

§ 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

court as provided in the preceding section, shall be binding on both, and during such absence or imprisonment the person acting under such power may sue and be sued thereon, and for all acts done, the property of both shall be liable, and execution may be levied or attachment issued thereon according to statute. No suit or proceeding shall abate or be in any wise affected by the return or release of the person confined, but he or she may be permitted to prosecute or defend jointly with the other.

§ 3. WHEN ORDER OF COURT MAY BE SET ASIDE.] The husband or wife affected by the proceedings contemplated in the two preceding sections, may have the order or decree of the court set aside or annulled by affidavit of such party, setting forth fully the facts and supported by such other testimony as the court shall deem proper. Notice of such proceedings to set aside and annul such order must be given the person in whose favor the same was granted, and shall be served as summons are served in ordinary actions. The setting aside of such decree or order shall in no wise affect any act done thereunder.

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

Approved, February 23, 1883.

## Insurance.

### CHAPTER 69.

AN Act to Revise and Amend Article XI of the Civil Code, Entitled of Insurance Companies.

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

§ 1. WHO MAY INCORPORATE—PURPOSES.] That any number of persons, not less than seven, may associate and form an incorporated company for the following purposes, to-wit: To make insurance on dwelling houses, stores and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire or lightning or wind and the risks of inland navigation and transportation. Any and all insurance companies hereafter incorporated under the provisions of this act, which shall, in the