

ALBANY AND CARBON COUNTIES.

CHAPTER 29.

AN ACT CONSTITUTING THE COUNTIES OF ALBANY AND CARBON A PART OF THE SECOND JUDICIAL DISTRICT: PROVIDING FOR TERMS OF THE DISTRICT COURT THEREIN, AND FOR OTHER PURPOSES.

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

Section 1. That all that portion of the Territory of Dakota known and designated as the counties of Albany and Carbon, be, and the same is hereby attached to, and made a part of the Second Judicial District of Dakota Territory.

Sec. 2. That in addition to the terms of the district court in said district now provided by law, there shall be annually held at the county seat of said county of Albany, at least one regular term of said court. Said term shall commence on the fourth Monday of March, in each year.

Sec. 3. That in addition to said term as above provided, the judge of said court may in his discretion, if he shall deem the public interests require it, hold another regular term of said court in said county of Albany, annually, at the county seat thereof, at such time as he may appoint.

Sec. 4. The judge of said court, if he shall appoint an additional term of said court as provided for in this act, shall give notice thereof, by publication for at least three weeks in a newspaper published in said county of Albany, if there be one published in said county, if not, by publication in a news-

paper published in this Territory nearest to the county seat of said county, the first of which publications shall be at least sixty days before the first day of said term.

Authorized to
appoint a clerk

Sec. 5. The judge of said court is hereby authorized to appoint a clerk of said court.

Commissioners
authorized to
levy tax. For
what

Sec. 6. The county commissioners of said county, are hereby authorized and required, to levy and cause to be collected a tax upon the taxable property of said county, sufficient to pay the expenses of the courts herein provided for, which expenses including the per diem of the judge, attorney, marshal, jury-men and all other expenses, shall be certified by the judge of said court, and shall be paid by the treasurer of said county, upon such certificate.

Per diem of
judge

Sec. 7. There shall be allowed and paid by the treasurer of said county, out of the money collected as above provided, to the judge holding said additional term, the sum of ten dollars per day for each and every day necessarily occupied in holding said court.

Cases now pen-
ding. Provided

Sec. 8. All cases that are now pending, or that shall before the first day of the term herein appointed for Albany county, be pending in the said district court within and for the county of Laramie, the defendants of which are charged with the commission of crimes within the limits of what is at present the counties of Albany and Carbon, and all civil cases, if the plaintiff therein shall request the same, shall be transferred to the district court within and for the county of Albany, and shall there be disposed of; and the clerk of said court in Laramie county shall certify to the clerk of said court in Albany county, all the proceedings that may have been had, in each of said cases, in said court, and transmit the same with all the papers in the case to the said clerk of Albany county without delay: *Provided, however,* That no civil case shall be transferred unless the plaintiff therein shall serve a written notice, signed by himself, his agent or attorney, on the clerk of the court of Laramie county, and also on the defendant in the action, or his attorney, at least ten days previous to the first day of the next regular term of the district court within and for said county of Laramie, stating that he desires the same to

be so transferred; and unless said plaintiff shall pay to the said clerk five dollars for certifying the proceedings and transmitting the same together with papers in the case as herein required.

Sec. 9. Nothing in this act contained shall be construed to interfere in any manner with the courts now provided by law to be holden within and for the county of Laramie.

Not to conflict with the courts now holden in Laramie county

Sec. 10. The county of Carbon is hereby attached to Albany county for judicial purposes.

The county of Carbon attached to Albany for judicial purposes

Sec. 11. The counties of Albany and Carbon are hereby attached to the county of Laramie for Representative purposes.

Attached to Laramie for representative purposes

Sec. 12. This act shall take effect and be in force from and after its passage and approval.

To take effect

Approved, Dec. 29, 1868.

ALLEYS AND STREETS IN YANKTON.

CHAPTER 30.

AN ACT TO VACATE CERTAIN STREETS AND ALLEYS IN "WITHERSPOON'S YANKTON," DAKOTA TERRITORY.

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

Section 1. That the alley running through block No. 40, and the alleys running through blocks No's. 18 and 19, and the streets or public highways running along the south and west side of said block No. 18, in "Witherspoon's Yankton," Dakota Territory, be, and the same are hereby declared vacated.

Description of streets, alleys &c., vacated