

MILITIA ACCOUNTS

CHAPTER XXVIII.

JOINT RESOLUTIONS RELATIVE TO THE RE-AUDITING OF THE MILITIA ACCOUNTS AGAINST THE TERRITORY, FOR EXPENSES INCURRED DURING THE FALL OF 1862.

Be it resolved by the Legislative Assembly of the Territory of Dakota :

First, That the acts of R. M. Hagaman, as deputy auditor of this territory, be and are hereby declared to be illegal, and that all territorial warrants issued by him, for the territorial auditor, and on account of military accounts allowed by James Tufts, as commissioner, be and are hereby declared to be null and void. Certain acts . . .
clared illegal.

Second, That Samuel Grant, Samuel Lyon and John Owens, are hereby appointed, and constituted a board of commissioners to examine and re-audit all the militia accounts against the territory. Who are appointed
ted commissioners.

Third, That it shall be the duty of said board of commissioners to meet at Yankton on the first Tuesday in February next, and proceed to examine and audit, or re-audit the militia accounts said to be in the hands of the territorial auditor, and that said board of commissioners may if they deem proper allow such of the said accounts, rendered for the service of the militia, as from their own knowledge, and from the papers accompanying the same may appear just, and that it shall be the duty of the territorial auditor or any person who has possession of the accounts which have been audited by said James Tufts, (commissioner,) to deliver to said board of commissioners the same, together with all the papers relating to said accounts audited as aforesaid. Duties of
missioners.

Required to
complete their
duty—when.

Fourth, That said board of commissioners are hereby required to complete the auditing or re-auditing of the militia accounts against the territory by the first day of March next, and that it shall be lawful for them to issue subpoenas requiring the attendance of witnesses to give evidence for or against claims pending and before them, and that it shall be the duty of any sheriff in the territory to serve said subpoena, (in whose hands the same may be placed,) and further, the said commissioners are hereby empowered to compel the attendance of any witness who may reside within this territory, and any refusal on the part of the sheriff, or any witness, to serve as aforesaid any paper, or to attend upon said board of commissioners, may be punished by such person being fined in the sum of fifty dollars (\$50), at the discretion of the board of commissioners, who are authorized to impose said fine.

Fees to be al-
lowed commis-
sioners.

Fifth, That the same fees shall be allowed by the board of commissioners, to the sheriff or sheriffs, and to the witnesses, as are allowed by the laws of the territory for such service, which amounts shall be paid in the same manner as the accounts allowed by said commissioners for militia expenses, and the said board of commissioners shall be allowed by the auditor of the territory, three dollars per day each, during the time actually and necessarily engaged in performing the duties assigned them by these resolutions; which accounts are to be paid as provided hereinafter for the payment of the accounts audited by the said board of commissioners.

Who is chair-
man, and power
of board.

Sixth, That Samuel Grant is hereby constituted the chairman of said board of commissioners, with full power and authority to administer oaths, and it shall be his duty to administer oaths to persons coming before said board of commissioners, either as claimant or witnesses, and that any person swearing falsely before said chairman of commissioners in relation to any claim account, or item of claim, or account, shall be deemed guilty of perjury and on conviction thereof, shall suffer all the pains and penalties prescribed by the laws of this territory for such an offense; and it shall also be lawful for said board of commissioners, if they deem it necessary, to call to their assistance any attorney, who shall be allowed the sum

of five dollars per day, payable in the same manner as the fees of the said commissioners.

Seventh, That after the auditing of the accounts aforesaid, ^{Commissioners to submit report.} it shall be the duty of the commissioners to submit a report of their action on all claims, together with a full account of their proceedings, to the territorial auditor, who shall provide a book and record in a proper manner, each and every account allowed, and in no instance shall he issue any warrant or certificate, which can be transferred, for any account or claim allowed by said board of commissioners, and further, no account so allowed shall be paid, unless an appropriation shall be made by congress for such purpose, and when any claim is paid pursuant to an appropriation by the General Government, the same shall be paid to no one but the original claimant, except in the case of the death of a claimant, when it shall be lawful for the legal representative of the deceased to receive and receipt for the account of the claims, and any person holding a claim which has been allowed as aforesaid, is required to demand payment, within eighteen months after an appropriation is made as aforesaid, from the person holding or disbursing the funds, or else he shall forfeit his right to receive the amount of his claim, and it shall be placed in the hands of the territorial treasurer for the sole benefit of the territory.

Eighth, That when the territorial auditor makes his next ^{Duty of Territorial auditor.} annual report, it shall be his duty to include in his report the report of said board of commissioners as made to him, and in itemizing, it shall be the duty of the board of commissioners, and the auditor to state not only the amount, but what the amount is for and it shall also be the duty of the territorial auditor to forward to our delegate in congress a statement under seal of his office, of the amount of the militia claims, which have been audited and allowed by said board of commissioners.

Ninth, That the governor of this territory, after the passage and approval of these resolutions, and after the auditing of the accounts hereinafter referred to, is hereby requested to transmit to our delegate in congress a certified copy of these resolutions, and to urge upon him the justice of prompt and continued action until an appropriation is made by congress to re- ^{Duty of governor.}

ward our citizen soldiers for their services rendered during our Indian troubles in the fall of 1862.

Original claimant—how construed.

Tenth, The term, "original claimant," shall be construed to mean that person who is adjudged by the said board of commissioners as having a just and valid claim, or, one whose claim may have been allowed by them.

Vacancies—how filled.

Eleventh, That in case John Owen or Samuel Lyon, or both of them fail to act, Samuel Grant, the territorial auditor and territorial treasurer shall have power to fill such vacancy vacancies.

Approved, January 15th, 1864.

REGISTER OF DEEDS

CHAPTER XXIX.

AN ACT LEGALIZING THE OFFICIAL ACTS OF LABAN H. LITCHFIELD, REGISTER OF DEEDS OF BON HOMME COUNTY.

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

Certain acts declared legal.

Section 1. That the official acts of Laban H. Litchfield, register of deeds of Bon Homme county, be and are hereby declared legal.

Certain acts declared illegal.

Sec. 2. That the acts of any and all other persons pretending to be the register of deeds of said county, be, and are hereby declared null and void.

Who shall be register.

Sec. 3. That the said Laban H. Litchfield, be, and is hereby declared to be the register of deeds of Bon Homme county, and to continue such until the next general election, and his successor is elected and qualified.