

CHAPTER XV.

AN ACT AUTHORIZING CLERKS OF COURTS IN CERTAIN
CASES, TO ADJOURN THE SAME.

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

SECTION 1. The clerk of any District court in this Territory, <sup>When clerk
may adjourn
court.</sup> whenever the Judge, whose duty it may be, to preside therein, is hindered or delayed from any cause from being at the place of holding the same, on the first, second, or third day of the term thereof, is hereby authorized to adjourn said court from day to day, until the fourth day of said term, then if said Judge does not appear and take his seat to preside therein, the clerk aforesaid shall adjourn said court without day.

SEC. 2. This act shall take effect and be in force from and <sup>When to
take effect.</sup> after its passage and approval.

Approved, December 30th, 1870.

D I V O R C E .

CHAPTER XVI.

AN ACT CONCERNING DIVORCES.

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

SEC. 1. Divorces from bed and board, or from the bonds of ^{Divorces.} matrimony, may be granted:

For impotence.

1st. For impotence existing at the time of marriage;

When female under fourteen.

2d. When the female at the time of the alleged marriage was under the age of fourteen years, and the alleged marriage was without the consent of her parents, or guardian, or other persons having the legal custody or charge of her person; and when such marriage was not voluntarily ratified on her part after she had attained the age of fourteen years;

For adultery.

3d. By an act of adultery by either of the parties; but no divorce shall be granted upon the application of the party guilty of the act of adultery complained of; nor if it appear to the court that the adultery complained of was by collusion of the parties; nor when it shall appear that the parties have lived and voluntarily cohabited together as man and wife after knowledge of the act of adultery complained of;

For extreme cruelty, &c.

4th. For extreme cruelty in either party (by inflicting upon the other grievous bodily or mental suffering), or for habitual intemperance, or for willful desertion by either party for a period of two years, or when having the ability to provide for the same, and failing so to do by reason of his idleness, profligacy or dissipation, or when from threatening words or acts, the weaker party feels in danger of bodily injury;

When consent fraudulently obtained.

5th. When the consent of either of the parties to the marriage, was obtained by force, fraud, intimidation, deception or influence of stronger minds;

When convicted for felony.

6th. In case of the conviction of either party for a felony after marriage.

Either party can be witness.

SEC. 2. Either party may be a witness on the trial of such action, but no divorce shall be granted on their testimony unless corroborated by other evidence.

When to take effect.

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

Approved, January 13th, 1871.