

## CHAPTER 44.

[H. B. No. 138.]

## DISPOSAL OF UNUSED COUNTY BUILDINGS.

AN ACT to Authorize Boards of County Commissioners in Counties that Contain a Population of Less than Six Thousand, as Shown by the Census of 1890, to Dispose of and Tear Down Buildings Owned by the County and not Used for County Purposes, When Petitioned Therefor by One Hundred or More of the Voters of the County, When the Public Interest and Public Safety Will Thereby be Promoted.

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

§ 1. COMMISSIONERS MAY ACT, ON PETITION.] That in any county of this State which contains less than six thousand people, as shown by the census returns of 1890, it shall be lawful for one hundred or more of the voters of said county to petition the board of county commissioners thereof to make an order for the sale, repair or to cause to be torn down any building owned by the county, not used for county purposes, that is unsafe to remain standing, and to do any and every other thing on the premises which a private owner would do with his own property.

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 All acts and parts of acts in conflict with this act are hereby repealed.

§ 3. EMERGENCY.] There being urgent need of the use of this law at once in this State; therefore, an emergency exists for it, and this act shall be in force from and after its passage and approval.

Approved, March 6, 1893.

## COURTS OF CONCILIATION.

## CHAPTER 45.

[H. B. No. 100.]

## COMMISSIONERS OF CONCILIATION.

AN ACT Providing for the Establishment of Courts of Conciliation, and Prescribing the Mode of Procedure in Same.

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

§ 1. ELECTION OF COMMISSIONERS.] There shall be elected at the same time and in the same manner as the justices of the peace

in each town, incorporated village and city from the qualified voters thereof, four commissioners of conciliation whose term of office shall be two years and until their successors are duly elected and qualified. The time of commencement of their term of office shall be the same as that prescribed for justices of the peace.

§ 2. PROCEEDINGS BEFORE COMMISSIONERS.] At the time of issuing the summons in any civil action begun before a justice of the peace, the justice shall issue a subpoena summoning two of the commissioners of conciliation elected for the town, village or city where the action is brought, to appear before him at the time and place designated in the summons, which subpoena shall be served at least three days before the return day and in the same manner as a summons is required to be served in actions in the district court. If either party fails to appear at the time designated in the summons judgment shall be entered against the party so failing to appear, as is now provided by statute. If both parties appear they shall then go before the justice and the two commissioners summoned, as aforesaid, and state their differences, which statements, or so much thereof as is necessary to show the issue between the parties, shall be reduced to writing by the justice and entered on his docket and shall constitute the pleadings in the case. The parties shall then introduce such evidence as they may think proper in the order and under the restrictions prescribed by the commissioners and justice. It shall be discretionary with the justice and commissioners whether or not the witnesses shall be sworn before testifying. After hearing and considering all the evidence offered it shall be the duty of the justice and commissioners to the best of their abilities to persuade the parties to agree to an amicable settlement of their differences on such terms as are just and equitable. If an agreement is reached it shall be entered by the justice on his docket in the form of a judgment signed by both parties and shall be a judgment of the court of said justice; *Provided*, That no agreement shall be entered, unless it can be put in the form of a judgment now authorized by law to be entered by justices of the peace. At the hearing herein provided for, each party must appear in person or by an agent duly authorized in writing to appear. No attorney shall be allowed in any way to appear or act in any proceeding for either of the parties or otherwise. If at such hearing the parties are not able to agree to an amicable settlement the case shall be adjourned for trial for such time as the justice shall designate, which shall not be less than one week, and the justice shall allow the parties such time as he may think proper in which to file amended pleadings. The action shall then proceed to trial and judgment, as is now provided by law.

§ 3. COMPENSATION OF COMMISSIONERS.] The commissioners shall receive the same mileage and per diem as is now paid to jurors. The fees of the commissioners, justice and officer shall be included in the settlement and paid by the party designated in

the judgment. If a commissioner disobeys the subpoena of the justice he shall be proceeded against in the same manner as a juror who fails to appear when summoned.

§ 4. PROCEEDINGS NOT EVIDENCE AT SUBSEQUENT TRIAL.] No part of the proceedings had before the justice and commissioners shall be admitted as evidence or considered at the trial of the case, nor shall the commissioners who took part in the hearing be allowed to testify.

Approved, March 10, 1893.

## COURT STENOGRAPHER.

### CHAPTER 46.

[H. B. No. 149.]

#### APPOINTMENT OF DISTRICT COURT STENOGRAPHER.

AN ACT Authorizing the Appointment of Stenographers for the District Courts of this State, and Prescribing Their Duties and Compensation and Repealing Chapter 52 of the Laws of 1879, Being Sections 481, 482, 483, 484, 485 and 486 of the Compiled Laws of 1887, in Relation Thereto.

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

§ 1. APPOINTMENT.] The judge of the district court in each judicial district of this State may, whenever in his judgment it will expedite the public business, appoint a competent person to the office of court stenographer within his district. The order of appointment shall be filed in the office of the clerk and entered upon the record of the court in each county of the district, and the person so appointed shall take and subscribe the Constitutional oath of office and file the same in the office of the Secretary of State, and shall hold his office and discharge the duties thereof in person until the order for his appointment is revoked or another person is appointed to said office as herein provided. But in case such official stenographer shall be incapacitated to act, the judge may appoint some suitable person to act in his place, whose minutes, transcripts and certificates shall have the same force and effect as though made by such official stenographer, but the certificates made by such person shall be under oath.

§ 2. DUTIES.] The court stenographer shall attend the terms and sessions of said court within the district whenever the judge shall so direct, and shall there take down in shorthand at the time all testimony given orally by the witnesses, the objections made by the parties, the rulings of the court, the exceptions taken, the in-