

JUDICIAL DISTRICTS

CHAPTER 166.

[S. B. No. 16—Overson]

ELEVENTH JUDICIAL DISTRICT.

AN ACT Creating and Defining the Eleventh Judicial District Within the State of North Dakota, Providing for the Appointment and Election of a Judge Therein and Fixing the Boundaries Thereof, and Fixing the Terms of Court Therein.

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

§ 1. BOUNDARIES AND TERMS OF COURT.] The eleventh judicial district shall consist of the counties of Williams, Mountrail and McKenzie.

§ 2. TERMS OF COURT.] The terms of the district court in the eleventh judicial district shall be held at the county seat of each county in said district as follows:

In the county of Williams, on the fourth Monday in June, the first Monday in October, and the second Monday in December, of each year; provided that no jury shall be called for the term of court opening on the first Monday in October, except in the discretion of the district judge.

In the county of Mountrail on the third Monday in July, the third Monday in November, and the third Monday in January, of each year; provided that no jury shall be called for the term of court opening on the third Monday in January, except in the discretion of the district judge.

In the county of McKenzie on the second Monday in June, and the third Monday in October of each year.

Any terms of court now called by the presiding judges of the eighth and tenth judicial districts shall be duly held, unless continued by the judge of the eleventh judicial district for cause.

§ 3. JUDGE. WHEN APPOINTED AND CHOSEN. GOVERNOR SHALL APPOINT.] There shall be appointed by the governor a judge of the district court for the eleventh judicial district who shall hold office until the next general election, and until his successor is duly elected and qualified.

§ 4. ACTIONS AND JUDGMENTS IN FULL FORCE.] All actions brought and now pending in the counties of Williams, Mountrail and McKenzie, and entitled in the eighth and tenth judicial districts shall be continued in and tried in the eleventh judicial district, and any judgment rendered therein shall be in full force and effect in the said eleventh judicial district and the court upon its own motion shall direct and authorize said actions to be entitled in the eleventh judicial district.

§ 5. REPEAL.] All acts or parts of acts not consistent with, or in conflict with the provisions of this act, are hereby repealed.

§ 6. EMERGENCY.] Inasmuch as an emergency exists, in that the eighth judicial district as at present constituted is too populous for one judge to transact the business thereof, and the business of the court in said district too great in volume for one judge to take care of, and rapidly increasing, and in that the size and distance for litigants to travel in order to attend upon the court in the tenth judicial district, is too great as at present constituted, therefore, this act shall take effect from and after its passage and approval.

Approved February 16, 1911.

CHAPTER 167.

[S. B. No. 98—McDonald]

CREATING AND DEFINING THE TWELFTH JUDICIAL DISTRICT.
AN ACT Creating and Defining the Twelfth Judicial District Within the State of North Dakota, Providing for the Election of a Judge Therein and Fixing the Terms of Court in Said District.

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

§ 1. BOUNDARIES AND TERMS OF COURT.] There is hereby created the twelfth judicial district of the state of North Dakota, which shall consist of the counties of Morton, Oliver and Mercer, and all that portion of the Sioux Indian Reservation lying north of the seventh standard parallel and south of the southern boundary of Morton county, and is divided into judicial subdivisions as follows:

1. The first sub-division consists of the county of Morton and all that portion of the Sioux Indian Reservation lying north of the seventh standard parallel and south of said county, and four terms of the district court shall be held each year at Mandan, the county seat of said county, commencing on the first Tuesday of December, the first Tuesday of March, the third Tuesday in May and the second Tuesday in September; provided, that no jury shall be called for the March and September terms, except upon the order of the Judge for the trial of criminal cases, but when a jury is called at such terms the court may in its discretion take up the trial of civil jury cases in addition to such criminal cases.

2. The second sub-division consists of the county of Oliver, and two terms of the district court shall be held therein each year at the county seat of said county on the first Tuesday of October, and the second Tuesday in June.

3. The third sub-division consists of the county of Mercer,

and two terms of the district court shall be held therein each year at the county seat of said county on the third Tuesday of October and the first Tuesday of May.

§ 2. JUDGE. ELECTION OF.] The governor shall appoint a judge of the twelfth judicial district, who shall hold his office until the next general election and until his successor is duly elected and qualified.

