

LEGISLATIVE BILL 1032

Approved by the Governor March 30, 1972

Introduced by Committee on Judiciary, Roland A. Luedtke, 28th District, Chairman; Fred W. Carstens, 30th District; John W. DeCamp, 40th District; P. J. Morgan, 4th District; Walter H. Epke, 24th District; Harold D. Simpson, 46th District; Terry Carpenter, 48th District; Ernest Chambers, 11th District; Leslie A. Stull, 49th District

AN ACT relating to courts; to establish a statewide system of county courts replacing existing county, police magistrate, and justice of the peace courts as prescribed; to amend sections 2-220, 11-125, 13-113, 13-114, 14-603, 14-604, 15-326, 16-105, 16-219, 16-323, 17-107, 17-108.02, 17-209.02, 17-213, 17-564, 19-3015, 22-206, 23-224, 23-230, 23-1805, 23-1808, 23-1811, 23-1812, 23-1903, 23-2001, 24-315, 24-502.01, 24-503, 24-508 to 24-512, 24-520, 24-528.01, 24-532, 24-535 to 24-543, 24-549, 25-1013, 25-1042, 25-1056, 25-1094, 25-1267.14, 25-1402, 25-1521, 25-1522, 25-1565, 25-1701, 25-1901, 25-1906 to 25-1910, 25-2105, 25-21,147, 25-2222, 26-115, 26-118, 26-122, 26-1,100, 26-1,103, 26-1,104, 26-1,105, 26-1,106, 26-1,112, 26-1,114 to 26-1,117, 26-1,119 to 26-1,134, 28-706, 28-711, 28-714, 28-716, 28-724, 28-729, 28-805, 28-807, 28-810, 28-1118, 28-1218, 28-1231, 29-103, 29-201, 29-204, 29-301, 29-313, 29-403, 29-406, 29-504, 29-611, 29-613, 29-615, 29-616, 29-901, 29-1607, 30-808, 30-1102 to 30-1108, 30-1110, 30-1112 to 30-1114, 30-1116, 30-1119 to 30-1123, 30-1128, 30-1133, 30-1136 to 30-1138, 30-1142, 30-1143, 30-1205, 30-1206, 30-1608, 31-328, 31-329, 31-365, 32-308, 32-312, 32-314, 32-414, 32-466, 32-1039, 33-120, 33-123, 33-124, 33-130, 33-140, 33-148, 37-306, 37-601, 37-602, 38-106, 38-607, 38-611, 38-612, 38-614, 38-616, 38-620, 38-623, 38-624, 38-629, 38-636, 38-637, 38-638, 38-701, 38-702, 38-704, 39-703, 42-114, 43-207, 49-502, 49-801, 51-214, 53-197, 54-404, 54-406, 54-705, 57-210, 57-222, 57-223, 57-402, 65-101, 68-116, 76-217, 76-502, 76-504, 77-2401, 77-2402, 77-2403, 78-102, 78-103, 78-105 to 78-108, 83-328.02,

83-467, 83-471, and 86-338, Reissue Revised Statutes of Nebraska, 1943, sections 24-550, 24-551, 24-552, 24-553, 24-708, 24-716, 25-1558, 25-21,148, 26-1,118, 29-614, 30-1202, 32-4,101, 33-136, 39-796, and 54-143.01, Revised Statutes Supplement, 1969, sections 7-111, 11-119, 14-610, 24-562.01, 24-701, 26-116, 26-1,104.01, 32-421.01, 35-101, 42-108, and 43-202, Revised Statutes Supplement, 1971, section 39-794, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 1058, Eighty-second Legislature, Second Session, 1972, section 24-703.01, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, section 30-1132, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1052, Eighty-second Legislature, Second Session, 1972, section 24-703, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, sections 32-535 and 32-537, Revised Statutes Supplement, 1971, as amended by sections 57 and 58, respectively, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, and section 49-617, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1174, Eighty-second Legislature, Second Session, 1972; to provide an operative date; and to repeal the original sections, and also sections 5-106, 14-119, 23-158, 24-501, 24-501.01, 24-502, 24-504 to 24-507.02, 24-514 to 24-519, 24-521 to 24-528, 24-529 to 24-531, 24-533, 24-534, 24-544, 24-547, 24-548, 24-554 to 24-561, 25-1583 to 25-1586, 25-1709, 26-107.01, 26-116.01, 26-121, 26-123, 26-125 to 26-150, 26-151.01, 26-161 to 26-183, 26-185 to 26-194, 26-196 to 26-199, 26-1,101, 26-1,102, 26-1,107, 26-1,109, 26-1,110, 26-1,111, 26-1,113, 26-1,136 to 26-1,138, 26-1,140, 26-1,142 to 26-1,171, 26-1,184 to 26-1,187, 26-1,189 to 26-1,201, 29-202, 29-206, 29-207, 29-602, 29-603, 29-605 to 29-610, 29-617 to 29-623, 32-311, 32-1001.11 to 32-1001.16, 32-1041, 33-127, 33-134, 33-135, and 43-211, Reissue Revised Statutes of Nebraska, 1943, Chapter 18, article 2, as amended, and Chapter 27, as amended, Reissue Revised Statutes of Nebraska, 1943, sections 24-507.03, 24-513, 26-184,

26-1,135, 26-1,139, 26-1,141, 29-601, and 29-604, Revised Statutes Supplement, 1969, and sections 24-521.01, 24-545, 24-546, 26-124, 26-151, 26-1,106.01, 26-1,108, and 26-1,188, Revised Statutes Supplement, 1971.

Be it enacted by the people of the State of Nebraska,

Section 1. The purpose of sections 1 to 90 of this act is to provide a unified system of county courts for the state by combining the functions of county courts, justice of the peace courts, and police magistrate courts. It is the further intent and purpose of sections 1 to 90 of this act to provide jurisdiction and procedure for the county and municipal courts that will effectively, efficiently, and economically meet the needs of the people of the State of Nebraska and of all other persons who may have business before the county and municipal courts.

Sec. 2. There shall be a county court in and for each county in this state. The county court shall be a court of record and shall be located at the county seat. Divisions of the court may be established in any other city or village within the county as provided in sections 1 to 90 of this act.

Sec. 3. For the purpose of serving the county courts in each county, twenty-one county judge districts are hereby created. The districts shall consist of the following counties:

- (1) Richardson, Pawnee, Johnson, Nemaha, and Otoe;
- (2) Cass and Sarpy;
- (3) Lancaster;
- (4) Douglas;
- (5) Saunders, Butler, Polk, Hamilton, York, and Seward;
- (6) Dodge, Washington, Burt, and Thurston;
- (7) Saline, Fillmore, Thayer, and Nuckolls;
- (8) Cedar, Dixon, and Dakota;
- (9) Knox, Antelope, Pierce, Wayne, Madison, Stanton, and Cuming;

(10) Clay, Adams, Kearney, Phelps, Harlan, Franklin, and Webster;

(11) Hall and Howard;

(12) Buffalo and Sherman;

(13) Dawson, Lincoln, Keith, Arthur, McPherson, Logan, Thomas, Hooker, and Grant;

(14) Perkins, Chase, Dundy, Hayes, Hitchcock, Frontier, Red Willow, Gosper, and Furnas;

(15) Cherry, Keya Paha, Brown, Rock, Boyd, and Holt;

(16) Sheridan, Dawes, Box Butte, and Sioux;

(17) Scotts Bluff, Morrill, and Garden;

(18) Gage and Jefferson;

(19) Banner, Kimball, Cheyenne, and Deuel;

(20) Blaine, Loup, Garfield, Wheeler, Custer, Valley, and Greeley; and

(21) Boone, Nance, Merrick, Platte, and Colfax.

Districts 11, 12, and 18 shall have one county judge. Districts 1, 2, 3, 4, 6, 7, 8, 10, 14, 15, 16, 17, 19, and 20 shall have two county judges. Districts 5, 9, 13, and 21 shall have three county judges.

Sec. 4. County judges shall be elected on a nonpolitical ticket for terms of four years. Election shall be subject to all pertinent provisions of Chapter 32. Terms shall commence on the first Thursday after the first Tuesday in January of the year following election. Candidates for county judge shall not appear on the primary ballot in 1972, nor shall the name of any person nominated in such primary appear on the general election ballot. Candidates shall file applications for nomination with the Secretary of State on or before August 1, 1972. The Secretary of State shall take all necessary action to provide for the certification of candidates for the general election in 1972. The filing fee shall be that prescribed by section 32-513. The candidates receiving the highest number of votes in their districts at the general election shall be declared duly elected to the offices for which they were candidates.

Sec. 5. Each county judge shall have been admitted to the practice of law in this state and be in good standing and shall be a citizen of the United States and a resident and legal voter in the county judge district in which he serves.

Sec. 6. In districts with more than one county judge, the judges shall annually select one of their number as presiding judge, and may establish such departments within the court as they deem necessary for determining particular classes of cases.

Sec. 7. Except as provided in this section, at least one associate county judge shall be appointed in each county. Associate county judges shall be appointed by the county judge, or judges if the district has more than one county judge, and shall serve for terms of two years unless sooner removed by order of the county judge or judges. In county judge districts having a population of one hundred fifty thousand or more according to the latest federal census, one or more associate county judges may be appointed by the county judges, and such associate judges shall serve for terms of two years unless sooner removed by the county judges.

Sec. 8. (1) Each associate county judge shall be a legal voter in the county for which he is appointed and shall reside there so long as he serves as associate county judge.

(2) No person shall be eligible for appointment as an associate county judge unless he is a graduate of a high school or holds a certificate of equivalency issued by the State Board of Education.

(3) No person shall take office for the first time as an associate county judge until he has attended an institute on the duties and functions of the office, unless such attendance is specifically waived by the Supreme Court. The Supreme Court shall provide for the establishment of such institute, and also shall provide for annual institutes or training courses for all county judges and associate county judges. No associate county judge shall be eligible for reappointment if he does not have a satisfactory record of attendance at such annual institutes or training courses, unless such attendance is specifically waived by the Supreme Court.

(4) Notwithstanding the requirements of subsection (2) of this section, all county judges, justices of the peace, and police magistrates holding office on the effective date of this act shall be eligible for appointment as associate county judges, and

all such county judges desiring such appointment shall be appointed as associate county judges.

Sec. 9. Each county judge and associate county judge before assuming the duties of office shall take the oath prescribed by law for district judges, which shall be filed in the office of the county clerk.

Sec. 10. In counties of three thousand population or less, the county clerk shall be ex officio clerk of the county court, and also may be appointed an associate county judge. In counties of more than three thousand population, the associate county judge required by section 7 of this act shall be ex officio clerk of the county court.

Sec. 11. The clerk shall have the same power in the county court, unless otherwise specifically provided in sections 1 to 90 of this act, as the clerk of the district court. The clerk may sign and issue marriage licenses in the name of the county judge. The clerk shall keep and be the custodian of the records of the court. He shall receive and account for all fees and money received by him, and shall deposit all money received in a bank approved pursuant to sections 77-2326.01 to 77-2326.09. He shall receive and account for all fees and costs taxed and earned by the court, and shall pay the same into the county treasury at the end of each month, with a full and accurate statement of all such fees, as well as those taxed and uncollected. Provisions of law relating to dockets of the district court shall, as nearly as may be, apply to the dockets of the county court.

Sec. 12. Divisions of the county court may be established at locations other than the county seat when such establishment is determined by the county judges to be beneficial in the administration of justice. The county judges may take such action on their own motion, or on request of the governing body of a city or village. All matters over which the county court has jurisdiction shall be filed with the clerk at the county seat, unless the county judges, in their order establishing a division at another location, specifically provide for the filing of cases in such division. Matters relating to decedents' estates, guardianship and conservatorship shall be filed only with the clerk at the county seat.

Sec. 13. Each county judge shall receive an annual salary of twenty thousand dollars per year, except that each county judge in a county judge district having a population of one hundred fifty thousand or more according to the latest federal census shall receive an

annual salary of twenty-seven thousand five hundred dollars per year. All county judges shall be compensated for necessary travel expenses in the same manner as judges of the district court. Salaries of associate county judges, clerks, and other employees of the court shall be set by the county judges, subject to the conditions of this section. In counties of three thousand population or less, the county clerk shall receive one thousand dollars annually for his duties as clerk of the county court, in addition to the salary established pursuant to law for the county clerk. If such clerk also serves as an associate county judge, he shall receive an additional one thousand dollars annually. The maximum salary for any other associate county judges in counties of three thousand population or less shall be one thousand dollars annually. In counties of more than three thousand population, the maximum salary for an associate county judge shall be three-fourths of the salary of a county judge, and this limitation shall apply when the same person is both associate county judge and clerk of the county court. In setting salaries for associate county judges, the county judges shall consider the caseload for the associate county judge and the amount of time he will actually be engaged in his duties. Salaries of associate county judges must be approved by the Supreme Court.

Sec. 14. Except as otherwise provided in sections 1 to 90 of this act, all salaries and expenses involved in operation of the county courts shall be paid by the State of Nebraska from funds appropriated therefor. Budget requests for each county court district shall be prepared and submitted in the same manner as budget requests for state agencies. The Supreme Court, through the clerk or other members of its staff, shall provide assistance to the county judges in preparing their budget requests.

Sec. 15. Each county shall be responsible for all costs involved in establishing, furnishing, and maintaining appropriate courtroom and office facilities for the county court at the county seat. When a division of the county court is established at a location other than the county seat, the city or village in which such division is located shall be responsible for all costs involved in establishing, furnishing, and maintaining appropriate courtroom and office facilities for such division. The Supreme Court shall prescribe minimum standards for all courtroom facilities. The Supreme Court may establish standards by class of county, based on population, caseload, and other pertinent factors.

Sec. 16. In the event of a vacancy in the office of county judge, or the disqualification, absence or the temporary incapacity of a county judge, the Chief Justice of the Supreme Court may designate a county judge from another district to temporarily perform the duties of the office.

Sec. 17. Each county court shall have the following jurisdiction:

(1) Exclusive original jurisdiction of all matters relating to decedents' estates, including the probate of wills and the construction thereof:

(2) Exclusive original jurisdiction of all matters relating to guardianship or conservatorship of any person:

(3) Concurrent original jurisdiction with the district court in all civil actions of any type when the amount in controversy does not exceed five thousand dollars:

(4) Concurrent original jurisdiction with the district court in any criminal matter when the penalty does not exceed one year imprisonment in the county jail or a fine over one thousand dollars, or both:

(5) Exclusive original jurisdiction in any action based on violation of a city or village ordinance, except ordinances of cities of the metropolitan or primary class for which exclusive original jurisdiction shall be in the municipal court; and

(6) Concurrent original jurisdiction with the district court in all juvenile matters, except in counties which have established separate juvenile courts.

Sec. 18. The county judge or, where there is more than one county judge in a district, the presiding judge, may assign to associate county judges who are attorneys at law, severally, or by designation of office, or by class or category of cases, or in specific instances, any matter over which the county court has jurisdiction.

Sec. 19. The county judge or, where there is more than one county judge in a district, the presiding judge, may assign to associate county judges who are not attorneys at law, severally, or by designation of office, or by class or category of cases, or in specific instances, the following matters:

(1) Any civil proceeding when the amount of money or damages or the value of personal property claimed does not exceed one thousand dollars;

(2) Any proceeding based on violation of a city or village ordinance;

(3) Any criminal proceeding which is a misdemeanor under the laws of this state;

(4) Any proceeding for the issuance of warrants for arrest or for searches and seizures;

(5) Any proceeding for preliminary examination to determine probable cause, commitment prior to trial, or the release on bail of persons charged with criminal offenses;

(6) Any juvenile proceedings except the commitment to a state institution or the termination of parental rights;

(7) Any proceeding to prevent the commission of crimes; and

(8) Any proceedings relating to decedents' estates, guardianship or conservatorship, except the construction of wills and trusts, the determination of title to real estate, and authorization of the sale or mortgaging of real estate.

Sec. 20. All assignments of matters to associate county judges shall be by written order signed by the presiding county judge and filed with the clerk. No order or judgment shall be void or subject to collateral attack solely because it was rendered pursuant to improper assignment to an associate county judge.

Sec. 21. Each county court and each municipal court shall have a Small Claims Department which shall be designated the Small Claims Court.

Sec. 22. (1) The Small Claims Court shall have subject matter jurisdiction in all civil actions of any type when the amount of money or damages or the value of the personal property claimed does not exceed five hundred dollars, exclusive of interest and costs.

(2) The Small Claims Court shall have subject matter jurisdiction in civil matters when the plaintiff seeks to disaffirm, avoid, or rescind a contract or agreement for the purchase of goods or services not in excess of five hundred dollars, exclusive of interest and

costs.

(3) The Small Claims Court shall have jurisdiction when the party defendant or his agent resides or is doing business within the county.

Sec. 23. (1) Parties in the Small Claims Court may be individuals, partnerships, corporations, unions, associations, or any other kind of organization or entity.

(2) No party shall be represented by an attorney in the Small Claims Court.

(3) An individual shall represent himself in the Small Claims Court. A partnership shall be represented by a partner or one of its employees. A union shall be represented by a union member or union employee. A corporation shall be represented by one of its employees. An association shall be represented by one of its members or by an employee of the association. Any other kind of organization or entity shall be represented by one of its members or employees.

(4) Only a party, natural or otherwise, who has been a party to the transaction with the defendant for which the claim is brought may file and prosecute a claim in the Small Claims Court.

(5) No party may file an assigned claim in the Small Claims Court.

(6) No party shall file more than two claims within any calendar week nor more than ten claims in any calendar year in the Small Claims Court.

(7) Notwithstanding any other provision of this section, an executor or administrator of a decedent's estate, a guardian, or a conservator may be a party in the Small Claims Court.

Sec. 24. (1) Actions in the Small Claims Court shall be commenced by the filing of a claim by the plaintiff on a form provided by the clerk of the county court or municipal court. The claim form shall be executed by the plaintiff in the presence of the clerk of the county or municipal court or his deputy or assistant designated by him.

(2) At the time of the filing of the claim, the plaintiff shall pay a fee of two dollars to the clerk.

(3) Upon filing of a claim in the Small Claims Court, the court shall set a time for hearing and shall cause notice to be served upon the defendant. Notice shall be served not less than five days before the time set for hearing. Notice shall consist of a copy of the complaint and a summons directing the defendant to appear at the time set for hearing and informing the defendant that if he fails to appear, judgment will be entered against him. Notice shall be served personally in the same manner as for other actions in the county or municipal court or by mail, at the option of the plaintiff as stated in writing in the claim. When service by mail is requested, the court shall mail the notice by registered or certified mail, return receipt requested, to the defendant at the address given in the claim. Service by mail shall be complete upon return to the court of the receipt signed by the defendant, and such receipt shall be prima facie evidence of such service. The cost of service shall be paid by the plaintiff, but such cost and filing fee shall be added to any judgment given the plaintiff.

(4) The defendant may file a setoff or counterclaim in an amount not in excess of five hundred dollars, exclusive of interest and costs. Any setoff or counterclaim shall be filed and a copy delivered to the plaintiff at least two days prior to the time of trial. If the setoff or counterclaim exceeds the jurisdictional limits of the Small Claims Court, the court shall cause the entire matter to be transferred to the regular county or municipal court docket and set for trial.

(5) No prejudgment actions for attachment, garnishment, replevin, or other provisional remedy may be filed in the Small Claims Court.

(6) All forms required by this section shall be prescribed by the Supreme Court. The claim form shall provide for the names and addresses of the plaintiff and defendant, and a concise statement of the nature, amount, and time and place of accruing of the claim, and shall also contain a brief explanation of the Small Claims Court procedure and methods of appeal therefrom.

Sec. 25. All matters in the Small Claims Court shall be tried to the court without a jury. If the defendant in any action desires trial to a jury, he shall give notice to the court prior to the time set for the hearing, and the case shall be transferred to the regular docket of the county or municipal court and shall thereafter be subject to all provisions of law and rules of court applicable to proceedings in the county or municipal court.

Sec. 26. No formal pleadings other than the claim and notice, and the counterclaim or setoff and notice, if appropriate, shall be required in the Small Claims Court, and the hearing and disposition of all matters shall be informal so that the rules of evidence, except those relating to privileged communications, shall not apply, with the sole object of providing a prompt and just settlement of the issues. When a money judgment is entered, payment shall be made forthwith after time for appeal has run, or execution may issue as in other cases in the county or municipal court. When a judgment for the return of personal property is entered, return shall be made forthwith after time for appeal has run, or an order of delivery may issue as in other cases in the county or municipal court.

Sec. 27. If either party is dissatisfied with the judgment of the Small Claims Court, he may appeal to the district court of the county where the judgment was rendered. Any such appeal shall be tried de novo without a jury.

Sec. 28. All provisions in the codes of criminal and civil procedure governing actions and proceedings in the district court not in conflict with statutes specifically governing procedure in county courts and related to matters for which no specific provisions have been made for county courts shall govern and apply to all actions and proceedings in the county court.

Sec. 29. All provisions of law governing actions and proceedings, including appeals, in the county courts not in conflict with statutes specifically governing procedure in municipal courts and related to matters for which no specific provisions have been made for municipal court shall govern and apply to all actions and proceedings in the municipal court.

Sec. 30. That section 24-549, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-549: It shall be lawful for any person liable for the payment of any fees and costs charged or taxed in any civil or criminal action, or in any proceeding authorized by law to be brought in the county court, to pay such costs and fees to the county judge or to the clerk of the county court, and such payment shall operate as a satisfaction of said person's liability to all concerned.

Sec. 31. It shall be the duty of the clerk of the court to demand the payment of all fees in advance in civil cases. He shall be charged with all fees earned by the court and shall be required to account for the same as cash to the county treasurer. Upon written application, and such evidence as the court may require, by an indigent person, the clerk of the court may be directed, by a judge of the court, by a written order, to file all necessary pleadings, and to issue necessary process thereon to meet the requirements of justice in which case no fees shall be charged and collected by the clerk of the court from such person except upon final order or judgment in the action, and in that case the clerk shall not be charged with the fees in the case and required to account for the same in cash, unless the same are collected by him.

Sec. 32. Fees and costs in the county court shall be those provided by Chapter 33. Each county treasurer shall monthly transmit all such fees and costs received from the county court to the State Treasurer, who shall deposit the same in the state General Fund.

Sec. 33. Any city or village attorney, except of a city of the metropolitan or primary class, may sign and prosecute complaints in the county court for any violation of any ordinance of the city or village for which he is attorney.

Sec. 34. That section 24-520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-520. It shall be the duty of the sheriffs of the several counties to execute or serve all writs and process issued by any county court and to them directed, and to return the same. For ~~;~~ for any neglect or refusal so to do, they may be proceeded against in the county court in the same manner as for neglect or refusal to execute or serve process issued out of the district court.

Sec. 35. In any civil action in county court, the summons shall be returnable ten days after the commencement of the action. The answer or demurrer of the defendant shall be filed ten days after return day or service by publication, and the reply or demurrer of the plaintiff shall be filed fifteen days after return day or service by publication. The court, for good cause shown, may extend the time for filing an answer or reply. The case shall stand for trial at the earliest available time on the court docket after the issues therein are, or according to the times fixed for pleading, should have

been made up.

Sec. 36. Either party to any case in county or municipal court, except criminal cases arising under city or village ordinances, may demand a trial by jury. In civil cases, the demand must be in writing and must be filed on or before answer day. All provisions of law relating to juries in the district courts shall apply to juries in the county and municipal courts and the district court jury list shall be used, except that juries in the county courts shall consist of six persons.

Sec. 37. That section 26-1,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,100:~~ When judgment shall have been rendered against a defendant in his absence, the same may be set aside upon the following conditions: (1) That he pay the costs awarded against him; (2) that his motion be made within ten days after such judgment was entered; (3) that he notify in writing the opposite party, or his attorney, or cause it to be done, of the opening of such judgment and of the time and place of trial, at least five days before the time thereof, if the party reside in the county, and if neither the plaintiff or his attorney be a resident of the county, by leaving a written notice thereof at the office of the clerk of the court ten days before the trial; Provided, however, that the time of trial shall not be more than twenty days after the rendition of the judgment.

Sec. 38. That section 26-1,103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,103:~~ If the defendant, at any time before trial, offer, offers in writing to allow judgment to be taken against him for a specified sum, the plaintiff may immediately have judgment therefor, with the costs then accrued. If he does not accept such offer before the trial, and fail fails to recover in the action a sum equal to the offer, he cannot shall not recover costs accrued after the offer; but and costs must shall be adjudged against him; but the offer and failure to accept it cannot be given in evidence, to affect the recovery, otherwise than as to costs as above provided.

