

COURTS

CHAPTER 122

(S. B. No. 99—Schlosser)

WHEN COUNTY JUDGE NOT TO ACT AS ATTORNEY

An Act to Amend and Re-enact Section 8519, Compiled Laws of 1913, Relating to the Practice of Law by County Judges.

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

§ 1. AMENDMENT.] That Section 8519 of the Compiled Laws for 1913 be and the same is hereby amended and re-enacted to read as follows:

§ 8519. JUDGE NOT TO ACT AS ATTORNEY. WHEN.] A county judge shall not be an attorney in any civil or criminal action or other judicial proceeding, which involves or relates to an estate, or any part thereof, or other matter over which he has or may hereafter obtain jurisdiction, either for or against a surviving husband or wife, heir, devisee, executor, administrator, guardian or ward, debtor, creditor or other person, and he shall not counsel or advise as to any such action or proceeding or contemplated action or proceeding; nor draft, nor aid in drafting any document or paper relating thereto, which he is, or may be, required by law to pass upon. The judges of county courts shall not recognize as entitled to practice in such county courts, any attorney who is a law partner or otherwise connected in business with such county judge, nor permit such law partner to make an appearance for clients, nor prosecute nor defend any action or judicial proceedings in the county court, nor file any papers as attorney for any client in relation to any estate over which such county judge has jurisdiction. A willful violation of any of the foregoing provisions of this section shall be deemed willful misconduct in office, and a misdemeanor, and conviction thereof shall operate to vacate said office. Provided, further, that if said office is so vacated the incumbent shall not be eligible either for appointment or election to said office.

Approved February 19, 1927.

CHAPTER 123

(H. B. No. 207—Shurr by Request)

FEES CLERK OF DISTRICT COURT

An Act to Amend and Re-enact Section 3498 of the Compiled Laws of North Dakota, for the Year 1913, Relating to Fees to be Charged by the Clerk of the District Court.

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

§ 1. AMENDMENT.] An Act to Amend and Re-enact Section 3498, of the Compiled Laws of North Dakota, for the year 1913, relating to fees to be charged by the Clerk of the District Court to read as follows:

§ 3498. Clerks of the District Court shall charge and collect the following fees:

1. For the filing of an action including actions transferred from other counties, and all things in connection therewith that are not hereinafter provided for, the sum of \$5.00.

2. For issuing execution in any action, \$1.00.

3. For filing execution on return, fifty cents.

4. For filing and indexing a mechanic's lien, \$1.00.

5. For filing and indexing any other paper authorized to be filed in his office, but not connected with any civil action or proceeding, fifty cents.

6. For making certified abstracts of any judgment, or certified copy of any judgment, order or other paper, filed or recorded in his office, for the first four folios, fifty cents; for each additional folio, ten cents.

7. For approving bond of a notary public, fifty cents.

8. For entering and indexing commission of notary public, fifty cents.

9. For taking an acknowledgment or administering an oath, twenty-five cents.

10. For recording and indexing any paper, not filed in an action or proceeding, for the first four folios, fifty cents; for each additional folio, ten cents.

11. For a certificate of the official capacity of a notary public, or other officer, fifty cents.

12. For certifying an abstract of real property as to judgments and liens, for each person named in the abstract as to whom search is made, ten cents.

13. For issuing commission to take depositions, one dollar.

14. For certifying the record on appeal to the supreme court, or to the district court of any other county and transmitting the same, five dollars.

15. For all services on remittitur from Supreme Court, two dollars.

16. For taking depositions, per folio, ten cents.

17. For making certified transcripts of any judgment, \$1.00.

18. For filing and docketing transcript of judgment from justice's court or from any other county, \$1.00.

19. For filing and entering affidavit and other papers, for renewal of any judgment, \$2.00.

20. For registering and filing certificates of partnership, \$2.00.
 21. For all services in adoption proceedings, \$3.00.
 22. For all services in proceedings for Deposit in Court, \$3.00.
- Approved March 7, 1927.

CHAPTER 124

(H. B. No. 216—State Affairs Committee)

JUDICIAL COUNCIL

An Act Creating a Judicial Council for the State of North Dakota, and Providing for the Continuous Study of the Administration of Justice.

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

§ 1. JUDICIAL COUNCIL ESTABLISHED.] There is hereby established a judicial council which shall consist of all judges of the supreme and district courts of the state, one judge of the county court to be chosen by the supreme court, the attorney general, the dean of the school of law of the state university, and five members of the bar who are engaged in the practice of law, who shall be chosen by the executive committee of the state bar association.

