

April, July, October and January of each year, upon the order of the state auditor, who is hereby directed to draw his order for the same for the use of the government experiment station at Fargo and it shall be the duty of the board of trustees of the North Dakota agricultural college to set apart annually this sum for the support and maintenance of the sub-experiment stations located at Dickinson, Williston and Langdon; said fifteen thousand dollars to be divided as follows: Five thousand dollars annually for the support and maintenance of the Dickinson sub-experiment station; five thousand dollars annually for the support and maintenance of the Williston sub-experiment station; and five thousand dollars annually for the support and maintenance of the Langdon sub-experiment station.

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 All acts or parts of acts in conflict with any of the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] The fact that work at these sub-stations must begin as soon as spring opens creates an emergency, therefore this act shall take effect upon its passage and approval.

Approved March 4, 1909.

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## FEES

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### CHAPTER 118.

[H. B. No. 69—Fraine]

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#### FEES OF ADMINISTRATORS.

AN ACT to Amend Section 8184 of the Revised Codes of North Dakota, for 1905, Relating to the Commissions to be Allowed Administrators and Executors When No Provision Is Made in the Will.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 8184 of the revised codes of North Dakota, is amended to read as follows:

§ 8184. WHEN NO PROVISION IN WILL, COMMISSIONS ALLOWED.] When no compensation is provided by the will or the executor renounces all claim thereto, he must be allowed commissions on the amount of the whole estate accounted for by him, excluding all property not ranked as assets, as follows: For the first one thousand dollars, at the rate of five per cent; for all above that sum and not exceeding five thousand dollars, at the rate of two per cent; for all above that sum at the rate of one per cent; and the same commissions shall be allowed administrators. In all cases such further

allowance may be made as the county court may deem just and reasonable for any extraordinary service. The total amount of such allowance must not exceed the amount of commissions allowed by this section.

Approved March 16, 1909.

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## CHAPTER 119.

[H. B. No. 285—Kneeland]

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### FEES IN COUNTY COURT.

AN ACT to Amend Section 2589 of the Revised Codes of 1905, Relating to the Fees of County Court.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 2589 of the revised codes of 1905 of the state of North Dakota is hereby amended to read as follows:

§ 2589. COUNTY TO BE REIMBURSED. HOW.] For the purpose of reimbursing the county for the salaries provided in the foregoing sections to be paid the judges of county courts, each petitioner for letters testamentary, or administration or guardianship, before filing the same in the county court, shall pay or cause to be paid into the county treasury, for the use and benefit of the county in whose county court proceedings are to be instituted to settle the estate of a deceased person or for the appointment of a guardian, the sum of five dollars, and when the value of said estate has been ascertained by the court, through the inventory and appraisement or upon hearing of same, as legally required, within thirty days after the issuance of letters testamentary, of administration or guardianship, the judge of said court shall require an additional fee to be paid from said estate into said county treasury, of five dollars for each and every one thousand dollars or fraction thereof, in excess of the first one thousand dollars of value therein found, as shown by said inventory and appraisement, and in all cases in addition thereto, all sums necessarily expended in publishing or serving notices required by law. In all civil and criminal actions the same fees and costs shall be paid as in like actions in the district court, the same to be paid to the clerk of the county court, a record to be kept thereof and the same turned over by him to the county treasurer.

Approved March 12, 1909.

## CHAPTER 120.

[H. B. No. 90—Doyle, of Foster]

## FEES OF SHERIFF.

AN ACT to Amend Section 2600 of the Revised Codes of 1905, and to Repeal Section 2601 of the Revised Codes of 1905, Relating to Sheriff's Fees.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 2600 of the revised codes of 1905 is hereby amended to read as follows:

§ 2600. FEES TO BE CHARGED.] The sheriff shall be entitled to charge and receive the following fees:

1. Serving *capias* with commitment of bail and return, two dollars.
2. For each search or search warrant, one dollar.
3. Arresting under search warrant, each defendant, one dollar.
4. Serving summons, warrant of attachment, order of *replevin*, injunctional order, citation or other *mesne* process and return thereon, sixty cents; each defendant besides the first, fifty cents.
5. Copy of summons or order of attachment, twenty-five cents.
6. Copy of injunctional order, twenty-five cents.
7. Serving subpoena for witness, each person, twenty-five cents.
8. Taking and filing bond in claim and delivery, or other undertaking to be furnished to and approved by the sheriff, one dollar.
9. Travelling expenses for each mile actually and necessarily traveled, ten cents; provided, that when it is necessary to travel by team or automobile, the actual cost of the same may be charged in addition to such mileage. In no case, however, shall the cost of the livery or automobile exceed three dollars per day, the number of miles which constitute a day travel to be reckoned as follows: When the distance traveled is twenty miles or under, a half a day shall be allowed for the same, and when the distance traveled is greater than twenty miles and not to exceed forty miles, a full day shall be allowed; this same ratio to prevail when the distance traveled exceeds forty miles.
10. Making copy of any process, bond or paper, other than herein provided, for each ten words, one cent.
11. Levying writ of execution and return thereof, one dollar.
12. Levying writ of possession with the aid of the county, three dollars and fifty cents.
13. Levying writ of possession without the aid of the county, two dollars.
14. Summoning grand jury, including mileage to be paid by the county, eight dollars.