Sec. 39. That section 24-532, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-532: Any person having a judgment rendered by a county court may cause a transcript thereof to be filed in the office of the clerk of the district court in any county of this state. When the transcript is so filed, and entered upon the judgment record, such judgment shall be a lien on real estate in the county where the same is filed, and when the same is so filed and entered upon such judgment book, the clerk of such court may issue execution thereupon in like manner as execution is issued upon judgments rendered in the district court.

Sec. 40. That section 24-502.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-502-01: Whenever proceedings under sections 25-1011 and 25-1026 to 25-1031.01, or under section 25-1056, are had in any county court and it shall appear by the pleadings or other answers to interrogatories filed by the garnishee that there is an amount in excess of one five thousand dollars, or property to the value of more than one five thousand dollars, the title or ownership of which is in dispute, or when at any time during said proceedings it shall appear from the evidence or other pleadings that there is property of the value of more than one five thousand dollars, the title or ownership of which is in dispute, such court shall proceed no further, but shall forthwith certify the proceedings to the district court of the county in which the action is pending, and thereupon shall file the original papers, together with a certified transcript of docket entries, in the clerk's office of said the district court, the matter to be held for trial and determination by said the district court as if said the proceedings were originally had in said district court, except that no new pleadings need be filed except as ordered by the district court.

Sec. 41. That section 26-1,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,104: In all cases not otherwise specifically provided for, either party may appeal from the final judgment of the county or municipal court to the district court of the county where the judgment was rendered. if either party perfects such appeal it will vest the district court with jurisdiction of all the issues presented by the pleadings to the municipal court. All such appeals shall be by petition in error or de novo on the record except those matters referred to in section 30-1606, which matters shall be appealed de novo. In matters appealed de novo on the record, the district

court may, in its discretion, receive additional evidence if the court determines that such evidence is reasonably necessary to determine the issues, make findings of fact and render judgment thereon. The district court may affirm, modify, or vacate the judgment, or may remand the case to the county or municipal court for a new trial.

Sec. 42. That section 26-1,104.01, Revised Statutes Supplement, 1971, be amended to read as follows:

~~26-1,104-01:~~ The party appealing from a decree, judgment, or order of a municipal county court in--a metropolitan-or-primary-class-city,-or-any-part--thereof, shall, within ten days from the rendition of judgment, file a notice of appeal with the municipal county court, specifying the parties taking the appeal, the decree, judgment, order or part thereof appealed from, and shall serve a copy of the same upon all parties bound by the judgment who have appeared in the action or upon their attorneys of record. Service may be made by mail, and proof of such service shall be made by an affidavit of the appellant filed with the municipal county court within five days after the filing of the notice stating that such notice of appeal was duly mailed, or after diligent search that addresses of such persons or their attorneys of record are unknown.

Sec. 43. That section 26-1,105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,105:~~ The party appealing shall, within ten days from the rendition of judgment, post a cash bond with the clerk of the court or enter into an undertaking to the adverse party, with at least one good and sufficient surety to be approved by the presiding--judge of the court, or-any-other-of-the-judges; in a sum not less than fifty dollars in any case, nor less than double the amount of the judgment and costs, ~~;~~ Provided, however, that the party appealing may, in lieu of said undertaking, deposit with the clerk of the court--a cash bond, and such cash bond shall be accepted in said--cause upon--the--same--conditions--and--with--like--effect--as undertakings hereinbefore set out; conditioned (1) that the appellant will prosecute his appeal to effect and without unnecessary delay, ~~;~~ and (2) that if judgment be adjudged against him on the appeal, he will satisfy such judgment and costs. Such undertaking need not be signed by the appellant.

Sec. 44. That section 26-1,106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-1,106. The clerk of the municipal county court shall make out a certified transcript of the proceedings, including the undertaking or cash taken for such appeal. He shall transmit the transcript, together with the bill of exceptions and any depositions read on the trial of the cause, to the appellant or his attorney, who shall in turn file the same with the clerk of the district court within thirty days from the entry of judgment. Filing of the transcript shall constitute filing of the appeal with the district court. All other proceedings before the municipal county court in that case shall cease and be stayed from the time of the filing of the undertaking or cash.

Sec. 45. (1) Testimony in all civil and criminal cases in county court shall be preserved by tape recording, but the court may order the use of a court reporter in any case on the court's own motion and shall do so at the request of either party.

(2) Standards for equipment for tape recording testimony shall be prescribed by the Supreme Court. Such standards shall require that the equipment be capable of multiple track recording, and of instantaneous monitoring by the clerk or other court employee operating the equipment. The Supreme Court may prescribe rules for use of tape recording equipment. Such rules shall be subject to modification by county judges to conform to local requirements.

(3) When an appeal is taken, the court shall order the transcription of such testimony, which transcript when certified to by the stenographer or court reporter who made it and settled by the court as such shall constitute the bill of exceptions in the case, and shall be filed with the clerk of the district court in the manner provided by section 44 of this act and section 29-612. The cost of preparing the transcript shall be paid by the party for whom it is prepared.

Sec. 46. The clerk of the district court shall notify the clerk of the county court of all appeals filed with him. When any party who has given notice of appeal and posted security fails to file his appeal in the district court within thirty days from entry of judgment, proceedings in the county court, including execution on the judgment, shall continue in the same manner as if notice of appeal had never been given.

Sec. 47. That section 26-1,112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-17142:~~ If any person appealing from judgment rendered in his favor, shall not recover a greater sum than the amount for which judgment was rendered, besides costs and the interest accruing thereon, every such appellant shall pay the costs of such appeal.

Sec. 48. That section 26-1,114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-17144:~~ When any appeal shall be dismissed, or when judgment shall be entered in the district court against the appellant, the surety or sureties in the undertaking, and each of them, shall be liable to the appellee for the whole amount of the debt, interest, costs and damages recovered against the appellant. From the time that such dismissal or such judgment is entered in the district court, such undertaking shall have the force and effect of a judgment confessed against the surety or sureties, and each of them, and against all of the property of such surety or sureties liable to execution, and the clerk of the district court shall index the same in the proper judgment docket as in the case of other judgments. If the appellant shall post a cash bond upon appeal, as provided in section ~~26-17105~~ 42 of this act, such cash bond shall, upon the dismissal of any appeal, or upon the entry of final judgment against such appellant by the district court, and upon the expiration of the time for appeal to the Supreme Court, forthwith be delivered by the clerk of the ~~municipal~~ county court to the clerk of the district court in which such appeal was had, and the clerk of the district court shall apply such cash bond upon such final judgment, including interest, and costs, and shall remit the balance remaining to the appellant or his attorneys. No stay of execution shall be taken on a judgment entered, as herein contemplated, against one who is a surety upon such undertaking for appeal.

Sec. 49. That section 26-1,115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-17145:~~ When an appeal taken to the district court shall there be quashed, by reason of irregularity in taking or consummating the same, the cause for quashing shall be stated in the order of the court, and a transcript of such order shall be lodged with the clerk of the ~~municipal~~ county court, who shall thereupon proceed to issue execution in the same manner as if no appeal had been taken.

Sec. 50. That section 26-1,116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,116:~~ In proceeding on appeal when the surety in the undertaking shall be insufficient or such undertaking may be insufficient in form or amount, it shall be lawful for the court, on motion, to order a renewal or additional surety of such undertaking, and direct the same to be certified to the clerk of this the county court.

Sec. 51. That section 26-1,117, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,117:~~ No appeal shall be allowed from judgments rendered on confession.

Sec. 52. That section 24-503, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-503: The county court shall have exclusive jurisdiction of the probate of wills, the administration of estates of deceased persons, and the guardianship of minors, insane persons and idiots; Provided, no~~ No judge of probate shall act in any case or matter where he is next of kin to the deceased, nor where he is legatee or devisee under a will, nor where he is named as executor or trustee in a will, or is one of the subscribing witnesses thereto, nor where he is related to any party in interest in any case before him, by consanguinity or affinity, or has such an interest therein as would exclude him from acting as a juror in such case or matter, nor where he has acted as attorney or counsel in any case or matter before him.

Sec. 53. That section 24-528.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-528.01:~~ In all proceedings within the probate, guardianship, adoption, or testamentary trust jurisdiction of the county court where a date for a hearing has been fixed and where no action is taken by the court at the time so fixed, the cause shall stand continued from day to day as a matter of law and may thereafter be heard and determined by the court without further notice at any time, except that any party who has filed an appearance or pleading in such proceedings shall be given such notice of the hearing in such manner as the court shall direct.

Sec. 54. That section 24-535, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-535: The probate books shall consist of a probate record, a fee book, a general index to probate records, and an index to wills deposited.

Sec. 55. That section 24-536, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-536: The "probate record" shall contain a full record of all wills, testaments and codicils, and the probate thereof, petitions, letters testamentary, letters of guardianship, letters of administration, all bonds and oaths of executors, guardians and administrators; all inventories, appraisements, publishers' affidavits proving the publication of a notice in compliance with an order of the court, the written voluntary appearance of parties, any proof of service of a notice made in compliance with an order of the court, objections or other pleadings filed with reference to admitting a will to probate, sale bills and other exhibits and reports received by the court relative to the settlement or disposition of estates, showing the amount of all such estates, as shown by such instruments, together with a full record of all orders, judgments and proceedings of said the court, with the date of each paper filed or entry made; and a full record of all determinations of the ~~district--or~~ Supreme Court upon appeal or petition in error, from an order of judgment of said the county court. Evidence shall not be so recorded. All original papers shall be filed and preserved in the court and each case shall receive a file number.

Sec. 56. That section 24-537, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-537: The fee book shall contain an entry of the title of all probate proceedings, the date of each paper issued or filed, and the date of all orders and judgments entered therein together with an exact amount of all fees allowed, taxed and paid in each proceeding, showing the names of the persons entitled to and receiving the same, and for what services such fees were taxed or paid.

Sec. 57. That section 24-538, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-538: The general index to probate records shall contain an alphabetical list of all estate matters brought before the court, the file number of the estate, the name of each estate administered upon, or guardianship or other probate matter presented to the court for its determination, the number and page of the fee book in which the costs are taxed in each matter, and the book and page in the probate record where all such matters are recorded, sufficiently definite to enable the finding of such proceedings from the general index.

Sec. 58. That section 24-539, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-539: The "index to wills deposited" shall contain a memorandum of the date of each will deposited with the county judge for safekeeping, the names of the testators in alphabetical order, the name of the party delivering each will to the county judge, and a column in which shall be noted the final disposition of such will, whether returned to the testator, filed for probate, or otherwise disposed of.

Sec. 59. That section 24-562.01, Revised Statutes Supplement, 1971, be amended to read as follows:

24-562-01: In any proceeding in the county court involving (1) the probate of wills under the provisions of Chapter 30, article 2, (2) the administration of estates under the provisions of Chapter 30, article 3, (3) the determination of heirs under the provisions of Chapter 30, article 17, (4) the determination of inheritance tax under the provisions of Chapter 77, article 20, (5) guardianships under the provisions of Chapter 38, article 1, 2, 3, or 4, or (6) conservatorships under the provisions of Chapter 38, article 9, where real estate is any part of the assets of the estate or proceeding, the county judge before whom the proceeding is pending shall issue a certificate which shall be filed with the register of deeds of the county in which the real estate is located within ten days after the description of the real estate is filed in the proceeding. The certificate shall be in the following form:

This is to certify that there is pending in the county court of County, a proceeding.....
.....
(describe proceeding and name of person involved)
in which the following described real estate is involved,
to wit:
.....

(describe real estate)

.....
County Judge

When a final decree is entered affecting the title to any real estate described in such certificate, the county judge shall issue a certificate which shall be filed with the register of deeds within ten days showing the names of each person acquiring an interest in such real estate by such decree, and describing the interest acquired by each person.

Sec. 60. That section 24-550, Revised Statutes Supplement, 1969, be amended to read as follows:

~~24-550:~~ In case of an executor of a last will and testament which has been admitted to probate in any county court in this state, and in case of an administrator of the estate of a deceased intestate, upon making a satisfactory showing to the court of the inability of such an executor to find any legatee or devisee named in such will, or of the inability of an administrator to find an heir-at-law to which the county court has ordered payment to be made out of funds in his hands, or in case such legatee, devisee or an heir-at-law is found, and shall refuse to accept the legacy, devise, or amount ordered paid by the county court to such heir-at-law, or in case of any creditor whose claim has been allowed and who cannot be found or to whom for any reason payment cannot be made by such executor or administrator to such claimant, it shall be lawful for such executor or administrator to pay the county judge of the county having the settlement of such estate in charge, the amount of such legacy, devise or sum so ordered paid to an heir-at-law, or the amount of such claim so allowed and unpaid, for the use and benefit of such persons, and such payment shall discharge such executor or administrator from all further liability with reference thereto.

Sec. 61. That section 24-551, Revised Statutes Supplement, 1969, be amended to read as follows:

~~24-551:~~ It shall be the duty of the county judge to pay any fees, money, costs, legacies, devises, or sums due creditors, held by him, to the person entitled thereto, upon proof of his identity to the satisfaction of the judge. A plain record shall be kept of all such fees, money, costs, legacies, devises, and money due heirs, creditors, or other persons, paid as aforesaid, and the same shall always be open to the inspection of the public.

Sec. 62. That section 24-552, Revised Statutes Supplement, 1969, be amended to read as follows:

~~24-552:~~ Upon the expiration of any judge's term of office, he shall pay to his successor in office, any fees, money, costs, legacies, devises or money due any heir, creditor, or other person, in his possession, which have not been paid to the persons entitled thereto, or applied as provided by law.

Sec. 63. That section 24-553, Revised Statutes Supplement, 1969, be amended to read as follows:

~~24-553:~~ If any fees, money, condemnation awards, legacies, devises, sums due creditors, or costs due or belonging to any heir, legatee, or other person or persons, shall not have been paid to or demanded by the person or persons entitled thereto within ten years from the date the same were paid to the county judge, or his predecessors in office, it shall be the duty of the county judge to notify the county-board State Treasurer of such fees, money, condemnation awards, legacies, devises, sums due creditors, or costs remaining in his hands. When directed by ~~resolution of such county--board~~ the State Treasurer, he shall pay such fees, money, condemnation awards, legacies, devises, sums due creditors, or costs ~~into the general fund of said county to the State Treasurer who shall deposit them in the state General Fund.~~ Such payment shall release the bond of the judge making such payment of all liability for such fees, money, condemnation awards, legacies, devises, sums due creditors, and costs due to heirs, legatees, or other persons, paid him. ~~under the provisions of sections 24-549 to 24-553.~~

Sec. 64. That section 24-541, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-541:~~ All bonds required by law to be taken in or by order of the county court shall be for such sum with such sureties as the judge shall prescribe, except as otherwise provided for by law. Such bonds shall be for the security and benefit of all persons interested, and shall be taken to the county judge, except where they are required to be taken to the adverse party.

Sec. 65. That section 24-542, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-542:~~ If it shall appear to any such court, by the application under oath of any party interested in the

bond of any executor, administrator or guardian appointed by such court, that there is reasonable doubt as to the solvency or sufficiency of the securities upon any such bond, such court shall cause such executor, administrator or guardian to be ordered to show why he shall not execute a new bond in the premises, with surety to be approved by such court, as provided by law.

Sec. 66. That section 24-543, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-543: If, upon the hearing of any such matter, the court shall require a new bond with sureties, and such executor, administrator or guardian shall fail to comply with the order of the court, he shall be removed from his said trust, and his letters revoked, and another executor, administrator or guardian, ~~as the case may be,~~ appointed in his place.

Sec. 67. That section 24-540, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-540: Every record made in any county court, excepting original orders, judgments and decrees thereof, shall have attached thereto a certificate signed by the judge of such court, showing the date of such record and the county in which the same is made, and it shall not be necessary to call such judge or his successor in office to prove such record so certified. ~~And in any cause, matter or proceeding in which the court or judge has jurisdiction, and is required to make a record not provided for in sections 24-504 to 24-553, such record shall be certified in the same way and with like effect as aforesaid.~~

Sec. 68. That section 26-1,118, Revised Statutes Supplement, 1969, be amended to read as follows:

26-1,118: The municipal county court and municipal courts shall have ~~power to inquire, in the manner hereinafter directed, as well against those who~~ jurisdiction over complaints of unlawful and forcible entry into lands and tenements, and detain the detention of the same, as and of complaints against those who, having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same. If ~~it is found, upon such inquiry,~~ the court finds that an unlawful and forcible entry has been made, and that the same lands or tenements are held by force, or that the same, after a lawful entry, are held unlawfully, then the court shall cause the party complaining to have

restitution thereof. The court, or the jury as the situation warrants, shall inquire into the matters between the two litigants such as the amount of rent owing the plaintiff and the amount of damage caused by the defendant to the premises while they were occupied by him, and render a judgment or verdict accordingly.

Sec. 69. That section 26-1,119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,119:~~ Proceedings under sections ~~26-1,118-to-26-1,134~~ 68 to 84 of this act may be had in all cases against tenants holding over their terms, and a tenant shall be deemed to be holding over his term whenever he has failed, neglected, or refused to pay the rent or any part thereof when the same became due; in all cases of sales of real estate or executions, orders or other judicial process when the judgment debtor was in possession at the time of the rendition of judgment of decree, by virtue of which such sale was made; in all cases of sale by executors or administrators or guardians and on partition where any of the parties to the partition were in possession at the commencement of the suit after such sales so made on execution or otherwise shall have been examined by the proper court and the same by such court adjudged legal; and in all cases where the defendant is a settler or occupier of lands or tenements, without color of title, and to which the complainant has the right of possession. This action section shall not be construed as limiting the provisions of section ~~26-1,118~~ 68 of this act.

Sec. 70. That section 26-1,120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,120:~~ Judgments obtained in the--municipal county court under sections ~~26-1,118-to-26-1,134~~ 68 to 84 of this act shall not be a bar to any future action brought by either party.

Sec. 71. That section 26-1,121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,121:~~ It shall be the duty of the party, desiring to commence an action under sections ~~26-1,118-to-26-1,134~~ 68 to 84 of this act, to notify the adverse party to leave the premises for the possession of which the action is about to be brought. This notice shall be served at least three days before commencing the action by leaving a written copy with such adverse party, or at

his usual place of abode, if he cannot be found. Where the defendant or his usual place of abode cannot be found in the county where the premises are located, such notice may be served by leaving such notice at or posting it on the detained premises.

Sec. 72. That section 26-1,122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,122:~~ The summons shall not issue until the plaintiff shall have filed his complaint in writing which shall particularly describe the premises so entered upon or detained, and shall set forth either an unlawful and forcible entry and detention, or an unlawful and forcible detention after a peaceable or lawful entry of the described premises. The complaint shall be copied into and made a part of the record.

Sec. 73. That section 26-1,123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,123:~~ The summons shall be issued and directed, shall state the cause of the complaint, and the time and place of trial, and shall be served and returned as in other cases.

Sec. 74. That section 26-1,124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,124:~~ If the defendant does not appear in response to the summons, and it shall have been properly served, the court shall try the cause as though he were present.

Sec. 75. That section 26-1,125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,125:~~ No continuance shall be granted for a longer period than seven days, unless upon cause shown to the court of the existence of extraordinary causes and then not unless the defendant applying therefor shall give an undertaking to the adverse party, with good and sufficient surety to be approved by the court, conditioned for the payment of any rents that have or may accrue, and any additional damages that may be sustained by such adverse party by reason of ~~said~~ the continuance, if judgment be rendered against the defendant.

Sec. 76. That section 26-1,126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,126:~~ If the suit is not continued or the place of trial changed, or if neither party demands a jury, ~~as in this article provided,~~ the court shall try the cause. If, after hearing the evidence, ~~he~~ the court shall conclude that the complaint is not true, ~~he~~ the court shall enter judgment against the plaintiff for costs. If ~~he~~ the court shall find that the complaint is true, ~~he shall render a general~~ judgment shall be entered against the defendant and in favor of the plaintiff for restitution of the premises and costs of suit. If ~~he~~ the court shall find that the complaint is true in part, ~~he shall render a~~ judgment shall be entered for the restitution of such part only, and the costs shall be taxed as the court shall deem just and equitable.

Sec. 77. That section 26-1,127, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,127:~~ If a jury is demanded by either party, the proceedings, ~~until the impaneling thereof,~~ shall be in all respects as in other cases. ~~The jury shall be sworn or affirmed, to well and truly try and determine whether the complaint of (naming the plaintiff), about to be laid before them is true according to the evidence.~~ If the jury shall find that the complaint is true, they shall render a general verdict of guilty against the defendant; if not true, then a general verdict of not guilty; if true in part, then a verdict setting forth the facts they find true.

Sec. 78. That section 26-1,128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,128:~~ The court shall enter the verdict upon the docket, and shall render such judgment in the action as if the facts authorizing the finding of such verdict had been found to be true by the court.

Sec. 79. That section 26-1,129, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,129:~~ Exceptions to the opinion of the judge of the court, in cases under sections ~~26-1,118--to 26-1,134~~ 68 to 84 of this act, upon questions of law and evidence, may be taken by either party, whether tried by a jury or otherwise.

Sec. 80. That section 26-1,130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,130:~~ Where a judgment of restitution shall be entered, the court shall, at the request of the plaintiff, or his attorney, issue a writ of execution thereon which shall be in the following form, as nearly as practicable:

The State of Nebraska,
county, ss.

To any Constable or Sheriff of
..... County:

Whereas, In a certain action for the forcible entry and detention, (or the forcible detention, as the case may be) of the following described premises, to-wit:, lately tried before this court, wherein was plaintiff, and was defendant, judgment was rendered on the day of A.D., You therefore are hereby commanded to cause the defendant to be forthwith removed from said premises, and the said plaintiff to have restitution of the same; also that you levy of the goods and chattels of the said defendant, and make the costs aforesaid, and all accruing costs; and of this writ make legal service and due return. Witness my hand this day of, A.D., Clerk of the Municipal County Court.

Sec. 81. That section 26-1,131, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,131:~~ The officer shall, within ten days after receiving the writ, execute the same by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs, and make return as upon other executions. If the officer shall receive a notice from the court that the proceedings have been stayed by an allowance of a writ of error, he shall immediately delay all further proceedings upon the execution; and if the premises have been restored to the plaintiff, he shall immediately place the defendant in the possession thereof, and return the writ, with his proceedings and costs taxed thereon.

Sec. 82. That section 26-1,132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,132.~~ Any party against whom judgment has been entered ~~by this court~~ in an action of forcible entry and detention, or forcible detention only, of real property, may appeal therefrom to the district court, except that the right of appeal ~~herein-granted~~ shall not be granted from judgments entered by default.

Sec. 83. That section 26-1,133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,133.~~ The party appealing shall within ten days from the rendition of ~~said the~~ judgment give an appeal bond with two or more sureties to be approved by a ~~judge--of--said the~~ court, or deposit a cash bond conditioned in case of appeal by the plaintiff that he will satisfy the final judgment and costs; and in case of appeal by the defendant, that he will satisfy the final judgment and costs, and will pay a reasonable rent for the premises during the time he shall have unlawfully withheld the same; Provided, however, that the party appealing may in lieu of the appeal bond provided for in this section give a cash bond in sufficient amount and held subject to the same terms as the bond herein provided for.

Sec. 84. That section 26-1,134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-1,134.~~ In all actions of forcible entry and detention as well as of forcible detention only, notwithstanding the execution of an undertaking or filing of a proper cash bond for supersedeas or appeal, the judgment for restitution of the premises may be enforced, in the discretion of the court, or a judge thereof in vacation, upon the execution of a bond with sufficient surety, to defendant, or the deposit of a cash bond in such sum as the court shall fix, conditioned that in case the plaintiff shall finally be defeated he will pay the defendant his costs and all damages he may have suffered by reason of the execution of the judgment, the bond to be approved by the court or judge.

Sec. 85. That section 26-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~26-115.~~ No person shall appear in the municipal or county court to represent another, or act as attorney therein for any person other than himself, unless he is regularly admitted as an attorney in this state.

