vacation, or, if the accused will waive a jury, may be tried by the court without a jury in term time, upon notice being first given to the states attorney.

§ 10. CAUSE CERTIFIED TO DISTRICT COURT, WHEN.] In any civil or criminal cause of which this court has jurisdiction, whenever at any time before said cause is called for trial it shall appear to the court by affidavit, or if the court shall so order, upon other testimony, that a fair and impartial trial cannot be had in such court by reason of the bias or prejudice of the judge or otherwise, or that the judge is the agent, attorney, or connected by blood or affinity, to any person interested nearer than the fourth degree, or when the court is interested financially or otherwise in the result of such suit, the court shall thereupon direct said cause and all papers and documents connected therewith to be certified to the district court of the county wherein said county court is held; said transcript shall be delivered to the clerk of the district court, at least ten days before the first day of the next term thereof, and shall be placed upon the trial calendar and stand for trial the same as cases originally commenced in said district court.

§ 11. JURIES, HOW SELECTED.] Juries in all criminal actions, in the county court, shall be selected by the county judge, and summoned in the same manner as is now provided by law for selecting juries in criminal actions before justices of the peace; *Provided*, That each party shall be entitled to the same challen-

ges as is now allowed by law in district court in like criminal cases.

§ 12. CLERK HIRE, HOW DETERMINED.] In all counties having county courts with civil and criminal jurisdiction, with a population of 5,000 or more, there shall be allowed and paid to the judge of such court, as clerk hire, the sum of four hundred (400) dollars per annum, and in counties having a greater population than 15,000 inhabitants, then an additional sum of fifty (50) dollars per annum for each additional 1,000 inhabitants or major fraction thereof, and such other and further sums as may be necessary for the proper transaction of the business of such county court, the sum to be paid in the same manner as the salary of the county judge. The duties of the clerk of the county court shall be the same as the duties of the clerks of the district courts.

§ 13. EMERGENCY.] Whereas, an emergency exists in this, that there is no criminal procedure provided by law for county courts having civil and criminal jurisdiction; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 7, 1891.

COUNTY OFFICERS.

CHAPTER 52.

[H. B. No. 182.]

FIXING SALARIES OF CERTAIN COUNTY OFFICERS.

AN ACT Fixing the Salaries of County Auditor and Register of Deeds, and for the Repeal of Sections 1, 2, 3, 4 and 5, Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1889.

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. SALARIES OF COUNTY AUDITORS, HOW DETERMINED.] The salary of the county auditors in the State of North Dakota shall be regulated by the value of the property in their respective counties as fixed by the State Board of Equalization for the preceding year as follows: The county auditor shall be entitled to receive four mills on the first \$100,000 and one mill on the next \$300,000 and one-third of one mill on all sums in excess of said first named amounts and not exceeding \$2,000,000 and one-fifth of one mill on all sums exceeding \$2,000,000; *Provided*, That no county auditor shall receive for his personal services an amount to exceed