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# SUPREME COURT.

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## CHAPTER 169.

[S. F. 12.]

### PRESCRIBING TERMS AND PROVIDING FOR EXPENSES.

AN ACT Fixing the Times and Places of Holding General and Special Terms of the Supreme Court of the State of North Dakota, and Providing for the Expenses Incident Thereto.

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

§ 1. TERMS OF SUPREME COURT.] That there shall be three general terms of the Supreme Court held each year as follows: One on the second Tuesday of January at the city of Fargo and county of Cass; One on the first Tuesday of May at the city of Bismarck and county of Burleigh; and one on the first Tuesday of October at the city of Grand Forks and county of Grand Forks. Such sessions of the Supreme Court may be held either in the court houses situated at the places aforesaid, respectively, or if such court houses cannot be obtained for any reason, then in any other available building in said places which may be deemed suitable and be procured for that purpose by a majority of the judges of the Supreme Court, without expense to the State.

§ 2. SPECIAL TERMS, HOW CALLED.] That whenever, from any cause, it appears to a majority of the judges of said court that the public interests demand that a special term of the said court be held, the said majority of the said judges have authority to appoint a special term of the Supreme Court to be held at either of the places aforementioned, giving twenty days' previous notice thereof by advertisement published in a newspaper at the seat of government of the State.

§ 3. REPEAL OF CONFLICTING ACTS.] That Chapter 140 of the Session Laws of Dakota Territory for the year A. D. 1885, and Chapter 153 of the Session Laws of Dakota Territory for the year A. D. 1887 (the same being Sections 405, 406 and 407 of the Compiled Laws of Dakota Territory), and all other acts and parts of acts inconsistent herewith are hereby expressly repealed.

§ 4. EMERGENCY.] Whereas, it is necessary that the terms of the Supreme Court be fixed at a date long prior to July 1, 1890, an emergency exists; now, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved January 22, 1890.

## CHAPTER 170.

[S. F. 26.]

## PRESCRIBING DUTIES, FEES AND SALARY OF CLERK OF SUPREME COURT.

AN ACT Defining the Duties and Prescribing the Fees and Fixing the Salary of the Clerk of the Supreme Court.

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

§ 1. CLERK OF SUPREME COURT, HOW APPOINTED.] There shall be a clerk of the Supreme Court, who shall be appointed by the judges of the Supreme Court and who shall hold his office during the pleasure of said judges.

§ 2. OATH—DEPUTY.] The clerk of the Supreme Court, before he enters upon the duties of his office, shall take and subscribe the oath required by the Constitution of the State of North Dakota and execute a bond to the State of North Dakota, with one or more sureties to be approved by the Governor in the penal sum of \$3,000, conditioned for the faithful performance of his duties, which bond shall be for the use of the State, and with said oath, filed in the office of the Secretary of State. The said clerk may appoint a deputy, who shall take and subscribe the oath required by the Constitution, which shall be filed in said court; the said clerk is responsible for the acts of his deputy.

§ 3. TO SECURE NECESSARY RECORDS, STATIONERY, ETC.] The said clerk, unless otherwise provided for by law, shall secure the necessary records, seals, stationery, postage, lights, fuel and furniture for the use of the Supreme Court, the same to be paid for out of the State Treasury by the proper accounting officers thereof, upon the certificate or order of said clerk, endorsed as correct by one of the judges of the Supreme Court.

§ 4. PERSONALLY PERFORM ALL DUTIES.] He shall personally perform all duties assigned him by the law, and the rules of the said court. Whenever the clerk is unavoidably absent and unable to perform his duties, his deputy may perform all the duties of said office.

§ 5. TO FURNISH SYLLABUS FOR PUBLICATION.] Whenever a syllabus is filed by the judges of the Supreme Court, as required by law, the clerk shall immediately thereafter make and furnish a copy thereof to the publishers of such daily papers in the State of North Dakota as consent to publish the same without charge, accompanied with the title of the action.

§ 6 SALARY.] The clerk shall receive an annual salary of

\$1,500, payable in equal monthly installments at the end of each month; such annual salary shall commence to run at the date of filing his oath of office and entering upon his official duties.

§ 7. FEES.] The following are hereby declared to be the fees which shall be charged by the said clerk for performing official acts:

For drawing a writ of error; or other process issued under the seal of said court, one (1) dollar.

Affixing the seal to any process of the court, twenty-five (25) cents.

Filing papers, ten (10) cents for each paper.

Reading and filing any petition relating to any proceeding in court, ten (10) cents.

Entering the appearance or default of appellant or plaintiff, or of defendant or respondent, fifteen (15) cents.

Entering every rule or order, fifteen (15) cents for each folio.

A certified copy of every such rule or order, and of all papers, pleadings and proceedings filed with him, ten (10) cents for each folio.