Sec. 86. That section 24-508, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-508: It shall be unlawful for a county judge or associate county judge to recommend, directly or indirectly, to persons having business in his office, any one attorney more than another, 7-of-those-practicing-at the-bar-of-the-district-court-within-the-county.~~

Sec. 87. That section 24-509, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-509: It shall be unlawful for a county judge or associate county judge to suggest to any persons having business at his office that any attorney practicing in his county is for any reason undesirable or unfit to be employed.~~

Sec. 88. That section 24-510, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-510: It shall be unlawful for a county judge or associate county judge directly or indirectly to influence parties having business in his office in the selection of their attorneys.~~

Sec. 89. That section 24-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-511: The violation of any of the provisions of sections 24-508-to-24-510 86 to 88 of this act shall be cause of for impeachment, and upon conviction thereof the county judge shall be forthwith removed from office. Any such violation by any associate county judge shall cause his removal from office pursuant to section 7 of this act.~~

Sec. 90. That section 24-512, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~24-512: The county-judge clerk of the county court shall prepare and file with the county board the annual inventory statement of county personal property in his custody or possession as required by sections 23-346 to 23-350.~~

Sec. 91. That section 2-220, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

2-220. The president of any such society, marshal, or any police officer appointed by the board shall be empowered to arrest, or cause to be arrested, any person or persons engaged in violating any of the provisions contained in section 2-219, ~~and cause them forthwith to be taken before some justice of the peace; there to be dealt with as provided for in said section; and he~~ He may seize, or cause to be seized, all intoxicating liquors, wine or beer, of any kind, with the vessels containing the same, and all tools or other implements used in any gambling or other game of chance, and may remove, or cause to be removed, all shows, swings, booths, tents, carriages, wagons, vessels, boats, or any other nuisance that may obstruct, or cause to be obstructed, by collecting persons around or otherwise, any thoroughfare leading to the enclosure in which such agricultural fair is being held. Any person owning or occupying any of the causes of obstruction herein specified, who may refuse or fail to remove such obstruction or nuisance when ordered to do so by the president of such society, shall be liable to a fine of not less than five and not more than twenty dollars for every such offense.

Sec. 92. That section 7-111, Revised Statutes Supplement, 1971, be amended to read as follows:

7-111. No person shall be permitted to practice as an attorney in any of the courts of this state while holding the office of Judge or Clerk of the Supreme Court, judge of the district court, judge of the Nebraska Workmen's Compensation Court, county judge, or municipal judge, ~~in any county having a population of more than sixteen thousand; or~~ No sheriff, constable, county clerk, clerk of the district court, or jailer; shall practice as an attorney in any court in the county where they hold their respective offices. Such prohibition shall not apply to acting ~~county judges appointed under the provisions of section 24-507 or~~ acting judges of the Nebraska Workmen's Compensation Court appointed under the provisions of section 48-155.01. Where an attorney at law holds the office of associate county judge, or justice of the peace; he shall not be permitted to practice as an attorney in any action, matter, or proceeding brought before himself, or appealed from his decision to a higher court, nor shall any county judge draw any paper or written instrument to be filed in his own court, except such as he is required by law to draw. No associate county judge shall draw any paper or written instrument in any matter assigned to him, except such as he is required by law to draw. Any person who shall

violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty-five dollars.

Sec. 93. That section 11-119, Revised Statutes Supplement, 1971, be amended to read as follows:

11-119. The following named officers shall execute a bond with penalties of the following amounts:

- (1) The Governor, fifty thousand dollars;
- (2) The Lieutenant Governor, fifty thousand dollars;
- (3) The Auditor of Public Accounts, fifty thousand dollars;
- (4) The Secretary of State, fifty thousand dollars;
- (5) The Attorney General, fifty thousand dollars;
- (6) The State Treasurer, not less than six hundred thousand dollars, and not more than double the amount of money that may come into his hands, to be fixed by the Governor;
- (7) The Commissioner of Education, fifty thousand dollars;
- (8) The secretary of the Game and Parks Commission, fifty thousand dollars;
- (9) The head of each executive state department, fifty thousand dollars, except the Director of Administrative Services which shall be one million dollars;
- (10) Each county attorney, in a sum not less than one thousand dollars, to be fixed by the county board;
- (11) Each clerk of the district court, not less than five thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board;
- (12) Each county clerk, not less than one thousand dollars, nor more than one hundred thousand dollars, to be determined by the county board;
- (13) Each county treasurer, not less than ten thousand dollars, and not more than the amount of money

that may come into his hands, to be determined by the county board;

(14) Each county judge, in--counties--having--not more--than--six--thousand--inhabitants;--three---thousand dollars;--over--six--thousand--inhabitants--and--not--more--than twenty--thousand--inhabitants;--five--thousand--dollars;--over twenty--thousand--inhabitants--and--not--more--than--fifty thousand--inhabitants;--ten--thousand--dollars;--over--fifty thousand--inhabitants; twenty-five thousand dollars;

(15) Each sheriff, in counties of not more than twenty thousand inhabitants, five thousand dollars; over twenty thousand inhabitants, ten thousand dollars;

(16) Each county superintendent of public instruction or district superintendent of public instruction, one thousand dollars;

(17) Each county surveyor, five hundred dollars;

(18) Each county commissioner or supervisor, not more than five thousand dollars and not less than two thousand dollars;

(19) Each register of deeds in counties having a population of more than sixteen thousand five hundred inhabitants, not less than two thousand dollars nor more than one hundred thousand dollars to be determined by the county board;

(20) Each constable, three hundred dollars;

(21) Each justice-of-the-peace associate county judge and clerk of the county court, two--hundred--fifty not less than one thousand dollars, to be fixed by the presiding county judge;

(22) Each township clerk, two hundred fifty dollars;

(23) Each township treasurer, two thousand dollars;

(24) Each county assessor, not more than five thousand dollars and not less than two thousand dollars;

(25) Each school district treasurer, not less than five hundred dollars, nor less than double the amount of money that may come into his hands, the amount to be fixed by the president and secretary of the district;

(26) Each road overseer, two hundred fifty dollars; and

(27) Each member of a county weed district board, and the manager thereof, such amount as may be determined by the county board of commissioners or supervisors of each county, with the same amount to apply to each member of any particular board.

Sec. 94. That section 11-125, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

11-125. When any county treasurer, county attorney, clerk of the district court, county clerk, county judge, associate county judge, county assessor, register of deeds, county sheriff, county superintendent of public instruction, county commissioner or supervisor, or any acting officer who is appointed and gives bond as provided by section 32-1038 in giving the bond required of him by law, shall furnish a bond executed by a surety company, authorized by the laws of this state to execute such bond, and such bond shall be approved by the county board, then in each and every case the county may pay the premium for such bond; Provided, that any surety bond so executed and approved shall contain a covenant to the effect that when the stated term of the bond shall be reduced to a shorter term by reason of the death, resignation or removal from office of such official for a cause not imposing liability on his bond, the obligor shall refund to the county the unearned portion of the premium so paid for the term of said bond, subject to a reasonable minimum premium charge.

Sec. 95. That section 13-113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-113. In addition to all other penalties and enforcement devices provided for in sections 13-101 to 13-116, (1) any mother of a child born out of wedlock, or (2) any woman who is pregnant with child which, if born alive, may be born out of wedlock, who is a resident of this state, or (3) the Attorney General of Nebraska as to any child born out of wedlock in any state institution, including the University Hospital, may make complaint before any ~~justice-of-the-peace~~, municipal judge, county judge, or district judge of the State of Nebraska accusing on oath or affirmation any person of being the father of said child. The ~~justice-or~~ judge shall take such accusation in writing, and thereupon issue a warrant directed to the sheriff or constable of any county of this state, commanding him forthwith to bring such

accused person before ~~said--justice--or~~ such judge to answer to the complaint. If at the time of such answer, the party accused shall pay or secure the payment to the complainant or to the Department of Public Welfare, Department of Public Institutions, or Board of Regents, as the case may be, such sum or sums of money or property as may be agreed to be received in full satisfaction, and shall further give bond to the county in which ~~said~~ such woman shall reside, conditioned to save such county free from all charges toward the maintenance of ~~said~~ such child, then and in that case such ~~justice--or~~ judge shall discharge the party accused from custody upon his paying the costs of prosecution; Provided, the agreement aforesaid shall be made or acknowledged by both parties in the presence of the ~~justice--or~~ judge, who shall thereupon enter a memorandum of the same upon his docket.

Sec. 96. That section 13-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

13-114. If the accused person does not make a settlement agreement as provided in section 13-113, the ~~justice--or~~ judge to whom such complaint was made shall bind such person in a recognizance to appear at the next term of the district court, with sufficient security in a sum not less than five hundred dollars, for the benefit of the county in which such child is born out of wedlock, to answer such accusation, and to abide the order of the court thereon, and on neglect or refusal to find such security, the ~~justice--or~~ judge shall cause him to be committed to the jail of the county, there to be held to answer such complaint.

Sec. 97. That section 14-603, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-603. The chief of police shall be the principal ministerial officer of the corporation. He shall, by himself or some officer of the department, execute all writs and processes issued by the police judge municipal court. ~~He--or--one--of--his--officers--shall--attend--each--session--of--the--police--court--and--preserve--order--therein.~~ His jurisdiction and that of his officers in the service of process in all criminal cases and in cases for the violation of city ordinances, shall be coextensive with the county. The chief of police or his officers shall take bail, when the police municipal court is not in session, in allailable cases, for the appearance before ~~said~~ the court of persons under arrest, but such bail shall be subject to the approval of the police-judge court.

Sec. 98. That section 14-604, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

14-604. The chief of police shall be subject to the orders of the mayor in the suppression of riots and tumultuous disturbances and breaches of the peace. He may pursue and arrest any person fleeing from justice in any part of the state and shall forthwith bring all persons by him arrested before the police-judge municipal court for trial or examination. He may receive and execute any proper authority for the arrest and detention of criminals fleeing or escaping from other places or states.

Sec. 99. That section 14-610, Revised Statutes Supplement, 1971, be amended to read as follows:

14-610. In all cities in the State of Nebraska of the metropolitan class there shall be paid to the treasurer thereof, and by him and the comptroller set apart the following money to constitute a police relief and pension fund:

(1) The capital, interest, income, cash, deposits, securities, and credits of any existing police relief fund heretofore created by the board of fire and police commissioners of such cities;

(2) All money received from fines imposed upon members of the police force of such city for violation of the rules and regulations of the police department and all money, pay, compensation or salary, or any part thereof, forfeited, deducted or withheld from any member or members of the police force for or on account of absence for any cause, lost time or sick time, suspension, sickness or other disability, physical or mental;

(3) All money paid for special services of policemen at balls, parties, weddings, excursions or picnics, or rewards or gifts that may be paid or given to any members of the police force of such city except such as shall be excepted by the council; all money paid to policemen or members of the police force as witnesses in actions in the line of their duties either before any grand jury or upon trial of any criminal action; and also all gifts or bequests which may be made to the police and pension fund or to the city council as trustees thereof;

(4) The avails of all lost or stolen securities, choses in action, money, things or other property which shall remain unclaimed in possession of the chief of

police or police--magistrate municipal court for the period of six months together with the avails of all unclaimed or confiscated property of any nature whatsoever which shall have been in custody of the chief of police or police--magistrate municipal court for such period of six months, and all cash, money or property left as security for appearances in police municipal court which shall be forfeited, and all money realized, derived or secured from the sale of any condemned, unfit or unserviceable personal property belonging to, or in the possession, or under the control of the police department, after deducting all expenses incident thereto, and the chief of police is hereby authorized to sell at public auction all of such unclaimed properties after giving thirty days' notice thereof by advertisement published once a week for four consecutive weeks in the official newspaper of the city, and the proceeds of such sale shall be turned over to the treasurer of the police relief and pension fund;

(5) All cash deposited in lieu of bail for appearances in the police municipal court of such city, whether deposited with the police--magistrate court or any official having the right to receive the same, and such money so forfeited shall be monthly turned over by the police--magistrate court or other officer receiving the same to the county treasurer of such county, and to be credited to the school district of such city;

(6) A sum not to exceed one dollar of the monthly pay, salary or compensation of each member of the police department, which sum shall be deducted monthly by the comptroller from the pay, salary or compensation of every member of the police department, and the comptroller is hereby authorized, empowered, and directed to deduct the sum as aforesaid and forthwith to pay the same to the treasurer of the said police relief and pension fund;

(7) Any and all unexpended balances of appropriations or amounts estimated, levied, raised or appropriated for the payment of salaries or compensations of members of the police department and other expenses of the police department within such metropolitan city remaining unexpended or unapplied after all obligations created against and payable out of such police department fund have been paid, redeemed or canceled.

The comptroller is hereby authorized and directed to pay over to the police relief and pension fund such unexpended balances or any part thereof, except such funds set out in subsection (5) of this section, at any time after the expiration of the year for which the same were made and appropriated, and after allowing sufficient

funds to satisfy all claims payable therefrom as aforesaid.

Sec. 100. That section 15-326, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

15-326. The marshal or chief of police shall have the immediate charge of the police, and he and the policemen shall have power and the duty to arrest all offenders against the laws of the state or the ordinances of the city in the same manner as the sheriff or constable, and to keep such offenders in the city jail or other place to prevent their escape, until a trial or examination may be had before a proper officer. He shall have the same powers as a sheriff or a constable in relation to all criminal matters and all process issued by the police-judge municipal court.

Sec. 101. That section 16-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-105. Precinct lines in any part of any county not under township organization, embraced within the corporate limits of such city, shall correspond with the ward lines of the city, and such precinct shall correspond in number with the ward of the city and be coextensive with the same; Provided, when a ward is divided into election districts, the precinct corresponding with such ward shall be divided so as to correspond with the election districts, ~~;-provided; further;-no-justice-of-the-peace-or--constable--shall--be elected-in-such--precinct;-and--every--such--city--shall constitute-a-district-for-the-election-of-justices-of-the-peace-and-constables;-and-in-every--such--district--there shall-be-elected--two--justices--of--the--peace--and--two constables-at-the-time-provided-by-law-for--the--election of-such-officers-in-other-districts-~~

Sec. 102. That section 16-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-219. A city of the first class by ordinance may require all officers or servants, elected or appointed, to give bond and security for the faithful performance of their duties. No officer shall become surety upon the official bond of another, or upon any contractor's bond, license or appeal bond given to the city, or under any ordinance thereof, or from conviction in the police county court for violation of any ordinance of such city.

Sec. 103. That section 16-323, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

16-323. The chief of police shall have the immediate superintendence of the police. He and the policemen shall have power, and it shall be their duty, to arrest all offenders against the laws of the state or of the city, by day or by night, in the same manner as a sheriff or constable, and keep them in the city prison or other place to prevent their escape, until a trial or examination may be had before the proper officer; and they shall have the same power as sheriff and constable in relation to all criminal matters arising out of a violation of a city ordinance and all process issued by the police--judge county court in connection with a violation of a city ordinance.

Sec. 104. That section 17-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-107. A mayor and-police-magistrate shall be elected in the manner provided in Chapter 32, or as provided in this act, and they shall serve until their successors--are his successor is elected and qualified. The mayor, with the consent of the council, may appoint a city clerk, a city engineer, a city treasurer, a city attorney, and an overseer of streets who shall hold their offices for one year unless sooner removed by the mayor. The mayor, by and with the consent of the council, shall appoint such a number of regular policemen as may be necessary, and may also appoint special policemen from time to time as exigencies arise. All police officers appointed by the mayor and council shall be removable at any time by the mayor.

Sec. 105. That section 17-108.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-108.02. All other officers and employees of the city shall receive such compensation as the mayor and council may fix at the time of their appointment or employment, except as hereinafter set forth. The local governing body of the city may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except mayor, and councilman, or police-magistrate, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time; Provided, the offices or employments so merged and combined shall always be

construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary or compensation of the officer or employee, holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments, so merged and combined.

Sec. 106. That section 17-209.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-209.02. The local governing body of a village may, at its discretion, by ordinance combine and merge any elective or appointive office or employment, except trustee, ~~or police-magistrate~~, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time; Provided, the offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary or compensation of the officer or employee, holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments, so merged and combined.

Sec. 107. That section 17-213, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-213. The marshal shall be chief of police, and shall at all times have power to make or order an arrest with proper process, for any offense against the laws of the state or ordinances of the village, and bring the offender to trial before the proper officer, ~~of--the village~~; and to arrest without process in all cases where any such offense shall be committed or attempted to be committed in his presence.

Sec. 108. That section 17-564, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-564. Fines may in all cases, and in addition to any other mode provided, be recovered by suit or action before a ~~justice-of-the-peace~~; ~~or-other~~ court of competent jurisdiction, in the name of the state. In any

such suit or action, where pleading is necessary, it shall be sufficient to declare generally for the amount claimed to be due in respect to the violation of the ordinance, referring to its title and the date of its adoption or passage, and showing as nearly as may be the facts of the alleged violation.

Sec. 109. That section 19-3015, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

19-3015. Previous to any votes being received in a precinct, the judges and clerks of election shall severally take an oath or affirmation according to the form prescribed in section 11-101.01. If there be no judge or justice-of-the-peace present at the opening of the polls it shall be lawful for the judges of election to administer the oath or affirmation to each other and the clerks of election. The person administering such oath or affirmation shall cause an entry to be made thereof and subscribed by him, and affixed to each poll book.

Sec. 110. That section 22-206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

22-206. All the justices---of---the---peace, constables, and other township or precinct officers who were previously elected and qualified in the county or counties from which such new county has been formed, whose term of office shall not have expired at the time of the election, and whose residence shall be embraced within the limits of the new county, shall continue in office until their terms of office shall expire, and until their successors shall be elected and qualified.

Sec. 111. That section 23-224, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-224. The electors present at the annual town meeting shall have power:

(1) To make all orders for sale, conveyance, regulation or use of the corporate property of the town that may be deemed to be conducive to the interests of the inhabitants;

(2) To take all necessary measures and give directions for the exercise of their corporate powers;

(3) To provide for the institution, defense or disposition of suits at law or in equity in which the town is interested;

(4) To take such action as shall induce the planting and cultivation of trees along the highways in such towns, and to protect and preserve trees standing along or on highways;

(5) To construct and keep in repair public wells and to regulate the use thereof;

(6) To prevent the exposure or deposit of offensive or injurious substances within the limits of the town;

(7) To make such by-laws, rules, and regulations as may be deemed necessary to carry into effect the powers herein granted, and to impose such fines and penalties, not exceeding twenty dollars for one offense, as shall be deemed proper, except when a fine or penalty is already allowed by law, which such fine or penalty to shall be imposed by any justice of the peace of the town where the offense is committed the county court;

(8) To direct the raising of money by taxation (a) for constructing and repairing roads and bridges within the town to the extent allowed by law; (b) for the prosecution or defense of suits by or against the town, or in which it is interested; (c) for any other purpose required by law; (d) for the purpose of building or repairing bridges over streams dividing said town from any other town; (e) for the compensation of town officers at the rate allowed by law and when no rate is fixed for such amount, as the electors may direct; and (f) for the care and maintenance of abandoned or neglected cemeteries within said town, provided the town board shall not expend more than one hundred dollars in any one year for said purposes; Provided, that when any county discontinues township organization the county shall care for and maintain such abandoned or neglected cemeteries;

(9) To guard against the destruction of property in said town by prairie fire;

(10) To restrain, regulate or prohibit the running at large of cattle, horses, mules, asses, swine, sheep, and goats, and determine when such animals may go at large, if at all; Provided, all votes thereon shall be by ballot;

(11) To authorize the distraining, impounding, and sale of cattle, horses, mules, asses, sheep, goats

and swine for penalties incurred and costs of proceedings; Provided, the owner of such animals shall have the right to redeem the same from the purchaser thereof at any time within one month from the day of sale by paying the amount of the purchaser's bid, with reasonable costs for their keeping and interest at the rate of seven per cent per annum; and

(12) To purchase, hold, plat, improve, and maintain grounds for cemetery purposes; to sell and convey lots in such cemeteries for the burial of the dead, and to contract with the purchaser to perpetually care for and keep in order the lots so sold; and to elect trustees who shall have power to manage such cemetery under such by-laws as the electors of the township at the annual town meeting shall from time to time adopt; Provided, that when any county discontinues township organization the county shall care for and maintain such abandoned or neglected cemeteries.

Sec. 112. That section 23-230, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-230. A town meeting shall be held when the town treasurer, town clerk, and justice-of-the-peace the chairman of the board or any two of them together with at least twelve freeholders of the town, shall in writing file in the office of the town clerk a statement that a special meeting is necessary in the best interests of the town setting forth the object of the meeting. The town clerk or, in his absence, the town treasurer shall post notices in five of the most public places of the town giving at least ten days' notice of such special meeting. It shall set forth the objects of the meeting as contained in the statement filed as aforesaid. The place of holding special town meetings shall be at the place where the last annual town meeting was held, but in case such place may be found inconvenient, the meeting may adjourn to the nearest convenient place; Provided, not less than one-third of the electors of a town shall constitute a quorum for the transaction of business at any special town meeting.

Sec. 113. That section 23-1805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1805. Whoever, being so summoned as a juror, fails or refuses, without good cause, to attend at the time and place required, or, appearing, refuses to act as such juror, or misbehaves while acting as such juror, shall, on complaint of the coroner before any-justice--of

~~the-peace-in~~ the county court, be fined not less than three nor more than twenty dollars.

Sec. 114. That section 23-1808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1808. If the evidence of any witness shall implicate any person as the unlawful slayer of the person over whom the said inquisition shall be held, the coroner shall recognize such witness, in such sum as he may think proper, to be and appear at the next term of the district court for the said county, there to give evidence of the matter in question and not depart without leave. Such recognizance shall be in the same form, as nearly as practicable, and have the same effect as recognizances taken ~~before-justices-of-the-peace~~ in county court in cases of felony.

Sec. 115. That section 23-1811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1811. If the person charged be present, the coroner may order his arrest by an officer or any other person present, and shall then make a warrant requiring the officer or other person to take him before ~~a--justice-of-the-peace~~ the county court for examination, or if the person charged be not present and the coroner believes he can be taken, he may issue a warrant to the sheriff or constable requiring him to arrest the person and take him before ~~a-justice--of--the--peace~~ the county court for examination.

Sec. 116. That section 23-1812, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1812. The warrant of a coroner in the above stated cases shall be of equal authority with that of a ~~justice-of-the-peace~~ the county court; and when the person charged is brought before the ~~justice court~~, he shall be dealt with as a person held under a complaint in the usual form.

Sec. 117. That section 23-1903, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-1903. The county surveyor or his deputy, in the performance of his official duties, shall have the power to summon and compel the attendance of witnesses before him, to testify respecting the location and

identification of any line or corner. When any such witness testifies to any material fact, his testimony must be reduced to writing and subscribed by him and made a matter of record. The county surveyor and his deputy are hereby authorized and empowered to administer oaths and affirmations to any person appearing as a witness before them. But the testimony as provided for herein shall never be used as evidence in any action involving corners or boundary lines, except for the purpose of impeachment. Each witness shall be entitled to the same fees allowed before--justices--of--the--peace in county court.

Sec. 118. That section 23-2001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

23-2001. All county officers,--including-justices of-the-peace, may be charged, tried, and removed from office, in the manner hereinafter provided, for (1) habitual or willful neglect of duty, (2) gross partiality, (3) oppression, (4) extortion, (5) corruption, (6) willful maladministration in office, (7) conviction of a felony, or (8) habitual drunkenness.

Sec. 119. That section 24-315, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

24-315. A judge or justice is disqualified from acting as such in the county, district or Supreme Court, except by mutual consent of the parties, in any case wherein he is a party or interested, or where he is related to either party by consanguinity or affinity within the fourth degree, or where any attorney in any cause pending in the county or district court is related in the degree of father, son, brother, brother-in-law, father-in-law, or son-in-law, or is the copartner of an attorney related to the judge in the degree of father, son or brother, or where he has been attorney for either party in the action or proceeding, and such mutual consent must be in writing and made a part of the record; or where said judge was in copartnership, at the time of his election, in the law business, with a practicing attorney in the district in which the said judge was elected, and which said copartnership continued in the practice of law in the district and occupied the same office or rooms which were occupied by the late copartnership, consisting of the presiding judge and his ex-copartner, at the time of his election, † and where said judge or justice continues to occupy the same office or rooms with his said ex-copartner, the said judge or justice shall be prohibited and disqualified from acting

as such, in any proceedings or litigation in which said ex-copartner of said judge is retained or in anywise interested, and the said judge or justice shall be disqualified, as aforesaid, in all proceedings or litigations in which the ex-copartner is retained or interested, so long as said judge or justice occupies the same room with his ex-copartner, which said partnership occupied prior to said judge's election.

