

the judgment. If a commissioner disobeys the subpoena of the justice he shall be proceeded against in the same manner as a juror who fails to appear when summoned.

§ 4. PROCEEDINGS NOT EVIDENCE AT SUBSEQUENT TRIAL.] No part of the proceedings had before the justice and commissioners shall be admitted as evidence or considered at the trial of the case, nor shall the commissioners who took part in the hearing be allowed to testify.

Approved, March 10, 1893.

COURT STENOGRAPHER.

CHAPTER 46.

[H. B. No. 149.]

APPOINTMENT OF DISTRICT COURT STENOGRAPHER.

AN ACT Authorizing the Appointment of Stenographers for the District Courts of this State, and Prescribing Their Duties and Compensation and Repealing Chapter 52 of the Laws of 1879, Being Sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887, in Relation Thereto.

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

§ 1. APPOINTMENT.] The judge of the district court in each judicial district of this State may, whenever in his judgment it will expedite the public business, appoint a competent person to the office of court stenographer within his district. The order of appointment shall be filed in the office of the clerk and entered upon the record of the court in each county of the district, and the person so appointed shall take and subscribe the Constitutional oath of office and file the same in the office of the Secretary of State, and shall hold his office and discharge the duties thereof in person until the order for his appointment is revoked or another person is appointed to said office as herein provided. But in case such official stenographer shall be incapacitated to act, the judge may appoint some suitable person to act in his place, whose minutes, transcripts and certificates shall have the same force and effect as though made by such official stenographer, but the certificates made by such person shall be under oath.

§ 2. DUTIES.] The court stenographer shall attend the terms and sessions of said court within the district whenever the judge shall so direct, and shall there take down in shorthand at the time all testimony given orally by the witnesses, the objections made by the parties, the rulings of the court, the exceptions taken, the in-

structions given orally by the court, and all other proceedings at the hearing or trial not otherwise stated in writing, in all criminal actions, and shall do the same in any civil action or special proceeding upon request of the judge or a party to the action.

§ 3. MINUTES TO BE FILED.] The original shorthand minutes so taken, with an endorsement thereon in ordinary writing over the signature of the stenographer, describing the contents accordingly and with reference to the title of the action and time and place of taking, shall in every case be filed in the office of the clerk of the court for the county in which the action is pending at the conclusion of the trial, or as soon thereafter as practicable, but may be withdrawn by the stenographer at any time for a reasonable period for the purpose of transcription.

§ 4. TRANSCRIPT OF MINUTES.] The judge may order a transcript of the original minutes or any specified part thereof to be made at the expense of the county in a criminal action on application of the defendant or the states attorney whenever in his judgment there is reasonable cause, and the stenographer shall plainly transcribe his minutes accordingly into ordinary words, letters and figures and file the same in the office of the clerk, and the stenographer shall at any time on request of any party to a civil or criminal action, and payment of his fees as provided by law, in like manner transcribe his original minutes taken in said action, or any distinct part thereof, and deliver the same to the party desiring such transcript, who may file the same in the office of the clerk whenever he shall so elect. Every transcript filed as herein provided shall be available alike to either party to the action, for the purposes hereinafter set forth.

§ 5. CERTIFICATION OF TRANSCRIPT.] Such transcript must in every case be certified by the stenographer to the effect that it is a correct transcript of his original shorthand minutes and a full, true and complete statement of the testimony and other proceedings which it purports to contain, and when he has ceased to hold his office as stenographer of the court he must make such certificate under oath.

§ 6. COMPENSATION.] Every court stenographer shall be entitled to receive from each county in which he is required to attend court, reimbursement for his traveling expenses at the rate of five cents per mile for each mile actually and necessarily traveled in going thereto and returning, and compensation for his time actually employed in attending court therein in such sum as the judge shall allow, not exceeding ten dollars per day, all of which shall be audited and paid by the proper county upon the order of the judge. For making transcripts, as herein provided, he shall be entitled to receive such compensation as the judge shall allow, not exceeding fifteen cents for each folio of one hundred words, payable in like manner, when ordered by the judge, by the county chargeable with the costs of the action, and in all other cases by the party requesting such transcript.

§ 7. REPEAL.] Chapter 52 of the Session Laws of the Territory of Dakota for the year 1879, entitled "An act authorizing the appointment of shorthand reporter for the district courts of this territory," and approved February 14, 1879; also Sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887, Territory of Dakota, and all other acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Approved, March 6, 1893.

CRUELTY TO ANIMALS.

CHAPTER 47.

[S. B. No. 116.]

CRUELTY TO ANIMALS.

AN ACT to Provide for the Better Enforcement of the Laws Punishing Cruelty to Animals.

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

§ 1. AGENT.] The Governor of this State is hereby authorized to appoint a discreet and suitable person whose duty it shall be to investigate all cases of violation of the statutes against cruelty to animals of which information can be obtained and bring the facts relating thereto before the proper authorities, and it shall further be the duty of such person to organize humane societies in the different towns in the State where it can be done, whose members shall pledge themselves to the use of all reasonable means for the due enforcement of the laws relating to cruelty to animals.

§ 2. STATES ATTORNEYS TO AID.] It is hereby made the duty of the states attorneys in this State to aid and co-operate with such person in the enforcement of said statutes.

§ 3. EXPENSES—APPROPRIATION.] Said person shall act without compensation further than payment of actual expenses incurred. The State Auditor will issue warrants for such expenses upon presentation of itemized and verified accounts therefor, and there is hereby appropriated out of any money in the State treasury, not otherwise appropriated, the sum of five hundred dollars, annually, for the payment of such expenses.

§ 4. EMERGENCY.] Whereas, An emergency exists in this, that the statutes against cruelty to animals are being constantly violated, and such violations cannot be detected and punished through the ordinary channels provided for such purpose; therefore, this act shall be in force from and after its passage and approval.

Approved, March 2, 1893.