

which labor has been bestowed, at public auction, by giving public notice of such sale by advertisement for three weeks, in some newspaper that has general circulation in the county, or if no newspaper be published in said county, by posting up notice of such sale in three of the most public places in the county, three weeks before the time of sale; and the proceeds of such sale be applied, first, to the discharge of such lien, and the costs and expenses of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof.

SECT. 9. Any person who is common carrier, and any person who shall, at the request of the owner or lawful possessor of any personal property, carry, convey, or transport the same from one place to another, and any person who shall safely keep or store any personal property, at the request of the owner or lawful possessor thereof, shall have the same lien and the same power of sale for the satisfaction of his reasonable charges, upon the same condition and restrictions as provided in the preceding section. The provisions of this act shall not interfere with any special agreement between the parties.

Lien of common carrier same as in preceding section.

Special agreement not interfered with.

SECT. 10. This act shall take effect and be in force from and after its passage, and approval by the governor.

Take effect, when.

Approved April 24, 1862.

W. JAYNE, Governor.

LEGISLATIVE ASSEMBLY.

CHAPTER 55.

AN ACT TO FIX THE TIME FOR CONVENING THE LEGISLATIVE ASSEMBLY.

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

SECTION 1. That the next session of the legislative assembly of the Territory of Dakota, shall commence on the first

Next session commence when, and of future meetings.

Monday of December, in the year one thousand eight hundred and sixty-two; and said legislative assembly shall meet annually thereafter on the first Monday in December.

Take effect,
when.

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

Approved April 21, 1862.

W. JAYNE, *Governor.*

CHAPTER 56.

AN ACT TO DESIGNATE THE TIME OF THE MEETING OF THE LEGISLATURE, AND DEFINING THE DUTIES OF THE SAME.

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

Meet. when.

SECTION 1. The regular annual session of the legislative assembly shall commence on the first Monday of December in each year.

No officer liable
to arrest on civil
process, when.

SECT. 2. No officer of the council or house of representatives, while in actual attendance upon the duties of his office, shall be liable to arrest upon civil process.

May punish for
contempt in what
cases.

SECT. 3. Each house may punish, as a contempt, by imprisonment, a breach of its privileges by its members; but only for one or more of the following offences, to wit: 1. The offence of arresting a member or officer of the house, or procuring such member or officer to be arrested, in violation of his privileges from arrest. 2. That of disorderly conduct in the immediate view of the house, and directly tending to interrupt its proceedings. 3. That of refusing to attend to be examined as a witness, either before the house, or a committee, or before any person authorized by the house, or a committee, to take testimony in legislative proceedings. 4. That of giving or offering a bribe to a member, or of attempting, by menace, or other corrupt means, or device, directly or indirectly, to control or influence a member in giving his vote, or to prevent his giving the same; but the term of imprisonment, which such house may impose for any contempt speci-

fied in this section, shall not extend beyond the same session of the legislature.

SECT. 4. Every person who shall be guilty of any contempt specified in the preceding section, shall, also, be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment not exceeding six months, or by fine not exceeding five hundred dollars, or both such fine and imprisonment, at the discretion of the court.

Person guilty of contempt. Penalty.

SECT. 5. The speaker of the house of representatives and the president of the council, the governor, attorney-general, or any of the judges of the supreme court, are hereby authorized to administer the oath of office to the members and officers of the respective houses.

Who may administer oath of office.

SECT. 6. Any member of the council or house of representatives, while acting as a committee of the house of which he is a member, shall have authority to administer oaths to such persons as shall be examined before the committee of which he is a member.

Any member of committee may do same.

SECT. 7. In case the right of any person to a seat in either house of the legislative assembly, shall be contested, the right of such person to a seat as aforesaid, shall be determined by the house in which he claims such seat as a member; and such house shall, in all cases, be the judge of the qualification of its members.

Houses may judge of rights of members to seats, &c.

SECT. 8. The officers of the council shall consist of a president (who shall be a member of said body), a secretary and assistant secretary, an engrossing clerk and an enrolling clerk, a sergeant-at-arms (who shall also perform the office of doorkeeper), a messenger and a fireman.