Sec. 120. That section 24-701, Revised Statutes Supplement, 1971, be amended to read as follows:

24-701. As used in sections 24-701 to 24-714, unless the context otherwise requires:

(1) Fund shall mean the Nebraska Retirement Fund for Judges;

(2) Judge shall mean and include all duly elected or appointed Chief Justices or Judges of the Supreme Court and judges of the district courts of Nebraska, who shall serve in such capacity on and after January 3, 1957, and shall mean and include all duly appointed judges of the Nebraska Workmen's Compensation Court who shall serve in such capacity on and after September 20, 1957, judges of separate juvenile courts, county judges of the respective counties, who shall serve in such capacity on and after January 5, 1961, except acting county judges appointed pursuant to section 24-507, district county judges and associate county judges who shall serve in such capacity on and after January 4, 1973, and judges of municipal courts established by Chapter 26, article 1, who shall serve in such capacity on and after October 23, 1967;

(3) Prior service shall mean all the periods of time any person has served as a (a) Judge of the Supreme Court or judge of the district court prior to January 3, 1957, (b) judge of the county court prior to January 5, 1961, (c) judge of the Nebraska Workmen's Compensation Court prior to September 20, 1957, (d) judge of the separate juvenile court or (e) judge of the municipal court prior to October 23, 1967;

(4) Current service shall mean the period of service any Judge of the Supreme Court or judge of the district court shall serve in such capacity from and after January 3, 1957, and shall mean the period of service any judge of the Nebraska Workmen's Compensation Court shall serve in such capacity from and after September 20, 1957, and any county judge shall serve in such capacity from and after January 5, 1961, and any judge of a separate juvenile court shall serve in such

capacity and any judge of the municipal court shall serve in such capacity subsequent to October 23, 1967 and any district county judge or associate county judge shall serve in such capacity subsequent to January 4, 1973:

(5) Military service shall mean active service of any judge of the Supreme Court or district court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 18, 1955, and shall mean active service of any judge of the Nebraska Workmen's Compensation Court in any of the armed forces of the United States during a war or national emergency prior or subsequent to September 20, 1957, and shall mean active service of any judge of the municipal court in any of the armed forces of the United States during a war or national emergency prior or subsequent to October 23, 1967, if such service commenced while such judge was holding the office of judge, and shall mean active service of any district county judge or associate county judge in any of the armed forces of the United States during a war or national emergency prior or subsequent to January 4, 1973, if such service commenced while such judge was holding the office of judge. The board shall have the power to determine when a national emergency exists or has existed for the purpose of applying this definition and provision;

(6) Total years of service shall mean the total number of years served as a judge, including prior service, military service, and current service as defined in this section computed to the nearest one-twelfth year;

(7) Salary shall mean the statutory salary of a judge or the salary being received by such judge pursuant to law;

(8) Beneficiary shall mean a person so designated by a judge in the last written designation of beneficiary on file with the board, or if no designated person survives or if no designation is on file, the estate of such judge;

(9) Annuity shall mean a series of equal monthly payments payable at the end of each calendar month during the life of a retired judge. The first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge shall die. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such

annuity began;

(10) Board shall mean the Public Employees Retirement Board;

(11) Member shall mean a judge, as defined in subdivision (2) of this section, eligible to participate in the retirement system established under the provisions of sections 24-701 to 24-714;

(12) Original member shall mean a judge who first served as a judge, as defined in subsection (2) of this section, prior to December 25, 1969, and who does not elect to become a future member on or before June 30, 1970;

(13) Future member shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, on or after December 25, 1969, or shall mean a judge who first served as a judge, as defined in subdivision (2) of this section, prior to December 25, 1969, who elects to become a future member on or before June 30, 1970, as provided in subsection (8) of section 24-703; and

(14) Final average salary shall mean the average monthly salary for the last four years service as a judge or, in the event of a judge serving less than four years, the average monthly salary for such judge's period of service; Provided, that final average salary of any judge who has retired or who will retire during or at the end of the presently current judicial term shall mean the average monthly salary for his last year of service before retirement.

Sec. 121. That section 24-703, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

24-703. (1) Each original member shall contribute monthly four per cent of his monthly salary to the fund, but such contribution shall not be made from any supplemental salary provided by section 24-301.01. It shall be the duty of the Director of Administrative Services to make a deduction of four per cent on the monthly payroll of each original member who is a Judge of the Supreme Court, or a judge of the district court, or a judge or associate judge of the county court or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. It shall be the duty of the county clerk of each county to make a deduction of four per cent on the monthly payroll

of the ~~county-judge-if-he-is-an-original-member-and~~ judge of a separate juvenile court if he is an original member, excluding for purposes of such deduction any supplemental salary provided for in section 24-301.01, and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. It shall be the duty of the city clerk in each city having a municipal court established by Chapter 26, article 1, to make a deduction of four per cent on the monthly payroll of each municipal judge who is an original member and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. This shall be done each month; Provided, in the event such remittance would amount to less than twenty-five dollars per month, such city clerk may remit quarterly. The Director of Administrative Services and the State Treasurer shall credit the four per cent as shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(2) Each future member shall contribute monthly six per cent of his monthly salary to the fund, but such contribution shall not be made from any supplemental salary provided for in section 24-301.01. It shall be the duty of the Director of Administrative Services to make a deduction of six per cent on the monthly payroll of each such future member who is a Judge of the Supreme Court, or a judge of the district court, or a judge or associate judge of the county court or a judge of the Nebraska Workmen's Compensation Court showing the amount to be deducted and its credit to the fund. It shall be the duty of the county clerk of each county to make a deduction of six per cent on the monthly payroll of the ~~county-judge,-if-he-is-such-a-future-member,-and~~ judge of a separate juvenile court, if he is such a future member, excluding for purposes of such deduction any supplemental salary provided for in section 24-301.01, and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. It shall be the duty of the city clerk in each city having a municipal court established by Chapter 26, article 1, to make a deduction of six per cent on the monthly payroll of each municipal judge, who is such a future member and to pay all amounts so deducted to the executive officer in charge of the judges retirement system to be credited to the Nebraska Retirement Fund for Judges. This shall be done each month. The Director of Administrative Services and the State Treasurer shall credit the six per cent as

shown on the payroll and the amounts received from the various counties and cities to the fund and remit the same to the executive officer in charge of the judges retirement system who shall keep an accurate record of the contributions of each judge.

(3) A Nebraska Retirement Fund for Judges fee of one dollar shall be taxed as costs in each civil and criminal cause of action or proceeding filed in the district courts and the county courts and in county courts a sum equal to ten per cent of each fee provided by sections 33-125, 33-126, and 33-126.02, except on the fees provided for in section 33-125 for the dismissal of a cause, and in sections 33-126 and 33-126.02 for filing of report. A similar fee shall be charged in each cause of action or proceeding in municipal court, including prosecutions for violation of state law or any city ordinance; Provided, that the fee above established shall not be collected for nonmoving traffic violations handled by a violations bureau established by the local governing body, nor shall the above specified fee be collected in any cause or proceeding in a municipal court where the cause, proceeding, or defendant has been dismissed by the court. When collected by the clerk of the district, county or municipal court, and--the--county--judge, such fees shall be paid to the executive officer in charge of the judges retirement system on forms prescribed by the board by said clerk and--county--judge within ten days after the close of each calendar quarter. Such executive officer shall promptly thereafter remit the same to the state treasury. Upon the receipt thereof, the State Treasurer shall credit the same to the Nebraska Retirement Fund for Judges.

(4) The Nebraska Retirement Fund for Judges shall be divided into two separate funds: (a) The Original Members' Fund, and (b) the Future Members' Fund. All expenditures from the funds must be authorized by voucher in the manner prescribed in section 24-713. The funds shall be used for the payment of all annuities and other benefits, and for the expenses of administration.

(5) The Original Members' Fund shall be the fund into which shall be paid the total fund as of December 25, 1969, the contributions of original members as provided in subsection (1) of this section, the matching contributions for county judges and municipal judges as provided in section 24-703.01, all supplementary court fees as provided in subsection (3) of this section until such time as the assets in such fund equal the liabilities of such fund, and any required contributions of the state.

(6) The Future Members' Fund shall be the fund into which shall be paid the contributions of future members as provided in subsection (2) of this section, the matching contributions for county judges and municipal judges as provided in section 24-703.01, all supplementary court fees as provided in subsection (3) of this section after such time as the assets in the Original Members' Fund equal the liabilities of such fund, and any required contributions of the state. Not later than January 1 of each year the State Treasurer shall transfer to the Future Members' Fund the amount certified by the board as being necessary to pay the cost of any benefits accrued during the fiscal year ending the previous June 30, in excess of future member contributions for that fiscal year, and court fees as described above, if any, for that fiscal year plus any required contributions of the state, as provided in subsection (9) of this section.

(7) Except as provided in subsection (8) of this section, benefits under the retirement system to original members or to their beneficiaries shall be paid from the Original Members' Fund. All benefits under the retirement system to future members or to their beneficiaries shall be paid from the Future Members' Fund.

(8) Any member who is making contributions to the fund on December 25, 1969 may, on or before June 30, 1970, elect to become a future member by delivering written notice of such election to the board. The board shall thereupon direct the State Treasurer to transfer all contributions of such judge to the Future Members' Fund and such judge shall thereafter participate only in the Future Members' Fund.

(9) Not later than January 1 of each year the State Treasurer shall transfer to the fund an amount, determined on the basis of an actuarial valuation as of the previous June 30 and certified by the board, to fully fund the unfunded accrued liabilities of the system by level payments up to January 1, 1994. Such required state contribution shall be divided each year between the Original Members' Fund and the Future Members' Fund in the ratio of the remaining unfunded accrued liability of each fund.

Sec. 122. That section 24-703.01, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

24-703.01. Counties---and---municipalities Municipalities shall remit to the Director of the Public Employees Retirement Board each month a sum equal to the amount any county-judge-or judge whose salary is paid by any county--or municipality,--as--the--case--may--be; contributes to the Nebraska Retirement Fund for Judges; Provided, in the event such remittance would amount to less than twenty-five dollars per month, such county or municipality may remit quarterly. The amount so received shall be transmitted to the state treasury, and by the State Treasurer placed in the Nebraska Retirement Fund for Judges, as provided in subsection (4) of section 24-703.

Sec. 123. That section 24-708, Revised Statutes Supplement, 1969, be amended to read as follows:

24-708. Any judge may retire upon reaching the age of sixty-five and upon making application to the board. Any judge upon reaching age seventy shall retire. Upon retiring each such judge shall receive retirement annuities as provided in section 24-710. When any incumbent judge attains the age of seventy, said judge may if he so desires finish serving the term during which he attains the age of seventy. ~~The compulsory retirement provisions of this section shall not be applicable to any incumbent judge of the Supreme Court--or--district--court who is seventy years old or older on January 31, 1957,--to any--incumbent--judge--of--the--Nebraska--Workmen's Compensation Court who is seventy years old or older on September 20, 1957, until the end of his present term,--as to county judges the compulsory retirement provisions of this section shall not be applicable--to--any--incumbent judge who is seventy years old or older on January 5, 1964, until the end of his--term--commencing--January--5, 1964, and--as--to--judges--of--the--municipal--court--the compulsory retirement provisions of this section shall not be applicable to any incumbent judge who is seventy years old or older on November 18, 1965--until--the expiration of the term he is then serving;~~

Sec. 124. That section 24-716, Revised Statutes Supplement, 1969, be amended to read as follows:

24-716. The term of office of each member of the Commission on Judicial Qualifications shall be four years, ~~except that the terms of office of the--initial members of the commission--shall--terminate--as--follows: The initial term of one Supreme Court Judge, one district court judge, one municipal court judge, one county--court judge, one lawyer, and one layman shall terminate on August 31, 1969, and the initial terms of the--remaining members of the--initial--commission--shall--terminate--on~~

~~August-31,-1974:~~ In the event of a vacancy, the vacancy shall be filled by appointment in the same manner as the original members are appointed and the individuals so appointed shall serve for the balance of the original term. Any member of the commission shall be eligible for reappointment for an additional term without regard to the number of years that such individual has served as a member of the commission.

Sec. 125. That section 25-1013, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1013. Such proceedings may be brought against the State of Nebraska or any county, township, municipal corporation, municipally owned corporation, or school district, as garnishee defendant, and process served upon the officer whose duty it is to pay or issue warrants for the payment of the officer or employee whose earnings are sought to be held. It shall be the duty of such officer to answer any garnishment summons served upon him under the provisions of this section and section 25-1012 in the same manner as is now provided by law for the answer of corporations, and such officer shall abide the order of the court issuing the garnishment, with regard to paying into court any amount ordered, not, however, in excess of the amount earned by the officer or employee garnished, to the date of the answer; Provided, that the officer whose duty it is to pay or issue warrants for the payment of officers and employees shall not be required to appear and answer said summons in person, but he may appear in person to answer said summons or he may file his answer in writing; or he may submit his written answer by United States mail to the clerk of the court ~~or-justice--of--the-peace~~ issuing said summons. Such answer in garnishment shall in addition to any other matters stated therein state the amount of money due the officer or employee whose earnings are sought to be held, to the answer day as shown in said summons, but shall not include the amount of any check or warrant which has been drawn and signed at the time of the service of garnishment summons.

Sec. 126. That section 25-1042, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1042. Sections 25-1039 to 25-1041 shall apply to actions before county courts, ~~and-before-justices--of-the-peace-~~

Sec. 127. That section 25-1056, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1056. In all cases where a judgment has been entered by any court of record ~~or by a justice of the peace~~ and the judgment creditor, his agent or attorney, shall file an affidavit in the office of the clerk of the court ~~or with the justice of the peace~~ where the judgment has been entered, that he has good reason to and does believe that any person, partnership, or corporation, naming him or it, has property of and is indebted to the judgment debtor, the ~~said clerk or justice of the peace~~ shall issue a summons requiring such person, partnership, or corporation, as garnishee, to answer written interrogatories to be furnished by the plaintiff and to be attached to such summons respecting the matters set forth in section 25-1026. The summons shall be returnable within five days from the date of its issuance and shall require the garnishee to answer within ten days from the date of issuance. The Except when wages are involved, the garnishee shall hold the property of every description and the credits of the defendant in his possession or under his control at the time of the service of the summons and interrogatories until the further order of the court. When wages are involved, the garnishee shall pay to the employee all disposable earnings exempted from garnishment by statute, and any disposable earnings remaining after such payment shall be retained by the garnishee until further order of the court. Thereafter, the service of the summons and interrogatories and all further proceedings shall be in all respects the same as is provided for in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with the provisions of this section.

Sec. 128. That section 25-1094, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1094. An order for the delivery of personal property to the plaintiff shall be made by the clerk of the court in which the action is brought, when there shall be filed in his office an affidavit of the plaintiff, his agent, or attorney showing (1) a description of the property claimed; (2) that the plaintiff is the owner of the property, or has a special ownership or interest therein, stating the facts in relation thereto, and that he is entitled to the immediate possession of the same; (3) that the property is wrongfully detained by the defendant; (4) that it was not taken in execution on any order or judgment against said plaintiff; or for the payment of any fine, tax or amercement assessed against him, or by virtue of an order of delivery issued under this Chapter or any other mesne or final process issued against him; Provided, such affidavit may omit the first and last clause of this

subdivision, and in lieu thereof show that the property was taken on execution on a judgment or order, other than an order of delivery in replevin, and that the same is exempt from such execution or attachment under the laws of this state; and provided, further, the provisions of this article shall extend to and apply as well to proceedings in replevin had ~~before-justices-of-the-peace in county court.~~

Sec. 129. That section 25-1267.14, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1267.14. Depositions may be taken in this state before a judge or clerk of the Supreme Court or district court, or before a county judge, ~~justice-of--the peace~~ associate county judge, notary public, mayor or ~~chief-magistrate~~ of any city or town corporate, or before a master commissioner, or any person empowered by a special commission; but depositions taken in this state, to be used therein, must be taken by an officer or person whose authority is derived within the state.

Sec. 130. That section 25-1402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1402. No action pending in any court shall abate by the death of either or both the parties thereto, except an action for libel, slander, malicious prosecution, assault, or assault and battery, or for a nuisance, ~~or--against--a--justice--of--the--peace---for misconduct-in-office;~~ which shall abate by the death of the defendant.

Sec. 131. That section 25-1521, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1521. If the officer, by virtue of any writ of execution issued from any court of record in this state, shall levy the same on any goods and chattels claimed by any person other than the defendant, it shall be the duty of said officer forthwith to give notice in writing to ~~some-justice-of-the-peace-in~~ the county court, in which shall be set forth the names of the plaintiff and defendant, together with the name of the claimant; and at the same time he shall furnish the ~~said-justice-of-the-peace~~ court with a schedule of the property claimed. It shall be the duty of ~~such-justice-of~~ the peace court, immediately upon the receipt of such notice and schedule, to make an entry of the same upon his the docket, and issue a writ of summons, directed to the sheriff or any

constable of the county, commanding him to summon five disinterested men, having the qualifications of electors, who shall be named in ~~said the~~ summons, to appear before ~~him, the said justice the court~~, at the time and place therein mentioned, which time shall not be more than three days after the date of said writ, to try and determine the right of the claimant to the property in controversy. And it shall be the duty of the claimant to give two day's notice in writing to the plaintiff or other party for whose benefit such execution was issued and levied as aforesaid, his agent or attorney, if within the county, of the time and place of such trial; and he shall, moreover, prove to the satisfaction of ~~said justice the court~~ that such notice was given, or that the same could not be given by reason of the absence of the party, his agent or attorney.

Sec. 132. That section 25-1522, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1522. The jury summoned as-aforesaid pursuant to ~~section 25-1521~~, shall be sworn to try and determine the right of the claimant to the property in controversy, and a true verdict to give according to the evidence. If the jury shall find the right to said goods and chattels, or any part thereof, to be in the claimant, they shall also find the value thereof, and the ~~justice court~~ shall render judgment upon such finding of the jury, for the claimant, that he recover his costs against the plaintiff in execution, or other party to the same for whose benefit the execution issued, and also that he have restitution of said goods and chattels, or any part thereof, according to the finding of the jury. But if the right of the ~~said~~ goods and chattels, and every part thereof, shall not be in the claimant according to the finding of ~~said the~~ jury, then the ~~said--justice court~~ shall render judgment on such finding, in favor of the plaintiff in execution, or other party for whose benefit the same was issued and levied, against ~~said the~~ claimant for costs, and award execution thereon. ~~Said-justice--of the-peace~~ ~~The court~~, in the taxation of costs accruing by reason of such claim and trial, shall allow each juror summoned and sworn the sum of fifty cents; and for the sheriff, constable or other officer and witnesses, and for ~~himself the court~~, he shall tax such fees as are allowed by law, to each respectively, for like services rendered in other cases. Such judgment for the claimant, unless an undertaking shall be executed as provided in section 25-1523, shall be a justification of the officer in returning no goods to the writ of execution by virtue of which the levy has been made, as to such part of the goods and chattels as were found to belong to such

claimant.

Sec. 133. That section 25-1558, Revised Statutes Supplement, 1969, be amended to read as follows:

25-1558. The wages of all persons who are heads of families, in the hands of those by whom such persons may be employed, both before and after such wages shall be due, shall be exempt from the operation of attachment, execution and garnishee process to the extent of eighty-five per cent of the amount of such wages; Provided, nothing in this chapter shall be so construed as to protect the wages of persons who have or are about to abscond or leave the state, from the provisions of law in force upon that subject: (1) Except as provided in subsection (2) of this section, the maximum part of the aggregate disposable earnings of an individual for any work week which is subject to garnishment shall not exceed the lesser of the following amounts:

(a) Twenty-five per cent of his disposable earnings for that week;

(b) The amount by which his disposable earnings for that week exceed thirty times the federal minimum hourly wage prescribed by section 206(a)(1) of Title 29 of the United States Code in effect at the time earnings are payable; or

(c) Fifteen per cent of his disposable earnings for that week, if the individual is a head of a family.

(2) The restrictions of subsection (1) of this section shall not apply in the case of:

(a) Any order of any court for the support of any persons;

(b) Any order of any court of bankruptcy under Chapter XIII of the Bankruptcy Act; or

(c) Any debt due for any state or federal tax.

(3) No court shall make, execute, or enforce any order or process in violation of this section. The exemptions allowed in this section shall be granted to any person so entitled without any further proceedings.

(4) For the purposes of this section:

(a) Earnings shall mean compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and

includes periodic payments pursuant to a pension or retirement program:

(b) Disposable earnings shall mean that part of the earnings of any individual remaining after the deduction from those earnings of any amounts required by law to be withheld:

(c) Garnishment shall mean any legal or equitable procedure through which the earnings of any individual are required to be withheld for payment of any debt; and

(d) Head of a family shall mean an individual who actually supports and maintains one or more individuals who are closely connected with him by blood relationship, relationship by marriage, by adoption, or by guardianship, and whose right to exercise family control and provide for the dependent individuals is based upon some moral or legal obligation.

(5) Every assignment, sale, transfer, pledge, or mortgage of the wages or salary of an individual which is exempted by this section, to the extent of the exemption provided by this section, shall be void and unenforceable by any process of law.

(6) No employer shall discharge any employee by reason of the fact that his earnings have been subjected to garnishment for any one indebtedness.

(7) In the case of earnings for any pay period other than a week, the Commissioner of Labor shall by regulation prescribe a multiple of the federal minimum hourly wage equivalent in effect to that set forth in this section.

Sec. 134. That section 25-1565, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1565. When an execution against the property of a judgment debtor, or one of several debtors in the same judgment, is issued to the sheriff of a county where he resides, or if he ~~do~~ does not reside in the state, to the sheriff of the county where the judgment was rendered, or a transcript of a justice's judgment has been filed, is returned unsatisfied in whole or in part, the judgment creditor is entitled to an order from a county judge or a judge of the district court of the county to which the execution was issued, requiring such debtor to appear and answer concerning his property, before such judge, or a referee appointed by such judge, at a time and place specified in such order within the

county to which the execution was issued.

Sec. 135. That section 25-1701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1701. In all cases in which the plaintiff is a nonresident of the county in which the action is to be brought, before commencing such action the plaintiff must furnish a sufficient surety for costs; or such plaintiff may at his option furnish a cash bond by depositing with the judge, ~~justice~~ or clerk of the court wherein the action is brought, such sum in cash as shall, at the filing of the suit, be by such judge, ~~justice~~ or clerk, deemed probably sufficient to cover the costs likely to accrue in said action. In case a surety is furnished, the surety must be a resident of the county where the action is to be brought, except where such surety is an incorporated surety company authorized by the laws of this state to transact such business, and must be approved by the clerk. His obligation shall be complete upon endorsement of the summons or signing his name on the complaint as surety for costs. He shall be bound for the payment of all costs which may be adjudged against the plaintiff in the court in which the action is brought or in any other to which it may be carried, and for costs of the plaintiff's witnesses, whether the plaintiff obtained judgment or not.

Sec. 136. That section 25-1901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1901. A judgment rendered, or final order made, by a county court, ~~justice--of--the--peace~~ or any other tribunal, board or officer exercising judicial functions, and inferior in jurisdiction to the district court, may be reversed, vacated or modified by the district court.

Sec. 137. That section 25-1906, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1906. Judges of county ~~courts,--justices--of--the--peace--and--other~~ judicial tribunals having no clerk, and clerks of every court of record, shall upon request and being paid the lawful fees therefor, furnish an authenticated transcript of the proceedings, containing the judgment or final order of said such courts, to either of the parties to the same, or to any person interested in procuring such transcript.

Sec. 138. That section 25-1907, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1907. No proceedings to reverse, vacate, or modify any judgment rendered, or final order made, by any ~~justice-of-the-peace-or~~ court inferior to the district court shall operate as a stay of execution unless the ~~justice-of-the-peace;-or~~ judge or clerk of the court, in which the judgment was rendered or order made, shall take and approve a written undertaking to the defendant in error, executed on the part of the plaintiff in error, by one or more sufficient sureties. The undertaking shall be conditioned that the plaintiff will pay all the costs which have accrued or may accrue on such proceedings in error, together with the amount of any judgment that may be rendered against such plaintiff in error, either on the further trial of the case, after the judgment of the court below shall have been set aside or reversed, or upon and after the affirmation thereof in the district court. No proceedings shall operate as a stay of execution on judgments of restitution rendered in actions for the forcible entry and detention, or the forcible detention only, of lands and tenements, unless the undertaking shall be further conditioned for the payment to the defendant in error of all money or sums of money that has or have accrued or may accrue to ~~said~~ the defendant from the plaintiff in error for the use, occupation or rent of the lands and tenements in controversy, in case the judgment sought to be reversed shall be affirmed.

