

§ 1949. It is the duty of the officers mentioned in this article to comply with the provisions hereof; *Provided*, that in counties where only one bank is located, the board of county commissioners shall designate such bank or other banks within this State a depository without advertising for bids, if such bank agrees to pay interest at the rate of at least three (3) per cent per annum, and complies with the provisions of the foregoing section. In counties where there is no bank, or where no bank offers to comply with the requirements of this article, the board must designate some bank or banks outside of such county, and within this State as such depositories, but such bank or banks must furnish bonds in the same manner as other depositories.

Approved, March 9, 1897.

COURTS.

CHAPTER 62.

[H. B. 153.]

FIRST DISTRICT BOUNDARIES AND TERMS.

AN ACT Amending Section 403 of the Revised Codes, Relating to the Boundaries and Terms of Court of the First Judicial District of the State of North Dakota.

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

§ 1. That section 403 of the Revised Codes of the State of North Dakota be, and the same is hereby amended so as to read as follows:

§ 403. The first judicial district consists of the counties of Grand Forks and Nelson, and terms of the district court shall be held each year at the county seat of each of said counties as follows:

In Grand Forks county, commencing on the first Tuesday in each month, excepting the months of August and September; but a jury shall not be called for any term unless in the opinion of the judge there is sufficient business to demand a jury; *Provided*, that a jury shall be called for at least two terms of such court each year.

In Nelson county commencing on the fourth Monday in May and the third Monday in November.

Approved, March 9, 1897.

CHAPTER 63.

[H. B. 196.]

BOUNDARIES AND TERMS OF COURTS.

AN ACT to Amend Section 406 of the Revised Codes of the State of North Dakota, Relating to the Boundaries of the Fourth Judicial District and Fixing the Times of Holding of Terms of Court in the Different Counties Thereof.

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

§ 1. AMENDMENT.] That section 406 of the Revised Codes of the State of North Dakota be, and the same is hereby amended to read as follows:

§ 406. BOUNDARIES AND TERMS OF COURT.] The fourth judicial district consists of the counties of Richland, Ransom, Sargent, Dickey and McIntosh, and two terms of the district court shall be held each year at the county seat of each of such counties as follows:

In Richland county, commencing on the second Tuesday of February and the first Tuesday in July.

In Ransom county, commencing on the first Tuesday in June and the fourth Tuesday in November.

In Sargent county, commencing on the third Tuesday in June and the second Tuesday in December.

In Dickey county, commencing on the fourth Tuesday in May and the second Tuesday in November.

In McIntosh county, commencing on the second Tuesday in May and third Tuesday in October.

Approved, March 9, 1897.

CHAPTER 64.

[S. B. 137.]

BOUNDARIES AND TERMS OF COURTS.

AN ACT to Amend Section Four Hundred and Seven (407) of the Revised Codes of North Dakota, Providing for the Boundary and Terms of Court of the Fifth Judicial District in the State of North Dakota.

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

§ 1. AMENDMENT.] That section four hundred and seven (407) of the Revised Codes be amended to read as follows, to-wit:

BOUNDARIES AND TERMS OF COURT.] The fifth judicial district shall consist of the counties of Stutsman, Barnes, LaMoure, Griggs, Foster, Eddy, Wells and Logan, and two terms of the

district court shall be held each year at the county seat of each of such counties as follows:

In Stutsman county, commencing on the first Monday in January and the first Monday in July.

In Barnes County, commencing on the second Monday in June and the second Monday in December.

In LaMoure county, commencing on the third Monday in May and the fourth Monday in December.

In Griggs county, commencing on the second Monday in May and the second Monday in November.

In Foster county, commencing on the first Monday in May and the second Monday in October.

In Eddy county, commencing on the fourth Monday in May and the fourth Monday in November.

In Wells county, commencing on the third Monday in January and the second Monday in September.

In Logan county, commencing on the fourth Monday in April and the fourth Monday in October.

§ 2. EMERGENCY.] *Whereas*, under the present law the term of court in LaMoure county is held the first Tuesday in March, an emergency exists; *Therefore*, this bill shall take effect and be in force after its passage and approval.