Officers of the council.

SECT. 9. The officers of the house of representatives shall consist of a speaker (who shall be a member of said body), a chief clerk, an assistant clerk, an engrossing clerk, an enrolling clerk, a sergeant-at-arms (who shall also perform the duties of doorkeeper), a messenger, and a fireman.

Officers of the house.

SECT. 10. The said officers shall be elected, viva voce, by the members of each house respectively, at such time, after the meeting of said house, as the members thereof shall see proper; but neither house shall transact any business other than the election or appointment of officers, until said officers are elected or appointed pro tem. on motion.

Officers elected, how and when.

SECT. 11. It shall be the duty of the secretary of the

Duties of secretary and clerk.

council and chief clerk of the house of representatives, to keep correct journals of the proceedings of their respective houses, to have the custody of all records, accounts, and other papers committed to them, and at the close of each session of the legislative assembly, shall deposit for safe keeping in the office of the secretary of the territory, all books, bills, documents, resolutions, and papers in the possession of the legislature, correctly labelled, folded, and classified, and generally to perform such duties as shall be assigned them by their respective houses: *Provided*, The journals of the two houses need not be deposited as above provided until the expiration of forty days after the adjournment of the legislative assembly.

Proviso.

Same.

SECT. 12. It shall be the duty of the secretary of the council and the chief clerk of the house, at the close of each session, to prepare for the press and superintend the publication of the journals of the proceedings of their respective houses, and to affix an index thereto; and to transcribe into a book kept for that purpose, the documents accompanying the message of the governor, or by him sent to either house, other than those entered on the journal, or the documents reported to either branch of the legislative assembly by any public officer of the territory, in pursuance of law, for which service they shall be allowed such compensation as the legislature shall from time to time determine; but in no event to be less than their regular pay per diem, for the time actually employed in performing said labor.

Same.

SECT. 13. It shall be the duty of the said secretary and chief clerk, at the opening of every session of the legislative assembly, to make a correct roll of the members of their houses, respectively, to whom certificates of election have been issued by the proper officers, which certificates shall be filed by said secretary and chief clerk.

Secretary and clerk to remain in office until next session, and call houses to order.

SECT. 14. In all cases, the said secretary and chief clerk, serving at the close of a session, shall remain in office until the organization of the next regular annual session of the legislature, and at twelve o'clock, meridian, on the day appointed by law for the meeting of the legislative assembly, the said secretary and chief clerk, or in the absence of either, then some member or other person appointed by the members present, shall call the members of their respective houses so

enrolled to order, when the members may proceed to the election of the necessary officers. The term of office of all officers of the council and house of representatives, shall expire with the close of the session at which they were elected.

Term of office
of officers.

SECT. 15. The compensation prescribed by law for the officers of the council shall be certified by the president thereof, and attested by the secretary: and the compensation that may be due to the officers of the house of representatives, shall be certified by the speaker thereof, and attested by the chief clerk, which said certificate, when made out as aforesaid, shall be sufficient evidence to the secretary of the territory of each person's claim.

Compensation,
how certified.

SECT. 16. It shall be competent at any time during a session of the legislative assembly, for either house, by a vote of a majority, to remove from office any of the officers provided for in this act; but in case of the removal of any officer by either house, his place shall be supplied by an election, viva voce; and in all elections under the provisions of this act for officers of either house of the legislative assembly, it shall require a majority of all the votes cast to determine a choice.

Officers may be
removed, how.

Majority elect.

SECT. 17. There shall be allowed to the presiding officers of each house three dollars per diem extra, and to each of the officers provided for by this act, for the council and house of representatives, three dollars per diem during the session of the legislative assembly.

Pay of officers.

SECT. 18. Either house may, by resolution, request the opinion of the supreme court, or any one or more of the judges thereof, upon a given subject, and it shall be the duty of such court or judges, when so requested, respectively, to give such opinion in writing.

Houses may
request opinions
of supreme court.

SECT. 19. This act to take effect from and after its passage.

Take effect,
when.

Approved May 7, 1862.

W. JAYNE, *Governor.*