Sec. 139. That section 25-1908, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1908. Before the written undertaking mentioned in section 25-1907 shall operate to stay execution of the judgment or order, a petition in error must be filed in the district court, and the execution of the undertaking, and the sufficiency of the sureties must be approved by the ~~justice-of--the--peace;--or~~ judge or clerk of the court in which the judgment was rendered or order made. The ~~justice-of-the-peace;-or~~ judge or clerk of the court shall endorse ~~said~~ approval upon the undertaking. The undertaking shall be filed in the court in which the judgment was rendered or order made.

Sec. 140. That section 25-1909, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1909. If the judgment of a justice--of--the peace county court, taken on error as herein provided to the district court, be affirmed, it shall be the duty of such court to render judgment against the plaintiff in error for the costs of suit, and to award execution therefor. The court shall thereupon order its clerk to certify its decision in the premises to the justice county court, that the judgment affirmed may be enforced as if such proceedings in error had not been taken, or such court may award execution to carry into effect the judgment of such-justice the county court in the same manner as if such judgment had been rendered in the district court.

Sec. 141. That section 25-1910, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-1910. When the proceedings of a justice--of--the-peace county court are taken on error to the district court, and the judgment of such justice court shall be reversed or set aside, the court shall render judgment of reversal and for the costs that have accrued up to that time in favor of the plaintiff in error, and award execution therefor; and the cause shall be retained by the court for trial and final judgment as in cases of appeal.

Sec. 142. That section 25-2105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2105. They shall then appear before some justice-of-the-peace the county judge or an associate county judge of the county and acknowledge the instrument by them signed to be their free act and deed.

Sec. 143. That section 25-21,147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-21,147. Any county attorney or prosecuting officer, sheriff, police-judge, mayor, police officer, or police commissioner, or other officer, who shall willfully fail, neglect or refuse to enforce any law which it is made his duty to enforce shall thereby forfeit his office and may be removed therefrom.

Sec. 144. That section 25-21,148, Revised Statutes Supplement, 1969, be amended to read as follows:

25-21,148. The Attorney General of the State of Nebraska or a special attorney designated by the

Governor, when directed by the Governor, shall institute and prosecute quo warranto proceedings in the Supreme Court against any such county attorney or prosecuting officer, sheriff, police-judge, police officer or police commissioner, mayor or other officer, who holds his office by a vote of the people. During the pendency of such proceedings such officer may by the Governor be suspended from performing the duties of his office, and temporary appointment may be made by the Governor for the performance of the duties of such office. If the court shall find that such suspended officer has willfully failed or refused to enforce any law which it is his duty as such officer to perform, then the court shall render judgment of ouster against such officer and the office shall thereby become vacant.

Sec. 145. That section 25-2222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2222. ~~Justices--of--the--peace,--municipal judges, clerks of municipal courts, magistrates, county judges, and other ministerial~~ Ministerial officers, whose duty it is to take security on undertakings, bonds and recognizances, provided by this code, shall require the person offered as surety to make an affidavit of his qualifications. The taking of such an affidavit shall not exempt any ministerial officer, or other officer acting in a ministerial capacity, from any liability to which he might otherwise be subject for taking insufficient surety.

Sec. 146. That section 26-116, Revised Statutes Supplement, 1971, be amended to read as follows:

26-116. In cities of the metropolitan or primary class the municipal court shall in all cases, unless otherwise provided by law, have jurisdiction over territory coextensive with the boundaries of the justice of the peace districts counties in which such courts are located, as such boundaries are now or hereafter established; Provided, that when the action is rightly brought in any municipal court, a summons shall be issued at the plaintiff's request against any one or more of the defendants of any county in the state.

Sec. 147. That section 26-118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-118. The municipal court shall have concurrent jurisdiction with the county court in criminal cases, ~~in which the punishment does not exceed six~~

months imprisonment or a fine of five hundred dollars or both. The judges of the municipal court shall also exercise the ordinary powers and jurisdiction of justices of the peace, police judges, magistrates and police magistrates. All provisions of the code of criminal procedure relative to justices of the peace, police judges, magistrates and police magistrates, county courts shall, in the absence of specific provisions to the contrary, apply to criminal actions prosecuted before the municipal court.

Sec. 148. That section 26-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

26-122. Actions in municipal court are commenced by summons or by appearance and agreement of the parties without summons. In the former, action is deemed to be commenced upon delivery of the writ to the constable to be served, provided service is had upon such writ; in the latter case, the action is deemed commenced at the time of docketing the same shall be subject to all the provisions of law governing actions in the county courts, in the absence of specific provisions to the contrary.

Sec. 149. That section 28-706, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-706. Whoever, directly or indirectly, gives any sum or sums of money or any other bribe, present or reward or any promise, contract, obligation or security for the payment of any money, present or reward or any other thing, to any judge, justice of the peace, sheriff, coroner, clerk, constable, jailer, county attorney, member of the legislative assembly or other officer, ministerial or judicial, except such fees as are allowed by law, with intent to induce or influence such officer to appoint or vote for any person for office, or to execute any of the powers in him vested, or perform any duty of him required, with partiality or favor, or otherwise than is required by law, or in consideration that such officer has appointed or voted for any person for any office, or exercised any power in him vested, or performed any duty of him required, with partiality or favor, or otherwise, contrary to law, the person so giving, and the officer so receiving, any money, bribe, present, reward, promise, contract, obligation or security, with intent or for the purpose or consideration aforesaid, shall be deemed guilty of bribery, and shall be punished by confinement in the Nebraska Penal and Correctional Complex not less than one year nor more than five years.

Sec. 150. That section 28-711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-711. Whoever willfully and maliciously alters, defaces, mutilates, destroys, abstracts or conceals any record, or part thereof, authorized to be made by any law of this state, of or pertaining to any court, ~~justice--of--the--peace~~ or any state, county, district or municipal office or officer, or any other public record so authorized, or any paper or writing duly filed with, in or by any such court, ~~justice--of--the--peace~~, office or officer, shall be deemed guilty of a misdemeanor, and shall be fined in any sum not exceeding three hundred dollars, or be imprisoned in the county jail not exceeding three months, or both.

Sec. 151. That section 28-714, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-714. If any judge, ~~justice~~, sheriff, coroner, constable, jailer or other officer of this state, either judicial or ministerial, shall knowingly ask, demand or receive any fee or reward to execute or do his duty, other than is or shall be allowed by the laws of this state, every person so offending shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the jail of the county not exceeding ten days, or both.

Sec. 152. That section 28-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-716. If any judge, ~~justice--of--the--peace~~, clerk of any court, sheriff, coroner, constable or attorney at law shall encourage, excite and stir up any suit, quarrel or controversy between two or more persons, with intent to injure such person or persons, such judge, ~~justice--of--the--peace~~, clerk, sheriff, constable or attorney at law shall be fined in any sum not exceeding five hundred dollars, and shall be answerable to the party injured in treble damages.

Sec. 153. That section 28-724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-724. Any ~~magistrate~~, clerk, sheriff, coroner, constable, county commissioner, ~~justice--of--the--peace~~, recorder, county surveyor, county attorney or any ministerial officer, who shall be guilty of any palpable omission of duty or who shall willfully or corruptly be

guilty of malfeasance or partiality in the discharge of his official duties, shall be fined in a sum not exceeding two hundred dollars, and the court shall have the power to add to the judgment that any officer so convicted shall be removed from office. It shall be the duty of the court, when the judgment shall extend to removal from office, to cause immediate notice of such removal to be given to the proper department in order that the vacancy thus occasioned may be filled.

Sec. 154. That section 28-729, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-729. Whoever abuses any judge or justice--of the-peace, resists or abuses any sheriff, constable or any other officer in the execution of his office, shall be fined in any sum not exceeding one hundred dollars or be imprisoned in the jail of the county not exceeding three months.

Sec. 155. That section 28-805, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-805. Whenever three or more persons shall be assembled as aforesaid provided in section 28-804 and proceed to commit any of the offenses aforesaid provided in section 28-804, it shall be the duty of all judges, justices-of-the-peace and sheriffs and all ministerial officers, immediately, upon actual view, or as soon as may be, on information, to make proclamation in the hearing of such offenders, commanding them in the name of the State of Nebraska to disperse and depart to their several homes or lawful employments; and if, upon such proclamation, such persons shall not disperse and depart, as-aforesaid, it shall be the duty of such judges, justices--of--the--peace and sheriffs and all other ministerial officers, respectively, to call upon all persons near, and, if necessary, throughout the county, to aid and assist in dispersing and taking into custody all persons assembled as aforesaid; and military officers and others, called on as aforesaid, and refusing to render immediate assistance, shall each be fined in any sum not exceeding twenty-five dollars.

Sec. 156. That section 28-807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-807. If any of the persons so unlawfully assembled shall be killed, maimed or otherwise injured, in consequence of resisting the judges or others in

dispersing and apprehending them, or in attempting to disperse and apprehend them, such judges, justices-of-the-peace, sheriffs and other ministerial officers and others acting by their authority, or the authority of any of them, shall be held guiltless; provided, such killing, maiming or injury shall take place in consequence of the use of necessary and proper means to disperse or apprehend any such persons so unlawfully assembled.

Sec. 157. That section 28-810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-810. If any judge, justice--of--the--peace, sheriff or other officer bound to preserve the public peace shall have knowledge of an intention on the part of any two persons to fight with any deadly weapon or weapons, and such officer shall not use and exert his official authority to arrest the parties and prevent the duel, every such officer shall be fined not exceeding one hundred dollars.

Sec. 158. That section 28-1118, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1118. Whenever any tramp in this state shall have committed any offense described in sections 28-1116 and 28-1117, any sheriff, deputy sheriff, constable, city marshal or policeman of the county, precinct, town or city in which such offense is committed may, without warrant, and it is hereby made his duty, to apprehend such person and retain him in custody, at the expense of the county, city, town or village in any place within the county, and to prepare and file with the proper magistrate or court his complaint against such offender, ~~and it shall be the duty of the officer making the arrest, to forthwith file with the proper magistrate or court his complaint against such offender, and to prosecute the same:~~

Sec. 159. That section 28-1218, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1218. Whoever falsely personates any other person before any court of record or judge thereof, or before any justice-of-the-peace, clerk of either the Supreme Court or other court, or any other officer of this state, who is or may hereafter be authorized to take the acknowledgments of deeds, powers, or warrants of attorney, or to grant marriage licenses, with intent to defraud any person, body politic or corporate, shall be

imprisoned in the Nebraska Penal and Correctional Complex not exceeding six years.

Sec. 160. That section 28-1231, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-1231. Whenever any person who has filed for record any such name, mark or device, or who has acquired from such person in writing the ownership of such name, mark or device or the right to the exclusive use thereof, or any one representing such person, shall make oath before any ~~justice-of-the-peace-or--police~~ county judge that he has reason to believe and does believe that any receptacle bearing such name, mark or device is being unlawfully used or filled or had in possession by any other person, such ~~justice-of-the-peace-or--police~~ judge shall thereupon issue a search warrant to discover and obtain such receptacle, and may also cause the person in whose possession such receptacle shall be found to be brought before him and shall then inquire into the circumstances of such possession and if it shall be found that such person is guilty of violating any provision in sections 28-1228 to 28-1231, he shall be punished as herein prescribed and the possession of the property taken upon such warrant shall be awarded to the owner thereof. The remedy given by this section shall not be held to be exclusive, and offenders against any provision of said sections may also be prosecuted as in case of other misdemeanors.

Sec. 161. That section 29-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-103. The term magistrate in this code, when not otherwise expressly stated, ~~is-used-to shall~~ mean a ~~justice-of-the--peace,~~ municipal judge, county judge, ~~mayor-of-a-city-or-incorporated-village,-or-police--judge~~ or associate county judge.

Sec. 162. That section 29-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-201. All ~~justices--of--the--peace,--mayors,~~ police-judges-and county judges in this state shall have the same and equal powers of jurisdiction in all matters relating to the enforcement of the criminal laws of the state, except as otherwise expressly provided, and the jurisdiction of all such officers as magistrates, ~~above named,~~ for the discharge of the duties and for the exercise of the powers enjoined and conferred by this

code, shall extend to all crimes and offenses punishable by the laws of this state, committed within their respective jurisdictions, also and for the prevention of crimes and offenses as in this code provided, throughout their respective counties.

Sec. 163. That section 29-204, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-204. Constables shall be ministerial officers of the county courts, held-by-justices-of-the-peace-in criminal-cases, within-their-respective-counties, and it shall be their duty to apprehend and bring to justice felons and disturbers of the peace, to suppress riots, and to keep and preserve the peace within their respective counties. They shall have power, and they are hereby authorized to execute all writs and process in criminal cases throughout the county in which they may reside and where they were elected-or appointed.

Sec. 164. That section 29-301, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-301. Whenever any person shall make a complaint in writing, upon oath, before any justice-of-the-peace, mayor-of-any-city-or-incorporated-village, police-judge-or county or municipal judge, that he has just cause to fear and does fear, that another will commit any offense against the person or property of himself, his ward or child, it shall be the duty of the magistrate judge before whom such complaint is made to issue a warrant in the name of the state to any-constable the sheriff of the county, commanding him forthwith to arrest the person complained of, and to take bring him before such-magistrate-or-any-other-magistrate-named-in this-section, of-the-same-county, the court to answer such complaint.

Sec. 165. That section 29-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-313. If, at any time, the sheriff of any county, constable or marshal, or other police officer of any city or incorporated village, shall have reason to believe that any person in his bailiwick is about to engage as principal in any fight or contention described in section 28-808, or in preparation or training to engage as principal in any fight or contention, he shall forthwith arrest such person and conduct him before any judge of the district or county court, or-a-magistrate-in

his county, and upon the proper affidavit being filed, prosecute the complaint, and thereupon the judge or magistrate shall inquire into the truth of the charge, and if he shall find it true, he shall require the accused to enter into a recognizance with sufficient sureties, residents of this state, to be approved by such judge, or magistrate, in a sum not less than five hundred dollars nor more than ten thousand dollars, conditioned that the accused will not engage in any such fight or contention within the period of one year from and after the date of such arrest; and in default of such recognizance, such judge, ~~justice or mayor~~ shall commit the party accused to the jail of the county, there to remain until he gives such recognizance, with sureties; Provided, if, after the expiration of one month, the person so confined is unable to enter into such recognizance, the county judge of the proper county may discharge such person on his own recognizance, in the same amount and with the same conditions, on proof satisfactory to such judge, by the affidavit of the accused, and other evidence, that the person so confined will not engage or be concerned in any such fight or contention within the time limited in such recognizance.

Sec. 166. That section 29-403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-403. ~~Justices-of-the-peace, mayors-of-cities and-villages, police-judges-and~~ District judges, county judges and associate county judges, and municipal judges shall have power to issue process for the apprehension of any person charged with a criminal offense.

Sec. 167. That section 29-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-406. The warrant shall be directed to the sheriff or to any constable of the county, ~~or if-the-same is-issued-by-an-officer-of-a-municipal-corporation authorized-to-issue-such-warrants, then~~ to the marshal or other police officer of ~~such-corporation~~ a city or village, and, reciting the substance of the accusation, shall command the officer forthwith to take the accused and bring him before the magistrate or court issuing the warrant, or some other magistrate having cognizance of the case, to be dealt with according to law; and no seal shall be necessary to the validity of the warrant.

Sec. 168. That section 29-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-504. When the complaint is for a felony, or for an offense for which the punishment may exceed three months imprisonment or a fine of one hundred dollars, or both, upon the accused being brought before the magistrate, he shall proceed as soon as may be, in the presence of the accused, to inquire into the complaint, ~~;-Provided;-that-in-any-criminal-proceeding-where-the-imprisonment-may-exceed-three-months-but-not-six-months;-or-where-the-fine-may-exceed-one-hundred-dollars-but-not-five-hundred-dollars;-the-county-court-shall-have-jurisdiction-as-provided-in-section-24-502-~~

Sec. 169. That section 29-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-611. The defendant shall have the right of appeal from any judgment of a ~~magistrate--including justices-of-the-peace,-municipal-judges-and-county-judges~~ county or municipal court, imposing fine or imprisonment, or both, ~~under-sections-29-604-to-29-646,~~ to the district court of the county, which appeal shall be taken immediately upon the rendition of such judgment, and shall stay all further proceedings upon such judgment. No appeal shall be granted or proceedings stayed unless the appellant, together with his surety or sureties, shall, within ten days after the rendition of such judgment, appear before ~~such-magistrate~~ the county court, and then and there enter into a written recognizance to the people of the State of Nebraska in a sum not less than one hundred dollars, with surety or sureties to be fixed and approved by the ~~magistrate--before--whom--such-proceedings--were--had~~ court, conditioned for his appearance forthwith and without further notice, at the district court of such county, and from day to day thereafter until the final disposition of such appeal, to answer the complaint against him, and to abide the judgment of the district court and not depart therefrom without leave; Provided, that the party appealing may in lieu of such undertaking deposit with the clerk of such court a cash bond in a sum to be fixed by the ~~magistrate~~ court but not less than one hundred dollars; and such cash bond shall be accepted in the cause, upon the same conditions and with like effect as undertakings hereinbefore set out, such cash bond to be returned upon the fulfillment of the conditions of the bond. The ~~magistrate~~ court from whose judgment the appeal is taken shall forthwith make return of the proceedings had before ~~him~~ it, and shall certify the complaint, transcript, bill of exceptions, and the warrant together with all such recognizances to the district court, and he may also require the complainant and other witnesses to enter into written recognizances, with or without security, as he

may deem the court deems best, to appear at the district court at the time aforesaid, and abide the order of the court; and in case of refusal to enter into such recognizances, he may enforce the same by imprisonment if necessary.

Sec. 170. That section 29-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-613. The district court shall hear and determine any cause brought by appeal from a magistrate county or municipal court upon--the--original--complaint; unless--such--complaint--shall--be--found--insufficient--or defective;--in--which--event--the--court;--at--any--stage--of--the proceedings;--shall--order--a--new--complaint--to--be--filed therein;--and--the--case--shall--proceed--thereon--the--same--in all--respects--as--if--the--original--complaint--had--not--been set--aside upon the record, and may affirm, modify, or vacate the judgment, or may remand the case to the county or municipal court for a new trial.

Sec. 171. That section 29-614, Revised Statutes Supplement, 1969, be amended to read as follows:

29-614. If, upon a--trial--in appeal to the district court, the defendant defendant's conviction shall be convicted affirmed, the court shall assess the punishment; and judgment shall be rendered against him accordingly, and for the costs before the magistrate; also for the costs in such court district and county or municipal courts, and that he be committed to the county jail until the judgment be complied with. If the defendant is acquitted on an appeal, he shall recover his costs including his costs before the magistrate. The clerk of the respective courts, whether county, municipal or district, or the justice of the peace, shall take whatever action necessary to return, or cause the return of, all costs, fees, and bonds previously required of the appellant at the time the appeal was taken to the district court.

Sec. 172. That section 29-615, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-615. If, in the progress of any trial before a magistrate, under the provisions of sections 29-604--to 29-646; county or municipal court it shall appear that the defendant ought to be put upon his trial for an offense not cognizable before a--magistrate;--the magistrate such court, the court shall immediately stop all further proceedings before him and proceed as in

other criminal cases exclusively cognizable before the district court.

Sec. 173. That section 29-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-616. Whenever conviction shall be had before a ~~magistrate under sections 29-604 to 29-616,--~~ the county or municipal court, the court shall make a certificate of such conviction, ~~under his hand,~~ in which it shall be sufficient briefly to state the offense charged and the conviction and judgment thereon, and if any fine was assessed or collected, the amount so assessed and collected, with the date at which the same was so done. Such certificate shall be filed ~~by the magistrate~~ within twenty days after such conviction, in the office of the county clerk of the county in which such conviction was had, and the original, or duly certified copy thereof, shall be evidence in all the courts of this state of the facts therein contained.

Sec. 174. That section 29-901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-901. When any person charged with the commission of any bailable offense shall be confined in jail, whether committed by warrant under the hand and seal of any judge, ~~magistrate, or justice of the peace~~ or by the sheriff or coroner, under any warrant upon indictment found, it shall be lawful for any Judge of the Supreme Court, judge of the district court within his district, or county judge within his county, or municipal judge within his jurisdiction or ~~police judge within the city of his jurisdiction, or justice of the peace in his jurisdiction~~ to admit such person to bail by recognizing such person in such sum and with such surety or sureties as to such judge shall seem proper, or, in lieu of such surety or sureties, at the option of such person, a cash deposit of such sum so fixed, conditioned for his appearance before the proper court, to answer the offense wherewith he may be charged, and to appear at such times thereafter as may be ordered by the proper court. All recognizances in criminal cases shall be in writing and be continuous from term to term until final judgment of the court in such cases and shall also extend, when the court has suspended execution of sentence for a limited time, as provided in section 29-2202, or when the court has suspended execution of sentence to enable the defendant to apply for a writ of error to the Supreme Court, as provided in section 29-2301, until the period of suspension has expired. When two or more indictments

or informations are returned against the same person at the same term of court, the recognizance given may be made to include all offenses charged therein. Each surety on such recognizance shall be required to justify under oath in a sum twice the amount of such recognizance and give the description of real estate owned by him of a value above encumbrance equal to the amount of such justification, and shall name all other cases pending in which he is a surety. No one shall be accepted as surety on recognizance aggregating a sum in excess of his equity in his real estate, but such recognizance shall not constitute a lien on the real estate described therein until judgment is entered thereon against such surety.

Sec. 175. That section 29-1607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-1607. No information shall be filed against any person for any offense until such person shall have had a preliminary examination therefor, as provided by law, ~~before a justice of the peace or other examining magistrate or officer,~~ unless such person shall waive his right to such examination; except as otherwise provided in the Uniform Criminal Extradition Act.

Sec. 176. That section 30-808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-808. Every executor or administrator who may have given bond in this state, with surety as provided by law, shall be authorized in all cases of appeal from one court to another, by him made, to prosecute the same without filing an appeal bond, ~~and such appeal to be prosecuted to the district court as appeals are now taken from courts of justices of the peace.~~

Sec. 177. That section 30-1102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1102. In order to obtain such license, the executor or administrator shall present a petition to the district county court of the county in which he was appointed, setting forth (1) the amount of personal estate that has come to his hands, and how much thereof, if any, remains undisposed of; (2) the debts outstanding against the deceased, so far as the same can be ascertained; (3) a description of all the real estate of which the testator or intestate died seized; (4) the condition and value of the respective portions or lots; and (5) that the real estate proposed to be sold is not

exempt from sale by reason of having been the family homestead or for any other reason. The petition shall be verified by the oath of the party presenting the same.

Sec. 178. That section 30-1103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1103. If it shall appear by such petition that there is not sufficient personal estate in the hands of the executor or administrator to pay the debts outstanding against the deceased and the expenses of administration, and that it is necessary to sell the whole or some portion of the real estate for the payment of such debts or the expenses of administration, or both, and that all persons interested in the estate have not assented to such sale, the judge of the district county court shall thereupon make an order, directing a hearing thereon at a time and place specified, not less than four and not more than ten weeks from the time of making such order.

Sec. 179. That section 30-1104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1104. Notice of such hearing shall be personally served upon all persons interested in the estate, at least fourteen days before the time appointed for hearing the petition, or such notice shall be published in a legal newspaper in the county three successive weeks in accordance with section 25-520.01, prior to the hearing setting forth the filing of the petition, the time and place of the hearing, the nature of the relief sought, and further that at such hearing a determination will be made with reference to whether the land to be sold is exempt from sale by reason of being the homestead or for any other reason; Provided, if all persons interested in the estate shall signify in writing their assent to such sale, the service of a copy of the notice shall not be required, and the judge of--the district-court may forthwith make an order of sale as provided in section 30-1112.

