

## REPEALS.

### CHAPTER LXXV.

#### RELATIVE TO CONTESTING COUNTY OFFICERS.

AN ACT repealing chapter six of the laws of 1864-5.

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

Certain chap-  
ter repealed.

SECTION 1. That chapter six of the laws of 1864-5, entitled "an act prescribing the manner of contesting the election of county officers," approved January 3d, 1865, be and the same is hereby repealed.

When to take  
effect.

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

Approved, January 6, 1875.

### CHAPTER LXXVI.

#### RELATING TO FEES OF CLERKS.

AN ACT to repeal section five of chapter two of the session laws of 1872-3.

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

Certain sec-  
tion repealed.

SECTION 1. That section five, chapter two of the session laws of 1872-3, be and the same is hereby repealed.

When to take  
effect.

SEC. 2. This act shall take effect and be in force from and after its passage and approval: *Provided, however,* That this act shall apply to the third judicial district of this territory only, and as to the first and second districts thereof it shall be inoperative.

Proviso.

Approved, January 15, 1875.

CHAPTER LXXVII.

REPEALING AND AMENDING THE CIVIL CODE WITH REFERENCE  
TO INCORPORATIONS.

AN ACT to repeal section 2 of chapter 2 of the laws of 1872-3,  
and for other purposes.

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

SECTION 1. That section 2 of chapter 2 of the laws of 1872-<sup>Certain section repeated.</sup>  
3, approved July 10th, 1873, be and the same is hereby re-  
pealed.

SEC. 2. That section 188 of an act entitled "an act to sim-<sup>How execution of attachment in certain cases to be made.</sup>  
plify and abridge the practice, pleadings and proceedings of  
the courts of the territory," passed at the seventh session of  
the legislative assembly of the territory be amended so as to  
read as follows: The execution of the attachment upon any  
debts, or other property incapable of manual delivery to the  
sheriff, shall be made by leaving a certified copy of the war-  
rant of attachment with the president or other head of the as-  
sociation or corporation, or the secretary, cashier or manag-  
ing agent thereof, or with the debtor or individual holding or  
occupying such property, with a notice showing the property  
levied on, or if the property attached be unoccupied real  
property, by putting a certified copy of such warrant upon  
the outer door of the court house, or other building in which  
the district court shall be held within the county or district in  
which such unoccupied real property shall be situated.

SEC. 3. This act shall take effect and be in force from and <sup>When to take effect.</sup>  
after its passage and approval.

Approved, January 6, 1875.

CHAPTER LXXVIII.

RELATIVE TO FEES AND COSTS IN CIVIL ACTIONS.

AN ACT repealing section 10, chapter 2, of the laws of 1872-3,  
approved January 10th, 1873, and for other purposes.

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

SECTION 1. That section 10 of chapter 2 of the laws of <sup>Certain section repeated.</sup>  
1872-3, approved January 10th, 1873, be and the same is

hereby repealed: *Provided, however,* That such repeal shall in no way affect actions heretofore commenced.

Section substituted.

SEC. 2. That in lieu of said section 10 there be substituted the following:

Fees and costs not allowed, When.

No fees or costs shall be allowed to any party in a civil action, except witness fees, jury fees, clerk's fees, sheriff's fees, and costs of court. No civil action which is in the jurisdiction of the courts of the justices of the peace, shall be commenced originally in the district courts of this territory, except when the defendant is a non-resident of the territory, and has real property within the territory liable to attachment: *Provided, however,* That no judgment shall be rendered in any action commenced in the district court, except in term time.

When to take effect.

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

Approved, January 1, 1875.

## CHAPTER LXXIX.

### RELATIVE TO DOCKETING EXECUTIONS.

AN ACT repealing the amendment to the code of civil procedure, requiring the docketing of executions.

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

Repeal of section requiring the docketing of executions.

SECTION 1. That the act entitled "an act supplemental to an act to simplify and abridge the practice, pleadings and proceedings of the courts of this territory," approved January 8th, 1868, the first section of which reads as follows: "That when an execution shall be issued under, and by virtue of the provisions of an act entitled 'an act to simplify and abridge the practice, pleadings, and proceedings of the courts of this territory,' included in chapter I, title IX of said act, before the same shall be delivered to the sheriff, or coroner as therein provided, the party or his attorney issuing the execution shall cause the same to be docketed, in the execution docket, by the clerk of the court in which the judgment is rendered," be and the same is hereby repealed.

