

CHAPTER 40.

AN ACT EXEMPTING CERTAIN PROPERTY FROM TAXATION.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

Wool and cot-
ton manufac-
tories exempt for
how many years.

SECTION 1. That the following property shall be exempt from taxation, for the time specified in this act, to wit: 1. All sheep and the wool shorn from the same, while in possession of the producer, for the term of five years. 2. All woollen manufactories, including the machinery of the same, for a term of fifteen years. 3. All cotton manufactories, including the machinery of the same, for a term of twenty years. 4. One half of the value of all other manufacturing establishments, for the term of five years.

Periods to date
from passage of
act.

SECT. 2. The period of time mentioned in the previous section shall date from the passage of this act.

Take effect,
when.

SECT. 3. This act to take effect from and after its pas-
sage.

Approved May 14, 1862.

W. JAYNE, *Governor.*

FEES OF OFFICERS, &c.**CHAPTER 41.**

AN ACT RELATIVE TO THE COMPENSATION OF OFFICERS.

*Be it enacted by the Legislative Assembly of the Territory of
Dakota :*

No other than
lawful fees al-
lowed.

SECTION 1. That no officer is allowed fees or other com-
pensation for any services further than is expressly permitted
by law.

Fees for cer-
tain services.

SECT. 2. Any officer legally called upon to perform any the
following services, is entitled to the following compensation:

for drawing and certifying an affidavit, or for giving a certificate not attached to any other paper or document, twenty-five cents; for fixing his official certificate to any paper, whether the certificate be under seal or not, thirty-five cents; for making out a copy or transcript of any public papers or records under his control for the use of a private individual or company, or recording articles of incorporation, ten cents for every one hundred words.

[FEES OF CLERKS OF SUPREME COURT.]

SECT. 3. The clerk of the supreme court may take the following fees, as the whole compensation, and where they are payable by a party to a suit, they may (except in criminal cases) be required in advance. If not so paid in advance the clerk may at any time after judgment, issue a fee-bill, which shall have the force of a special execution against the party adjudged to pay costs: upon the filing each appeal, three dollars; upon entering each judgment where the cause has been decided upon its merits, two dollars; upon each continuance of a cause, one dollar; upon issuing each execution, one dollar and twenty-five cents; entering satisfaction of judgment, fifty cents; upon issuing each writ, rule, or order to be served upon any person not in court, twenty-five cents; for copying an opinion to be transmitted to the district court in case of a reversal of judgment, ten cents for every one hundred words, to be paid by the party against whom costs are adjudged.

Fees of clerk of
supreme court.

SECT. 4. In criminal cases the clerk shall charge no fees against the county or territory, except that where judgment is reversed he is entitled to the legal fees for a copy of the decision, to be paid from the county treasury. As against the accused he is entitled to the same compensation as is allowed in civil cases.

Same.

[FEES OF CLERKS OF DISTRICT COURT.]

SECT. 5. The clerk of the district court must, in addition to the fees elsewhere authorized, charge and collect the following: on the filing of an appeal or the commencement of an original suit, two dollars and fifty cents; additional amount

Fees of clerk of
district court.

on issuing an attachment, two dollars; on entering a judgment by confession in a case not pending in court, in all, three dollars; if the case is already pending, in addition to the first charge, at the commencement of the suit, one dollar; on the submission of a cause without action, two dollars and fifty cents; on entering judgment when not by confession, two dollars and fifty cents; on entering a general continuance, one dollar; on entering a special continuance at a party's costs and judgment thereon, two dollars and fifty cents; on issuing execution and entering return, one dollar and twenty-five cents; on entering satisfaction of judgment, fifty cents.

To be paid in advance, or security given.

SECT. 6. The above fees of the clerk of the district court, as well as the jury fee required by law, must be paid in advance, unless ample security is given to the approval of the clerk for the payment thereof when the suit is determined.

Where security is given, its effect.

SECT. 7. Where security is given as contemplated in the preceding section, if the money is not paid at the time stipulated, the security shall be treated as an authority to confess judgment for the proper amount, and the clerk must enter up judgment either in term time or vacation, and issue execution thereon accordingly. And in all cases heretofore decided in the district court, the clerk is authorized to issue a fee-bill in the same manner as is above provided for the clerk of the supreme court.

Fees paid by whom.

SECT. 8. The above fees of the clerk of the supreme or district court must, unless otherwise provided by law, be paid in the first instance by the plaintiff or appellant, as the case may be, except in cases where the services are rendered at the instance and for the benefit of some other person, in which case the fees must be paid by such person. But unless otherwise ordered by the court, the party paying such fees, if successful in the suit, is entitled to recover them back from the opposite party.

In criminal cases.

