

erected as provided for in section [one] (1) of this act, and the territorial auditor is satisfied of that fact, it shall be the duty of the territorial auditor to draw his warrant on the territorial treasurer for the sum of two thousand dollars (\$2,000), payable to the treasurer of the deaf and dumb school at Sioux Falls, Territory of Dakota.

§ 3. That this act shall be in force and effect from and after its passage and approval.

Approved, February 23rd, 1881.

Attorneys' Fees in Justices' Courts.

CHAPTER 18.

AN ACT in Relation to Attorneys' Fees in Justices' Courts.

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

§ 1. WHO ENTITLED TO ATTORNEY'S FEES, AND AMOUNT.] In all actions in justice courts, the party obtaining judgment shall be entitled to attorney's fees, as follows: On all judgments less than twenty-five dollars, an amount equal to twenty per cent. of such judgment; on all judgments over twenty-five dollars and under fifty dollars, five dollars as attorney's fees; on all judgments over fifty dollars, an amount equal to ten per cent. of such judgment as attorney's fees; in actions for the recovery of personal property, the value of the property recovered shall govern the amount of attorney's fees to be recovered in such action, and when judgment is for the defendant, the amount claimed in the plaintiff's complaint shall govern the amount of attorney's fees to be recovered by the defendant. *Provided, however;* That no attorney's fees shall be allowed in any such action, unless the party has appeared therein by an attorney of a court of record.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, February 16th, 1881.