

Expenses—
how paid.

SEC. 3. The expense attending in taking such person to such asylum and confinement therein according to such contract shall be paid by the guardian out of the estate of such person, or by the persons bound to provide for and support such insane person, if such estate is sufficient therefor, or such person is able thereto; but if such insane person has no estate, and no one who has the ability is bound to support him or her, then the same shall be paid out of the county treasury of the county where such insane person is a resident, and the county commissioners of any county shall have the power, and it shall be their duty to provide the means of, and do whatever shall be necessary in carrying out the provisions of this act in the cost arising thereunder, when the expense as before provided is to be paid out of the county treasury.

Power of
probate court.

SEC. 4. The probate court shall have the power to make an order in any proper case for the taking to and confinement in said asylum of any insane person.

When to take
effect.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved, January 6, 1875.

LEGISLATIVE ASSEMBLY.

CHAPTER LXVI.

DESIGNATING THE TIME FOR THE LEGISLATURE TO CONVENE.

AN ACT to designate the time of the meeting of the Legislative assembly of the Territory of Dakota.

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

Certain sec-
tion amended.

SECTION 1. That section one (1) of chapter fifty six (56) of the laws of 1862, entitled "An act to designate the time of the meeting of the legislature, and defining the duties of the same," approved May 7th, 1862, be and the same is hereby amended so as to read as follows:

Section 1. That the regular biennial session of the legislative assembly of the territory of Dakota shall commence on the second Tuesday in January, in the year one thousand eight hundred and seventy-seven, and biennially thereafter on the second Tuesday of January. When session to commence.

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed. Conflicting acts repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval. When to take effect.

Approved, January 9, 1875.

MECHANICS LIEN.

CHAPTER LXVII.

JURISDICTION OF PROBATE COURTS TO ENFORCE MECHANICS LIEN.

AN ACT to provide for the jurisdiction of the probate courts to enforce mechanics liens, and the proceedings and practice therein.

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

SECTION 1. That the probate courts of this territory shall have concurrent jurisdiction with the district courts of this territory, to enforce mechanics liens where the amount of the lien claimed is one hundred dollars or less. Probate courts jurisdiction to enforce mechanic's liens.

SEC. 2. That the issue, trial, practice and proceedings, to enforce mechanics liens in the probate courts, shall be the same as in civil actions in the justices' courts in this territory, except as hereinafter provided for. Manner of trial.

SEC. 3. The summons shall be the same as is now required in justices' court, with the words added thereto, "this action is to enforce a mechanics' lien." Form of summons.

SEC. 4. When the defendant cannot be summoned, as provided in the justices' code, in actions on contract, notice shall be given to the defendant, and the notice put up or published in the same form and manner as is required in attachment cases, when the defendant cannot be summoned, and the notice shall state that a summons has been issued against him, How defendant to be summoned.