

## REFEREE.

### CHAPTER 112.

#### REFERENCE AND MANNER OF TRIAL.

AN ACT to Amend Article 7, of Chapter 12, of the Code of Civil Procedure.

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

§ 1. WHAT MAY BE REFERRED—FEE.] Section 271, of the code of civil procedure is hereby amended so as to read as follows: “Section 271. All or any of the issues in an action, whether of fact or law, or both, may be referred by the court or judge thereof, upon the written consent of the parties, and the fees of such referee shall be fixed by the court which shall in no case exceed ten dollars per day.”

§ 2. REFERENCE WITHOUT CONSENT.] Section 272, of the code of civil procedure, is hereby amended so as to read as follows: “Section 272. When the parties do not consent to the reference the court may, upon the application of either party, or of its own motion, direct a reference to [in] the following cases:

1. When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referee may be directed to hear and divide the whole issue, or to report upon any specific question of fact involved therein; or

2. When the taking of an account shall be necessary for the information of the court before judgment, or for carrying a judgment or order into effect; or

3. When a question of fact other than upon the pleading shall arise upon motion or otherwise in any stage of the action.

§ 3. TRIAL—MANNER OF.] Section 276, of the code of civil procedure is hereby amended so as to read as follows: “Section 276—The trial by referee shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments and allow amendments to any pleading as the court upon such trial, upon the same terms and with like effect. They shall also have the same power to preserve order and punish all violations thereof upon such trial and compel the attendance of witnesses before them by attachment and to punish them as for a contempt for non-attendance, or refusal to be sworn or testify as is possessed by the court

and they shall give to the parties or their attorneys at least eight days notice of the time and place of trial; they must state the facts found and conclusions of law separately and report their findings, together with all of the evidence taken by them, and all exceptions taken on the hearing to the district court and the district court may review such report and on motion enter judgment thereon or set aside, alter or modify the same and enter judgment upon the same, so altered or modified, and may require the referees to amend their report when necessary. The judgment so entered by the district court may be appealed from to the supreme court in like manner as from judgment to [in] other cases, and the report of the referees may be incorporated with the bill of exceptions.

§ 4. REPEAL.] Section 277, of the code of civil procedure, is hereby repealed.

§ 5. EFFECT WHEN.] This act shall not be in force and take effect until after the first day of May, 1889.

Approved February 19, 1889.

## SCHOOL DISTRICTS.

### CHAPTER 113.

#### SETTLEMENT OF DIFFERENCES.

AN ACT to Authorize the Settlement of Differences Between Certain Independent School Districts and Cities and School Townships Growing out of the Adjustment of School Debts.

*Be it Enacted by the Legislative Assembly of the Territory of Dakota.*

§ 1. SETTLEMENT OF DIFFERENCES.] That in all counties in which the school township act of 1883 has been adopted in lieu of the school district act, and in which differences remain unsettled relative to the adjustment and apportionment of the school debt existing against either said district or said school townships between said districts or townships and any independent school district, or any city embracing or constituting an independent school district created by special act of the Legislature, the school officers representing such school districts and townships or either and those representing such independent school districts and cities embracing or constituting independent