

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.

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## 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.

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

ENDORSED.—Received at Executive Office, February 1st, 1883, at 11:30, A. M

**Note by the Secretary of the Territory.**

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

GEO. H. HAND,  
*Secretary of the Territory.*

## Husband and Wife.

### CHAPTER 68.

#### WHEN MAY SELL AND ENCUMBER PROPERTY.

AN ACT Granting to the Husband or Wife Power to Control and Sell Real Property in Certain Case.

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

§ 1. WHEN HUSBAND OR WIFE MAY SELL OR ENCUMBER PROPERTY.] In case the husband or wife abandons the other and removes from the Territory and is absent therefrom for one year, without providing for the maintenance and support of his or her family, or is sentenced to imprisonment either in the county jail or territorial penitentiary for the period of one year or more, the District Court of the county or judicial subdivision where the husband or wife so abandoned or not imprisoned resides, may, on application by affidavit of such husband or wife, setting forth fully the facts, supported by such other testimony as the court may deem necessary, authorize him or her to manage, control, sell or encumber the property of the said husband or wife for the support and maintenance of the family, and for the purpose of paying debts contracted prior to such abandonment or imprisonment. Notice of such proceedings shall be given the opposite party, and shall be served as summons are served in ordinary actions.

§ 2. CONTRACTS MADE TO BE BINDING ON BOTH, ETC.] All contracts, sales or encumbrances made by either husband or wife by virtue of the power contemplated and granted by order of the