

RECOVERY OF PROPERTY.

CHAPTER XXVI.

AN ACT FOR THE RECOVERY OF PROPERTY REMOVED BY HIGH WATER.

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

Manner of
recovering
property

Section 1. That when the fence rails or other property of any person or persons in this Territory, shall be removed by high water and lodged upon the lands of another, it shall be lawful for the owners of such property so removed, to proceed within sixty days thereafter, upon the premises where such property may be lodged, and in case the proprietor of said lands shall refuse to deliver up the same, the parties shall each select an arbitrator who shall examine and hear upon all the circumstances and facts and determine the case;

Provided, That if they cannot agree, they shall select an umpire and the decision of a majority of them shall be final between the parties.

Arbitrators to
take oath

Sec. 2. That before said arbitrators shall proceed as above provided, they shall be sworn to discharge their duties as faithfully, impartially and according to law, by some person having power to administer oaths.

Claimant of
property to
give notice

Sec. 3. That when two or more persons shall claim any property as aforesaid, they shall give notice to all interested of the time and place of such arbitration and upon hearing all the facts and circumstances in the case, the arbitrators shall award to each such a proportion of said property as they may deem reasonable and just.

Search for
property not
trespass

Sec. 4. That it shall not be considered a trespass for any person to go upon the lands of another for the purposes in this act mentioned:

Provided, That such person shall go upon such route as will do the least possible injury to said lands if it be practicable and convenient.

Sec. 5. All acts and part of acts in conflict with the provisions of this act, are hereby repealed. Conflicting acts repealed

Sec. 6. This act shall be in force and effect from and after its passage and approval. When to take effect

Approved, December 30, 1867.

REPEALS.

CHAPTER XXVII.

AN ACT TO REPEAL CERTAIN SECTIONS OF AN ACT ENTITLED
 "AN ACT RELATIVE TO COUNTY SURVEYORS," APPROVED JAN-
 UARY 8, 1866.

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

Section 1. That in order to conform the law of this Territory upon the subject of surveying, to the provisions of the act of Congress entitled "An act concerning the mode of surveying the public lands of the United States," approved February 11th, 1805, sections number four, five, six, seven, and eight of an act of the Legislative Assembly of this Territory, entitled "An act relative to county surveyors," approved January 8th, 1866, be and the same are hereby repealed. What sections repealed

Sec. 2. This act shall take effect from and after its passage and approval. When to take effect

Approved, January 3, 1868.