Entering a decree or sentence, ten (10) cents for each folio.

Entering a judgment or order, fifteen (15) cents for every judgment debtor; ten (10) cents for each folio more than two.

Engrossing a remittitur to be sent to a district court, ten (10) cents for each folio.

Every certificate, twenty-five (25) cents.

Taxing costs, fifty (50) cents.

Entering satisfaction of record, fifteen (15) cents.

Taking security, fifty (50) cents.

Entering each cause in the calendar and making a copy for the bar, ten (10) cents.

Searching records and files in his office, twenty (20) cents for the records and files of each year.

For services required by law or the rules of the court, not herein provided for, such fees as the court directs.

Admission of attorneys, three (3) dollars.

§ 8. FEES TURNED IN QUARTERLY TO STATE TREASURY.] Said clerk shall keep an accurate account of all official fees received by him, and on the first day of January, April, July and October of each year, he shall file with the Auditor of the State of North Dakota a true detailed statement of such fees for the quarter preceding such filing, which statement shall be verified as true and correct by the affidavit of such clerk appended to such statement of fees. With his said statement he shall file with the said Auditor of the State of North Dakota a receipt from the Treasurer of the State of North Dakota, showing all of said monies so received to have been covered into the Treasury of the State of North Dakota.

§ 9. WHEN CLERK TO RECEIVE ADDITIONAL FEES.] In addition to the salary hereinafter prescribed the said clerk shall receive for

his expenses in attending sessions of the Supreme Court of the State of North Dakota, when held at points other than the capital of the said State, the sum of five (5) cents per mile for each and every mile necessarily traveled in going to and returning from said session or sessions, and in addition the sum of two (2) dollars for each and every day when the said clerk is in actual attendance upon the said session or sessions of the said court, said mileage and *per diem* to be in lieu of any other traveling expenses to be allowed said clerk. Upon filing with said Auditor an itemized statement, verified by the oath of said clerk, showing the mileage and per diem as aforesaid, the Auditor shall draw a warrant upon the State Treasurer in favor of said clerk for the amount so shown to be due under such statement.

§ 10. REPEAL.] All acts and parts of acts inconsistent herewith are hereby repealed.

§ 11. EMERGENCY.] That, whereas, it is essential that the fees and salary of the clerk of the Supreme Court should be established and defined as soon as practicable and at a date long prior to July 1, A. D. 1890; now, therefore, for the reasons aforesaid, this act shall take effect and be in force from and after its passage and approval.

Approved December 18, 1889.

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## CHAPTER 171.

[S. F. 53.]

### DUTIES AND COMPENSATION OF SUPREME COURT REPORTER.

AN ACT Regulating the Duties and Compensation of the Supreme Court Reporter and to Repeal Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Session Laws of Dakota Territory of the Year 1879.

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

§ 1. BOND.] The Supreme Court reporter shall give bond to the State, with at least two sufficient sureties, to be approved by the Chief Justice of the Supreme Court, in the sum of \$2,000, conditioned upon the faithful performance of his official duties.

§ 2. DUTIES OF REPORTER.] Said reporter shall, as soon as practicable after opinions of the Supreme Court are filed, prepare accurate copies of such opinions and of all dissenting opinions filed, prefixing thereto copies of the syllabi prepared by the court, the names of counsel in each case, a statement of the facts or pleadings, and an abstract of the briefs of counsel, when he may

deem such statement or abstract necessary or helpful to a full understanding of the case. He may, in his discretion add a brief note referring to prior adjudications.

§ 3. MAY RECEIVE RECORD OF CASES DECIDED FOR PURPOSE OF MAKING REPORT.] It shall be lawful for the reporter to receive at the close of each term of the Supreme Court the records of all causes decided at such term, with the opinions therein, and retain the same for such reasonable time as he may require to prepare the report thereof, when they shall be returned to and remain in the office of the clerk, except two copies of each printed brief and abstract.

§ 4. TO SUPERVISE PUBLICATION OF REPORTS—COPYRIGHT FOR STATE, ETC.] It shall be the duty of the reporter to correct proof, prepare suitable indices for and supervise the publication of all volumes of reports of the decisions of the Supreme Court of North Dakota which may hereafter be published under the authority of this State; and to secure a copyright of each volume of said reports before the same are distributed for the exclusive use and benefit of the State of North Dakota, the procurement of said copyright to be properly printed in each volume, and until provision for such publication shall have been made all copies of decisions, syllabi, statements of facts and pleadings, abstracts of briefs and notes prepared by such reporter in accordance with the provisions of this act shall be filed with the clerk of said court.

§ 5. SALARY.] Said reporter for his services as such reporter shall receive an annual salary of eight hundred (800) dollars, payable quarterly; and for such payments the State Auditor shall draw his warrants on the State Treasurer on or after the first days of April, July, October and January of each year.