§ 2. TERM OF OFFICE.] The judges of the supreme and district courts, the attorney general and the dean of the school of law of the state university, shall hold office as members of the council during the time they occupy their respective official positions. The terms of office of the county judge chosen by the supreme court, and of the members of the bar, shall be two years, commencing on the first Monday of January of odd numbered years. A vacancy shall be filled by the authority originally selecting the member.

§ 3. ORGANIZATION OF COUNCIL.] The chief justice during his term as chief justice shall be chairman of the council. An executive secretary shall be chosen by the council either from within or without the council. The council shall make rules for its procedure and the conduct of its business.

§ 4. MEETINGS.] The council shall meet at least twice in each year at such times and places as shall be fixed by the council, provided that the first meeting shall be held at such time and place as the chief justice shall designate, and within six months after the taking effect of this act.

§ 5. DUTIES.] The judicial council is to make a continuous study of the operation of the judicial system of the state, to the end that procedure may be simplified, business expedited and justice better administered.

§ 6. HEARINGS.] The council may hold public meetings and hearings and shall have power to require the attendance of witnesses and the production of books and documents. The district court shall have power to enforce obedience to subpoenas issued by the council and to compel the giving of testimony. Each member of the council shall have power to administer oaths in any hearing or investigation instituted by the council.

§ 7. BUREAU OF STATISTICS.] The council shall have the power to organize a bureau of statistics for the purpose of gathering information relating to crime and criminal and civil litigation. Judges, state's attorneys, sheriffs, the attorney general, clerks of the district courts, the state board of administration, the superintending officers of penal and reformatory institutions and of asylums and other places of detention, and all other state, county and municipal officers, boards and commissions, shall render to the council such reports as it may request on matters within the scope of its powers. The clerks of the district courts of the state shall prepare a statement semi-annually under the seal of the court showing the number of cases filed, the number of cases ready for trial and the number of cases tried during the preceding period of six months, together with such additional information as may be required by the council; and such statement shall be forwarded to the judicial council not later than January first and July first of each year.

§ 8. REPORT.] The judicial council shall submit to the governor not later than the first day of December of each even numbered year a report upon the work of the various branches of the judicial system of the state. The council may recommend to the governor or to the legislative assembly such measures as it shall deem advisable and may from time to time submit for the consideration of the supreme court suggestions regarding rules of practice and procedure.

§ 9. MEETING OF JUDGES.] Immediately following each meeting of the judicial council the judges of the supreme and district courts shall assemble for the purpose of considering matters relating to the administration of justice, including recommendations and complaints submitted to them concerning the business of the courts and their officers.

§ 10. COMPENSATION.] No member of the council shall receive compensation for any services rendered by him in such capacity; but any necessary expense incurred by any judge of the district and supreme courts in the discharge of his duties as a member shall

be deemed expense incurred in the performance of the duties of his office and paid as such; the expenses of all other members of the council shall be audited, and paid from the State Bar Fund in the same manner as other claims against such fund.

§ 11. REPEAL.] All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 3, 1927.

CHAPTER 125
(S. B. No. 234—Baird)

**SUPREME COURT DIRECT SPECIAL TERMS OF DISTRICT COURT
AND DESIGNATE JUDGES**

An Act to Authorize the Supreme Court to Direct the Calling of Special Terms in Any of the Counties of the State and to Designate a District Judge to Preside at Such Term.

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

§ 1. That the Supreme Court shall be and it is hereby authorized whenever in its judgment the ends of justice so require, to order a special term of the district court to be called in any county in the state; and it is further authorized to designate any one of the district judges in the state to call and preside at such term.

Approved March 3, 1927.

CRIMES and PUNISHMENTS

CHAPTER 126
(H. B. No. 127—Cox)

**MAXIMUM PUNISHMENT ON CONVICTIONS OF TWO OR MORE
FELONIES**

An Act Providing Maximum Punishments for Persons Convicted of a Felony Who Have Been Convicted of Two or More Felonies in Any State of the United States, and Prescribing the Procedure in Such Cases.

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

§ 1. That if a person commits a felony, within this State, after having been convicted of two felonies, either in this State or any other State of the United States, the maximum punishment or penalty of imprisonment for such offense shall be twice the maximum sentence now or hereafter prescribed by law for a first conviction of said offense.