Approved March 12th, 1897.

CHAPTER 65.

[S. B. 103.]

DEFINING SUBJECTS.

AN ACT to Define the Subjects of Which the Courts of this State Will Take Judicial Notice.

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

§ 1. DEFINITION.] No evidence of any fact of which the court will take judicial notice need be given by the party alleging its existence, but the judge upon being called upon to take judicial notice thereof, may, if he is unacquainted with such fact, refer to any person, document or book of reference for his satisfaction in relation thereto, or may refuse to take judicial notice thereof unless and until the party calling on him to take such notice produces any such document or book of reference.

§ 2. Courts will take judicial notice of the following facts:

1. Official acts of the judicial department of this state and of the United States.
2. The seal of all the courts of this state and of the United States, and the signature of the judges and clerks thereof.
3. That tribunals are established in the several states for the adjudication of controversies and the ascertainment of rights.

4. Of the external boundary lines of its jurisdiction and that an act done or a crime committed at any given place within such boundaries is within such jurisdiction.

5. Of the acts of the legislature and decrees of courts fixing such jurisdiction.

6. That a court is a court of record and who are its officers.

7. Of all persons who have been appointed deputies by the clerks of such court.

8. Appellate courts will take judicial notice of inferior courts and who are their judges, and the rules thereof.

9. Of its own authority.

10. Of the time of holding the various courts of the state, of the history of the country at the time of holding court, and the seats of justice.

11. Of the commencement and duration of the terms of the supreme court, and the district courts, and all the other courts of record.

12. That the terms of court were held at the times and places prescribed by law.

13. Of all prior proceedings in the case pending.

14. That the case before the court had connection with one formerly decided by it.

15. Of the fact that a former adjudication had been reversed.

16. Of attorneys who have appeared in a case.

17. Of the pendency of another action in the same court.

18. That the facts left in issue, being facts of which the court will take judicial notice, are deemed part of the pleadings and not matters of evidence.

19. Of its own records and judgments.

20. Of the genuineness of its own records and the signatures of its officers.

§ 3. TIME IN ITS RELATION TO JUDICIAL NOTICE.] The courts will take judicial notice:

1. Of the facts stated in the almanac and the days of the week, as shown thereby.

2. Of the day of the week upon which any particular day of the month falls.

3. Of the re-occurrence of the day on which general elections are held.

4. Of the time the sun and moon rise and set on the several days of the year, and when they rose and set on a certain day.

§ 4. COURSE OF NATURE.] Courts will take judicial notice of the following facts:

1. The magnetic variation from the true meridian.

2. Of the unvarying occurrences of the climate and seasons.

3. Of the course of the seasons and of husbandry.

4. Of the succession of the seasons as in relation to vegetables and animals, and the general course of agricultural crops, matured so as to be severed.

§ 5. Courts will take judicial notice:

1. Of what places are great marts of trade, such as New York, Chicago and St. Louis.
2. Of the distance between well known places in the United States and the ordinary time of railroad trains.
3. Of the fact that certain counties join each other.
4. That there are facilities for business, by railroad, telegraph and telephone, between two certain places.
5. Of the distance of a place from the county seat or the capital of the state.
6. Of the limits of a county, and the fact that a place proved was within such limits.
7. Of the lines of the counties, and the towns, villages and cities contained therein.
8. Of the location and distance between well known places within a county.
9. Of the places of intersection of certain streets and alleys in incorporated towns, cities and villages, and the names and numbers thereof.
10. Of the incorporation of towns, cities and villages, and the acts of the legislative assembly under which they were incorporated.
11. Of the fact that a county has adopted township organization.

§ 6. Courts will take judicial notice:

1. Of the official acts of public officers.
2. Of the officers in the county in which they are holding their sittings, and the genuineness of their signatures and those of such deputies as the law authorizes.
3. Of the time at which an officer's term of office expires.
4. Of the official acts and certificates of notaries public, made in the performance of official duty.
5. Of who are justices of the peace for the county in which the court is held, and the time at which their terms of office will expire.

