

§ 4. WHEN COUNTY COMMISSIONERS TO GIVE NOTICE OF ELECTION, ETC.] In case of cities organizing under section two of this article, the county commissioners shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town.

§ 5. TERM OF FIRST OFFICERS.] The city officers elected under either of the preceding sections shall hold their respective offices until the succeeding regular election for such officers, respectively, and until their successors are elected and qualified as provided by this act.

§ 6. SPECIAL CHARTER NULL AND VOID—WHEN.] Whenever any city in this Territory shall adopt this act, any special charter that may have been granted to such city shall be null and void.

§ 7. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved, March 11, 1887.

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## IRRIGATING DITCHES.

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### CHAPTER 74.

#### AN ACT Relating to Irrigation Ditches.

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

§ 1. UNLAWFUL TO INTERFERE WITH DITCHES.] That it shall be unlawful, for any person or persons, to divert any of the waters from any irrigation ditch, in this Territory, or to interfere in any manner whatever with any irrigation ditch, without first having obtained the permission of the owner of such ditch, or of the person or persons lawfully in charge thereof.

§ 2. PENALTY FOR—JURISDICTION OF JUSTICE OF THE PEACE.] Any person or persons violating any of the provisions of the preceding section, shall be deemed to be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than twenty-five dollars, nor more than fifty, and any justice of the peace within the county where such offense may be committed shall have the jurisdiction to try and determine all cases arising under the provisions of this act.

§ 3. PARTIES USING WATER RESPONSIBLE FOR DAMAGES.] All persons using the waters of any irrigation ditch in this Territory, shall be responsible for all damages occasioned by such waters, after the same have been diverted from such ditch.

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, March 11, 1887.

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## JUDICIAL DISTRICTS.

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### CHAPTER 75.

#### FIRST DISTRICT—SUBDIVISIONS.

AN ACT, To Amend Subdivisions One (1) and Two (2) of Section Five (5) of Chapter Eighty-Four of the General Laws of 1881.

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

§ 1. PENNINGTON COUNTY.] That subdivisions one (1) and two (2) of section five (5) of chapter eighty-four, of the General Laws of 1881, be and the same are hereby amended to read as follows, to-wit: The county of Pennington constitutes one subdivision, and the district court shall be held therein, at the county seat of Pennington county, on the third Tuesday of May, and the fourth Tuesday of October, of each year.

§ 2. CUSTER.] The county of Custer constitutes one subdivision, and the district court shall be held therein at the county seat of Custer county, on the second Tuesday of June and the third Tuesday of October of each year.

§ 3. FALL RIVER.] The county of Fall River constitutes one subdivision, and the district court shall be held therein, at the county seat of Fall River county, on the third Tuesday of June of each year.

§ 4. REPEALED.] Subdivisions one (1) and two (2) of section five (5) of chapter eighty-four of the General Laws of 1881, and all laws and parts of laws in conflict with this act are hereby repealed.