

JUSTICE COURTS.

CHAPTER 80.

[S. B. No. 96.]

AMENDING JUSTICE'S CODE OF 1877.

AN ACT to Amend Section 2 of Article 1 of Chapter 1 of the Justice's Code, Revised Codes of 1877, Entitled "An Act to Establish a Code of Proceedings in Courts of Justices of the Peace and to Limit the Jurisdiction of the Same."

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

§ 1. AMENDMENT.] That Section 2 of Article 1 of Chapter 1 of the Justices Codes, Revised Codes of 1877, entitled "An Act to establish a code of proceedings in courts of justices of the peace, and to limit the jurisdiction of the same," be amended so as to read as follows:

Sec. 2. CIVIL JURISDICTION CLASSIFIED AND LIMITED.] The civil jurisdiction of these courts, within their respective counties, extends:

1. To an action arising on contract, for the recovery of money only, where the sum claimed does not exceed two hundred (200) dollars.

2. To an action for damages for injury to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property, where the title or boundary of such real property does not in any wise come in question, and where the damages claimed does not exceed two hundred (200) dollars.

2. To an action for a fine, penalty or forfeiture not exceeding two hundred (200) dollars, given by statute on [or] the ordinance of an incorporated city or town.

4. To an action upon a bond or undertaking conditioned for the payment of money, not exceeding two hundred (200) dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due. When the payments are to be made by installments, an action may be brought for each installment as it becomes due.

5. To an action to recover the possession of personal property, when the value of such property does not exceed two hundred (200) dollars.

6. To take and enter judgment on the confession of a defend-

ant, when the amount confessed does not exceed two hundred (200) dollars.

7. To actions for forcible entry and detainer, or detainer only of real property, when the title or boundary thereof in nowise comes in question.

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 All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 3. EMERGENCY.] Inasmuch as it is essential that the above entitled act should conform to the State Constitution; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1891.

CHAPTER 81.

[S. B. No. 109.]

CHANGE OF VENUE.

AN ACT to Amend Section 1, Chapter 82, of the General Laws of 1887.

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

§ 1. AMENDMENT.] That Section 112 of Chapter 2 of the Justice's Code, being Section 6153 of the Compiled Laws of 1887, be and the same is hereby amended to read as follows:

"In criminal proceedings before a justice of the peace, a change of the place of trial or examination shall be had at any time before such trial or examination commences, when it appears from the affidavit of the defendant that he believes he cannot have a fair and impartial trial or examination before such justice, by reason of the interest, prejudice or bias of such justice, and such affidavit need not show the facts or circumstances constituting such interest, prejudice or bias; whereupon the cause shall be transferred to the next nearest justice of the same county, unless the parties otherwise agree; *Provided*, That a change of the place of trial or examination under the provisions of this section can be had but once; *Provided, however*, That the fees and costs of the justice for making the transcript and transferring the case, hearing or examination to another justice, the expenses and fees of the sheriff or other office for delivering said transcript to the justice to which said hearing, cause or examination shall be so transferred, shall be paid by the party making the application for such change of venue before the justice before whom said cause, hearing or examination was commenced shall be compelled to make said transcript or transfer said cause, hearing or examination; *Provided, further*, That in case the party making said application

shall fail to pay said charges, costs and fees as aforesaid within twenty-four hours after said change of venue shall have been granted, then such change of venue shall fail, and the justice before whom such cause, hearing or examination was commenced shall proceed to hear, pass upon and determine said cause, hearing or examination the same as though said change of venue had been asked for or granted.

Approved March 9, 1891.

LAWS.

CHAPTER 82.

[H. B. No. 185.]

PROVIDING FOR COMPILATION.

AN ACT Entitled, "An Act to Provide for the Compilation, Publication, Distribution and Sale of the Laws of the State of North Dakota.

WHEREAS, There has been no legalized compilation of the laws of this State; and

WHEREAS, The laws passed at the several sessions of the Legislature of the Territory of Dakota and of the State of North Dakota are somewhat confused and inconsistent and do not conform to our State Constitution, and are now practically out of print, so that to ascertain the law on many subjects, it is attended with great labor, difficulty and uncertainty; and

WHEREAS, There are many measures that the present Legislature will not have time to properly consider and perfect; therefore

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

§ 1. COMMISSION, HOW CONSTITUTED—DUTIES OF.] That there shall be appointed by the Governor, not later than the 1st day of May, 1891, a committee of three persons, two of whom shall be reputable attorneys admitted to practice in the highest courts of this State, and one of whom shall be an experienced business man, whose duty it shall be to compile, arrange, classify and report the laws of this State which may be in force on the 1st day of July, A. D. 1891. In such compilation there shall be, so far as practicable, an arrangement according to the general method of classification adopted in the Revised Code of 1877 of the Territory of Dakota. Each chapter or subdivision of a chapter shall be headed by a syllabus of its con-