

the peace in criminal cases, and of the proceedings therein," approved May thirteenth, eighteen hundred and sixty-two, and also an act entitled "An act defining the courts and jurisdiction of justices of the peace," approved January seventh, eighteen hundred and sixty-three, be and the same are hereby repealed.

Sec. 322. This act shall take effect from and after its passage and approval. When to take effect.

Approved, January 4th, 1866.

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## AMENDMENTS.

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### CHAPTER 3.

An Act to amend Chapter XIX of the Session Laws of 1864-5.

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

That Section 1, chapter XIX of session laws of 1864-5, be amended to read as follows:

Section 1. No person shall lay out strychnine or other poison, within the limits of any town or within one mile of any dwelling house, or any barn, stable, or out building, used at the time for the keeping or shelter of horses, cattle, sheep or swine; or within one half mile of any traveled thoroughfare on the ceded lands of this territory. Strychnine or other poison not to be laid, where.

Sec. 2. All persons who shall violate the provisions of this act shall be deemed guilty of a misdemeanor. Penalty.

Sec. 3. This act shall take effect from and after its approval. When to take effect.

Approved, December 21st, 1866.

**CHAPTER 4.**

**An Act to amend Chapter Twenty-three of the Laws of 1863-4**

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

All moneys for  
licenses &c,  
under certain  
provisions  
used for school  
purposes.

Section 1. That all moneys which are required to be paid into the county treasury either for licenses or as fines or penalties, under the provisions of chapter twenty-three, laws of 1863-4, shall be for the use of the public schools of the county.

When to take  
effect.

Sec. 2. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, January 4th, 1866.

**CHAPTER 5.**

**An Act to amend section seven (7) of Chapter Twenty-three (23)  
of session Laws of 1863-4.**

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

Who excluded  
from provisions  
of certain act.

Section 1. That section seven, chapter twenty-three, of session laws of 1863-4, be amended so as to read as follows:

That nothing in this act shall be so construed as to extend to the sale of goods, wares and merchandise by merchants who pay an annual tax upon the same assessed according to the revenue laws of this territory, nor to persons who sell commodities manufactured or raised by themselves in this or any adjoining territory.

When to take  
effect.

Sec. 2. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, December 21st, 1865.

**CHAPTER 6.**

**An Act to amend Chapter Thirty-five of the Laws of 1862.**

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

**Section 1.** That any person who shall neglect to perform any duty required of him or her, to be performed by any law or statute of this territory in relation to "estrays," shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine not less than the value of the property by him or her taken up, or imprisoned not exceeding six months.

Penalty for neglecting to perform certain duties in relation to estrays.

**Sec. 2.** All fines collected under the provisions of this act, shall be paid into the school fund of the county in which the stray shall have been taken up.

Fines collected paid into school fund.

**Sec. 3.** This act shall take effect and be in force from and after its passage and approval by the Governor.

When to take effect.

Approved, January 11th, 1866.

**CHAPTER 7.**

**An Act to amend Chapter Thirty three of the Session Laws of 1864-5.**

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

**Section 1.** That section 2, chapter 33, session laws of 1864-5, be amended so as to read as follows :

Number of pounds per bushel of different articles of produce.

A bushel of wheat, potatoes, beets, turnips, peas, beans and clover seed, shall be deemed each sixty pounds.

A bushel of onions, fifty-two pounds.

A bushel of rye and Indian corn, fifty-six pounds.

A bushel of barley, forty-eight pounds.

A bushel of buck wheat, forty-two pounds.

A bushel of oats, thirty-two pounds.

A bushel of timothy seed, forty-two pounds.

A bushel of unshelled corn, seventy pounds.

A ton of hay shall be deemed two thousand pounds, or by measurement three hundred and forty-three cubic feet, as the standard weight or measurement after the same shall have been stacked thirty days, or such time as may be agreed upon between the parties.

When to take  
• act.

Sec. 2. This act shall take effect and be in force from and after its passage and approval by the Governor.

Approved, December 27th, 1865.

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## CHAPTER 8.

### An Act to amend Chapter Thirty seven. Laws of 1862.

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

What property  
exempt from  
mesne or final  
process.

Section 1. That section eight of an act, entitled An act exempting property from execution, writ of attachment, or any other final process of a court, approved, May the twelfth, one thousand eight hundred and sixty-two, be amended so as to read as follows: All property hereinafter mentioned shall be exempt from attachment or mesne process, or levy of execution, or any other final process issued from any court:

1. All family pictures;
2. All miscellaneous books and musical instruments for the use of a family, not exceeding five hundred dollars in value;
3. A seat or pew in any house of worship;
4. A lot or lots in any burial ground;
5. All wearing apparel of the debtor and his family;
6. All household and kitchen furniture, including beds, bedsteads and bedding, used by the debtor, and his family, not to exceed five hundred dollars in value, and in case the debtor shall own more than five hundred dollars worth of such property, he shall select such as may be deemed, by him, most

useful to himself and family, leaving the balance subject to legal process ;

7. Three cows, ten swine, one yoke of cattle and one horse, or two yoke of cattle, or a span of horses or mules. one hundred sheep and their lambs under six months old, and all the wool of the same, and all cloth or yarn manufactured therefrom, the necessary food for the animals hereinbefore mentioned, for one year's support either provided or growing, or both as the debtor may choose ; also, one wagon, one sleigh, two ploughs, one harrow, and farming utensils, including tackle for teams, not exceeding three hundred dollars in value ;

8. The provisions for the debtor and his family necessary for one year's supply, either provided or growing, or both, and fuel necessary for one year ;

9. The tools and instruments of any mechanic, whether a minor or of age, used and kept for the purpose of carrying on his trade or business, and in addition thereto stock in trade not exceeding two hundred dollars in value. The library and implements of any professional man, not exceeding six hundred dollars in value : all of which articles appropriately exempted by this section shall be chosen by the debtor, his agent or legal representatives, and whenever the articles are limited in value, they shall be appraised at the usual price of such articles at sheriff sale as near as can be determined ; *Provided*, That the debtor may waive the right of returning the particular articles or kinds of property exempted by subdivisions one, two, six, seven and nine of this section, and in lieu thereof he shall be permitted to select any other or any kind of personal property belonging to him, not to exceed in the aggregate, fifteen hundred dollars in value.

Sec. 2. And be it further enacted, that section nine of said act be so amended as to read as follows : Nothing in this act shall be so construed as to exempt any personal property in this territory from execution for clerks, laborers, or mechanics wages, or physicians bills.

In certain cases  
no personal  
property exempt

Sec. 3. This act shall take effect from and after its passage and approval.

When to take  
effect.

Approved, January 9th, 1866.