§ 7. Courts will take judicial notice:

1. Of the civil divisions of the state, such as cities, towns, counties and incorporated villages, and that the state is divided into seven judicial districts, and that each are distinct organizations.
2. Of the counties constituting a judicial district.

§ 8. Courts will take judicial notice of the elections of state officers, held at the same time as the election of representatives in congress, and what the ballots offered at such election should contain, and of the changes made in the executive department of the state and of the United States.

§ 9. Courts will take judicial notice:

1. Of the universal usage of merchants and ordinarily of a common law custom.

2. Of whatever ought to be generally known within the limits of the court's jurisdiction.

3. Of the general certainty that matter carried through the mail will, in spite of imperfection in the address, reach its proper destination.

§ 10. Courts will take judicial notice:

1. Of transactions and objects which form a part of the history and geography of the country.

2. Of matters of public history affecting the whole people.

3. Of the times and such occurrences as constitute a part of the history of the state and of the United States.

4. Of the history of a country, its topography and general condition.

5. Of the boundaries of the state and the navigability of its large rivers.

6. Of the geographical position of towns in the county.

7. Of the taking and result of the census, and of the population of counties, cities and the state as shown by such census.

8. Of what is commonly known in the various manufactures and industries.

9. Of a manufactured article which has for many years been in common use throughout the country.

10. Of the business of mercantile agencies.

11. Of the inflammable character of kerosene, gin, turpentine and the like.

12. Of the explosive character of nitro-glycerine, dynamite, gun-powder and gun-cotton.

13. Of the constitution of the United States and the public laws of the state where they are exercising their functions.

14. Of the treaties between the United States and foreign countries and Indian treaties.

15. Of the public acts and proclamations carrying the treaties into effect.

16. Of the dates of the ratification of treaties and of the authority thereunder conferred upon the President of the United States.

17. Of the acts of congress for the survey of lands within the states and the dedication of a portion thereof to educational institutions of the state.

18. Of the government surveys and the legal sub-divisions of public land.

19. Of the rules and regulations of the general land office affecting the sale and disposal of public lands.

20. Of the extent and area of the government sub-divisions of public land.

21. Of the law merchant.

22. Of the custom of mutual credits in business houses.

23. Of the commercial usage to observe Sundays and the great festivals.

24. That whiskey, brandy and alcohol are intoxicating liquors.

25. That beer is a malt liquor and intoxicating.

§ 11. Courts will take judicial notice:

1. Of the legislative journals and the modes by which domestic laws are authenticated.

2. Of the statute books and journals of the houses of the legislature.

3. Of the journal of each branch of the general assembly.

4. Of such contemporaneous history as led up to and probably induced the passage of a law.

5. Of the history of every statute in its progress through the legislature.

6. Of the true reading of a statute by referring to the original act on file in the office of the Secretary of State.

7. Of the laws of a sister state when the printed and authenticated volumes are presented to the court for examination.

8. For the purpose of giving credit to judicial proceedings in another state, courts take notice ex-officio of the local laws of the state from which they come, and when the judgment of the court in a sister state is impleaded, cognizance of the law of such a state is taken.

9. Of the circulating medium and the popular language in reference to it.

10. That under the laws of the United States the dollar is the unit of value.

§ 12. Courts will take judicial notice:

1. Of the meaning of words and phrases in the English language.

2. Of such matters of common knowledge and science as may be known to all men of ordinary understanding and intelligence.

3. Of the meaning of current phrases which everybody else understands.

4. Of the meaning of initials appended to official signatures.

5. Of the meaning of initials used in the description of land.

6. Of the meaning of the abbreviations C. O. D., F. O. B., and such others as are in common use, and of the customary abbreviation of christian names.

§ 13. Courts will take judicial notice:

1. Of the official signatures and seals of office of the principal officers of the government in the legislative, executive and judicial departments of this state and of the United States.

2. Of the national flag and seal of every state or sovereign recognized by the executive power of the United States.

3. Of the seals of courts of admiralty and maritime jurisdiction and of notaries public.

4. Of the laws of nature, the measure of time and the geographical divisions and political history of the world.

Approved February 18th, 1897.