When to take effect.

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

Approved, January 1, 1875.

CHAPTER LXXX.

REPEALING AND RE-ENACTING PORTIONS OF JUSTICES' CODE.

AN ACT repealing chapter 34 of the laws of 1862, also sections two hundred and seven to two hundred and twenty inclusive of the justice code of 1865-6, as published in the laws of 1870-71, and to re-enact chapter 10 of the laws of 1868-9.

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

SECTION 1. That chapter 34 of the laws of 1862 and sections 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, of the justice code of 1865-6, as published in the laws of 1870-71, and re-enacted by section 2 of chapter 6 of laws of 1872-3, be and the same is hereby repealed.

Sections of justices' code repealed.

SEC. 2. That chapter 10 of the laws of 1868-9, entitled an act to amend an act entitled "an act to establish the courts and define the jurisdiction of the justices of the peace," be and the same is hereby re-enacted and made of full force and effect.

Chapter re-enacted.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Conflicting acts repealed.

SEC. 4. This act shall take effect and be in force from and after its passage and approval.

When to take effect.

Approved, January 9, 1875.

CHAPTER LXXXI.

REPEALING THE PROHIBITION AGAINST MASKED BALLS.

AN ACT repealing sections 478 and 480 of the penal code of the laws of 1864-5, approved January 11th, 1865.

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

SECTION 1. That sections 478 and 480 of the penal code of the laws of 1864-5, approved January 11th, 1865, which read as follows:

Repeal of sections of penal code relating to unlawful assembly.

"Sec. 478. Every assembly of three or more persons having their faces painted, discolored, or concealed, or being otherwise disguised in a manner adapted to prevent them from being identified, is an unlawful assembly."

“Sec. 480. Every person being a proprietor, manager, or keeper of any theatre, circus or public garden, public hall or premises, or other place of public meeting, resort or amusement whatever, for admission to which any price or payment is demanded, who permits therein any masquerade or masked ball, or any assemblage of persons masked, is guilty of a misdemeanor, punishable by imprisonment in the territorial prison not exceeding two years, or in a county jail not exceeding one year, or by a fine not exceeding five thousand dollars and not less than five hundred dollars, or by both such fine and imprisonment;”

Be and the same is hereby repealed.

When to take effect.

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

Approved, December 19, 1874.

## CHAPTER LXXXII.

### RELATIVE TO BOATS AND VESSELS.

AN ACT repealing chapter seven of the laws of 1862, approved May 2d, 1862.

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

Certain section repealed.

SECTION 1. That chapter seven of the laws of 1862, entitled “an act to provide for proceedings for the collection of demands against boats and vessels,” be and the same is hereby repealed.

When to take effect.

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

Approved, December 30, 1874.

## CHAPTER LXXXIII.

## REPEALING AND AMENDING PORTIONS OF THE REVENUE LAW.

AN ACT repealing chapter eight of the session laws of 1872-3,  
and for other purposes.

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

SECTION 1. That chapter eight of the session laws of 1872-3, Chapter eight repealed.  
be and the same is hereby repealed.

SEC. 2. That all property in this territory, whether real or Time at which property shall be listed.  
personal, subject to taxation under existing laws, including  
real estate, becoming taxable for the first time, shall be listed  
to the owner thereof for the year one thousand eight hundred  
and seventy-five, and yearly thereafter, with reference to the  
amount owned on the first day of April, including all prop-  
erty purchased on that day.

SEC. 3. The board of county commissioners of each county Commissioners to equalize and list from April 1st.  
in this territory, in equalizing the value of real and personal  
property therein, shall estimate such property at its value on  
the first day of April of the year for which such equalization  
is made.

SEC. 4. The lien for all taxes for territorial, county, school, When lien for taxes to attach.  
road, township or other purposes, shall attach on all real es-  
tate on the first day of April annually for the ensuing year.

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

Approved, January 12, 1875.

## ROADS.

## CHAPTER LXXXIV.

LOCATING A TERRITORIAL ROAD FROM YANKTON TO CHOTEAU  
CREEK.

AN ACT to establish and locate a territorial road from Yank-  
ton to Choteau Creek.

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

SECTION 1. That D. T. Bradford, Eugene Alexander and Names of commissioners to locate road.  
George W. Snow be, and they are hereby, appointed commis-