

## GUARDIANS.

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### CHAPTER XXII.

#### AN ACT TO PROVIDE FOR THE REVOCATION OF THE APPOINTMENT OF GUARDIANS IN CERTAIN CASES.

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

SECTION 1. When by reason of incompetency of a parent to have the custody and education of his minor child, and another person has been appointed guardian of such minor, such appointment may be afterwards revoked at any time: *Provided*, The probate court shall adjudge the parent to be a competent and fit person to have the care, custody, and education of such minor child.

Appointment of guardian may be revoked

SEC. 2. The application to have such appointment revoked, shall be made in writing, and whenever the parent shall make such application to the court, he shall give such guardian a notice of the time and place of hearing such application, in such manner as the court shall direct, which notice shall be given or served on the guardian at least twelve days before the time set for hearing such application.

How application for revocation shall be made.

SEC. 3. If upon the hearing of such application, the court shall be of the opinion, that such parent is then a competent and fit person to have the care and custody of such child, the court shall revoke such guardianship, and shall order such guardian, to deliver up the custody of such child to the parent, within such time as such court shall deem reasonable and proper.

Duty of court.

Penalty for refusing to obey order of court.

SEC. 4. If said guardian shall neglect to obey such order within the time specified, the court may issue a warrant directed to any sheriff, or constable in the Territory, requiring him to apprehend and imprison such guardian, in some common jail in the Territory, until he shall perform such order, or be delivered in due course of law.

To take effect, when.

SEC. 5. This act shall take effect and be in force from and after its passage and approval.

Approved, January 13th, 1871.

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## HERD LAW.

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### CHAPTER XXIII.

#### AN ACT TO PROTECT CULTIVATED LANDS AND YOUNG TIMBER FROM TRESPASSING ANIMALS IN THE TERRITORY OF DAKOTA.

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

Animals restrained from running at large.

SECTION 1. That any person owning, or having in his or their charge, or possession, any horses, mules, cattle, goats, sheep or swine, or any such animals which shall trespass upon any cultivated land, or young timber, either fenced in or not fenced, belonging to any person, or persons, other than