Sec. 180. That section 30-1105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1105. (1) The judge, of--the--district--court, at the time and place appointed in such order or at such other time as the hearing shall be adjourned to upon filing of proof of publication of legal notice of the hearing, shall proceed to the hearing of such petition

and shall hear and examine the allegations and proofs of the petitioner and of all persons interested in the estate opposing the application. The issuance of a license to sell pursuant to such petition shall constitute a conclusive adjudication that the land ordered to be sold is not exempt from sale by reason of having been the family homestead or for any other reason.

(2) If the hearing on the petition for license to sell is not heard at the time originally provided for in the notice, the hearing shall be continued from day to day without an order of the court until final action is taken thereon; Provided, if any objections are filed before the time set for hearing the petition, and the petition is not heard at the time and place originally set, hearing shall not be had until five days after notice by registered United States mail shall have been mailed to the objector or his attorney of the time and place when the same is to be heard.

(3) If any objections to the petition for license to sell are filed on the ground that the land is exempt from sale by reason of having been the family homestead or for any other reason, and the hearing has been set at chambers in any county other than the county where the executor or administrator was appointed, the hearing on the petition and the objections thereto shall be adjourned to a date certain to be fixed by the court and to be held in the county where the estate is being administered unless the petitioner and the objector shall join in and file a written stipulation providing for a hearing at a different time or place.

Sec. 181. That section 30-1106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1106. The judge ~~of the district court~~ may, upon the application of an executor or administrator to sell or dispose of the real estate of decedents, hear and determine the same at chambers or in vacation, unless hearing on the petition is adjourned, as provided in subsection (3) of section 30-1105; Provided, in all cases where the judge shall order a sale of any real estate, while sitting at chambers, he shall make out in writing a copy of such order, and cause the same to be filed in the office of the clerk, who shall thereupon record such order, before any sale shall be made.

Sec. 182. That section 30-1107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1107. The executor or administrator may be examined on oath, and witnesses may be produced and examined by either party, and process to compel their attendance and testimony may be issued by the district judge in the same manner and with like effect as in other cases.

Sec. 183. That section 30-1108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1108. In all cases where license is granted for the sale of real estate, the district judge, in his discretion, may require of the executor or administrator a bond which shall be conditioned that he shall account for all proceeds of the sale and dispose of them according to law. Such bond and the sureties thereon shall be approved by the district judge or clerk of the district court. If the administration bond of the executor or administrator and the sureties thereon are adequate, the district judge need not require a bond in addition thereto in the proceedings to sell real estate.

Sec. 184. That section 30-1110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1110. No license to sell real estate shall be granted if any of the persons interested in the estate shall give bond to the judge, ~~of-the-district--court~~, in such sum and with such sureties as he shall direct and approve, with condition to pay all the debts and expenses of administration so far as the goods and chattels, rights and credits of the deceased shall be insufficient therefor, within such time as the judge of the court shall direct.

Sec. 185. That section 30-1112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1112. If the judge ~~of--the--district--court~~ shall be satisfied, after a full hearing upon the petition, and an examination of the proofs and allegations of the parties interested, that a sale of the whole or some portion of the real estate is necessary for the payment of valid claims against the deceased, and charges of administration, or if such sale be assented to by all persons interested, he shall thereupon make an order of sale, authorizing the executor or administrator to sell the whole, or so much and such part of the real estate described in the petition as he shall judge necessary or beneficial.

Sec. 186. That section 30-1113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1113. The order shall specify the lands to be sold, and the judge ~~of-the-district-court~~ may therein direct the order in which several tracts, lots or parcels shall be sold. If it ~~appear~~ appears that any part of such real estate has been devised, and not charged in such devise with the payment of debts, the ~~district~~ judge shall order that part descended to heirs to be sold before that so devised; and if it ~~appear~~ appears that any lands devised or descended have been sold by the heirs or devisees, then the lands in their hands remaining unsold shall be ordered to be first sold.

Sec. 187. That section 30-1114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1114. Upon the making of such order, and the filing with the judge ~~of-the-district-court~~ of such bond as is required by the provisions of section 30-1108, a certified copy of the order of sale shall be delivered to the executor or administrator, who shall thereupon be authorized to sell the real estate as herein directed, within one year after the making of the order; Provided, upon proper showing by the executor or administrator that equity and justice require, the order may be extended from time to time in the discretion of the court.

Sec. 188. That section 30-1116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1116. When a sale is ordered, notice of the time and place of holding the same shall then be published in a legal newspaper in the county in which the real estate is situated for three weeks successively before such sale, in which notice the real estate to be sold shall be described with common certainty; Provided, however, if it shall be established by proof to the satisfaction of the judge ~~of-the-district-court~~ that no legal newspaper exists in the county in which such real estate is situated, then such notice of sale shall be ordered and had by posting up the same in three of the most public places in the county in which such real estate is situated, three weeks successively before such sale.

Sec. 189. That section 30-1119, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1119. On such sale, the executor or administrator may give such length of credit, not exceeding three years, and for not more than three-fourths of the purchase money, as shall seem best calculated to produce the highest price, and shall have been directed or shall be approved by the judge, ~~of the district court~~; and shall secure the money for which credit is given, by a bond of the purchaser and by a mortgage on the premises sold.

Sec. 190. That section 30-1120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1120. The executor or administrator making any sale shall immediately make a return of his proceedings upon the order of the sale in pursuance of which it is made, to the judge ~~of the district court~~ granting the same, who shall examine the proceedings, and may also examine such executor or administrator, or any other person on oath, touching the same; and if he shall be of opinion that the proceedings were unfair, or that the sum bid is disproportionate to the value, and that a sum exceeding such bid at least ten per cent, exclusive of the expenses of a new sale, may be obtained, he shall vacate such sale and direct another to be had, of which notice shall be given; and the sale shall be in all respects as if no previous sale had taken place.

Sec. 191. That section 30-1121, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1121. If it shall appear to the district judge that the sale was legally made and fairly conducted, and that the sum bid was not disproportionate to the value of the property sold, or if disproportionate, that a greater sum than specified in section 30-1120 cannot be obtained, he shall make an order confirming such sale, and directing conveyances to be executed.

Sec. 192. That section 30-1122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1122. Every executor or administrator authorized to sell real estate as provided in sections 30-1101 to 30-1145, shall, before making such sale, take and subscribe an oath before the judge, ~~of the district court~~; or some other officer authorized to administer oaths, that in disposing of the real estate which he is licensed to sell he will exert his best endeavors to

dispose of the same in such manner as will be most for the advantage of all persons interested, which oath shall be filed with the judge of-the-district-court before the confirmation of the sale.

Sec. 193. That section 30-1123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1123. An affidavit of the executor or administrator, or of some other person having knowledge of the fact, that notice of any such sale was given as provided in section 30-1116, being made before the judge, of-the-district-court, or some other officer authorized to administer oaths, and filed and recorded in the district court, together with a copy of the notice, shall be admitted as evidence of the time, place and manner of giving the notice.

Sec. 194. That section 30-1128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1128. Such sale shall be made subject to all payments that may thereafter become due on such contracts, and if there be any such payments thereafter to become due, such sale shall not be confirmed by the judge of-the-district-court until the purchaser shall execute a bond to the executor or administrator for the benefit and indemnity of the person entitled to the interest of the deceased in the land so contracted for, in double the whole amount of payments thereafter to become due on such contract, with such sureties as the judge of-the-district-court shall approve.

Sec. 195. That section 30-1132, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1052, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

30-1132. All sales and conveyances of land made by executors or administrators pursuant to the provisions of sections 30-1101 to 30-1145 shall be subject to all charges thereon, by mortgage or otherwise, existing at the time of the death of the testator or intestate. In case the estate of the deceased shall be in any way liable for the amount secured by any such mortgage, or for any such charge, such sale shall not be confirmed by the judge until the purchaser shall execute a bond to the executor or administrator, as required in section 30-1128 in the case of the sale of a contract for the purchase of lands on which payments are to become due; Provided, that any real estate covered by an assistance lien or any

other lien arising under the public assistance or relief laws may be sold either subject to or free from such lien as the district judge shall in his discretion determine will best serve the interests of the State of Nebraska.

Sec. 196. That section 30-1133, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1133. When an executor or administrator shall be appointed in any state or territory, or in any foreign country, on the estate of any person dying out of this state, and no executor or administrator thereon shall be appointed in this state, the foreign executor or administrator may file an authenticated copy of his appointment in the district county court in any county in which there may be any real estate of the deceased.

Sec. 197. That section 30-1136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1136. If an authenticated copy of such bond shall not be filed, as mentioned in section 30-1135, such foreign executor or administrator, before making such sale, shall give bond with sufficient sureties, to the judge of the district county court, with condition to account for and dispose of the proceeds of such sale for the payment of the debts or legacies of the deceased, and the charges of administration, according to the law of the state or country in which he was appointed.

Sec. 198. That section 30-1137, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1137. When such foreign executor or administrator is licensed to sell more than is necessary for the payment of debts, legacies, and charges of administration, as provided in section 30-1134, he shall, before making the sale, give bond with sufficient sureties to the judge of the district county court, with condition to account to him for all proceeds of the sale that shall remain after payment of such debts, legacies and charges, and to dispose of the same according to law.

Sec. 199. That section 30-1138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1138. In all cases of sale, by an executor or administrator, of part or the whole of the real estate of his testator or intestate, under a license granted by any

district county court by virtue of the provisions of law, whether such executor or administrator was appointed in this state or elsewhere, the surplus of the proceeds of the sale remaining on the final settlement of the accounts shall be considered as real estate and disposed of among the persons, and in the same proportion as the real estate would have been by the laws of this state if it had not been sold.

Sec. 200. That section 30-1142, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1142. In the case of any action relating to any real estate sold by an executor or administrator, in which an heir or person claiming under him shall contest the validity of the sale, it shall not be avoided on account of any irregularity in the proceedings; Provided, it shall appear (1) that the executor or administrator was licensed to make the sale by the district county court having competent jurisdiction, (2) that he gave a bond which was approved by the judge or clerk of the district court in case a bond was required upon granting a license, (3) that he took the oath prescribed in section 30-1122, (4) that he gave notice of the time and place of the sale as prescribed in section 30-1116, and (5) that the premises were sold accordingly and the sale confirmed by the court, and that they are held by one who purchased them in good faith.

Sec. 201. That section 30-1143, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1143. If the validity of a sale made by an executor or administrator shall be drawn in question by any person claiming adversely to the title of the deceased testator or intestate, or claiming under any title that is not derived from or through the deceased person, the sale shall not be held void on account of any irregularity of the proceedings; Provided, it shall appear that the executor or administrator was licensed to make the sale by a district county court having jurisdiction, and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises.

Sec. 202. That section 30-1202, Revised Statutes Supplement, 1969, be amended to read as follows:

30-1202. The district county court for any county in which any of the real estate belonging to the estate of the deceased person or of a person under

guardianship is located, or a judge thereof, may grant authority to the duly qualified and acting executor, administrator, guardian or testamentary or judicially appointed trustee of such an estate to mortgage any or all of the real estate belonging to such estate for such sums as may be required to pay or redeem any valid existing debt, mortgage or other lien against the real estate belonging to the estate, or any part thereof, for which such real estate or any part thereof might be sold upon execution; to pay cash bequests provided for by will, state transfer tax, state inheritance tax, or any tax lawfully assessed against any real estate belonging to such estate or which may be a valid charge against such estate; costs of administration and outstanding debts of the estate; to provide funds to increase the productivity of such real estate by construction of structures and improvements including irrigation wells, for land leveling and other soil conservation practices; and the reasonable costs of obtaining the loan as may be approved by the court.

Sec. 203. That section 30-1205, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1205. The petition in the district county court shall allege that there is no money nor personal property belonging to the estate which can be sold beneficially to such estate to realize sufficient money, with which to pay or redeem the obligation or charges to be paid, redeemed or extended, and that the best interests of the estate demand that a new mortgage be made or an existing mortgage extended. Upon the filing of the petition the judge shall fix a time for hearing thereon. The hearing may be at chambers. Notice to all persons interested in such estate shall be published in a legal newspaper in the county where the proceedings are had, for three successive weeks prior to the hearing, showing the names of the creditors to be paid, in substance the prayer of the petition, and the time and place of hearing. Upon the hearing the court or judge shall not grant the relief prayed for unless it shall be found that the obligations or charges to be paid are valid.

Sec. 204. That section 30-1206, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1206. Whenever a petition is filed ~~in--the~~ district-court by an executor, administrator, guardian or trustee under the provisions of sections 30-1201 to 30-1206, the court shall appoint a guardian ad litem to

protect the interests of any minor or incompetent person who may be interested in the estate.

Sec. 205. That section 30-1608, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-1608. If any claimant, appealing on account of the disallowance of his claim, shall fail to enter such appeal in the district court as herein required, or shall in any way fail to prosecute his action on his claim in the district court, such court may dismiss the appeal, ~~or a certificate may be filed in the county court, as the case may require, in like manner as in cases of appeals from judgments of justices of the peace,~~ and thereupon such claim shall be forever barred, and the county court shall proceed in the same manner as if such appeal had never been taken.

Sec. 206. That section 31-328, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-328. The costs of the hearing in case of contest shall be taxed and assessed as follows:

(1) If the matter shall be determined by the board against the party's contention objecting to the assessment, all costs upon the hearing of his objections shall be adjudged against such objector; and the board of supervisors shall have the right to recover the same from such objector or objectors for the benefit of the drainage corporation in a civil action for that purpose before ~~a justice of the peace or~~ any other court of competent jurisdiction in the name of the drainage corporation;

(2) In case the matter is finally determined by the board of supervisors partly in favor of and partly against the contention of any objector or objectors, the costs shall be apportioned between the drainage district and the objectors as the board shall deem just and equitable; and

(3) In case the contention of the objectors is wholly sustained and the matter is fully determined in their favor by the board, the costs shall be paid by the drainage district.

The fees allowed upon such hearing shall be the same as those now allowed upon the trial of civil actions in ~~courts of justices of the peace in this state~~ county court.

Sec. 207. That section 31-329, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-329. Any person or corporation who has filed objections and had a hearing as herein provided for, feeling aggrieved by the decision and judgment of the board of supervisors, may appeal to the district court within and for the county in which the drainage district was originally established, upon giving a bond conditioned the same as in appeals to the district court as from civil actions in justice's county court in this state and payable to the drainage district, and in addition thereto conditioned that he will pay all damages which may accrue to the drainage district by reason of such appeal. The bond shall be approved by the secretary of the board of supervisors, and filed with the secretary within ten days after the rendition of the decision appealed from. Within ten days after the filing of the bond the secretary shall make and file a transcript of the proceedings appealed from, together with all the papers relating thereto, with the clerk of the district court in which said matter has been appealed. Upon the filing of the transcript and bond the district court shall have jurisdiction of the cause, and the same shall be docketed and filed as in appeals in other civil actions to such court. The court shall hear and determine all such objections in a summary manner as in a case in equity, and shall increase or reduce the amount of benefit on any tract where the same may be required in order to make the apportionment equitable. All objections that may be filed shall be heard and determined by the court as one proceeding, and only one transcript of the final order of the board of supervisors, fixing the apportionments or benefits, shall be required. The clerk of the district court shall forthwith certify the decision of the court to the board of supervisors, which shall take such action as may be rendered necessary by such decisions.

Sec. 208. That section 31-365, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

31-365. For the purpose of preserving any ditch, drain, dike, or other works constructed or erected under the provisions of sections 31-301 to 31-369, the board of supervisors shall have the power to appoint not more than three overseers of the respective districts, who shall hold their offices for the term of one year, whose duty it shall be to keep the ditches, drains, dikes, and other works erected or constructed for the reclamation of the lands in the drainage district, in good repair, and

remove all obstructions from all ditches, drains, or watercourses within their respective districts. It shall also be the duty of the overseers to cause the arrest of all persons who shall be known to have filled up, or put any timber or brush into, or to have in any way obstructed any ditch, drain or watercourse, or have damaged any dike, or other work erected or constructed for the reclamation of lands as aforesaid, within their respective districts, ~~and bring them before a justice of the peace, or some other officer having jurisdiction, for trial and punishment.~~

Sec. 209. That section 32-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-308. (1) * One or more county judge judges shall be elected in each county judge district at the general election in 1964 1972 and every fourth year thereafter.

(2) A county sheriff, county treasurer, county surveyor, and a county attorney shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(3) Except as provided in section 79-311, a county superintendent of public instruction shall be elected in each county at the general election in 1962 and every fourth year thereafter.

(4) A county clerk shall be elected in each county having a population of two hundred thousand inhabitants or less, at the general election in 1962 and every fourth year thereafter; and in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

(5) A register of deeds shall be elected in each county having a population of more than sixteen thousand five hundred and not more than two hundred thousand inhabitants at the general election in 1962 and every fourth year thereafter; and in counties having a population in excess of two hundred thousand inhabitants, at the general election in 1964 and every fourth year thereafter.

Sec. 210. That section 32-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-312. At the first general election after the adoption of township organization by a county, there shall be elected one supervisor in each supervisor district; and thereafter they shall be elected as hereinafter provided in this section. In counties under township organization there shall be elected at the general election in 1954, and every four years thereafter one supervisor in each odd-numbered supervisor district; and at the general election in 1952, and every four years thereafter, there shall be elected one supervisor in each even-numbered supervisor district. ~~and in each city and village within such county having one thousand inhabitants or over, there shall be elected at the general election in each even-numbered year, two justices of the peace:~~

Sec. 211. That section 32-314, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-314. At the first general election in each township after the adoption of township organization and every two years thereafter, there shall be elected one town clerk, one town treasurer, and one justice of the peace chairman of the board.

Sec. 212. That section 32-414, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-414. In case there shall be no judge or ~~justice of the peace~~ present at the opening of the polls, it shall be lawful for the judges of election to administer the oath or affirmation to each other and the clerks of election. The person administering such oath or affirmation shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

Sec. 213. That section 32-421.01, Revised Statutes Supplement, 1971, be amended to read as follows:

32-421.01. At the top of the ballot for general elections and over all else shall be printed in black face type one half inch high the words Official Ballot, General Election 19..... .

The names of all candidates and all measures to be voted upon at the general election shall be arranged upon the ballot in parts separated from each other by black lines, as follows:

(1) All proposals submitted by initiative or referendum and proposals for constitutional amendments

shall be submitted on a separate ballot.

(2) If the election be in a year in which a President of the United States is to be elected, in spaces separated from the foregoing by a heavy black line and entitled Presidential Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for candidates for President and Vice President; the names of candidates for President and Vice President for each political party shall be grouped together, each group enclosed with brackets with one square to the left in which the voter indicates his choice, and the party name to the right, with a heavy black line across the column, separating the group of the different political parties.

(3) Following and immediately after a heavy black line separating from the three preceding named parts shall appear the names of candidates for United States Senator, if any are to be elected.

(4) In spaces separated from the foregoing by a heavy black line and entitled State Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for candidates for the various state officers each set of which shall be separated by lines across the column, and above each set of candidates shall be designated the office for which they are candidates and arranged in the order as prescribed by the Secretary of State.

(5) In spaces separated from the foregoing by a heavy black line and entitled Congressional Ticket in black type not less than eighteen point, shall be the names and spaces for voting for candidates for Representatives in Congress and above the candidates' names the office shall be designated For Representative in Congress..... District.

(6) In spaces separated from the foregoing by a heavy black line and entitled Nonpolitical Ticket in black type not less than eighteen point, shall be the names of all nonpolitical candidates in the following order:

(a) For Member of the State Board of Education..... District;

(b) For Member of the Legislature..... District;

(c) For Regent of the University of Nebraska..... District;

(d) For County Judge,..... District:

(e) For County Superintendent;

(f) For Municipal Judge;

(g) For Director of Public Power and Irrigation District; and

(h) For Director of Reclamation District.

(7) In spaces separated from the foregoing by a heavy black line and entitled County Ticket, in black type not less than eighteen point, shall be the names and spaces for voting for the various county offices, in the order as prescribed by the Secretary of State; and for measures submitted to the county vote only or in only a part thereof; Provided, that if the county clerk or election commissioner, as the case may be, shall deem it advisable such measures shall be submitted on a separate ballot; and

(8) In like manner shall be printed the candidates for office in the precinct only or in the city only; Provided, that if the county clerk or election commissioner, as the case may be, shall deem it advisable, candidates for these offices may be submitted on a separate ballot.

Sec. 214. That section 32-466, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-466. If any person conducts himself in a noisy, riotous or tumultuous manner at or about the polls, so as to disturb the election, or insults or abuses the inspectors, judges or clerks of election, and persists in such conduct after being warned to desist, any inspector, judge of election, police officer, village marshal or constable shall forthwith arrest him without warrant, and bring him before the ~~nearest-justice-of--the-peace-or-police-magistrate~~ county court, to be dealt with according to law; but such person shall be permitted to vote.

Sec. 215. That section 32-4,101, Revised Statutes Supplement, 1969, be amended to read as follows:

32-4,101. Immediately upon the completion of the canvass by the county canvassing board the county clerk or election commissioner shall prepare a copy of the abstract of the votes cast for President, Vice President, United States Senator, Congressman, all state officers,

Regents of the University of Nebraska, Judges of the Supreme Court, and district courts and county courts, all directors of public power and irrigation districts and reclamation districts, all questions under the Constitution voted upon by the whole people, and all questions submitted under the provisions of section 79-2203, which he shall seal up and endorse Abstract of votes of ... County; and direct to the Secretary of State, who shall prepare a tabular sheet of the votes cast for such officers and measures and preserve the same with the abstract of votes from the respective counties for the use of the Legislature in making the official canvass as required by the Constitution. The county clerk or election commissioner shall deliver to the state chairman of each political party, upon request, a separate abstract of votes of the various political contests indicating the total votes received in each precinct by each candidate and measure and the county clerk or election commissioner shall collect a fee sufficient to cover the cost of such separate abstract.

Sec. 216. That section 32-535, Revised Statutes Supplement, 1971, as amended by section 57, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

~~32-535. The judges-of-the-county--court;--judges of-district-county-courts; county judges,~~ members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts and reclamation districts, and such members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall be nominated regardless of political affiliation in the following manner: At least sixty days prior to the date of holding the general primary election, all candidates for county judge, ~~district county-judges,~~ members of the State Board of Education, county superintendents, district county superintendents, members of the Legislature, Regents of the University of Nebraska, directors of public power and irrigation districts and reclamation districts, and such members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall file with the officer, whose duty it is to issue the certificate of election to the aforesaid officers, an affidavit of such candidate, in substantially the following form:

Affidavit.
 State of Nebraska)
) ss. Candidate for

County of)

I, being first duly sworn, say that I reside at in the city of in the county of in the State of Nebraska; that I am legally qualified to hold the office hereinafter set forth in this affidavit; that I am a candidate for the nomination for the office of to be voted upon at the primary election to be held on the day of, 19....., and I hereby request that my name be printed upon the official primary ballot for the nomination at such primary election, for the office of

Subscribed and sworn to before me by this day of, 19.....

Such candidates may also be nominated by petition as provided in section 32-504. All such candidates, except for members of boards of education as provided by Chapter 79 and candidates for public office of cities of the first and second class and villages, shall also file with the affidavit a receipt for the sum of the filing fee signed by the county treasurer of the county in which such person resides. The amounts so received by the county treasurer from such candidates shall be used to help defray the expense of the primary. The affidavits filed by such candidates shall not in any way refer to or designate the political affiliation of such candidates.

Sec. 217. That section 32-537, Revised Statutes Supplement, 1971, as amended by section 58, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, be amended to read as follows:

32-537. (1) If, before a primary election, there shall be a vacancy on account of death or declination after the time for filing and before the primary election, such vacancy can only be filled by a petition candidate after the primary election. Petition signers and petition circulators shall be at least the constitutionally prescribed age of an elector, shall have resided in the state six months, be a citizen of the United States, and a registered elector.

(2) If, after a primary election, there shall, through any cause whatsoever, be a vacancy upon the nonpolitical ballot for any office, such vacancy may be filled by filing petitions with the Secretary of State,

county clerk, or election commissioner fifty days prior to the general election.

(3) The petitions, referred to in subsection (2) of this section, must show the name and address of the candidate, the office to be filled, and the names and addresses of the qualified, registered signers, the truth of which must be sworn to by the circulator thereof. The petitions must bear the signatures of at least five per cent of the total number of electors voting for Governor or President in the preceding election in the district in which the petitions are circulated; Provided, in no event shall the total number of signatures required exceed seven hundred fifty; and provided further, if the district in which the petitions are circulated comprises more than two counties, at least twenty-five signatures shall have been obtained in each county comprising the district.

