

the right to dispose of any property, either real or personal, which the county may have acquired, either through purchase, forfeiture or operation of law. Upon resolution of any board of county commissioners authorizing the same, the county auditor shall cause to be published a notice in some legal newspaper published in such county, once each week for three consecutive weeks, containing a description of the property to be sold, and designating the day and hour when such sale shall be held. Such sale shall be held at the office of the county auditor and conducted by him, and the property so advertised shall be sold to the highest responsible bidder, if such bid is deemed sufficient by a majority of the board authorizing the sale, and such bids may be either auction or sealed bids as may be ordered by the board and specified in the notice; provided, however, that when the property to be disposed of is estimated by the board to be of a value below \$100 such sale may be at private sale upon proper resolution of the board of county commissioners. The proceeds of such sale shall be paid into the county treasury and any amounts which may be due the state or any city, township, incorporated village or school district, from taxes which had been previously levied against said property, or their just proportion thereof, shall be apportioned and placed to the credit of the state, city, township, incorporated village or school corporation entitled thereto, and the remainder shall go to the general funds of the county.

§ 2. EMERGENCY.] As an emergency exists in that there is no law on our statute books covering the provisions of this act, it shall take effect and be in force from and after its passage and approval.

Approved March 12, 1907.

COUNTY COURTS

CHAPTER 68.

[S. B. No. 308—Senate Committee on Judiciary]

PRACTICE IN COUNTY COURTS.

AN ACT to Amend Sections 8289, 8292, 8295, 8304, 8311, 8316 and 8318 of the Revised Codes of North Dakota for 1905, Relating to the Practice in the County Courts.

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

§ 1. AMENDMENT.] Section 8289 of the revised codes of North Dakota for 1905, the same being section one of chapter 43 of the probate code of 1895, is hereby amended to read as follows:

§ 8289. GENERAL PROVISIONS TO APPLY.] The general provisions of law which may at any time be in force relating to the district courts and to civil and criminal proceedings therein, shall relate also to the county courts having increased jurisdiction and the rules of practice of the district court shall be in force in said county court unless inapplicable, and except as herein otherwise provided, and in all actions in said county court having increased jurisdiction in this state, the respective parties shall be entitled to the benefit of all the provisional remedies of civil actions provided for in chapter 9 of the code of civil procedure, which is hereby made applicable in actions in the county court having increased jurisdiction, and the practice of securing the same shall be the same as the practice in the district court, and the powers therein given and duties imposed on clerks of the district court are extended to clerks of the county court, and the powers and duties imposed on a judge of the district court in reference to such provisional remedies are extended to the judge of the county court having such increased jurisdiction.

§ 2. AMENDMENT.] Section 8292 of the revised codes of North Dakota for 1905, the same being section four of chapter 43 of the probate code of 1895, is hereby amended to read as follows:

§ 8292. APPEALS FROM COUNTY COURT.] In all actions brought under the provisions of this chapter an appeal may be taken to the supreme court of the state in the same manner and pursuant to the same rules as appeals from the district court; provided, that when the amount in controversy does not exceed two hundred dollars the briefs may be in typewriting.

§ 3. AMENDMENT.] Section 8295 of the revised codes of North Dakota for 1905, the same being section seven of chapter 43 of the probate code of 1895, is hereby amended to read as follows:

§ 8295. MANNER OF SELECTION OF JURY.] Jurors in the county court having increased jurisdiction shall be selected in the same manner and by the same officers and from the same jury list as if the jurors were to be selected for the district court, and all of the laws relating to the selection of jurors in the district court are hereby made applicable to the selection of jurors in the county court, and each party shall be entitled to the same number of challenges as are now or may hereafter be allowed in the district court in like actions.

§ 4. AMENDMENT.] Section 8304 of the revised codes of 1905, the same being section 16 of chapter 43 of the laws of 1895, is hereby amended to read as follows:

§ 8304. TERMS OF COURT.] The regular terms of the county court shall be held at the county seat commencing at nine o'clock a. m. on the first Tuesday of each calendar month; provided, that the terms of the county court appointed to be held in the months of February, June and December of each year shall be jury terms, and that a jury may be summoned and impaneled at each of said

terms for the trial of criminal and civil cases, and not oftener; provided, further, that no jury shall be summoned or impaneled unless there shall be a criminal case awaiting trial or at least five civil cases wherein there are issues of fact triable by jury; provided, further, that the parties in civil actions may consent to a jury of six.

§ 5. AMENDMENT.] Section 8311 of the revised codes of 1905, the same being section 23 of chapter 43 of the probate code of 1895, is hereby amended to read as follows:

§ 8311. ANSWER OR DEMURRER.] The defendant must file his answer or demurrer with the clerk of the county court within ten days after the service of the summons, except in cases where the summons is served by publication as hereinafter provided, and in such cases the defendant shall file his answer or demurrer with the clerk of said county court within thirty days after the completed service of the summons by publication.

§ 6. AMENDMENT.] Section 8316 of the revised codes of 1905 is hereby amended to read as follows:

§ 8316. SALARIES OF JUDGES.] As compensation for their services under this chapter there shall be allowed and paid to the judges of county courts having civil and criminal jurisdiction, in addition to the salaries provided for such judges of county courts in counties not having increased jurisdiction, the sum of one hundred dollars for each one thousand inhabitants or fraction thereof; provided, that in no case shall the compensation for all the services of the county judge exceed the sum of two thousand five hundred dollars, and all fees collected by county judges by virtue of their offices shall be turned into the county treasury.

§ 7. AMENDMENT.] Section 8318 of the revised codes of 1905, the same being section 29 of chapter 43 of the probate code of 1895, is hereby amended to read as follows:

§ 8318. PROCESS, BY WHOM AND HOW SERVED, AND COMPENSATION.] All writs and process in county courts may be served in the same manner and with the same effect as in district court.

§ 8. EMERGENCY.] Whereas, an emergency exists in this, that the present law regulating the practice in county courts with increased jurisdiction is not sufficient to relieve the district court, therefore this act shall take effect and be in force from and after its passage and approval.

Approved March 19, 1907.