

counties in this territory, is hereby attached to said second judicial district for judicial purposes.

Third district;  
when court  
shall be held.

Sec. 3. The counties of Bon Homme, Hutchinson, Charles Mix, Bruguier, Todd and Gregory shall constitute the third judicial district, and the district court shall be held at Bon Homme, in Bon Homme county, on the first Tuesday in June, and first Tuesday of October in each year.

Supreme court  
shall be held an-  
nually—where.

Sec. 4. The supreme court shall be held at Yankton, annually on the first Tuesday of December in each year.

District clerk.

Sec. 5. There shall be one clerk in each district who shall reside in said district, and he shall appoint a deputy clerk in each of the organized counties in his district.

In case of sick-  
ness of judge,  
either of other  
judges may hold  
court.

Sec. 6. In case of the absence or sickness of any judge, or at his request, either of the other judges shall have power to hold his term of court.

Take effect  
when.

Sec. 7. This act shall take effect and be in force from and after its passage and approval by the governor.\*

\* See Governor's message No. 2, published at conclusion of general laws.

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## LOGS AND LUMBER.

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### CHAPTER 47.

#### AN ACT TO SECURE THE FREE PASSAGE OF LOGS AND LUMBER DOWN THE SEVERAL RIVERS OF THIS TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

Rivers declared  
public highways  
for certain pur-  
poses.

Section 1. That all rivers within the territory of Dakota, of sufficient size for floating or driving logs, timber or lumber, and which may be used for that purpose, are hereby declared

to be public highways, so far as to prevent obstructions to the free passage of logs, timber or lumber down said streams, or either of them.

Sec. 2. That no dam or boom shall hereafter be constructed or permitted on any river, as specified in this act, unless said dam or boom shall have connected therewith a sluiceway, lock, or other fixture, sufficient and so arranged as to permit logs, timber and lumber to pass around, through, or over said dam or boom without unreasonable delay or hindrance.

Regulation in regard to dams and booms.

Sec. 3. Any boom or wear now in or on any river as aforesaid, that is so constructed as to prevent the free passage of logs or lumber, is hereby declared a public nuisance, which shall be abated unless a suitable sluiceway, lock or passage, as above provided, be made thereon as aforesaid within thirty days after written notice given by any person interested; and any person or persons so owning, holding or occupying said boom or wear, shall be liable to pay five dollars for every day the same shall be permitted to remain in or on said river, after having had thirty days' notice to remove said nuisance, which may be recovered before any justice of the peace having jurisdiction of the case, and the amount so recovered shall be collected by said justice, and paid into the county treasury of the proper county for the use of common schools therein; and shall furthermore be liable for any damages sustained by individuals by reason of said nuisance.

Certain booms declared nuisances.

Penalty.

Sec. 4. This act shall take effect and be in force from and after its passage.

To take effect when.

APPROVED January 2, 1863.

## CHAPTER 48.

### AN ACT FOR THE PROTECTION OF THE OWNERS OF SAW LOGS IN THIS TERRITORY.

*Be it enacted by the Legislative Assembly of the Territory of Dakota:*

Section 1. Any person who shall willfully, and without authority, take any saw logs that may be on any river on the

Persons guilty of destroying logs; penalty.

land adjoining or near a river, which may have floated down said river, or on to said land, and shall remove or attempt to remove the said logs, or who shall cut or split said logs, or otherwise destroy or injure them, shall be held guilty of a misdemeanor, and upon conviction of any of the said offenses, shall be punished by imprisonment in the county jail of the proper county, not more than one year nor less than three months, and shall pay a fine of not more than one hundred dollars, or less than ten dollars.

Justice of peace shall have jurisdiction of offenses against this act.

Sec. 2. Any justice of the peace shall have concurrent jurisdiction in his own county, with the district court, of any offenses in the preceding section specified when the value of the logs taken or removed, shall be alleged not to exceed the sum of one hundred dollars, and in such case the punishment shall be by fine, not less than twenty nor more than eighty dollars; and if any person on conviction for such offense, shall refuse or neglect, for the space of three days, to pay such fine, it shall be lawful for the justice, before whom the conviction was had, to commit such person to the jail of the proper county for a period not less than one nor more than three months.

Power of officers to arrest persons charged, with taking or removing saw logs.

Sec. 3. It shall be lawful for any officer, in whose hand a writ shall have been placed, for the apprehension of any person or persons charged with taking or removing any saw logs, to arrest such person or persons on any part of a river or lake, or any island in a river or lake contiguous to his proper county, and to secure the logs so taken or removed, so that the owner thereof may be put in possession of the same.

Penalty for purchasing, &c., saw logs taken or removed.

Sec. 4. Any person who shall purchase, receive or secrete saw logs so taken or removed, or who shall cut or otherwise injure logs so taken or removed, shall be punished in the same manner and to the same extent, as is provided in this act for taking, removing or destroying saw logs, as herein provided.

Take effect when.

Sec. 5. This act shall take effect and be in force from and after its passage and approval by the governor.

APPROVED January 6, 1863.