

ATTORNEYS.

CHAPTER 5.

AN ACT REGULATING THE ADMISSION OF ATTORNEYS.

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

Qualifications
of attorneys.

SECTION 1. That any person twenty-one years of age, who can produce satisfactory evidence of a good moral character, and pass an examination before either of the judges of the district court, or before the judges of the supreme court of this territory, shall be licensed to practise as attorney at law and solicitor in chancery in all the courts of the territory.

Citizen may
attend to his own
case.

SECT. 2. Every citizen of this territory may attend to his own case in all said courts.

Supreme court
may make rules.

Proviso.

SECT. 3. The supreme court of this territory may make such rules and regulations as they may deem proper in relation to the admission of attorneys: *Provided*, No rules shall be made which conflict with any enactment of the legislative assembly.

Take effect,
when.

SECT. 4. This act to take effect and be in force from and after its passage.

Approved April 10, 1862.

W. JAYNE, *Governor*.

BASTARDS.

CHAPTER 6.

TO PROVIDE FOR THE SUPPORT OF BASTARD CHILDREN.

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

Upon com-
plaint, accused
person brought
before justice.

SECTION 1. That on complaint being made to any justice of the peace of any female who shall be delivered of a bastard

child, or who shall be pregnant with a child which, if born alive might be a bastard, accusing any person of being the father of such child, the justice shall take such complaint in writing under the oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of the county, commanding him forthwith to bring such accused person before the justice to answer such complaint.

SECT. 2. On the return of such warrant, if the accused be in custody, or shall appear, the justice shall proceed to examine the complainant under oath, respecting the cause of the complaint, and such accused person shall be allowed, by himself or attorney, to ask the complainant, when under oath, any questions necessary for his justification or defence; and such questions, and the answers, with every part of the proceeding, shall be reduced to writing by the justice.

Examination,
how conducted.

SECT. 3. If such accused person shall pay or secure to be paid to the female complaining, such sum or sums of money, or other property, as she may agree to receive in full satisfaction, and as shall be approved by the commissioners of the county, of which agreement and approval the justice shall make a memorandum upon his docket; and if the accused shall also enter into bonds, with sufficient sureties, to be approved by the justice, to the commissioners of the county in which such female shall reside, and their successors in office, conditioned to secure and indemnify such county from all charges for the maintenance of such child, and shall also pay all expenses, if any, incurred by such county, for the lying-in, and support and attendance upon the mother of such child during her sickness, and the costs of prosecution; then the justice shall discharge such accused person.

When accused
may be dis-
charged.

SECT. 4. In case any person accused as aforesaid, does not comply with the provisions of the preceding section, the justice before whom the complaint shall be made, shall bind such person in a recognizance, with two or more sufficient sureties, to be approved by the justice, in a sum not less than one hundred dollars, nor more than five hundred dollars, to appear at the next term of the district court for the proper county, to answer the said complaint and abide the order of said court thereon; and on his neglect or refusal to find such

If accused fails
to comply with
law.

security, the justice shall cause him to be committed to the jail of the county, there to be held to answer to such complaint at the next term of such court; and such justice shall thereupon certify the examination so taken before him, and shall return the same, and all process and papers in the case, to the clerk of said court.

If complainant cannot attend, case continued, &c.

SECT. 5. If, at the next term of said court, the complainant shall not have been delivered or shall not be able to attend, or if at any time there shall be any other sufficient reason therefor, the court may order a continuance of the cause from term to term, as shall be judged necessary; and upon such continuance, shall order the renewal of the recognizance, and when renewed, the same shall remain in full force until final judgment: *Provided*, That, if the sureties in the recognizance shall, at any term of said court, object to being any longer held liable, or if the court shall, for any cause deem it proper, such court may order a new recognizance to be taken, and the defendant shall stand committed until he give such new recognizance.

Proviso.

Upon trial, mother of bastard admitted as witness.

