

officer or person executing the same shall make return thereof and thereon to the justice. The officer or person executing such order shall be entitled to a fee of ten dollars to be audited and paid as hereinafter provided.

§ 5. JUSTICE TO PRESERVE RECORD AND CERTIFY COSTS TO COUNTY BOARD.] The justice of the peace before whom any such proceeding shall be had shall enter in his docket a record of all such proceedings had by and before him pursuant to this act, and shall allow and tax all costs of the justice, officers, jurors, and witnesses the same, and in like manner as in criminal proceedings in justices courts, together with the fee provided herein for destroying such animal, which costs and fees shall be certified by him to the board of county commissioners, and shall be audited and paid out of the general county fund the same as costs in criminal actions before justices of the peace, but the justice may tax the costs against the complainant if he finds that the action was malicious or without probable cause, and such judgment for costs shall be enforced as judgments for costs in criminal cases, and execution may issue therefor.

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

Approved, February 5, 1883.

Hides.

CHAPTER 66.

AN ACT for the Protection of Hides and to Prevent the Destruction thereof, and to Punish Certain Offenses Concerning the Same.

Be it Enacted by the Legislative Assembly of Dakota Territory:

§ 1. HIDES OF SLAUGHTERED ANIMALS TO BE PRESERVED.] Any person who shall slaughter any neat cattle, for any purpose, in this Territory, shall keep the hides of such cattle at his or their place where such cattle were slaughtered, for a period of not less than ten (10) days, and such hides shall at all times be subject to inspection by stock growers and their agents and employes.

§ 2. UNLAWFUL TO DESTROY BRAND.] It shall be unlawful for

any person to cut or destroy any brand upon, burn or in any manner to destroy the hides of any neat cattle within this Territory.

§ 3. PENALTY.] Any person or persons who shall violate the provisions of the foregoing sections of this act shall be guilty of a misdemeanor.

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

Approved, March 6, 1883.

Highways.

CHAPTER 67.

ESTABLISHMENT OF ROADS BY CONSENT.

AN ACT for the Establishment of Public Highways by Consent.

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

§ 1. WHERE ROADS LOCATED WITHOUT VIEWERS.] Public roads may be established without the appointment of viewers, provided the written consent of all the owners of the land to be used for that purpose be first filed in the county clerk's office, and if it is shown to the satisfaction of the board of county commissioners that the proposed road is of sufficient public importance to be opened and worked by the public, they shall make an order establishing the same, from which time only shall it be regarded as a public road.

§ 2. WHO TO PAY EXPENSES.] If a survey of the establishment of the road named in the preceding section is necessary, the board of county commissioners before ordering such survey, shall require the parties asking for the establishment of such highway to pay the expenses of such survey.