

within this Territory, without having first obtained a license as provided by law, is guilty of a misdemeanor. And any license or lease granted by the board of county commissioners of the proper county shall be exclusive to the lessee or licensee for a distance of two miles from the place where such ferry is located, up and down such stream, either way; and any person who shall ferry, transport or carry, or attempt to ferry, transport or carry, any passengers, goods, chattles or merchandise, or who shall have, keep or maintain any scow, skiff or boat, for the purpose of ferrying, transporting or carrying any passengers, goods, chattles or merchandise, upon any water of this Territory, within a distance of two miles of any licensed ferry, shall be guilty of a misdemeanor, and may be punished by a fine not exceeding one hundred dollars, or thirty days' imprisonment in the county jail, or by both fine and imprisonment; when such ferry is upon waters dividing two counties, the offenders may be prosecuted in either county."

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

Approved, February 14, 1879.

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## Fireguards.

### CHAPTER 22.

AN ACT regulating the Time and Manner of Making Fireguards.

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

§ 1. EXEMPTING CERTAIN LAND FROM TAXATION.] That for the purpose of securing protection against prairie fires to homesteads, pre-emptions, timber claimants, and all persons own-

ing or having in charge any tract of land consisting of one hundred and sixty acres, more or less, who shall break or plow a fireguard thirty-three feet in width encompassing entire any such tract as described in this section, that the amount of land contained in such fireguard shall be exempt from taxation: *Provided*, It shall be kept free from grass, weeds and all other combustible matter from September 15th to May 10th in each year, and shall remain exempt as long as the provisions of this section are complied with.

§ 2. WHERE PERSON HAS MORE THAN QUARTER SECTION AND FRACTIONAL PARTS.] That any person claiming or owning any tract of land consisting of more than a quarter section lying in a body, shall not encompass less than that amount with a fireguard, as described in section one of this act, unless they have a fractional part or parts thereof not adjoining each other, in which case they may encompass them severally with fireguards and be entitled to the benefits of this act.

§ 3. DUTY OF ROAD OVERSEER TO MAKE FIREGUARDS.] That where persons have failed to make or cause to have made fireguards in compliance with sections 1 and 2 of this act, it shall be the duty of the road overseer in said district to make or cause to have made along the line of all public roads adjoining such lands a fireguard one rod in width on each side of such road, in the manner prescribed in section 1 of this act, and said overseer shall have power to warn out persons liable for road and poll tax to perform such service as is prescribed by law, and persons performing such service shall be allowed the same rates as for road work. It shall also be the duty of the road overseer to report to the town or county assessor on the first Monday in December in each year, the numbers of the land, and if known, the names of the person owning or claiming the same, where fireguards have been made as specified in this section.

§ 4. THIS ACT SHALL NOT CONFLICT WITH THE ACT OF 1877.] That nothing in this act shall be so construed to deprive of benefit any persons who have or may comply with sections 46 and 47 of the Political Code of 1877, and that such parties shall construct fireguards as specified in section 3 of this act, or by mowing and burning prior to September 15, in each [year],

and such parties shall be liable for all damage done by such fire.

§ 5. All acts in conflict with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after its passage.

Approved, February 21, 1879.

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## Insane.

### CHAPTER 23.

AN ACT establishing the Dakota Hospital for the Insane, providing for the Government of the same, and for the care of the Insane, and for the Organization of a Board of Commissioners of Insanity in each Organized County of this Territory.

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

§ 1. **WHERE LOCATED.]** The Dakota Hospital for the Insane until otherwise provided by law, is hereby established on the southeast quarter of section number thirty-six (36), in township number ninety-four (94), north of range number fifty-six (56) west, in the county of Yankton, near the city of Yankton, and shall be under the charge of a board of trustees, to consist of three residents of this Territory.

§ 2. **TRUSTEES, HOW APPOINTED.]** The governor shall, by and with the advice and consent of the council, appoint said trustees, whose term of office shall be for two years and until their successors are appointed and qualified.

§ 3. **OATH OF TRUSTEES.** The trustees so appointed before entering upon their duties shall take and subscribe an oath to support, protect and defend the constitution of the United States, and the act organizing the Territory of Dakota, and to faithfully, honestly and impartially discharge the duties of trustee of the Dakota Hospital for the Insane, which oath shall be filed with the secretary of the territory.