

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

\$2,000 in any one year; *Provided, further*, That such officer shall not be required to account for fees for certifying to deeds; *Provided, further*, That all fees received by said officer in excess of the above provisions of this act shall be paid into the salary fund of the county at the end of each month.

§ 2. ALLOWANCE FOR DEPUTIES.] 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 the business of auditors office, that clerks or deputies be employed therein, they shall authorize the same, and the allowance for such clerk hire shall be paid in the same manner as all other similar claims against the county, and in no case shall the auditor be allowed such clerk hire unless such services have been actually rendered.

§ 3. SALARY OF REGISTER OF DEEDS, HOW DETERMINED.] The register of deeds shall be entitled to received a salary not to exceed eight hundred (800) dollars in counties where the assessed valuation does not exceed \$1,000,000 nor more than \$1,000 in counties where the assessed valuation does not exceed \$1,500,000, nor more than \$1,200, in counties where the assessed valuation does not exceed \$2,000,000, nor more than \$1,400 in counties where the assessed valuation does not exceed \$2,500,000, nor more than \$1,600 in counties where the assessed valuation does not exceed \$3,000,000; *Provided*, That no register of deeds shall receive for his personal services an amount to exceed \$2,000 in any one year as provided in this act, to be paid monthly from the special salary fund, on the warrant of the county auditor; *Provided*, That the said officer may retain for his own use and account all fees for making and certifying to abstracts.

§ 4. REGISTER TO KEEP FEE BOOK—MONTHLY REPORTS TO AUDITOR.] Each register of deeds 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 days after the close of each calendar month and also at the end of his term of office, file with the county auditor a statement under oath showing the fees which he has received as such officer since the date of his last report, and also within three 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. Any register of deeds 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, with the intent to evade the provisions of this act shall be deemed guilty of a misdemeanor.

§ 5. IN CASE OF DEFICIENCY IN SALARY.] In case the fees paid into the county treasury by the register of deeds shall not equal his salary as fixed herein, then and in that case such 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 month or fractional month, the deficiency shall be made up from any excessive fees that may be paid into the county treasury by such officer for services rendered during the calendar year in which such deficiency occurred.

§ 6. DEPUTY REGISTER OF DEEDS.] If in the judgment of the board of county commissioners of any county in the State it shall be deemed necessary for the prompt and accurate dispatch of business in the office of register of deeds that deputies or clerks be employed therein, they shall, by resolution fix the number of 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 officers in whose office such deputies or clerks are to be employed shall have the sole power of appointing the same and removing them at pleasure; *Provided, further*, That the total amount paid to the register of deeds for salary and clerk hire shall not exceed the amount of fees by such officer collected and in no case exceed the sum of \$5,000; *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. The provisions of this act shall not be construed to reduce the salary of any officer already elected, during the term for which said officer was elected.

§ 7. REPEAL.] Sections 1, 2, 3, 4 and 5 of Chapter 50, Laws of 1887, and Sections 14 and 15, Chapter 10, Laws of 1887 are hereby repealed.

Approved March 7, 1891.

CHAPTER 53.

[H. B. No. 11.]

REGULATING SALARIES OF COUNTY TREASURERS.

AN ACT to Regulate the Salaries of County Treasurers, and to Provide for the Payment of the Same.

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

§ 1. SALARY, HOW DETERMINED.] The county treasurer of each county in the State shall be allowed, at the time of his settlement, all sums paid by him for printing such advertisements as he is required to have done, at the rates prescribed by law; and all the sums paid by him for blank books and stationery necessarily used in his office, and shall receive for his services such sums as may be allowed by law for the collection and paying over all

moneys collected or received by him for the leasing, sale or interest on school or other State lands; and on all other public moneys by him collected or received as such county treasurer, for each year's services, as follows: Four and one-half ($4\frac{1}{2}$) cents on each dollar for the first \$10,000; three (3) cents on each dollar on the second \$20,000; and two (2) cents on each dollar on all sums over \$30,000 and less than \$60,000; and one (1) cent on each dollar on all sums over \$60,000; to be paid on the warrant of the county auditor out of the salary fund, and whenever the salary fund shall be exhausted, the auditor shall draw his warrant on the revenue fund for the deficiency; *Provided*, That no compensation shall be allowed the treasurer for any moneys received from his predecessor in office or his legal representatives, or on any moneys received from the current school funds of the State arising from the lease or sale of school lands; *Provided*, That no treasurer shall receive more than \$1,200 for his personal services in any one year, in counties where the valuation of taxable property is less than \$2,000,000, nor more than \$1,500 in counties where the valuation of taxable property exceeds \$2,000,000, and does not exceed \$4,000,000; nor more than \$2,000 in counties where the valuation of taxable property exceeds \$4,000,000 and does not exceed \$6,000,000; nor more than \$2,500 in counties where the valuation of taxable property exceeds \$6,000,000 and does not exceed \$9,000,000; nor more than \$3,000 in counties where the valuation of taxable property exceeds \$9,000,000 and does not exceed \$12,000,000; nor more than \$3,500 in counties where the valuation of taxable property exceeds \$12,000,000; and all moneys received as fees for certifying to abstracts in excess of the amount provided for in this act, shall be paid by the county treasurer at the end of each year into the revenue fund of the county; *Provided, further*, That whenever the salary of the county treasurer is limited to a fixed sum by the second proviso of this section, said fixed sum shall be paid in the manner provided above, at the end of each month, in twelve equal installments, and no treasurer receiving pay for his services under said second proviso, whose salary can not be certainly and exactly fixed at the beginning of his official year, shall receive more than one-twelfth of his annual salary at the end of each month, as carefully estimated and recorded by the board of county commissioners at their January meeting of each year; and the balance of the year's pay found to be legally due the treasurer shall be paid to him on the computation of said board of commissioners at their next January meeting.

§ 2. DEPUTIES, WHEN MAY BE HAD.] 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 the county treasurer, that a deputy or clerks be employed therein, they shall by resolution fix the number of clerks to be employed, and the length of time such deputy or clerks shall be employed, and the compensation which they shall receive, which

compensation shall be paid monthly, in the same manner as the salary of the county treasurer is paid; *Provided*, That the officer in whose office such deputy or clerks are to be employed shall have the sole power of appointing the same and removing them at pleasure; *Provided, further*, That any treasurer who shall receive and appropriate to his own use and benefit any part of the salary allowed any clerk under the provisions of this act, shall be deemed guilty of a misdemeanor.

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

§ 4. EMERGENCY.] Whereas an emergency exists in that there is no law fixing the amount of salary to be paid to county treasurers, or providing for the payment of the same, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1891.

COUNTY WARRANTS.

CHAPTER 54.

[S. B. No. 88.]

PROVIDING FOR REGISTRATION.

AN ACT Relating to Registering of County Warrants and Duty of the County Treasurer Relating Thereto.

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

§ 1. WARRANTS, HOW REGISTERED.] It shall be the duty of the county treasurer whenever the holder of any county warrant presents the same for registration to enter such warrant in the warrant register for payment in the order of presentation and upon every warrant so registered he shall endorse "registered for payment" with the date of such registration and shall sign such indorsement as treasurer. The treasurer shall not be entitled to charge either for himself or for the county any fee or compensation for such registration, such registration being a part of his official duties.

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

Approved March 6, 1891.