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## JUSTICE COURT

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### CHAPTER 195.

[S. B. No. 82—Vail.]

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#### SERVICE OF SUMMONS, JUSTICE COURT.

AN ACT to Amend Section 8363 of the Revised Codes of 1905 of the Laws of North Dakota, Relating to the Service of Summons Out of Justice Court, and Who is Authorized to Make Service of Such Summons, and Fees to be Paid Therefor; Also to Amend Section 2887 of the Revised Codes of 1905 of North Dakota, Relating to the Powers of Village Marshals in the Service of Summons.

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

Section 8363 of the Revised Codes of 1905 of the Laws of North Dakota is hereby amended to read as follows:

§ 8363. The summons may be served any place within the county, by a sheriff, chief of police, policeman, town marshal, village marshal, or constable, or any other person not a party to the action, and must be served and returned with proof of service, in the manner prescribed for personal service of summons by the code of civil procedure, unless service is made by publication, as provided in the code. And such officials as are hereinbefore named in this section are entitled to receive the same fees and mileage as are allowed by law to sheriffs for such service, and may be charged as costs in the action.

Section 2887 of the Revised Codes of 1905 of North Dakota is hereby amended to read as follows:

§ 2887. The marshal of such village shall be a peace officer and shall possess the powers and be subject to the liabilities possessed and conferred by law upon sheriffs in executing the orders of the trustees or enforcing the by-laws and ordinances of said village, and shall have the same general powers to serve civil process as is now possessed by constables of the county.

EMERGENCY.] Whereas, an emergency exists in that there is no law providing for the service of summons issued out of justice court by chiefs of police, police officers, town marshals or village marshals, therefore, this Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1913.

## CHAPTER 196.

[S. B. No. 90—Wartner.]

## GARNISHMENT PROCEEDINGS, JUSTICE COURT.

AN ACT to Amend and Re-enact Section 8405 of the Revised Codes of 1905, as Amended by Chapter 131 of the Session Laws of 1909, Relating to Garnishment Proceedings in Justice Courts.

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

**AMENDMENT.] Chapter 131 of the Laws of 1909 of the State of North Dakota is hereby amended and re-enacted to read as follows:**

**§ 8405. WHEN COURT MAY RENDER JUDGMENT.]** If any garnishee having been duly summoned, unless he shall have demanded his witness fees and the same shall not have been tendered, shall fail to appear and answer or to file his affidavit as required by the garnishee summons, the court may render judgment against him as provided in Section 6977; *provided*, however, that a plaintiff electing to take issue upon the affidavit of the garnishee must at the time fixed for appearance and answer, file with the justice a written notice to that effect, whereupon said justice shall, unless the parties to said issue agree to at once go to trial thereon, adjourn said garnishee action for not less than three nor more than ten days, and issue a notice to said garnishee of the time and place to which said action is adjourned, and that said issue will then and there be tried, which said notice shall be served upon said garnishee in the same manner as required for service of summons in justice court, at which adjourned time proceedings may be as provided in Section 6979. If a defendant desire to defend the garnishment proceedings upon the ground that the indebtedness or property involved is exempt from execution, or any other ground contemplated in Section 6981, such defense may be interposed at the time fixed for the garnishee's appearance; *provided*, that if said defense is on the ground that such property or indebtedness is exempt from execution, said defendant shall at or before the time fixed for appearance or answer in the garnishee summons, file or cause to be filed in the justice court in which said action is pending a schedule of his personal property made and sworn to as provided in Section 7119. The justice may also order an interpleader as provided in Section 6983, and adjourn said action for hearing thereof to a date not less than three nor more than ten days after the date fixed for appearance and answer in said garnishee action and issue notice to the claimant

described in said Section 6983, of the time and place of said adjournment, and that he shall then and there defend his claim if any, to the money or property held in garnishment, which said notice shall be served upon said claimant in the same manner as required for the service of summons in justice court.

Approved March 1, 1913.

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## LAWS

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### CHAPTER 197.

[S. B. No. 286—Judiciary Committee.]

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#### COMPILED EDITION STATE LAWS.

AN ACT Authorizing the Secretary of State to Contract with the Lawyers' Co-operative Publishing Company of Rochester, New York, to Publish a Compiled Edition of the Laws of North Dakota.

Whereas, the edition of the Revised Codes of North Dakota of 1905 is practically exhausted, and there is a general demand and necessity for a compilation that shall embrace all laws and conform to all amendments made by the Legislative Assembly since 1905, up to and including the thirteenth legislative assembly; and,

Whereas, the Secretary of State is already empowered by law in the publication of codes and statutes to have general supervision over the compilation, re-numbering, readjusting, Sections, Chapters, Articles and Subdivisions, and general arrangements therefor, and,

Whereas, it is advisable to secure, at the least expense to the state, the compilation of laws up to date; now, therefore,

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

§ 1. That as soon as practicable, the secretary of state is authorized to contract with the Lawyer's Co-Operative Publishing Company, of Rochester, New York, a foreign corporation, to publish, in compliance with the following offer made by said corporation, a compiled edition of the laws of the state of North Dakota, which contract of codification shall include the right and duty to substitute and incorporate all amendments and include all new statutes without change or modification, the elimination of all statutes that have been expressly repealed, the re-numbering of Sections, Articles and Chapters where necessary to perfect and harmonize the statute, the revising and re-arranging of the index and table of contents according to the most modern