§ 3. ACTIONS AND JUDGMENTS.] All actions now pending in the counties of Oliver, Morton and Mercer and entitled in the tenth judicial district shall be continued in and tried in the twelfth judicial district, and the court on its own motion, shall direct and authorize said actions to be entitled in the twelfth judicial district.

§ 4. NEW COUNTIES.] Whenever any county is created and organized out of any of the territory designated as composing said twelfth judicial district, there shall be held in such newly created and organized county two terms of court each year, at the county seat, at such times as the judge of said district shall fix.

§ 5. EMERGENCY.] Whereas, the tenth judicial district as now constituted is too large, and the work of said district is more than one judge can properly perform, an emergency exists that said twelfth judicial district shall immediately be created and put in operation, to the end that the business of both of said districts may be expeditiously transacted, therefore this act shall take effect and be in force from and after its passage and approval.

Approved February 28, 1911.

CHAPTER 168.

[S. B. No. 194—Simpson]

DEFINING THE TENTH JUDICIAL DISTRICT.

AN ACT Defining the Tenth Judicial District and Providing for Holding Terms of Court Therein.

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

§ 1. DEFINED. TERMS OF COURT.] The tenth judicial district consists of the counties of Stark, Billings, Dunn, Hettinger, Bowman and Adams and all unorganized territory lying within the boundaries of any of said counties, and said district is divided into judicial sub-divisions as follows:

1. The first sub-division consists of the county of Stark and four terms of the district court shall be held therein each year at Dickinson, the county seat of said county, commencing on third Tuesday in May, the second Tuesday in September and the

first Tuesday in December and the first Tuesday in March; provided, that no jury shall be summoned for the September and March terms excepting upon the order of the judge of said court.

2. The second sub-division consists of the county of Billings and three terms of the district court shall be held therein each year at Medora, the county seat of said county, commencing on the second Tuesday in January and the first Tuesday in June, and at such other time as the judge of the district court may designate, but no jury shall be called for the third term excepting by order of the judge.

3. The third sub-division consists of the county of Dunn, and two terms of the district court shall be held therein each year at Manning, the county seat of said county, commencing at such time as the judge of said court shall direct.

4. The fourth sub-division consists of the county of Hettinger and two terms of the district court shall be held therein each year at Mott, the county seat of said county, commencing on the first Tuesday in February and the second Tuesday in November.

5. The fifth sub-division consists of the county of Bowman and two terms of the district court shall be held therein each year at Bowman, the county seat of said county, commencing on the third Tuesday in June and the fourth Tuesday in October.

6. The sixth sub-division consists of the county of Adams and two terms of the district court shall be held therein each year at Hettinger, the county seat of said county, commencing on the first Tuesday in April and the second Tuesday in October.

§ 2. In the event of any new county or counties being created within the said tenth judicial district it shall be the duty of the judge of said court to hold two terms of the district court in each year in each new county that is created out of the territory within the said tenth judicial district, at such times as the judge of said court shall direct.

§ 3. CHAMBERS OF THE JUDGE.] The court of the tenth judicial district, shall, excepting such times as the court is actually engaged in the holding of a term of said court in any of the counties of said district, have its chambers for the purpose of holding and transacting such business as may come before it, at Dickinson, the county seat of Stark county, on the first Monday in each month.

§ 4. REPEAL.] All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] An emergency exists in this that the terms of court in some of the counties named in this act are required to be holden prior to July 1, 1911, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 3, 1911.

CHAPTER 169.

[S. B. No. 17—Overson]

JUDICIAL DISTRICTS.

AN ACT to Amend and Re-Enact Section 468 of the Revised Codes of North Dakota for the Year A. D. 1905, as Amended by Chapter 159 of the Laws of 1907, Relating to Judicial Districts Within the State.

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

§ 1. AMENDMENT.] Section 468 of the revised codes of 1905, as amended by chapter 159 of the laws of 1907, relating to judicial districts is amended and re-enacted so as to read as follows:

§ 468. JUDICIAL DISTRICTS.] The state is divided into judicial districts as provided by law, and terms of court shall be held in each district as provided in this article. There shall be elected in each judicial district a judge of the district court, whose term of office shall be four years from the first Monday in January next succeeding his election and until his successor is elected and qualified.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in this that the population and judicial business in the eighth and tenth judicial districts of this state have grown so large that the judges of said districts cannot give proper attention thereto, therefore, this act shall take effect from and after its passage and approval.