SECT. 9. In criminal cases, where the defendant is adjudged to pay the costs, the clerk of the district court must charge fees as follows: in cases of appeals, the same fees in all respects as are allowed on appeals in civil actions; on an indictment for a misdemeanor, where there is no trial, five dollars; where there is a trial by the court, seven dollars; where

by jury, ten dollars. In cases of indictment for felonies the above fees shall be doubled. The same fees for issuing execution and entering satisfaction of judgment, must be charged in criminal as in civil cases.

SECT. 10. In criminal cases, whether commenced by indictment or brought upon appeal, the fees shall not be required in advance, but must be collected by execution against the defendant, being added to and treated as a part of the judgment or fine in case a judgment for money has been rendered against the defendant. Not required in advance.

[FEES OF PROBATE JUDGE.]

SECT. 11. The probate judge shall, in addition to the fees elsewhere permitted, charge ten cents for every one hundred words for all wills and certificates recorded in his office as required by law, and shall retain pay therefor out of the first money coming into the hands of the executor after payment of the charges of the last sickness and funeral expenses of the deceased. The judge of probate shall also be entitled to the following fees for the following services, to wit: for issuing letters of administration, with or without the will annexed, one dollar; for issuing letters of guardianship, one dollar; for issuing letters of execution, one dollar; for recording said letter, ten cents for one hundred words; for taking proof of will, fifty cents; for each oath administered, in all cases, in allowing claims, five cents; for filing each claim or receipt, five cents; for recording account current of executor, administrator, or guardian, on the final settlement of the same, ten cents per hundred words; for each notice or subpoena issued from his office, twenty-five cents; for docketing each suit or demand, ten cents; he shall, also, have civil and criminal jurisdiction of a justice of the peace, and have the same fees allowed by law to justices of the peace. Fees of probate judge.

[FEES OF SHERIFF.]

SECT. 12. The sheriff is entitled to the following fees: for serving any writ or notice (not including subpoenas) and return thereof, for the first person served, fifty cents, for each additional person, twenty-five cents; for each copy of such writ Fees of sheriff.

or notice, when required, ten cents for each hundred words; serving writ with posse comitatus, one dollar and fifty cents; each commitment to prison, twenty-five cents; discharge from prison, twenty-five cents; attending with a person before a judge or court when required, not at a regular term of the court in his county, for each day besides mileage, one dollar; copy of paper required by law, for each one hundred words, ten cents; serving and returning subpœnas, for each person, twenty cents; calling a jury in each case, ten cents; summoning a jury, grand or petit, for each panel including mileage (to be paid out of the county treasury), five dollars; travelling fees in other cases, required by law, going and returning, per mile, five cents; selling land or other property on execution per day, one dollar; for time actually employed by him as assessor per day, two dollars; making and executing a deed for land sold on execution, one dollar; serving one person with order of court, beside mileage, fifty cents; for each additional person embraced in the same order, twenty-five cents; summoning a jury in cases of forcible entry and detainer, including mileage, one dollar and fifty cents; serving an execution or order for the partition of real estate or assigning dower (besides mileage), two dollars; for each bond required by law, twenty-five cents; for summoning a jury to assess the damages to the owner of lands taken for any work of internal improvement, and attending upon them, in all three dollars; if such case occupies more than one day, he may charge for each additional day or fraction thereof, one dollar and fifty cents; for serving each attachment, one dollar; for the time necessarily employed in making an inventory of property attached or levied upon, per day, one dollar; for collecting and paying over money, on the first two hundred dollars or part thereof, three per cent.; on the next three hundred dollars, or any part thereof, two per cent.; and on all excess over five hundred dollars, one per cent. But when property is purchased by a plaintiff in execution, so that the money does not pass through the sheriff's hands, he is entitled to only one half the above-named rates. Returning a writ not served, five cents; receiving prisoner on surrender by bail, twenty-five cents; taking new bail, twenty-five cents; dieting a prisoner, per day, twenty-five cents.

When to be
paid by county.

SECT. 13. The above items, when chargeable in criminal

cases where the prosecution fails, or where the money cannot be made from the person liable to pay the same, the facts being certified to by the clerk, as far as his knowledge extends, and sworn to by the sheriff, shall be allowed and paid out of the county treasury.

CORONER'S FEES.

SECT. 14. For a view of each body, and for taking and returning inquest, five dollars; each subpoena, warrant, or venire, twenty-five cents. The above fees are to be paid from the county treasury where they cannot be obtained from the estate of the deceased. For all other services, the same fees as are allowed to sheriffs in similar cases.

Coroner's fees.

CONSTABLE'S FEES.

