

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. For executing death warrant, such fee as the board of county commissioners shall deem reasonable and just, to be paid by the county.

34. 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.

35. For the expense of taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court or judge 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.] All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] Whereas there are no adequate and clear provisions for sheriffs' fees, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 12, 1903.

STATE'S ATTORNEYS.

CHAPTER 179.

[S. B. No. 202—Little.]

APPOINTMENT OF STATE'S ATTORNEYS.

AN ACT to Amend and Re-enact Section 1986, Revised Codes of North Dakota, Revision of 1899, Relating to the Appointment of State's Attorneys by the Court.

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

§ 1. AMENDMENT.] That section 1986 of the revised codes of 1899, be amended and re-enacted so as to read as follows.

§ 1986. AMENDMENT. COURT MAY APPOINT STATE'S ATTORNEY. WHEN AND HOW.] In judicial districts in this state, containing unorganized counties or territory, the district court shall have the power to appoint a state's attorney for such unorganized counties or territory, said attorney, when so appointed, to be the prosecuting officer

for offenses arising within said unorganized counties or territory. The said court, whenever there shall be no state's attorney for an organized county, or when the state's attorney is absent or unable to attend to his duties, may, when necessary, appoint, by an order to be entered in the minutes of the court, some suitable person, an attorney at law, to perform for the time being the duties required by law to be performed by the state's attorney, and the person so appointed shall thereupon be vested with all the powers of such state's attorney for that purpose; and the district court shall, by order, to be entered in the minutes of the court, fix his fee therefor, which amount shall be allowed by the board of county commissioners, and which amount shall be deducted from the salary of the state's attorney. Nothing in this section shall be so construed as to give the court the power permanently to fill vacancies in such office in organized counties, but such power is vested in the board of county commissioners, as elsewhere provided in this code.

§ 2. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] Whereas, there is now no law regulating the appointment of a state's attorney in unorganized counties, therefore an emergency exists, and this act shall be in force immediately after its passage and approval.

Approved March 13, 1903.

CHAPTER 180.

[H. B. No. 160—Leech.]

DUTIES OF ASSISTANT STATE'S ATTORNEYS.

AN ACT to Amend Section 1987 of the Revised Codes of North Dakota, Prescribing Duties of Assistant State's Attorney.

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

§ 1. AMENDMENT.] That section 1987 of the revised codes of North Dakota be amended to read as follows:

§ 1987. STATE'S ATTORNEY MAY APPOINT, AND DUTIES PRESCRIBED FOR ASSISTANT. The state's attorney is authorized and empowered to appoint an assistant state's attorney within his county, who, when qualified, by filing his oath of office, shall have the same power, and perform any and all duties, now required of the state's attorney; provided, however, that the state's attorney shall be responsible, under his official bond, for any and all acts of such assistant.

§ 2. EMERGENCY.] Whereas, there is not sufficient law governing the duties of an assistant state's attorney, this act shall take effect from and after its passage and approval.

Approved March 10, 1903.