SECT. 6. Upon the trial of the cause, the mother of the bastard shall be admitted as a witness, unless she have been convicted of a crime which would by law render her incompetent as a witness in any other suit; and the issue shall be, whether the accused is guilty or not guilty; and if he shall be found guilty, or if he shall admit the truth of the accusation, he shall be adjudged to be the father of such child, and shall stand chargeable with the maintenance thereof, in such sum or sums, or in such manner as the court may direct, and the payment of all the costs of prosecution; and the examination taken before the justice, shall in all cases be read to the jury, when the reading of the same shall be demanded by the accused.

If accused guilty.

Persons adjudged guilty to give bond, &c., or be imprisoned.

SECT. 7. The person so adjudged to be the father of such child, shall give bonds to the commissioners of the proper county with sufficient sureties to the satisfaction of the court for the performance of such order, and also for the payment of all expenses incurred by such county for the lying-in and attendance upon the mother of such child prior to the giving of such bond; and in case he shall neglect or refuse to give such bond, and pay the costs of prosecution, he shall be

committed to the jail of the county, there to remain until he shall comply with the order of the court, or until he shall be discharged therefrom as provided by law.

SECT. 8. Any man who shall have been imprisoned ninety days for having failed to comply with the orders of the district court, as provided in this chapter, shall have the benefit of the law for the relief of prisoners committed on execution issued for the collection of fines in criminal cases.

If imprisoned
ninety days.

SECT. 9. When the mother of a bastard child commences any such proceedings as are provided for in this act, and fails to prosecute the same to judgment and final termination, the commissioners of the proper county, or any person interested in the support of such bastard, may prosecute the proceedings commenced by the mother, to final judgment.

If mother fails
to prosecute to
final judgment.

SECT. 10. If any female shall be delivered of a bastard child, which shall be a public charge, or likely to become a public charge, or shall be pregnant of a child likely to be born a bastard and to become a public charge, the board of commissioners of the county where such female shall reside, or any of them may, upon application for aid in supporting such child, by the mother thereof, or if they deem proper without such application, apply to some justice of the peace of the same county to make inquiry into the facts and circumstances of the case.

If child be-
comes public
charge, commis-
sioners may in-
quire into facts.

SECT. 11. Such justice shall examine such female on oath respecting the father of such child, the time when and the place where she was begotten with child, and such other circumstances as the justice may deem necessary for the discovery of the truth; and shall thereupon issue his warrant to apprehend the reputed father; and the same proceedings shall thereupon be had, as if complaint had been made by such female, as prescribed in the foregoing provisions of this act, and with the like effect; any warrant issued under the provisions of this act may be executed in any part of this territory, and, in all cases, said commissioners and the accused may require the attendance of such female to testify, the same as witnesses in other cases.

Proceedings in
such case.

SECT. 12. The county commissioners of any county in this territory, shall have power to make such compromise and arrangement with the putative father of any bastard child in such county, relative to the support of such child, as they

Commissioners
may compromise
with putative
father.

shall deem equitable and just ; and, thereupon, may discharge such putative father from all liability for the support of such bastard.

Take effect,
when.

SECT. 13. This act shall take effect and be in force from and after its passage.

Approved May 12, 1862.

W. JAYNE, *Governor.*

BOATS AND VESSELS.

CHAPTER 7.

AN ACT TO PROVIDE FOR PROCEEDINGS FOR THE COLLECTION OF DEMANDS AGAINST BOATS AND VESSELS.

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

Boats and ves-
sels liable for
what.

SECTION 1. Every boat or vessel, used in navigating the waters of this territory, shall be liable: 1st. For all debts contracted by the master, owner, agent, or consignee thereof, on account of supplies furnished for the use of such boat or vessel; on account of work done or services rendered on board of such boat or vessel, or on account of labor done or material furnished by mechanics, tradesmen, or others, in and for building, repairing, fitting out, furnishing, or equipping such boat or vessel. 2d. For all sums due for wharfage or anchorage of such boat or vessel in this territory. 3d. For all demands or damages accruing from the non-performance of any contract of affreightment, or any contract touching the transportation of persons or property, entered into by the master, owner, agent, or consignee of the boat or vessel, on which said contract is to be performed; and for all injuries done to persons or property by such boat or vessel.

Suit may be
instituted against
boat or vessel.

SECT. 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof against the master, owner, agent, or consignee of a boat or vessel, may, at his option, institute suit against the boat or vessel by name.