(4) Accompanying each petition, referred to in subsections (2) and (3) of this section, shall be a receipt from the county treasurer of the county in which the candidate holds legal residence, for the sum which would have been required had the candidate filed before the primary election. Within five days after all petitions have been filed with the Secretary of State, county clerk, or election commissioner, the candidate shall file a written statement of acceptance with the appropriate election official. A vacancy, referred to in subsection (2) of this section, shall be deemed to exist when (a) any person shall cease for any reason to be a candidate for the office for which he was nominated in the primary, (b) no person was nominated for the office in the primary, or (c) when the number of candidates for the office shall be less than twice the number of positions to be filled.

(5) In any nonpartisan primary election in which the number of persons to be nominated for an office is not greater than two, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such primary who received the next highest number of votes shall be declared the nominee and be entitled to the certificate of nomination; Provided, that such candidate receiving the next highest number of votes shall have received not less than twenty-five per cent of the total number of votes cast for such office in such primary. If, in such primary, the candidate who received the next highest number of votes received less than twenty-five per cent of the

total number of votes cast for such office, or if no other person was a candidate for that office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy on the general election ballot shall be deemed to exist. Such vacancy may be filled only by candidates filing for the office by petition as prescribed in section 32-537.

(6) In any nonpartisan primary election in which the number of persons to be nominated for an office is greater than two, the provisions of subsection (5) of this section shall apply, with the exception that the requisite percentage of total number of votes cast for the office shall be ten per cent. In any partisan primary election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such primary who received the next highest number of votes shall be declared the nominee, and shall be entitled to the certificate of nomination; Provided, that such candidate receiving the next highest number of votes shall have received not less than thirty-five per cent of the total number of votes cast for such office in such primary. If in such primary, the candidate who received the next highest number of votes received less than thirty-five per cent of the total number of votes cast for such office, or if no other person was a candidate for that office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy on the general election ballot shall be deemed to exist. Such vacancy may be filled as prescribed in section 32-522. Any person who was a candidate for nomination in any partisan or nonpartisan primary election, who received the next highest number of votes to a candidate disqualified under the provisions of subsections (3) and (4) of this section, and who was not declared nominated because of his failure to receive the requisite per cent of the total votes cast for the office in that election, shall not be deemed to be defeated within the meaning of subsection (2) of section 32-504.

(7) In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be

declared elected, and shall be entitled to the certificate of election; Provided, that such candidate receiving the next highest number of votes shall have received not less than thirty-five per cent of the total number of votes cast for such office in such election. If, in such election, the candidate who received the next highest number of votes received less than thirty-five per cent of the total number of votes cast for such office, or if no other person was a candidate for such office, or if the electorate did not have reasonable notice at the time of the election of the disability of the candidate who received the highest number of votes, a vacancy in such office shall be declared to exist at the time of commencement of the term. Such vacancy may be filled as prescribed by law.

(8) In any general election in which the number of persons to be elected to an office is greater than two, the provisions of subsection (5) of this section shall apply, with the exception that the requisite percentage of total number of votes cast for the office shall be ten per cent.

Sec. 218. That section 32-1039, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

32-1039. Resignations of civil officers may be made as follows: (1) By the Governor, to the Legislature, if in session; if not, to the Secretary of State; (2) by senators and representatives in Congress, by all officers elected by the qualified voters of the state, by judges of the Supreme Court, county courts and district courts, and Regents of the University of Nebraska, to the Governor; (3) by members of the Legislature, to the presiding officer thereof, if in session, who shall immediately transmit information of the same to the Governor; if such body is not in session, to the Governor; (4) by all county and precinct officers, to the county board; (5) by members of the county board, to the county clerk; (6) by all township officers, to the township clerk; (7) by the township clerk, to the town board; and (8) by all officers holding appointments, to the officer or body by whom they were appointed. Such resignation shall not take effect until accepted by the board or officer to whom the same is made.

Sec. 219. That section 33-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-120. The clerks of the Supreme Court and of each district court, the county judge, sheriff, justice

of-the-peace, constable or register of deeds may in all cases require the party for whom any service is to be rendered to pay the fees in advance of the rendition of such service, or give security for the same to be approved by the officer.

Sec. 220. That section 33-123, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-123. The county judge shall be entitled to the following fees in civil matters: For any and all services rendered up to and including the judgment or dismissal of the action, four when the sum in question is three hundred dollars or less, five dollars, and when the sum in question is over three hundred dollars, ten dollars; for all orders, after judgment, including writs of execution, restitution, garnishment, examination in aid of execution, and taking and approving any recognizance or bond, one dollar each.

Sec. 221. That section 33-124, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-124. In criminal matters including preliminary and juvenile hearings, the county judge shall receive the following fees: For any and all services rendered up to and including the judgment or dismissal of the action and the issuance of mittimus or discharge to the jailer, the sum of four six dollars; for all orders after judgment and taking and approving any recognizance or bond, one dollar each.

Sec. 222. That section 33-130, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-130. Each county judge, county clerk, or register of deeds shall, not later than the fifteenth day of the month following the calendar month in which fees are received, pay over to the county treasurer all fees received and take the receipt of the county treasurer therefor. All except as provided by section 32 of this act, all fees received by the county treasurer pursuant to this section shall be credited to the general fund of the county.

Sec. 223. That section 33-136, Revised Statutes Supplement, 1969, be amended to read as follows:

33-136. The county boards of the several counties in this state are hereby authorized to audit and

allow the fees that may be fixed by law for services that may hereafter be performed by justices--of--the--peace, constables, and sheriffs in their respective counties, in the arrest and examination of offenders charged with felony. ~~The Nebraska State Patrol shall file with the Auditor of Public Accounts a monthly abstract of traffic citations issued by the patrolmen by area and justice of peace court. The Auditor of Public Accounts shall make an annual audit of each justice of the peace. The audit when completed shall be filed with the county board of the county.~~

Sec. 224. That section 33-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-140. Jurors before a county or municipal court shall receive for each day's attendance six dollars, and mileage at the rate of eight cents for each mile necessarily traveled. Witnesses in said courts shall receive six dollars for each day's attendance and mileage at the rate of eight cents for each mile necessarily traveled. ~~Witnesses in justice of the peace courts shall receive three dollars for each day's attendance and mileage at the rate of eight cents for each mile necessarily traveled.~~

Sec. 225. That section 33-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

33-148. All officers whose fees are prescribed in sections 33-101 to 33-147 are hereby required to make fair tables of their respective fees, and keep the same in their respective offices in some conspicuous place, for the inspection of all persons who shall have business in said offices. If any such officer shall neglect to keep a table of fees of his office as aforesaid, such officer shall, for each day of such neglect so to keep a table of fees of his office, forfeit and pay the sum of five dollars, to be recovered by action at law before any ~~justice of the peace~~ the county court, for the use of the county in which the offense shall have been committed.

Sec. 226. That section 35-101, Revised Statutes Supplement, 1971, be amended to read as follows:

35-101. All volunteer members in good standing in any fire company or hook and ladder company in this state shall be exempt from (1) serving upon all grand and petit juries ~~and juries in justice of the peace courts~~ in every county in this state within which the exempt member is a resident, and (2) militia duty in time of peace;

Provided, that said certificate of exemption shall be approved and authorized by the council or board of trustees under the seal of the city or village in which the fire department issuing the same is located. When any member shall have retired from such company after having served ten years or more he shall be furnished a certificate of exemption. He may claim exemption from serving upon all grand and petit juries; ~~and--juries--in justice-of-the-peace--courts--in--every--county--of--this state;~~ Provided, that any member in good standing in any fire company or hook and ladder company in this state on September 20, 1957, shall be furnished a certificate of exemption after five years of service; and provided further, when a member serves in different fire companies or hook and ladder companies in this state, or at different times in the same company, he may add the years he previously served to his present membership in order to qualify for such exemption. Persons who received certificates of exemption for five years service prior to September 20, 1957, shall be entitled to all exemptions theretofore enjoyed by holders of such certificates.

Sec. 227. That section 37-306, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-306. Except as herein provided, it shall be unlawful for any person other than licensed fur farmers, dealers and owners of lands holding permits for taking beaver (and this exemption applies only to pelts of beaver taken pursuant to such permits) and officers and employees of the Game and Parks Commission to have in possession the raw fur or pelt of any fur-bearing animal protected by this act at any time other than during the open season for such fur-bearing animal and ten days immediately thereafter; Provided, however, that any person who by trapping or other lawful means has become the owner of the raw furs or pelts of such fur-bearing animals during the open season thereon, and who during the ten days immediately after the close of such open season has been unable to obtain a satisfactory price for said furs or otherwise has been prevented from lawfully disposing of the same, may, during said ten-day period ensuing immediately after the close of the open season on such animals, obtain from the commission a permit to retain possession of such furs for such further period of time as the commission may by rule designate. All applications for such permits must be verified under oath, must state the number and kind of green pelts on hand which it is desired to carry over, must be filed with the commission before the expiration of said ten-day period, and must be accompanied by the certificate of an employee of the commission; or the county sheriff or

~~justice-of-the-peace~~ that the applicant, to the personal knowledge of such officer, then has on hand the number and kinds of furs for which the permit is applied for. Any person knowingly making or assisting in making a false certificate in connection with such an application shall be guilty of a misdemeanor, and upon conviction shall be fined in the sum of one hundred dollars.

Sec. 228. That section 37-601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-601. All prosecutions for offenses relating to game and fish shall be brought in the name of the State of Nebraska before any ~~justice-of-the-peace, police magistrate--or---other---magistrate---or~~ court having jurisdiction thereof. It shall be the duty of all county attorneys in their respective counties to prosecute all persons charged with offenses against the game laws of this state.

Sec. 229. That section 37-602, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

37-602. Prosecutions shall be brought before a ~~any-magistrate-or~~ court of competent jurisdiction in the county ~~or-city~~ within which the offense was committed, and in cases where the offense charged is that of having sold, transported, or having in possession, game, wild animals, wild fowls, birds, fish, or green hides in violation of law, prosecutions may be brought in any county ~~or-city~~ through which or into which any such game, wild animals, wild fowls, birds, fish or green hides have been transported or brought. All prosecutions shall be commenced within one year from the time the offense charged was committed.

Sec. 230. That section 38-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-106. When such minor, being above the age of fourteen years, shall reside more than ten miles from the place of holding court, his nomination of a guardian may be certified to the court of probate by a ~~justice-of--the-peace~~; notary public; or other person qualified to administer an oath, which shall have the same effect as if made in the presence of the court.

Sec. 231. That section 38-607, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-607. In order to obtain a license for such sale, the guardian shall present to the district county court, or judge thereof in vacation, of the county in which he was appointed guardian, a petition therefor, setting forth the condition of the estate of his ward, and the facts and circumstances on which the petition is founded, tending to show the necessity or expediency of a sale, which petition shall be verified by the oath of the petitioner.

Sec. 232. That section 38-611, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-611. The judge, ~~of the district court,~~ at the time and place appointed in such order, or at such other time as the hearing shall be adjourned to, upon proof of due service of the notice, shall hear and examine the proofs and allegations of the petitioner, and of the next of kin, and of all other persons interested in the estate, who shall think proper to oppose the application.

Sec. 233. That section 38-612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-612. On such hearing the guardian may be examined on oath and witnesses may be produced and examined by either party, and process to compel their attendance and testimony may be issued by the judge ~~of the district court~~ in the same manner and with the like effect as in other cases.

Sec. 234. That section 38-614, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-614. The judge ~~of the district court~~ may, upon the application of a guardian to sell or dispose of the real estate of spendthrifts or minors, hear and determine the same at chambers in vacation; Provided, in all cases where the judge shall order a sale of any real estate, while sitting at chambers, he shall make out in writing a copy of the order, and cause the same to be filed in the office of the clerk of the court, who shall thereupon record the same in the record book of the court before any sale shall be made.

Sec. 235. That section 38-616, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-616. In all cases where the guardian is licensed to sell real estate, or the improvements thereon, the district judge, in his discretion, may require of the guardian a bond which shall be conditioned that he shall account for all proceeds of the sale and dispose of them according to law. Such bond and the sureties thereon shall be approved by the district judge or clerk of the district court. If the guardianship bond of the guardian and the sureties thereon are adequate, the district judge need not require a bond in addition thereto in the proceedings to sell real estate.

Sec. 236. That section 38-620, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-620. When any minor, insane person or spendthrift, residing out of this state, shall be put under guardianship in the state or country in which he resides and shall have no guardian appointed in this state, the foreign guardian may file an authenticated copy of his appointment in the district court of any county in which there may be any real estate of the ward.

Sec. 237. That section 38-623, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-623. When such foreign guardian is authorized to sell more than is necessary to pay the debts and charges, he shall, before making the sale, give bond, with sufficient surety or sureties to the judge of the district court, with condition to account, before such judge, for all the proceeds of the sale that shall remain after payment of the said debts and charges, and to dispose of the same according to law.

Sec. 238. That section 38-624, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-624. When it shall appear to the judge of the district court that the foreign guardian is bound, with sufficient surety or sureties in the state or country where he was appointed, to account for the proceeds of such sale, and an authenticated copy of such bond shall be filed in the district county court, no further bond shall be required here; otherwise he shall give bond in like manner as is prescribed in sections 30-1101 to 30-1145, in the case of sales by foreign executors or administrators.

Sec. 239. That section 38-629, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-629. In case of an action relating to any estate sold by a guardian, under the provisions of sections 38-601 to 38-643, in which the ward, person claiming under him, or any other person shall contest the validity of the sale, the same shall not be avoided on account of any irregularity in the proceedings; Provided, it shall appear (1) that the guardian was licensed to make the sale by a district court of competent jurisdiction; (2) that he gave a bond which was approved by the judge of the district court, in case any bond was required by the court upon granting the license; (3) that he took the oath prescribed in section 38-617; (4) that he gave notice of the time and place of sale, as prescribed by law; and (5) that the premises were sold accordingly at public auction, and are held by one who purchased in good faith. It shall not be considered an irregularity if notice was not served upon the chairman of the county board as provided in section 38-602 if the real property sold by the guardian was not burdened by a lien for county welfare payments, and the license issued to the guardian shall be valid without such notice.

Sec. 240. That section 38-636, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-636. Where either the husband or wife has been for a period of three years insane and is incapable of executing a deed, relinquishment or conveyance of his or her right to the real property of the other, the legally appointed guardian of such insane person may petition the district county court of the county of his or her residence or of the county where the real estate to be conveyed is situated, setting forth the facts and praying for an order authorizing the petitioner to sell and convey the interest of the insane person in said real estate.

Sec. 241. That section 38-637, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-637. The petition shall be verified by the petitioner and filed in the office of the clerk of the district county court of the proper county, and an order to show cause shall be entered by the court, which order shall be entered and published or served as provided in the case of sale of lands of minors and other persons under guardianship and securing the proceeds for their

use. Upon completed service the court shall appoint some responsible attorney thereof guardian ad litem for the person alleged to be insane, who shall ascertain the propriety, good faith and necessity of the prayer of the petitioner and may resist the petition by making any legal or equitable defense thereto, and he shall be allowed by the court a reasonable compensation to be paid as the other costs.

Sec. 242. That section 38-638, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-638. Upon the hearing, the court if satisfied that the application is made in good faith, that the petitioner is a proper person, and that it is necessary and proper that the interest of the insane person in the real estate should be sold, shall enter a decree fixing the value of the interest of the insane person and authorizing the petitioner to sell the same as the court may direct, at public or private sale, to the highest bidder for cash for a sum not less than the amount fixed as the value of such interest. The decree shall provide that the petitioner, before making the sale shall execute and file with the clerk of the district court a bond, running to the district county judge, with sufficient surety or sureties, to be approved either by the district judge or the clerk of the district court, in an amount to be fixed by the court, conditioned for the faithful performance of his duties. If such interest is sold at public sale, notice of the time and place thereof shall be given in the same manner as for the sale of lands of minors and other persons under guardianship.

Sec. 243. That section 38-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-701. When any person, who is bound by a contract in writing to convey any real estate, shall be adjudged insane or mentally incompetent before making the conveyance, the district court or any judge thereof of the county where such guardian was appointed may authorize and direct the guardian of such insane or mentally incompetent person to convey such real estate to the person entitled thereto, in all cases where such insane or mentally incompetent person, if compos mentis, might be compelled to execute such conveyance.

Sec. 244. That section 38-702, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-702. On the presentation of a petition by any person claiming to be entitled to such conveyance from a guardian, setting forth the facts upon which such claim is predicated, the district county court or any judge thereof in the county in which said guardian was appointed shall appoint a time and place for hearing such petition in such county where such guardian was appointed, and shall order notice of the pendency thereof, and of the time and place of the hearing, to be published at least three successive weeks before such hearing, in such newspaper or newspapers published in the county where such guardian was appointed as he may deem necessary.

Sec. 245. That section 38-704, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

38-704. After a full hearing upon such petition and examination of the facts and circumstances of such claim, if the judge of the district county court shall be satisfied that the petitioner is entitled to a conveyance of the real estate described in his petition, according to the provisions of sections 38-701 to 38-705, he shall thereupon make a decree authorizing and directing the guardian to make and execute a conveyance thereof to the petitioner.

Sec. 246. That section 39-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-703. If any person shall injure or obstruct a public road by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by turning a current of water so as to saturate or wash the same, or shall leave the cutting of any hedge thereupon for more than five days, he shall forfeit for every such offense a sum not less than three dollars nor more than ten dollars, and in case of placing any obstruction on the road an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by the road overseer or other officer in charge of road work in the area where such obstruction is located, complaint to be made by any person feeling himself aggrieved; Provided, this section shall not apply to any person who shall lawfully fell any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and

shall give due notice of such intention to the overseer or other officer in charge of road work. Any such officer, after having given reasonable notice to the owners of the obstruction, or person so obstructing, or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by such officer before any justice-of-the-peace-having-jurisdiction in an action in county court. Any public roads which have not been worked and which have not been used or traveled by the public for the last fifteen years may be fenced by the owners of adjoining lands if written permission is first obtained from the county board of commissioners or supervisors, and if adequate means of ingress and egress are provided by suitable gates.

Sec. 247. That section 39-794, Reissue Revised Statutes of Nebraska, 1943, as amended by section 2, Legislative Bill 1058, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

39-794. Every ~~justice-of--the--peace--or--police~~ judge-or court in this state shall make complete entries in the court docket, including the judgment of conviction, of every case in which a person is charged with violation of any provision of Chapter 39, article 7, Chapter 60, articles 4 and 5 or any amendments thereto, or any traffic regulations in city or village ordinances. In the event that such person is convicted or that his bail is forfeited, a certified abstract of such judgment as provided in section 39-796 shall be sent forthwith by the ~~justice-of-the-peace-or-police-judge-or~~ court to the Director of Motor Vehicles and to the county treasurer of the county wherein the convicted person was licensed. ; ~~Provided, this requirement shall not be deemed to make such court a court of record.~~

Sec. 248. That section 39-796, Revised Statutes Supplement, 1969, be amended to read as follows:

39-796. To enable the Director of Motor Vehicles punctually and economically to perform his ministerial duties in revoking or suspending operators' licenses and to insure uniformity in the keeping of the records of operators' licenses suspended or revoked by courts of the state, such director shall prepare and furnish to all courts of the state a standard form of abstract for conviction report. This shall include all necessary information as to the parties to the case, the nature of the offense, the date of hearing, the plea, the judgment, and the amount of the fine or forfeiture, as the case may

be. Every such abstract shall be certified by the ~~justice-of-the-peace, police- judge, or clerk of such police-court,~~ or clerk of any court of record as a true abstract of the record of the court. In the administration of sections 39-794 to 39-796 or of any section of the Motor Vehicle Operators' License Act, the powers and duties conferred upon the Director of Motor Vehicles, his subordinates, or his successors, with respect to the revocation or suspension of any operator's license or driving privileges are ministerial in character. The Director of Motor Vehicles shall have authority to revoke or suspend operators' licenses only when positively directed to do so by the terms of the certified abstract of the judgment of conviction forwarded to him by the trial court, except as otherwise provided in section 39-7, 129 and Chapter 60, articles 4 and 5.

Sec. 249. That section 42-108, Revised Statutes Supplement, 1971, be amended to read as follows:

42-108. Every judge ~~and justice of the peace,~~ and every preacher of the gospel authorized by the usages of the church to which he belongs to solemnize marriages, may perform the marriage ceremony in this state; and every such person performing the marriage ceremony shall make a return of his proceedings in the premises, showing the names and residences of at least two witnesses who were present at such marriage, which return shall be made to the county judge who issued the license within fifteen days after such marriage has been performed, which return the county judge shall record or cause to be recorded in the same book where the marriage license is recorded.

Sec. 250. That section 42-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

42-114. No marriage solemnized before any person professing to be ~~a justice of the peace, or a minister of the gospel,~~ shall be deemed or adjudged to be void, nor shall the validity thereof be in any way affected on account of any want of jurisdiction or authority in such supposed ~~justice or minister;~~ Provided, the marriage be consummated with a full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Sec. 251. That section 43-202, Revised Statutes Supplement, 1971, be amended to read as follows:

43-202. The district courts of the several counties in this state, and the judges thereof in

vacation, shall have original jurisdiction in all cases coming within the terms of this act and concurrent jurisdiction under sections 83-220 to 83-223; the county court in each county shall have concurrent jurisdiction with the district court, except in counties which have established a separate juvenile court. but in counties having a population of more than fifty thousand such jurisdiction shall not be exercised by the county court except in the absence of the judge or judges of the district court from the county. Where a proceeding has been instituted under this act before any county court, the jurisdiction of this court over such proceedings shall continue until the final disposition thereof; Provided, appeal may be had to the district court in the same manner as is provided by law in civil cases, but no such appeal shall stay the enforcement of any order entered in the county court sitting as juvenile court. After appeal has been perfected, the district court, upon application and hearing, may stay any order, judgment or decree on appeal if suitable arrangement is made for care and custody of the child. The county court sitting as juvenile court shall continue to exercise the supervision over the minor until a hearing is had in the district court and the district court enters an order making other disposition of the minor. If the district court adjudges such child to be a child defined in section 43-201, the district court shall affirm the disposition made by the county court, unless it is shown by clear and convincing evidence, that the disposition of the county court is not in the best interest of such minor child. In cities having a population of forty thousand and upward, the police judge thereof shall have jurisdiction under this act concurrent with the county judge, within the limits of such city.

Sec. 252. That section 43-207, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-207. The judge of the district court having charge of the juvenile docket shall have authority to appoint or designate one or more persons of good character, to serve as probation officers during the pleasure of the court. If two or more are appointed, at least one shall be a woman. They shall receive their actual expenses incurred and salaries to be fixed by the district judge making the appointment, with the approval of the county board, to be paid by the county the same as the salaries and expenses of other county employees are paid. The county judge in counties having a population of fifty thousand inhabitants, or less, may appoint one or more persons to serve as probation officers during the pleasure of the court; such probation officer or officers

shall receive salaries to be fixed by the county judge making the appointments with approval of the county board, to be paid as other county officers are paid in such counties; Provided, that the county judges of two or more adjoining counties may, by agreement, appoint a juvenile probation officer to serve under the joint direction of the judges so agreeing any county judge district may appoint a juvenile probation officer to serve the counties in the district; such officer shall receive his actual expenses incurred and a salary to be fixed by the appointing judges with approval of the respective county boards, to be paid by the respective counties served in proportions determined by said judges based on the populations of the respective counties. Juvenile probation officers shall be selected with reference to their experience and understanding of problems of family life and child welfare, juvenile delinquency, and community organization. Such officers shall perform the duties prescribed in this act for probation officers and such other duties as may be required by the judge of the juvenile court. In case a juvenile probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said juvenile probation officer in advance when any child is to be brought before the said court. It shall be the duty of said juvenile probation officer (1) to make such investigations as may be required by the court, (2) to be present in court to represent the interests of the child when the case is heard, (3) to furnish to the court such information and assistance as the judge may require, (4) to take such charge of any child before and after trial as may be directed by the court, and (5) to maintain complete case records on each child assigned to him. The county board shall provide for the payment, out of the general fund, of the actual expenses of the juvenile probation officers incurred in the performance of their duties prescribed by this act or under the order or direction of the court.

