

CLERK OF DISTRICT COURT.

CHAPTER 64.

[Sub. for H. Bs. 89 and 98.]

SALARY AND FEES.

AN ACT Fixing the Salary of Clerks of the District Court in the State of North Dakota, Providing a Fund to Reimburse the Counties of the State for the Same, and to Repeal Sections 2061 to 2067, Both Inclusive, of the Revised Codes of the State of North Dakota for the Year 1895, the Same Being All of Article 2 of Chapter 27 of the Political Code Therein.

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

§ 1. THE SALARY OF THE CLERK OF THE DISTRICT COURT, HOW DETERMINED.] The salary of the clerk of the District Court shall be regulated by the value of the property in his county as fixed by the state board of equalization for the preceding year, as follows:

He shall be entitled to receive not to exceed four hundred dollars in counties where the assessed valuation does not exceed five hundred thousand dollars; five hundred dollars in counties where the assessed valuation exceeds five hundred thousand dollars but does not exceed one million dollars; six hundred dollars in counties where the assessed valuation exceeds one million dollars but does not exceed one million five hundred thousand dollars; seven hundred dollars in counties where the assessed valuation exceeds one million five hundred thousand dollars but does not exceed two million dollars; eight hundred dollars in counties where the assessed valuation exceeds two million dollars but does not exceed three million dollars; nine hundred dollars where the assessed valuation exceeds three million dollars but does not exceed four million dollars; one thousand and one hundred dollars where the assessed valuation exceeds four million dollars but does not exceed five million dollars; twelve hundred dollars where the assessed valuation exceeds five million dollars but does not exceed six million dollars; thirteen hundred dollars where the assessed valuation exceeds six million dollars but does not exceed seven million dollars; fifteen hundred dollars where the assessed valuation exceeds seven million dollars but does not exceed eight million dollars; sixteen hundred dollars where the assessed valuation exceeds eight million dollars but does not exceed nine million dollars, and in counties where the assessed valuation exceeds nine million dollars but does not exceed ten million the clerk

shall receive the sum of eighteen hundred dollars, and in counties where the assessed valuation exceeds ten million dollars the clerk shall receive two thousand dollars; provided, that no clerk of the District Court shall receive for his personal service an amount in excess of two thousand dollars in any one year, as provided by this act to be paid monthly from the general county fund on the warrant of the county auditor.

§ 2. CLERK TO KEEP FEE BOOK. MONTHLY REPORT TO COUNTY AUDITOR.] Each clerk of the District Court shall keep a book to be provided by the county and which shall be a part of the public record of his office, in which shall be entered each item of fees for services rendered and shall within three days after the close of each calendar month and also at the close of his term of office, file with the county auditor a statement under oath showing the amount of fees which he has received as such officer since the date of his last report, and shall within three days deposit with the county treasurer the total sum of such fees, which sum so deposited shall be placed to the credit of the special salary fund. Any clerk of the District Court who shall neglect or omit to charge or collect the fees charged in section 6 of this act to be charged and collected by him for services rendered, or shall fail or neglect to keep a record of the same, or to make a correct statement thereof to the county auditor, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor.

§ 3. DEPUTY CLERK OF THE DISTRICT COURT.] If in the judgment of the board of county commissioners of any county in the state it shall be deemed necessary for the prompt and accurate dispatch of business in the office of the clerk of the District Court that a deputy or clerks be employed therein, they shall, by resolution, fix the number of clerks to be employed and the compensation which they shall receive, which compensation shall be paid monthly from the general salary fund by warrant of the county auditor; provided, that the officer in whose office such deputy or clerks are to be employed shall have the sole power of appointing the same and removing them at pleasure; provided, further, that any officer who shall receive and appropriate to his own use and benefit any part of the salary allowed any clerk employed under the provisions of this act, shall be guilty of a misdemeanor.

§ 4. EXCESS OF FEES, HOW DISPOSED OF.] In case the fees paid into the county treasury in any calendar year by the clerk of the District Court shall exceed the salary as fixed herein, and the compensation of a deputy or clerks as herein provided, then and in that case the county treasurer and county auditor of the county in which such excess shall have occurred shall within thirty days thereafter credit such excess to the general fund of the county.