Approved March 3, 1911.

CHAPTER 170.

[S. B. No. 325—Carter]

TERMS OF COURT IN FOURTH JUDICIAL DISTRICT.

AN ACT Fixing the Terms of Court in the Various Counties Comprising the Fourth Judicial District of this State and the Beginning and Duration Thereof.

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

§ 1. Two terms of the district court shall be held each year at the county seat of each of the following named counties, to-wit:

In Richland county commencing on the first Tuesday in January and the first Tuesday in June.

In Sargent county commencing on the first Tuesday in February and the first Tuesday in September.

In Dickey county commencing on the first Tuesday in March and the first Tuesday in October.

In McIntosh county commencing on the first Tuesday in April and the first Tuesday in November.

In Ransom county commencing on the first Tuesday in May and the first Tuesday in December.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that, in view of the large amount of business pending before the district court of the fourth judicial district, it is necessary that the terms of said court in the various counties comprising the fourth judicial district be so changed that said terms be lengthened so that said court will have time to properly dispose of said business. This act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 171.

[S. B. No. 308—Welch]

BOUNDARIES AND TERMS OF COURT.

AN ACT To Amend Section 474 of the Revised Codes of North Dakota of 1905, Relating to the Boundaries and Terms of Court in the Sixth Judicial District.

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

§ 1. AMENDMENT.] Section 474 of the revised codes of North Dakota is amended to read as follows:

§ 474. BOUNDARIES AND TERMS OF COURT.] The sixth judicial district consists of the counties of Burleigh, Emmons, Kidder, McLean and Sheridan and is divided into judicial sub-divisions as follows:

1. The first sub-division consists of the county of Burleigh and four terms of the district court shall be held each year at the county seat thereof, commencing on the 3d Tuesday in February, the 3rd Tuesday in May, the 1st Tuesday in September, and the 2nd Tuesday in December. But a jury shall not be called for the February and September terms of court, unless in the opinion of the judge there is sufficient business to require a jury.

2. The second sub-division consists of the county of Emmons, and two terms of the district court shall be held each year at the county seat thereof, commencing on the 1st Tuesday in May and the 1st Tuesday in October.

3. The third sub-division consists of the county of Kidder, and two terms of court shall be held each year at the county seat thereof, commencing on the 2nd Tuesday in January and the 3rd Tuesday in June.

4. The fourth sub-division consists of the county of McLean, and two terms of the district court shall be held each year at the county seat thereof, commencing on the 2nd Wednesday in June and 2nd Wednesday in November.

5. The fifth sub-division consists of the county of Sheridan, and two terms of the district court shall be held each year at the county seat thereof, commencing on the 2nd Tuesday in March and the 3rd Tuesday in October.

Approved March 6, 1911.

CHAPTER 172.

[H. B. No. 13—Anderson]

TERMS OF COURT, SECOND DISTRICT.

AN ACT to Amend Section 470 of the Revised Codes of 1905, Relating to Terms of Court in the Second Judicial District.

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

§ 1. That section 470 of the revised codes of 1905 be amended so as to read as follows:

§ 470. BOUNDARIES AND TERMS OF COURT.] The second judicial district consists of the counties of Ramsey, Towner, Rolette, Benson and two terms of the district court shall be held each year at the county seat of each of such counties as follows:

In Ramsey county, commencing on the first Monday in March and the second Monday in November.

In Towner county, commencing on the third Monday in March and the fourth Monday in November.

In Benson county, commencing on the first Monday in June and the second Monday in December.

In Rolette county, commencing on the third Monday in June and the first Monday in January.

§ 2. EMERGENCY.] Whereas, emergency exists in this that it is necessary for the perfection of court work in said district that a change be made previous to July 1st, 1911, therefore this act shall take effect and be in force from and after the date of its passage and approval.

Approved February 10, 1911.

CHAPTER 173.

[H. B. No. 229—Homes]

BOUNDARIES AND TERMS OF COURT, EIGHTH JUDICIAL DISTRICT.
AN ACT Amending Section 476 of the Revised Codes of North Dakota,
of 1905, Relating to Boundaries of and Terms of Court in the Eighth
Judicial District.