Sec. 253. That section 49-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-502. The county clerk shall distribute one copy of the session laws to the clerk of the district court for the use of the district court in all counties of the state except Lancaster and Douglas Counties, and in those counties one copy for each district judge in the county, to the county judge, the county attorney, and to the county law library. He shall also reserve one copy each of the laws and journals for himself and give one copy of each to every senator who was a member of the Legislature by which the laws were enacted, to each judge

of the municipal court in the county, and to each ~~qualified-justice--of--the--peace--who--applies--for--one~~
associate county judge in the county.

Sec. 254. That section 49-617, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1174, Eighty-second Legislature, Second Session, 1972, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the State Librarian. These copies shall be held and disposed of by such librarian as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; fifteen copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; not to exceed twenty copies to the Attorney General; six copies to the State Railway Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, the Nebraska State Historical Society, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, the library of the Supreme Court of the United States, each newly elected member of the Legislature or members appointed to fill a vacancy of the Legislature and such copies as necessary to complete previously issued volumes to elected members of the Legislature, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Department of Economic Development, the Commissioner of Labor, the Director of Health, the Director-State Engineer, the Director of Banking, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Public Welfare, the Director of Public Institutions, the Nebraska Emergency Operating Center, each judge of the Nebraska Workmen's Compensation Court, each judge of the Court of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Sheriff, the Tax Commissioner, the State Surveyor, the Nebraska State

Patrol, Purchasing Agent, State Personnel Office, Nebraska Motor Vehicle Industry Licensing Board, Board of Trustees of the Nebraska State Colleges, each of the State Teachers Colleges, each district judge of the State of Nebraska, each district county judge, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, each associate county judge, each county attorney, and each county law library of the State of Nebraska, and each judge of the municipal court, and the inmate library at all state penal and correctional institutions; Provided, copies of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 255. That section 49-801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

49-801. Unless the context is shown to intend otherwise, words and phrases in the statutes of Nebraska hereafter enacted are used in the following sense:

(1) Acquire when used in connection with a grant of power or property right to any person includes the purchase, grant, gift, devise, bequest, and the obtaining by eminent domain.

(2) Action includes any proceeding in any court of this state.

(3) Attorney means attorney at law.

(4) Company includes any corporation, partnership, joint stock company, joint venture, or association.

(5) Domestic when applied to corporations means all those created by authority of this state.

(6) Executor when used in the statutes relating to probate proceedings shall be construed to include an administrator with will annexed.

(7) Federal refers to the United States.

- (8) Foreign when applied to corporations includes all those created by authority other than that of this state.
- (9) Grantee includes every person to whom any estate or interest passes in or by any conveyance.
- (10) Grantor includes every person from or by whom any estate or interest passes in or by any conveyance.
- (11) Inhabitant shall be construed to mean a resident in the particular locality in reference to which that word is used.
- (12) Issue as applied to the descent of real estate includes all the lawful lineal descendants of the ancestor.
- (13) Land or real estate includes lands, tenements and hereditaments and all rights thereto and interest therein, other than a chattel interest.
- (14) Magistrate includes county judge, municipal judge, ~~police judge, justice of the peace, and mayor of any city and associate county judge.~~
- (15) Month means calendar month.
- (16) Oath includes affirmation in all cases in which an affirmation may be substituted for an oath.
- (17) Peace officer includes sheriffs, constables, coroners, jailers, marshals, policemen, state highway patrolmen, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests.
- (18) Person includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies and associations.
- (19) Personal estate includes money, goods, chattels, claims, and evidences of debt.
- (20) Process means a summons, subpoena, or notice to appear issued out of a court in the course of judicial proceedings.
- (21) State when applied to different states of the United States shall be construed to extend to and

include the District of Columbia and the several territories organized by Congress.

(22) Sworn includes affirmed in all cases in which an affirmation may be substituted for an oath.

(23) The United States includes territories, outlying possessions and the District of Columbia.

(24) Violate includes failure to comply with.

(25) Will includes codicils and last will means last will and testament.

(26) Writ signifies an order or citation in writing issued in the name of the state out of a court or by a judicial officer.

(27) Year means calendar year.

Sec. 256. That section 51-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

51-214. Penalties imposed or accruing by any by-law or regulation of the library board may be recovered in a civil action ~~before-the-police--magistrate or-any-justice-of-the-peace-or--other~~ in county court, ~~having-jurisdiction,~~ such action to be instituted in the name of the library board of the city, village, county or township. Money collected in such actions shall be forthwith placed in the treasury of the city, village, township or county to the credit of the city, village, township or county library fund.

Sec. 257. That section 53-197, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

53-197. Every sheriff, deputy sheriff, police officer, marshal, deputy marshal or constable who shall know, or who shall be credibly informed, that any offense has been committed against the provisions of any law of this state relating to the sale of alcoholic liquors, shall make complaint against the person so offending within their respective jurisdictions to a the proper ~~justice-of-the-peace-or-other-magistrate--therein~~ court, and for every neglect or refusal so to do, every such officer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars.

Sec. 258. That section 54-143.01, Revised Statutes Supplement, 1969, be amended to read as follows:

54-143.01. Whenever any person is arrested for a violation of any provision of sections 54-101 to 54-155, punishable as a misdemeanor, the arresting officer shall, except as otherwise provided in this section, take the name and address of such person and the license number of his motor vehicle. Such officer shall issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after such arrest, unless the person arrested shall demand an earlier hearing. Such person shall, if he so desires, have a right to an immediate hearing or a hearing within twenty-four hours at a convenient hour, such hearing to be before a magistrate within the township--or county wherein such offense was committed. Such officer shall thereupon, and upon the giving by such person of his written promise to appear at such time and place, forthwith release him from custody. Any person refusing to give such written promise to appear shall be taken immediately by the arresting officer before the nearest or most accessible magistrate. Any person who willfully violates his written promise to appear, given in accordance with this section, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

Sec. 259. That section 54-404, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-404. If the owner of such stock shall refuse, within forty-eight hours after having been notified in writing, to pay the damages claimed or appoint an arbitrator to represent his interests, the animal or animals shall be sold upon execution as required by law, when the amount of damages and costs have been filed with ~~any-justice-of-the-peace~~ the county court of the county within which the damages have been sustained.

Sec. 260. That section 54-406, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-406. The arbitrators shall make an award in writing, which, if not paid within five days after the award has been made, may be filed with ~~any-justice-of-the-peace-in-the-same-county~~ the county court and shall operate as a judgment, which judgment shall be a lien upon the stock so distrained, and execution may issue upon such stock for the collection of such damages and

costs as in other cases; Provided, either party may have an appeal from the judgment as in other cases before justices-of-the-peace in county court. The arbitrators shall be allowed two dollars each for their services.

Sec. 261. That section 54-705, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-705. The Department of Agriculture or any officer, agent, employee or appointee thereof shall have power to call upon any sheriff, deputy sheriff, constable or other police officer to execute the orders of the department, and the officer shall obey the orders of said department. The officers performing such duties shall receive compensation therefor as is prescribed by law for like services and shall be paid therefor by the county. Any officer may arrest and take before ~~any justice-of-the-peace or the~~ county judge of the county any person found violating any of the provisions of sections 54-701 to 54-753, and such officer shall immediately notify the county attorney of such arrest, and such county attorney shall proceed to prosecute the person so offending according to law.

Sec. 262. That section 57-210, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-210. Proceedings may be had in the district county court of the county in which an estate or trust is being administered or proceedings for guardianship or conservatorship are being had or in the district county court of the county in which real estate is situated, for authority to lease any interest in real estate, or any part thereof, of any deceased person, beneficiary of a trust, minor, incompetent, or person unfit by reason of infirmities of age or physical disability or to ratify any prior unauthorized or defective lease executed by any executor, administrator, guardian, conservator, or trustee. If it shall appear to the district court or judge thereof sitting in chambers within the district to be for the advantage of the estate of any decedent, beneficiary of a trust, minor, incompetent person, or person unfit by reason of infirmities of age or physical disability to make a lease, ratification agreement, or contract for the exploration and development or pooling or unitization of the real property of the estate or trust, or any part thereof, for oil, gas, or other hydrocarbons, the court or judge, as often as occasion therefor shall arise in the administration of any estate or trust, or in the course of any guardianship matter, or in the course of administration by a conservator, may on

a petition, notice, and hearing, as provided in sections 57-211 and 57-212, authorize, empower, and direct the executor, administrator, trustee, conservator, or the guardian of such minor or incompetent person to lease such real estate or any part thereof or enter into pooling or unitization contracts.

Sec. 263. That section 57-222, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-222. In any case where, by will, deed, or other instrument, title to real estate is in a tenant for life or other person having the right to the use thereof and income therefrom, with the remainder interest left to one or more contingent remaindermen, so that it is impossible to determine until the death of the life tenant or the future happening of some other determining event, who the contingent remaindermen will be or what interest, if any, the various contingent remaindermen will take, the district county court of the county in which the real estate is located, upon the application of the life tenant, or any other person having a vested or contingent interest in the real estate, shall have jurisdiction and authority to appoint a trustee under proper bond, over the real estate, for the purpose of leasing the land or entering into pooling or unitization contracts for oil and gas developing purposes.

Sec. 264. That section 57-223, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-223. The trustee shall have the power and authority, subject to approval of the district county court of the county where the land is located, to make valid oil and gas leases, pooling or unitization contracts, and other mining leases, upon the lands, for a term not to exceed ten years, and as long thereafter as oil, gas, or other minerals may be produced in paying quantities. The procedure to obtain such authority shall be substantially the same as the procedure provided under sections 57-211 and 57-212. The bonus and rentals therefrom shall be paid to the life tenant or other person entitled thereto.

Sec. 265. That section 57-402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

57-402. (1) Before entering into any such contracts for such easements, an application shall be duly filed in the district county court of the county in

which the estate, guardianship, or conservatorship proceedings are pending, or trust is being administered, or in the district county court of the county where the real estate is located, duly sworn and signed by the executor, administrator, trustee, conservator, or guardian, as the case may be. The application shall set forth in detail the nature and character of the contract and conveyance of the easement upon and across the lands of the estates, the purposes for which the same are to be used and maintained, the terms and conditions thereof, the consideration therefor, and the reasons why the same is for the best interests of the estate. The district court or any judge thereof in chambers shall set the application for hearing and direct to what persons and in what manner notice of such hearing shall be given.

(2) At the time and place set for the hearing, as is provided for by subsection (1) of this section, the court shall conduct a hearing upon the application and if, after due consideration thereof, the court finds that the granting of the easement for the erection and maintaining of the pipe line upon or across the land, will not result in a material injury to the property of the deceased person, beneficiary of the trust, minor, incompetent, or person unfit by reason of infirmities of age or physical disability, and further finds that the consideration therefor is adequate and proper, the district court may approve the application and authorize and direct the executor, administrator, trustee, conservator, or guardian to enter into such contract and to execute such grants or conveyances to carry the same into effect, and authorize and direct the executor, administrator, trustee, conservator, or guardian to deliver the same to the persons, individuals, firms, or corporations with whom the same were authorized to be made.

Sec. 266. That section 65-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

65-101. Oaths and affirmations may be administered, in all cases whatsoever, by Judges of the Supreme Court, judges of the district court, Clerk of the Supreme Court, clerks of the district and county courts, within their respective districts jurisdictions; by county judges and justices-of-the-peace associate county judges, within their respective counties; and by notaries public, ~~within the counties authorized by their commissions~~. County or deputy assessors shall be authorized and empowered to administer oaths within their respective counties in matters pertaining to their official duties only.

Sec. 267. That section 68-116, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-116. If any person shall bring or leave any poor person or persons in any county in this state wherein such poor person has not established a legal settlement, knowing him or them to be poor persons, he shall forfeit and pay the sum of one hundred dollars for every such offense, which shall be sued for and recovered by and to the use of such county, before the county judge ~~or any justice of the peace in the proper county court.~~

Sec. 268. That section 76-217, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-217. The acknowledgment must be made or proved, if in this state, before a judge or clerk of any court, ~~or some justice of the peace;~~ United States Commissioner Magistrate or notary public therein; but no officer can take any such acknowledgment or proof out of his territorial jurisdiction.

Sec. 269. That section 76-502, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-502. ~~District judges~~ No district judge or county judge within this state shall neither engage in the business of abstracting nor be interested directly or indirectly in any company or corporation which is engaged in the business of abstracting while holding his said office.

Sec. 270. That section 76-504, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

76-504. Any county clerk, clerk of the district court, register of deeds, ~~county judge,~~ county treasurer or county sheriff, or any deputy, clerk or assistant to such officers, in counties having a population of over eight thousand, shall not be eligible to engage in the business of compiling abstracts of title to real estate in the State of Nebraska while holding any of said offices, and any certificate of abstracter executed by any district judge or county judge while holding his said office or any other of said officers certifying to any abstract of title to real estate in Nebraska during the term of office of any of said officers shall be absolutely void.

Sec. 271. That section 77-2401, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2401. In all cases where witness fees shall be paid to the clerk of the district court, or to the county judge-or-justice-of-the-peace court, in pursuance of judgment of ~~any-of-said the~~ courts, and shall remain ~~in-his-hands~~ uncalled for by the parties entitled thereto, for the period of six months after the same have been paid in, it shall be the duty of each officer ~~above~~ mentioned to prepare a list, under oath, of the causes in which such fees have been paid and remain uncalled for, with the amounts in each cause and the date of judgment, and file the same with the county board of the respective counties on the first Tuesday in January, April, July and October in each year.

Sec. 272. That section 77-2402, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2402. It shall be the duty of the county board, within twenty days after the filing of the report provided by section 77-2401, to cause to be published in some weekly newspaper of general circulation, published in the county, for at least two consecutive issues of said paper, a notice as follows:

To whom it may concern: Report having been made to the county board of County, Nebraska, by the clerk of the district court; and the county judge, and the several justices--of--the--peace court of said county, which report shows that there is now and has been for the last six months remaining in the hands of said district clerk; and county judge;--and--justices--of--the peace court certain witness fees which have been uncalled for: Now, if such fees shall not be called for within six months from (insert the day upon which the first report was made) the same will be considered as forfeited, and will be paid into the common school fund of said County.

Sec. 273. That section 77-2403, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2403. All fees remaining in the hands of the clerk of the district court; or the county judge--or justice-of-the-peace court for the period of six months, after the same has been reported by them to the county board, shall be paid over to the treasury-of--the county treasurer, who shall receipt in duplicate for the same,

one of which receipts shall be filed with the county clerk. All such fees shall be credited to the common school fund of the county.

Sec. 274. That section 78-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-102. Within two days after the taking up and securing of any such wrecked property, the salvor shall make oath before ~~a justice of the peace of the precinct~~ the county court of the county in which such property is taken up or secured that the property was lost or wrecked and in a perishable condition; that he was not directly or indirectly instrumental in causing the property to be so wrecked or lost; that he has not disposed of or secreted any part of it; and he shall also state the quantity, quality, and estimated value of the property and the time and place of taking up.

Sec. 275. That section 78-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-103. When any person shall claim such property and shall prove his right to it before ~~any justice of the peace in the county where the property was taken up~~ the county court, it shall be restored to him upon payment to the salvor of a premium for salvage equal to ten per cent of the valuation of such property, to be determined by ~~such justice of the peace~~ the court, if not agreed upon by the owner and salvor, and the legal costs of the proceeding.

Sec. 276. That section 78-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-105. When such property shall be of greater value than ten dollars, the ~~justice of the peace~~ court shall proceed to dispose of the property as provided in sections 78-106 and 78-107.

Sec. 277. That section 78-106, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-106. If such property is not claimed and proved by the owner within ten days after the filing of the affidavit referred to in section 78-102, the ~~justice of the peace~~ court shall, on the application of such salvor, issue a warrant directed to ~~any constable of the township~~ the sheriff directing him to sell the property

at public auction after giving ten days' notice by posting three advertisements in public places in--his precinct of the time and place of sale; Provided, however, that if the name or initial of the owner of any log, tow or other property is plainly marked or branded thereon, the salvor shall also give notice to the owner if known from such brand or mark.

Sec. 278. That section 78-107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-107. If the property is not claimed and proved by the owner and the salvage and costs paid, then it shall be sold, and the proceeds shall be returned to ~~such justice of the peace~~ the court. ~~He~~ The court shall pay to the proper parties the salvage and costs of the proceeding, and the remainder, if any, shall be paid into the county treasury for the benefit of the school fund of the county, unless the owner shall make proof of his right to it within three months.

Sec. 279. That section 78-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

78-108. When it may be necessary to ascertain the value of any property so taken, ~~any justice of the peace of the proper county~~ the court, on the application of any party concerned, may appoint three freeholders, who, being sworn, shall ascertain and assess the value of such property and return their valuation to such justice court.

Sec. 280. That section 83-328.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-328.02. The person alleged to be mentally ill, any relative or immediate friend on his behalf or the county attorney of the county where such proceedings are had, may appeal to the district court from the findings of the board substantially in the manner provided by law in cases tried ~~and determined by justices of the peace in county court~~. The amount of the appeal bond shall be one hundred dollars conditioned for the prosecution of the appeal without delay and payment of costs; Provided, no bond shall be required where the appeal is taken by the county attorney. The taking of an appeal shall not supersede or suspend commitment under the warrant, but the person alleged to be mentally ill shall be returned to the county for hearing on the appeal.

Sec. 281. That section 83-467, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-467. When a boy of sane mind, under the age of sixteen years, has been convicted before a justice of the peace or other inferior court, of any crime, it shall be the duty of the magistrate to send the boy, together with all papers filed in his office on the subject, under the control of some officer, to a judge of a court of record. The judge the court may shall then issue an order to the parent, guardian or the person in charge of the boy or with whom the boy last resided, or any one known to be a close relative of the boy, or if the boy be alone and friendless, then to the person whom the judge shall appoint as guardian ad litem, requiring him to appear at a time and place stated in the order, to show cause why the boy should not be committed to the Boys' Training School.

Sec. 282. That section 83-471, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-471. The proceedings before any county court or a justice of the peace may be reviewed on writ of error by the district court in the manner provided by law for reviewing criminal cases. Proceedings before any district court or judge thereof may be reviewed by the Supreme Court in the manner provided by law for reviewing criminal cases.

Sec. 283. That section 86-338, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-338. Such easements and contracts shall be entered into by administrators, executors, trustees, guardians, and conservators only upon compliance with and upon securing the approval of the district county court of the county where the real estate is located in the manner provided in section 57-402, pertaining to oil and gas pipe line easements.

Sec. 284. All causes pending in any county court, police magistrate court, or justice of the peace court on the first Thursday after the first Tuesday in January, 1973, shall on that date be placed on the docket of the appropriate county court created by this act, and shall be subject to all the provisions of this act; Provided, if the records of any justice of the peace do not affirmatively show that all fees due in any case have been paid, such case shall be dismissed. All records of

every county court, police magistrate and justice of the peace shall, on January 4, 1973, be delivered to the appropriate county court created by this act.

Sec. 285. The provisions of section 4 of this act shall become operative on the effective date of this act. All other provisions of this act shall become operative on January 4, 1973.

Sec. 286. Any person who, prior to the effective date of this act, has filed as a candidate for the office of county judge to be nominated at the primary election in 1972 shall be entitled to a refund of the filing fee which he has paid. The claim for such refund shall be filed and allowed as other claims against the county.

Sec. 287. That original sections 2-220, 11-125, 13-113, 13-114, 14-603, 14-604, 15-326, 16-105, 16-219, 16-323, 17-107, 17-108.02, 17-209.02, 17-213, 17-564, 19-3015, 22-206, 23-224, 23-230, 23-1805, 23-1808, 23-1811, 23-1812, 23-1903, 23-2001, 24-315, 24-502.01, 24-503, 24-508 to 24-512, 24-520, 24-528.01, 24-532, 24-535 to 24-543, 24-549, 25-1013, 25-1042, 25-1056, 25-1094, 25-1267.14, 25-1402, 25-1521, 25-1522, 25-1565, 25-1701, 25-1901, 25-1906 to 25-1910, 25-2105, 25-21,147, 25-2222, 26-115, 26-118, 26-122, 26-1,100, 26-1,103, 26-1,104, 26-1,105, 26-1,106, 26-1,112, 26-1,114 to 26-1,117, 26-1,119 to 26-1,134, 28-706, 28-711, 28-714, 28-716, 28-724, 28-729, 28-805, 28-807, 28-810, 28-1118, 28-1218, 28-1231, 29-103, 29-201, 29-204, 29-301, 29-313, 29-403, 29-406, 29-504, 29-611, 29-613, 29-615, 29-616, 29-901, 29-1607, 30-808, 30-1102 to 30-1108, 30-1110, 30-1112 to 30-1114, 30-1116, 30-1119 to 30-1123, 30-1128, 30-1133, 30-1136 to 30-1138, 30-1142, 30-1143, 30-1205, 30-1206, 30-1608, 31-328, 31-329, 31-365, 32-308, 32-312, 32-314, 32-414, 32-466, 32-1039, 33-120, 33-123, 33-124, 33-130, 33-140, 33-148, 37-306, 37-601, 37-602, 38-106, 38-607, 38-611, 38-612, 38-614, 38-616, 38-620, 38-623, 38-624, 38-629, 38-636, 38-637, 38-638, 38-701, 38-702, 38-704, 39-703, 42-114, 43-207, 49-502, 49-801, 51-214, 53-197, 54-404, 54-406, 54-705, 57-210, 57-222, 57-223, 57-402, 65-101, 68-116, 76-217, 76-502, 76-504, 77-2401, 77-2402, 77-2403, 78-102, 78-103, 78-105 to 78-108, 83-328.02, 83-467, 83-471, and 86-338, Reissue Revised Statutes of Nebraska, 1943, sections 24-550, 24-551, 24-552, 24-553, 24-708, 24-716, 25-1558, 25-21,148, 26-1,118, 29-614, 30-1202, 32-4,101, 33-136, 39-796, and 54-143.01, Revised Statutes Supplement, 1969, sections 7-111, 11-119, 14-610, 24-562.01, 24-701, 26-116, 26-1,104.01, 32-421.01, 35-101, 42-108, and 43-202, Revised Statutes Supplement, 1971, section 39-794, Reissue Revised Statutes of Nebraska, 1943, as amended by

section 2, Legislative Bill 1058, Eighty-second Legislature, Second Session, 1972, section 24-703.01, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, section 30-1132, Revised Statutes Supplement, 1969, as amended by section 2, Legislative Bill 1052, Eighty-second Legislature, Second Session, 1972, section 24-703, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1471, Eighty-second Legislature, Second Session, 1972, sections 32-535 and 32-537, Revised Statutes Supplement, 1971, as amended by sections 57 and 58, respectively, Legislative Bill 661, Eighty-second Legislature, First Session, 1971, and section 49-617, Revised Statutes Supplement, 1971, as amended by section 1, Legislative Bill 1174, Eighty-second Legislature, Second Session, 1972, and also sections 5-106, 14-119, 23-158, 24-501, 24-501.01, 24-502, 24-504 to 24-507.02, 24-514 to 24-519, 24-521 to 24-528, 24-529 to 24-531, 24-533, 24-534, 24-544, 24-547, 24-548, 24-554 to 24-561, 25-1583 to 25-1586, 25-1709, 26-107.01, 26-116.01, 26-121, 26-123, 26-125 to 26-150, 26-151.01, 26-161 to 26-183, 26-185 to 26-194, 26-196 to 26-199, 26-1,101, 26-1,102, 26-1,107, 26-1,109, 26-1,110, 26-1,111, 26-1,113, 26-1,136 to 26-1,138, 26-1,140, 26-1,142 to 26-1,171, 26-1,184 to 26-1,187, 26-1,189 to 26-1,201, 29-202, 29-206, 29-207, 29-602, 29-603, 29-605 to 29-610, 29-617 to 29-623, 32-311, 32-1001.11 to 32-1001.16, 32-1041, 33-127, 33-134, 33-135, and 43-211, Reissue Revised Statutes of Nebraska, 1943, Chapter 18, article 2, as amended, and Chapter 27, as amended, Reissue Revised Statutes of Nebraska, 1943, sections 24-507.03, 24-513, 26-184, 26-1,135, 26-1,139, 26-1,141, 29-601, and 29-604, Revised Statutes Supplement, 1969, and sections 24-521.01, 24-545, 24-546, 26-124, 26-151, 26-1,106.01, 26-1,108, and 26-1,188, Revised Statutes Supplement, 1971, are repealed.