SECT. 15. For serving any notice or process, on each person named therein, twenty-five cents; copy thereof when required, ten cents; for serving an attachment or writ of replevin, fifty cents; travelling fees, going and returning, per mile, five cents; summoning a jury (including mileage), fifty cents; attending same on trial, twenty-five cents; serving execution (besides mileage), fifty cents; advertising and selling property (besides mileage), fifty cents; advertising without selling, twenty-five cents; notifying plaintiff of the time of such sale, besides mileage, unless he waive such notice, twenty cents; return of execution when no levy is made, five cents; on taking bond in any case, twenty-five cents; on all sums collected on execution and paid over, four per cent.; serving subpoena (besides mileage), fifteen cents; posting up each notice required by law (besides mileage), fifteen cents; commitment to prison (besides mileage), twenty-five cents.

Constable's fees.

SECT. 16. The fees of constables for services in criminal cases where the prosecution fails or when the money cannot be made from the person liable to pay the same, the facts being certified by the justice and sworn to by the constable, shall be allowed and paid out of the county treasury.

When paid by county.

NOTARY'S FEES.

Fees of notary
public.

SECT. 17. For every protest of a bill or note, seventy-five cents; noting a bill of exchange for non-acceptance or non-payment, twenty-five cents; notarial affidavit to an account, under seal, twenty-five cents; registering protest in a bill of exchange or promissory note for non-acceptance or non-payment, fifty cents; certifying power of attorney, twenty-five cents; administering an oath, five cents; being present at demand, tender, or deposit, and noting the same, thirty-five cents. Other services the same fees as are allowed to other officers for like services.

JUSTICES' FEES.

Fees of justices
of the peace.

SECT. 18. At the commencement of each suit, fifty cents; in case of an attachment or forcible entry and detainer, one dollar; on taking judgment by confession after suit is commenced, fifty cents; if not on suit previously brought, one dollar; on submitting controversies without action, the same fees as on suit brought. The following additional fees are allowed: in the cases in which they apply on entering judgment when not contested, fifty cents; if contested, one dollar; if jury is called, additional one dollar. On issuing execution (for issuing as well as for returning and entering satisfaction). When any cause consumes more than an entire day, the justice is entitled to one dollar for each day or fraction of a day thereafter, in addition; and on all amounts of money coming into the justices' hands, without suit and by him actually paid over, two per cent. shall be allowed him therefor; for every continuation or adjournment, at the request of either party, fifty cents; making and certifying transcript, fifty cents; on setting aside a judgment of nonsuit or by default, fifty cents; justices shall also be allowed the following fees in criminal cases: for process of any kind, except subpœnas, fifty cents; entering judgment, fifty cents; taking recognizance or any undertaking, fifty cents; order of discharge to jailer, twenty-five cents. The first of the above charges shall be payable by the county in cases where the prosecution fails.

WITNESSES.

SECT. 19. Each witness, for attending before the district court each day, is entitled to one dollar; before a justice of the peace, fifty cents; mileage for actual travel, per mile, each way, five cents. An attorney, or juror, or officer, who is in habitual attendance on the court during the term at which he is subpœnaed as a witness, shall charge for only one day's attendance or travel. The court may disallow to the successful, any witness who, without sufficient cause, was absent at the trial, or whose testimony was unimportant or unnecessary. For attending before a grand or petit jury, in a criminal case, witnesses are entitled to a like fee, which, when they are called in behalf of the prosecution, shall be paid out of the county treasury. But they cannot claim their fees in such cases in advance. Fees of witnesses.

JURORS.

SECT. 20. A juror, for each day's attendance, whether as a grand or petit juror, one dollar; before justices of the peace, fifty cents; travelling, per mile, going and returning, five cents. Fees of jurors.

COUNTY SURVEYORS.

SECT. 21. For each day's service actually performed in travelling to and from the place where the survey is to be made, making survey and return, five dollars; for a certified copy of the plat or field notes, fifty cents. Fees of county surveyors.

SECT. 22. This act shall take effect and be in force from and after its passage. Take effect, when.

Approved April 15, 1862.

W. JAYNE, *Governor.*

CHAPTER 42.

AN ACT TO PROVIDE FOR THE FEES OF ROAD COMMISSIONERS.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

One dollar and a half per day.

SECTION 1. That all road commissioners who perform their duties as such, upon the construction of any road within this territory, shall be entitled to the sum of one and one half dollars per day, for every day occupied in such capacity.

In case of vacancy.

SECT. 2. In case of the absence of any one of these (three) commissioners appointed to construct any road in this territory, the others may supply said vacancy by appointing another; or, in case of a majority of them meet, may proceed to discharge their duties.

Commissioners to meet within six months.

SECT. 3. That said commissioners shall meet at any time within six months from the time of their appointment, to take into consideration the duties imposed upon them by the provisions of the "act" authorizing them to act as commissioners.

This act applicable to what cases.

SECT. 4. This act shall only be applicable to cases where there is no specified provisions similar to the requirements of this act.

Take effect, when.

SECT. 5. This act shall take effect from and after its passage.

Approved May 7, 1862.

W. JAYNE, *Governor.*