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

§ 1. AMENDMENT.] Section 476 of the revised codes of North Dakota of 1905 is amended to read as follows:

§ 476. BOUNDARIES AND TERMS OF COURT.] The eighth judicial district consists of the counties of Ward, Renville, Burke and Divide, and terms of court shall be held in each of said counties at the county seat thereof, as follows:

In Ward county commencing on the second Monday in November, the third Monday in July and the first Monday in February; provided, that the said term appointed to be held in the month of February, no jury shall be called, except in the discretion of the court for the trial of criminal cases.

In Renville county, commencing on the second Monday in October, the fourth Monday in June, and the fourth Monday in January; provided, that at the said term appointed to be held in January no jury shall be called, except in the discretion of the court for the trial of criminal cases.

In Burke county, commencing on the fourth Monday in October, the first Monday in July and the second Monday in January; provided, that at said term appointed to be held in the month of January no jury shall be called, except in the discretion of the court for the trial of criminal cases.

In Divide county, commencing on the fourth Monday in September, the second Monday in June and the third Monday in January; provided, that at the said term appointed to be held in the month of January, no jury shall be called except in the discretion of the court for the trial of criminal cases.

Approved March 3, 1911.

CHAPTER 174.

[H. B. No. 416—Richland Co. Representatives]

FIXING TERMS OF COURT.

AN ACT Fixing the Terms of Court in the Various Counties Comprising the Fourth Judicial District of This State and the Beginning and Duration Thereof.

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

§ 1. Two terms of the district court shall be held each year at the county seat of each of the following named counties, to-wit: In Richland county commencing on the first Tuesday in January and the first Tuesday in June. In Sargent county commencing on the first Tuesday in February and the first Tuesday in September. In McIntosh county commencing on the first Tuesday in March and the first Tuesday in October. In Dickey county commencing on the first Tuesday in April and the first Tuesday in November. In Ransom county commencing on the first Tuesday in May and the first Tuesday in December.

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

§ 3. EMERGENCY.] Whereas, an emergency exists in that, in view of the large amount of business pending before the district court of the fourth judicial district, it is necessary that the terms of said court in the various counties comprising the fourth judicial district be so changed that said terms be lengthened so that said court will have time to properly dispose of said business.

This act shall take effect and be in force from and after its passage and approval.

Approved March 6, 1911.

CHAPTER 175.

[H. B. No. 278—Andrews]

PAYMENT OF DISTRICT JUDGES.

AN ACT To Provide for the Payment of the Expenses of District Judges When Acting Outside of Their Judicial Districts.

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

§ 1. DISTRICT JUDGE. CERTAIN EXPENSES. HOW PAID.] When a district judge is required to perform official duties in this state outside of his own county, the state shall be responsible for the actual and necessary expenses of said judge paid for railroad

fare, going to and from his residence, and subsistence while away from his home. The same shall be paid out of the general fund of the state, upon presentation of an itemized account of such expenses as have been and will be so necessarily expended, duly verified by said judge, and audited in the same manner as the expense accounts of other state officers.

Approved March 17, 1911.

CHAPTER 176.

[H. B. No. 137—Hommes]

RE-IMBURSING DISTRICT JUDGES.

AN ACT To Re-imburse District Judges Called to Sit in Hearing of Cases Before Supreme Court when Regular Members Thereof are Disqualified.

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

§ 1. DISTRICT JUDGES RE-IMBURSED, IN CERTAIN CASES.] In case a judge of the supreme court shall be in any way interested in a cause brought before said court and the remaining judges of said court shall call one of the district judges to sit with them on the hearing of said cause, the district judge so called shall be entitled to receive his actual and necessary expenses incurred while sitting as such supreme court judge, including hotel and traveling expenses, said sum to be paid out of the general fund of the state, upon an itemized account properly verified by the judge entitled thereto.

§ 2. EMERGENCY.] Whereas there is now no provision of law providing for reimbursement of district judges called to sit as a member of the supreme court in causes pending before said court in which one of the regular members of the supreme court is disqualified, and

Whereas, there are now pending before said court a great many cases in which some of the regular members of the court are disqualified, and it will be necessary in all of such cases to call one of the district judges of the state to sit in the trial thereof, therefore, an emergency is declared to exist and this act shall be in full force and effect from and after its passage and approval.

Approved March 6, 1911.