

making the affidavit received it, and that he believes it has not been opened or altered since it came from the hands of the commissioner.

§ 11. COMMISSION TO BE FILED.] The clerk or judge receiving and opening the commission and return must immediately file it, with the affidavit mentioned in the last two sections, in the office of the clerk of the court in which the indictment or information is pending. If the commission and return is transmitted by mail, the clerk to whom it is addressed must receive it from the postoffice, and open and file it in his office, where it must remain unless otherwise directed by the court.

§ 12. PUBLIC RECORD.] The commission and return must at all times be open to the inspection of all persons who must be furnished a copy of the same, or any part thereof, on payment of his fees.

§ 13. DEPOSITIONS, ON TRIAL.] Depositions, taken under a commission, may be read in evidence by either party on the trial, upon it being shown that the witness is unable to attend from any cause whatever; and the same objections may be taken to a question in the interrogatories, or to the answers in the deposition, as if the witness had been examined orally in court.

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

Approved, March 13, 1885.

## District Attorneys.

### CHAPTER 45.

AN ACT to Amend an Act, entitled "An Act to Create the Office of District Attorney for the Several Counties of Dakota Territory," and for other purposes. Approved March 7, 1883

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

§ 1 SALARY.] That Section Five of an Act entitled "An act to create the office of District Attorney for the several Counties of Dakota Territory," and for other purposes: Approved, March 7th 1883, be and the same is hereby amended as follows:

The District Attorneys shall severally receive such salaries for their services as the Board of county commissioners of the proper county shall allow not less than four hundred dollars a year, but the salary of such District Attorneys, shall not be diminished during the term for which they shall be elected or appointed. The Board of county commissioners, however, shall have the power to increase the salary of such District Attorneys, during the term of their office, whenever in their judgment the compensation fixed is inadequate for their services rendered or to be rendered. Said increase to take effect at the time of the passage of the resolution authorizing such increase. All fees and costs received in civil actions in which the county is the successful party, shall be paid into the county treasury for the use and benefit of the county, and it shall not be competent or lawful for the Board of county commissioners to give and pay said fees and costs, or either, or any part thereof to such District Attorney, as a part of his salary, or in addition to his salary.

§ 2. FEES IN CERTAIN CASES ] If a judicial sub-division is composed of more than one county, the District Attorney of the county where the court is held for that judicial sub-division, shall have authority to try all cases in which the county or territory is a party, as provided by law, in the District Court, and there shall be charged as a part of the expenses of all criminal prosecutions arising out of said county, the following fees: For each trial in cases of misdemeanor \$10, and for each trial in cases of felony \$25, and for each judgment upon a plea of guilty, or for costs \$10, which fees shall be paid by the counties attached to said counties where the court is held, for judicial purposes; the above fees for all criminal offenses arising in such counties, shall be included in the order of the court or judge as a charge on the said counties together with the other charges against said counties as provided by law.

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

Approved, March 13, 1885.