15. Summoning petit jury, sixteen dollars and ten cents per mile for each mile actually and necessarily traveled, to be paid by the county.

16. Summoning special jury, for each person empanelled, twenty-five cents.

17. Serving notice of motion or other notice or order of the court, fifty cents.

18. Executing writ of habeas corpus and return, one dollar and twenty-five cents.

19. Serving writ of restitution and return, one dollar and twenty-five cents.

20. Calling inquest to appraise any goods and chattels which he may be required to have appraised, sixty cents, and to each appraiser, to be taxed as costs, one dollar.

21. Advertising sale in newspaper, in addition to the publisher's fees, sixty cents.

22. Advertising in writing for sale of personal property, one dollar.

23. Executing writ or order of partition, two dollars.

24. Making deed for land sold on execution or order of sale, two dollars.

25. Committing prisoner to prison, or discharging therefrom, fifty cents.

26. Opening court and attending thereon, four dollars per day, to be paid by the county; and the sum of two dollars per day shall be allowed for attendance in justice's court in criminal actions, but this per diem shall not be construed to apply to deputies.

27. Commissions on all moneys received and disbursed by him on execution, order of sale, order of attachment, decree, or on sale of real or personal property, shall be:

(a) For each dollar not exceeding four hundred dollars, three cents.

(b) For each dollar above four hundred dollars, and not exceeding one thousand dollars, two cents.

(c) For each dollar in excess of one thousand dollars, one cent.

28. In all cases in the district court where persons in whose favor the execution order of sale is issued, shall bid in the property sold on execution or judgment, the sheriff or person making such sale shall receive the following compensation:

(a) When the amount for which the property is bid in does not exceed one thousand dollars, the sum of five dollars and no more.

(b) When the amount for which the property is bid in exceeds one thousand dollars, the sum of ten dollars, and no more.

29. For services in case of redemption of property from sale under execution or mortgage foreclosure, for issuing certificate of redemption, one dollar.

30. For selling real property under foreclosure of mortgages by advertisement, the same fees as are allowed by law for the sale of real property under a judgment of foreclosure and sale of such property, and no more.

31. For boarding prisoners, not exceeding seventy-five cents per day each, to be determined by the board of county commissioners.

32. For distributing ballot boxes to the various precincts, two dollars per day and mileage.

33. In all cases where personal property shall be taken by the sheriff on execution or under a warrant of attachment, and applied in satisfaction of the debt without sale, he shall be allowed the same percentage on the appraised value thereof as in case of sale.

34. For the expense of taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court may order, not to exceed the actual expense incurred, and no keeper must receive to exceed three dollars per day, nor must he be so employed, unless the property is of such character as to require the personal attention and supervision of a keeper. No property must be placed in charge of a keeper if it can be safely and securely stored, or when there is no reasonable danger of loss.

§ 2. REPEAL.] Section 2601 of the revised codes of 1905 is repealed by this act.

Approved March 17, 1909.

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## CHAPTER 121.

[H. B. No. 171—Senour]

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### FEES OF POUND MASTER.

AN ACT to Amend Section 3195 of the Revised Codes of the State of North Dakota for the Year 1905, Relating to the Fees of Pound Masters and Providing for Advertising Estrays According to Chapter 117 of the Session Laws of the Year 1907.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] Section 3195 of the revised codes of 1905 is amended to read as follows:

§ 3195. FEES OF POUND MASTER AND NOTICE OF TAKING UP ESTRAYS. SALES.] The pound master is allowed to charge and collect the following fees: For taking into pound or discharging therefrom any horse, ass or mule, and all neat cattle, twenty cents each; for every sheep or lamb, ten cents each; and for every hog, large or small, ten cents each; and twenty-five cents for keeping each twenty-four hours in pound; and the pound master has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals

until the same are paid; and if the same are not paid and said animals removed within ten days after they are impounded the poundmaster shall give notice as provided in chapter 117 of the session laws of 1907, and also by posting in three of the most public places in the township, notices that said animals, describing them, are impounded, and that unless the same are taken away and fees paid within thirty days after the date of such notice, he will sell the same at public vendue at the place where the township meetings of such township are usually held; and on the day designated in such notice the poundmaster shall expose such animals for sale and sell the same to the highest bidder for cash, for which service he shall receive two per cent of the purchase money for each animal.

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

Approved March 13, 1909.

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## FIRE ARMS

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### CHAPTER 122.

[H. B. No. 372—Hale]

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#### USE OF "SILENCER" PROHIBITED.

AN ACT Prohibiting the Use, Sale or Purchase of Any Device Known as a Silencer to be Used on Any Firearm.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. PROHIBITED. EXCEPTION.] The use of any device whatsoever for the purpose of silencing or deadening the sound or report of any firearm used in this state is hereby prohibited; provided, that the use of such device may be permitted the national guard or regular army on any rifle range in this state under the supervision of a commissioned officer.

§ 2. NOT LAWFUL TO SELL.] No person shall be permitted to sell or offer for sale any device or attachment to any firearm which will silence or deaden the sound or natural report of the same when discharged.

§ 3. PENALTY.] Any person violating the provisions of this act shall be punished by a fine of not less than fifty dollars or more than one hundred dollars and costs of prosecution or imprisonment in the county jail for not less than ninety days or more than six months, or by both such fine and imprisonment.