

on; or if upon diligent inquiry the consignee cannot be found, such carrier may, in the exercise of a reasonable discretion, sell the same at public or private sale without advertising, and the proceeds, after deducting the freight and charges and expenses of sale, shall be paid to the owner or consignee upon demand.

§ 3. TO APPLY TO HOTEL KEEPERS.] The provisions of this act shall apply to hotel keepers and warehousemen.

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

Approved, January 22, 1879.

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## Stenographer.

### CHAPTER 52.

AN ACT authorizing the Appointment of Short-hand Reporters for the District Courts of this Territory.

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

§ 1. JUDGE MAY APPOINT.] The judges of the district courts in each judicial district may appoint whenever in his judgment it will expedite public business, and tend to the more economical administration of justice, a short-hand reporter who shall be well skilled in the art and competent to perform the duties required of him.

§ 2. DUTY OF REPORTER.] It shall be the duty of such reporter under the direction of the court, to take down in short hand the oral testimony of witnesses, the rulings of the court, the oral instructions of the judge, if any such oral instructions are given, the objections made and exceptions taken during the trial in all criminal cases, and in civil cases when either of the parties or the judge direct it; and also such

other matter as the court shall order, and for each day actually and necessarily employed in the performance of such duties he shall receive such sum as may be fixed by the judge, not exceeding ten dollars per day, to be audited and paid by the county or subdivision wherein such service shall be rendered upon the order of the judge.

§ 3. REPORTER TO MAKE TRANSCRIPT. COMPENSATION.] The judge may on the application of either party in a criminal case, direct such reporter to make out and file with the clerk of the court a transcript of his short-hand notes in long hand, when the same is needed in such cause, and he shall receive as a compensation therefor such sum as may be fixed by the judge not exceeding fifteen cents for each one hundred words to be audited and paid as provided in section 2.

§ 4. SAME. REPORTER'S FEE TO BE TAXABLE COSTS.] Such reporter shall, on the request of either party in a civil or criminal case, make out such transcript and deliver the same to the party desiring it, on payment of his fees therefor by such party at the rate per folio as provided in section three, and the amount allowed such reporter for transcripts required in the case shall be taxable costs.

§ 5. REPORTER TO ATTEND COURTS IN SEVERAL COUNTIES.] Such reporter shall proceed from county to county, or subdivision, where the district courts are held, when required thereunto by such district judge, and be in attendance upon such district court to perform such duties as shall be required of him.

§ 6. TENURE AND OATH.] Such reporters shall hold their offices until removed by the judges of the district court for which they are appointed, for misconduct, incapacity or inattention to duty, and shall take and subscribe an oath to support the constitution of the United States and the Organic act of the Territory, and to honestly, faithfully and impartially perform the duties of their said office, which oath shall be filed with the clerk of the court in that county where the district court shall by law exercise the jurisdiction which pertains to district and circuit courts of the United States.

§ 7. ACT NOT TO APPLY TO CERTAIN COUNTIES.] This act shall not apply to the counties of Bon Homme, Clay, Lincoln and Union, in the second judicial district.

§ 8. This act shall take effect from and after its passage and approval.

Approved, February 14, 1879.

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## Supreme Court.

### CHAPTER 53.

(PLACE OF HOLDING.)

AN ACT to amend Section Twenty-six of the Code of Civil Procedure.

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

§ 1. PLACE OF HOLDING SUPREME COURT.] That section twenty-six of the Code of Civil Procedure, is amended to read as follows: "§ 26. The supreme court may be held in other buildings than those designated by law as places for holding courts, and at a different place in the same city from that at which it is appointed to be held. Any one or more of the justices may adjourn the court with the like effect as if all were present, and may announce and have placed on file the opinion of the court."

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

Approved, February 22, 1879.