

UNIVERSITY.

CHAPTER 88.

AN ACT TO LOCATE THE UNIVERSITY OF THE TERRITORY
OF DAKOTA.

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

University
located at Ver-
million.

SECTION 1. That the territorial university of the Territory of Dakota be, and the same is hereby established and located on lot number four, of section twenty-four, in township number ninety-two, north of range number fifty-two west of the fifth principal meridian in the town of Vermilion in Clay county.

Take effect,
when.

SECT. 2. This act shall take effect and be in force from and after its passage, and approval by the governor.

Approved April 21, 1862.

W. JAYNE, *Governor.*

WARRANTS.

CHAPTER 89.

AN ACT TO PROVIDE FOR THE ISSUING OF SEARCH-WAR-
RANTS, AND PROCEEDINGS THEREON.

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

Magistrate may
issue search-
warrant on what
complaint.

SECTION 1. When complaint shall be made, on oath, to any justice of the peace or magistrate authorized to issue war-

rants in criminal cases, that personal property has been stolen or embezzled, or obtained by false tokens or pretences, and the complainant believes it is concealed in any particular house or place, the magistrate, if he is satisfied that there is reasonable cause for such belief, shall issue his warrant to search for such property.

SECT. 2. Any such justice of the peace or magistrate, when satisfied there is reasonable cause, may, also, on like complaint made on oath, issue search-warrants in the following cases, to wit: 1. To search for and seize any counterfeit or spurious coin, forged bank-notes, and other forged instruments or tools, machines or materials, prepared or provided for making either of them. 2. To search for and receive any books, pamphlets, ballads, printed papers, or other things containing obscene language or obscene pictures, figures, or descriptions, manifestly intending to corrupt the morals of the youth, and intended to be sold, loaned, circulated, distributed, or introduced into any family, school, or place of education. 3. To search for and seize any gaming apparatus or implements used or kept, and to be used in unlawful gaming in any gaming-house, or in any building, apartment, or place resorted to for the purpose of unlawful gaming.

Search-warrants in what other cases.

SECT. 3. All such warrants shall be directed to the sheriff of the county or his deputy, or to any constable of the county, commanding such officer to search the house or place where the stolen property or other thing for which he is required to search are believed to be concealed, which place or things and property to be searched for shall be described in the warrant, and to bring such stolen property or other things, when found, before the magistrate who issued the warrant, or before some other magistrate or court having cognizance of the same.

Warrants, how directed, and command what.

SECT. 4. When any officer, in the execution of a search-warrant, shall find any stolen or embezzled property, or shall seize any other thing for which a search is allowed by this act, all the property and things so seized shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial, and as soon as may be afterwards, all such stolen and embezzled property shall be restored to the owner thereof, and all other things seized by virtue of such

Property found or seized, how kept.

warrant, shall be destroyed under the direction of the court or magistrate.

Take effect,
when.

SECT. 5. This act shall take effect from and after its passage, and approval by the governor.

Approved May 13, 1862.

W. JAYNE, *Governor.*

WILLS.

CHAPTER 90.

AN ACT CONCERNING WILLS OF REAL AND PERSONAL PROPERTY.

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

Who may will
property, &c.

SECTION 1. Every person of full age and sound mind, being seized in his own right of any lands or any right thereto, or entitled to any interest therein descendible to his heirs, may devise or dispose of the same by his last will and testament in writing; and all such estate not disposed of by will, shall descend as the estate of an intestate, being chargeable in both cases with the payment of all debts; and any married woman may devise and dispose of any real or personal property held by her, or to which she is entitled in her own right, by her last will and testament in writing, and may alter or revoke the same in like manner that a person under no disability may do the same.

Devise con-
strued to con-
vey all property,
except when.

SECT. 2. Every devise of land in any will hereafter made shall be construed to convey all the estate of the devisor therein which he could lawfully devise, unless it shall clearly appear by the will that the devisor intended to convey a less estate.

If estate ac-
quired after will
is made.

SECT. 3. Any estate, right, or interest in lands acquired by the testator after the making of his will, shall pass thereby in