§ 6. REPEAL OF CONFLICTING ACTS.] That so much of Sections 2, 3, 4, 5 and 6 of Chapter 56 of the Laws of Dakota Territory of the year 1879, the same being Sections 409, 410, 411 and 412 of the Compiled Laws of Dakota Territory of the year 1887, as conflict with the provisions of this act are hereby expressly repealed.

§ 7. WHEN REPORTS TO BE PUBLISHED.] It shall be the duty of the Supreme Court reporter to publish in book form the opinions of the Supreme Court, together with other matter as contemplated in Section 2 of this act, not sooner than the month of October and not later than the 31st day of December, beginning in the year 1892, and shall publish said opinions and other matter as contemplated by this act biennially thereafter, the publication of said opinions and other matter to be let and paid for in the same manner as other public printing.

§ 8. EMERGENCY.] And, whereas, an emergency exists in this, that a term of said Supreme Court is to be held in the month of January, A. D. 1890, and the duties and salary of said reporter are not defined by law; therefore, this act shall be in force from

and after the passage and approval thereof, the Legislative Assembly by a vote of two-thirds of all the members present in each house so directing.

Approved March 20, 1890.

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## CHAPTER 172.

[H. F. 55.]

### AUTHORIZING PURCHASE OF REMAINING TERRITORIAL SUPREME COURT REPORTS.

AN ACT Providing for the Purchase and Distribution of the Remaining Reports of the Supreme Court of Dakota Territory.

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

§ 1. SECRETARY MAY PURCHASE REPORTS. ] That the Secretary of State be and he is hereby authorized and directed to purchase a sufficient number of volumes of the reports of the Supreme Court of Dakota Territory, to be hereafter published by authority of the reporter of said court to comply with the provisions of this act as to distributing said reports; *Provided*, The same can be purchased at a price not to exceed four (4) dollars per volume; and, *Provided*, They are as large in size as volume five of said reports and printed and published in as neat and substantial a manner as said volume.

§ 2. MANNER OF DISTRIBUTION. ] That the Secretary of State is hereby instructed to deliver one copy of said reports, when purchased, to the following officers and organizations, to-wit: "Each judge of the Supreme Court of this State, each judge of the district courts of this State, the United State's attorney of this State, the Attorney General of this State, the Library of Congress of the United States, the Library of the Supreme Court of the United States, the Attorney General of the United States, the Governor of this State, the public library of each state and organized territory that has or will exchange reports with this State, three copies to the clerk of the Supreme Court of this State for the use of the court when in session and to deposit five copies in the Library of the State to be retained therein. It is hereby made the duty of each State officer above specified, to deliver the volume or volumes of said reports in his possession to his successor in office upon the expiration of his term of office.

§ 3. AUDITORS OR COUNTY CLERKS TO BE SUPPLIED. ] That the Secretary of State is hereby instructed to furnish to the auditor or

county clerk of each county in the State now or hereafter organized three copies of each volume of the above reports.

§ 4. DUTY OF AUDITOR OR COUNTY CLERK.] It is hereby made the duty of the said auditor or county clerk upon receipt of the volumes above specified, to conspicuously mark upon the outside of the cover thereof with ink the words "Property of county of....." (inserting the name of the county of which he is an officer in the space occupied by the blank), and when so marked to deliver one copy of each volume into the custody of the clerk of the district court, the judge of the county court, and state's attorney of the county, and it is made the duty of such officer receiving such volumes to deliver the same over to his successor in office at the expiration of his term of office.

§ 5. AUDITOR TO DRAW WARRANTS.] It is hereby made the duty of the auditor, upon receipt of an account for reports so furnished, duly certified as correct by the Secretary of State, to draw his warrant on the Treasurer for the amounts thereof, and there is hereby appropriated out of any money in the State Treasury not otherwise appropriated an amount sufficient to pay the same.

Approved March 7, 1890.

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## TRUSTS, POOLS AND COMBINATIONS.

### CHAPTER 173.

[H. F. 165.]

#### CERTAIN COMBINATIONS OF GRAIN AND STOCK DEALERS UNLAWFUL.

AN ACT to Prohibit Grain Dealers, Partnerships, Companies, Corporations or Associations from Combining or Entering Into any Agreement or Contract to Pool or Fix the Price to be Paid for Grain, Hogs, Cattle, or Stock of any Kind Whatever, and to Provide Punishment for Violations of the Same.

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

§ 1. WHAT COMBINATIONS OR POOLS DEEMED UNLAWFUL.] That it shall be unlawful for any grain dealer or grain dealers, partnership, company, corporation or associations of grain dealers, or any other person or persons, partnership, company, corporation or association, to enter into any agreement, contract or combination with any other grain dealer or grain dealers, partnership, company, corporation or association of grain dealers, or any other person or