

Tree Planting.

CHAPTER 145

AN ACT to Promote the Planting of Forest Trees upon the Prairies of the Territory of Dakota.

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

§ 1. BOUNTY FOR.] That every person planting one acre or more of prairie land within five years after the passage of this act, with any kind of forest trees, except black locust and cottonwood, and successfully growing and cultivating for three years, shall be entitled to receive for ten years thereafter an annual bounty of two dollars for each acre so planted and cultivated, to be paid out of the territorial treasury, but such bounty shall not be paid any longer than such grove of trees is maintained and kept in growing condition.

§ 2. BENEFITS OF LAW, HOW SECURED.] Any person wishing to secure the benefits of this act shall, within three years after planting such grove of trees, and annually thereafter, file with the county auditor or clerk of the county in which the same is located, a correct plat of the land describing the section or fraction thereof on which such grove has been planted or cultivated, and shall make due proof of such planting and cultivation as well as of the title to the land, by oath of the owner and the affidavit of two householders residing in the vicinity, setting forth the facts in relation to the growth and cultivation of the grove of trees for which such bounty is demanded. The several county auditors or clerks shall, on or before the first Monday of August of each year, forward to the territorial Auditor a certified list of all the lands and tree planting reported and verified to them in compliance with this act, with the name and postoffice address of the respective owners thereof; *Providing*, This act shall not apply to any railroad company for planting of trees within two hundred feet of its track, for the purpose of making a snow fence, nor to any trees planted upon land held, entered and acquired under the timber culture laws of the United States.

§ 3. AUDITOR TO ISSUE WARRANTS.] If the territorial Auditor shall find that the provisions of this act have been duly complied with, he shall issue to the several applicants entitled thereto, his warrant upon the territorial Treasurer for the bounty so earned.

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

Approved, March 13, 1885.

Trials.

ISSUES AND MODE OF.

CHAPTER 146.

AN ACT to Amend Section Two Hundred and Thirty-six of the Code of Civil Procedure.

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

§ 1. **ISSUE, HOW TRIED.]** That section two hundred and thirty-six of the Code of Civil Procedure of the Territory of Dakota, be and the same is hereby amended so as to read as follows: "Section two hundred and thirty-six." An issue of law must be tried by the court or by the Judge. An issue of fact for the recovery of money only, or of specific real or personal property, must be tried by a jury, unless a jury trial be waived, as provided in section two hundred and sixty-five. Every other issue is triable by the court which, however, may order the whole issue or any specific question of fact involved therein, to be tried by a jury or may refer it as provided in sections two hundred and seventy-one and two hundred and seventy-two.

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

Approved, March 12, 1885.