

List of licenses  
to be furnished  
to court

Sec. 9. Every clerk of the board of county commissioners shall on the first day of the term of each district court deliver to the grand jury, an accurate list of all persons holding license under the provisions of this act within the county, which list shall show the date and expiration of such license.

Grand jury to  
return bill of  
indictment

Sec. 10. It shall be the duty of the grand jury at each and every term of the district court in every county in the Territory to make a strict inquiry and return bills of indictment against every person violating any of the provisions of this act;

*Provided,* That if a party or parties has or have been convicted and fined for any offense against the provisions of this act, by a justice of the peace, he or they shall not be subject to indictment by the grand jury for the same offense.

Certain laws  
repealed

Sec. 11. Chapter eighty-three of the session laws of 1862, and section eight to fifteen inclusive of chapter twenty-three of the session laws of 1863 and 1864, are hereby repealed.

When to take  
effect

Sec. 12. This act shall take effect and be in force from and after its passage.

Approved, January 8, 1868.

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## SETTLERS.

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### CHAPTER XXXI.

#### AN ACT RELATING TO SETTLERS UPON LAND WITHOUT THE LEGAL RIGHT THERETO.

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

Section 1. If any person or persons shall settle upon or take possession of any tract of land, or any part thereof being the property of

another person without having the full and complete legal rights so to do, and shall remain thereon four days after being notified by the owner, his agent or attorney, to abandon and quit the same, the owner thereof, his agent or attorney, may appear before any justice of the peace, in and for the county in which the land is situated, and after making oath before such justice that the said settlement was made and possession had without his consent or the consent of his principal as the case may be, and that he is the lawful owner thereof and cause a summons to issue to the person or persons who made the said settlement, and returnable three days thereafter commanding him or them to appear before the said justice and show his or their right to the possession of the land, and if the justice shall after due examination find that the settlement was made and possession held without the full and complete right so to do, he shall render a judgment against the defendant or defendants and in favor of the plaintiff for restitution of premises and costs of suit, and shall at the request of the plaintiff, his agent, or attorney, issue a writ of execution thereon directed to the sheriff or any constable of the county, commanding him forthwith to remove the defendant or defendants from the premises, and collect costs of suit.

Proceedings  
necessary to  
remove unlaw-  
ful settlers

Sec. 2. The officers shall within five days after receiving the writ, execute the same by restoring the plaintiff to the possession of the premises, and shall levy and collect the costs, and make returns as in other executions.

Execution of  
writ

Sec. 3. If the person or persons so removed, shall thereafter return upon the said land or any part thereof, for the purpose of settlement or possessing the same, without consent of the owner, his agent or attorney, in writing, he or they shall be deemed guilty of a misdemeanor, and on due conviction thereof before the district court of said county, shall pay a fine of not less than fifty dollars nor more than five hundred dollars in proportion to the amount of the damages he or they may have occasioned, for the benefit of the common school fund, as well as the costs of the prosecution or imprisonment in the county jail not less than twenty days or more than six months.

Who deemed  
guilty of mis-  
demeanor

Sec. 4. It shall be the duty of every judge or justice of the peace, before whom any complaint shall be made under oath of any violation of the previous sections to issue the necessary warrant of arrest for the person or persons complained against, and commit him or them to custody for trial at the next term of the district court, unless the said accused person or persons shall furnish good and sufficient bail in a sum to be fixed by the said judge or justice of the peace;

When judge to  
issue warrant  
of arrest

*Provided however,* That nothing in this act shall take away or impair the rights to damages, or other legal remedy which the owner of the land may now have under the laws of this Territory.

Justice to  
certify proceed-  
ings to district  
court

Sec. 5. Nothing in this act contained, shall be held to authorize a justice of the peace to try the issue in any action where the title to real estate comes in question and whenever the answer of the defendant in any case alleges title in himself or other party from whom he derives his right of possession the justice of the peace shall immediately certify the proceedings to the district court of the county in which said action is pending, and in such district court the action shall proceed the same as in cases of appeal.

Proceedings to  
be verified

Sec. 6. All pleadings in actions arising under the provisions of this act shall be verified by the affidavit of the party, his agent or attorney.

When to take  
effect

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved January 8, 1868.

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## SCHOOLS.

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### CHAPTER XXXII.

#### AN ACT TO PROVIDE COMMON SCHOOLS FOR THE TERRITORY OF DAKOTA.

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

James S. Foster  
appointed  
Territorial  
Superintendent  
of Public  
Instruction

Section 1. That James S. Foster is hereby appointed superintendent of Public Instruction for the Territory of Dakota, and shall hold his office for the term of one year from January 1st, 1868, and until his successor is elected and qualified.