§ 5. FEES TO BE CHARGED.] Clerks of the District Court shall charge and collect the following fees:

1. In actions for the recovery of money only, in which judgment is entered by default, for all services prior to execution, three dollars.

2. In all other actions in which judgment is entered by default, for services prior to execution, five dollars.
3. In special proceedings, for all services prior to appeal, five dollars.
4. In actions in which an issue of fact is tried, for all services prior to execution, seven dollars.
5. In questions in which only a question of law is tried, the fees shall be the same as on default in like actions.
6. In addition to the foregoing fees, for all services growing out of a provisional remedy, there shall be charged and paid at the time the remedy is applied for, for the first paper in connection therewith filed, two dollars and fifty cents.
7. For issuing execution in any action, one dollar.
8. For filing and indexing a mechanic's lien, one dollar.
9. For filing and indexing any other paper authorized to be filed in his office, but not connected with any civil action or proceeding, fifty cents.
10. For making certified abstract of any judgment or certified copy of any judgment, order or other paper filed or recorded in his office, for the first four folios, fifty cents; for each additional folio, ten cents.
11. For entering satisfaction of any judgment or lien, fifty cents.
12. For taking declaration of intention to become a citizen of the United States and making a certified copy of the record thereof, one dollar.
13. For final naturalization papers, including copy of the record thereof, one dollar.
14. For each additional copy of either of such citizen's papers, fifty cents.
15. For entering and indexing commission of notary public, fifty cents.
16. For taking an acknowledgment or administering an oath, twenty-five cents.
17. For recording and indexing any paper not filed in an action or proceeding, for the first four folios, fifty cents; for each additional folio, ten cents.
18. For a certificate of the official capacity of a notary public, or other officer, fifty cents.
19. For certifying an abstract of real property as to judgments and liens, for each person named in the abstract as to whom search is made, ten cents.
20. For receiving, keeping and paying out money in pursuance of law or an order of court, one per cent of the amount, which shall be paid by the person receiving such money.
21. For issuing commission to take depositions, one dollar.
22. For certifying the record on appeal to the Supreme Court, or to the District Court of any other county and transmitting the same, five dollars.

23. For all services on remittitur from Supreme Court, two dollars.

24. For taking depositions, per folio, ten cents.

25. For making certified transcripts of any judgment, one dollar.

26. For filing and docketing transcript of judgment from justice's court, one dollar.

§ 6. DEPOSIT FOR FEES TO BE REQUIRED.] No civil action, appeal or proceeding shall be entered in the clerk's office of said District Court until the person desiring such entry shall deposit with the clerk the sum of five dollars on account of fees in the case, and out of which the clerk shall satisfy the fees due in such case as they accrue, and whenever said sum or any other deposit is exhausted, said clerk may require as a condition for further entries, or clerk's fees, an additional deposit of two dollars for the purpose and applications as aforesaid, any balance remaining with said clerk after such application and the determination of the case shall be returned to the party depositing the same, his agent or attorney.

§ 7. REPEAL.] That sections 2061 to 2067, both inclusive, of the Revised Codes of the State of North Dakota for the year 1895, the same being all of article 2 of chapter 27 of the Political Code therein, and all acts and parts of acts in conflict herewith be and the same are hereby repealed.

§ 8. EMERGENCY.] Whereas, by existing law the various counties of the state are not sufficiently reimbursed for the salaries paid to clerks of the District Court and it is essential that said counties be relieved as soon as practicable; therefore, an emergency exists and this act shall take effect and be in full force and effect from and after its passage and approval.

Approved March 8, 1899.

CONSERVATOR FOR DRUNKARDS.

CHAPTER 65.

[H. B. 214.]

POWERS AND DUTIES.

AN ACT to Provide for the Appointment of a Conservator for Drunkards and Spendthrifts and their Powers and Duties.

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

§ 1. HABITUAL DRUNKARDS.] When it is represented to the county court upon verified petition of any relative or friend that any person is an habitual drunkard or spendthrift or from any cause mentally or otherwise incompetent to manage his property, the