

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

Approved, February 14, 1879.

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.

CHAPTER 54.

(TERMS.)

AN ACT to amend Chapter Ten of the Political Code.

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

§ 1. TWO TERMS PROVIDED FOR.] That chapter ten of the Political Code, is amended to read as follows: “§ 1. There shall be held at Yankton, two terms, annually, of the supreme court, commencing on the second Tuesday of May and the first Tuesday of October.”

§ 2. WRITS OF ERROR—WHEN RETURNABLE.] All writs of error heretofore issued from the supreme court to any of the district courts, returnable at the next June term as provided in said chapter ten, shall be returnable to the next May term of the supreme court as provided in this act, in the same manner and with the same effect as though such writs were so returnable on their faces.

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

Approved, February 22, 1879.

CHAPTER 55.

(REPORTS.)

AN ACT to authorize the Purchase and Distribution of One Hundred and Fifty Copies of the First Volume of Dakota Supreme Court Reports.

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

WHEREAS, The first volume of Dakota supreme court reports, embracing the decisions of the supreme court of this Territory from its organization up to and including the December term, A. D. 1877, reported by Hon. G. G. Bennett, ex-associate justice of the supreme court, has just been published in book form; and

WHEREAS, The Territory of Dakota has received from the several states and territories of the United States, for several years past, the court reports and public documents of such states and territories, which are now a part of the public law library of this Territory; and

WHEREAS, It is just and proper that the Territory of Dakota should reciprocate the courtesies shown her by contributing to the libraries of her sister territories and the several states, a volume of the reports of her supreme court decisions, and should also furnish copies to those of her public officers whose duties would be aided thereby; therefore

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

§ 1. LIBRARIAN AUTHORIZED TO PURCHASE.] That the territorial librarian of the Territory of Dakota is hereby authorized to purchase of the publishers of the first volume of Dakota reports, one hundred and fifty volumes thereof at a price not exceeding five dollars per volume: *Provided, however,* That if he cannot obtain one hundred and fifty volumes of said reports at the price herein stated, then he shall not purchase any of said reports.

§ 2. PAYMENT PROVIDED.] That said books shall be well bound in law sheep and shall be delivered to the said librarian, who shall thereupon approve the publishers account for said one hundred and fifty copies at the price agreed upon, not exceeding the amount named in section 1; and when said account so approved shall be presented to the auditor, he is authorized and it is made his duty to audit said account and to issue to said publishers a territorial warrant for said account, and the territorial treasurer is authorized to pay said warrant the same as other warrants drawn upon the territorial treasurer.

§ 3. APPROPRIATION.] There is hereby appropriated out of any moneys in the territorial treasury the sum of seven hundred and fifty dollars to defray the expenses of such purchase.

§ 4. HOW DISTRIBUTED.] That it is hereby made the duty of the librarian of the territory, upon receiving said books, to distribute them as follows, to-wit: One copy to each of the judges of the supreme court of the territory; one copy to each of the district attorneys of Dakota Territory, and one copy to the U. S. attorney for Dakota; also to transmit one copy by mail to the public library of each state and organized territory in the United States, that have exchanged or will exchange with this Territory; also one copy to the library of congress; one copy to the library of the supreme court of the United States; and one copy to the attorney general of the United States, and the remaining copies shall be disposed of as provided by law.

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

Approved, February 22, 1879.

CHAPTER 56.

(REPORTER.)

AN ACT creating the Office of Reporter of the Supreme Court, providing for filling the same, and for other Purposes.

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

§ 1. FIRST VOLUME DECLARED AUTHENTIC.] That the first volume of reports of the decisions of the supreme court of the territory, prepared for publication by Granville G. Bennett, be and the same is hereby declared to be authentic, and shall be considered and received in all the courts of this Territory as *prima facie* evidence of the decisions of the supreme court so far as it purports to give the same, as fully and to the same extent as if their publication had been authorized and directed by specific legislative enactment under the supervision of an official reporter.

§ 2. SUPREME COURT TO APPOINT REPORTER.] The supreme court shall appoint a person of known integrity, experience and learning in the law, reporter of the decisions thereof, and said reporter shall hold his office for the term of four years, unless sooner removed by the court, who shall be deemed an officer of said court for said purpose.

§ 3. BOND AND OATH OF REPORTER.] Said reporter shall give bond to the Territory, with at least two sufficient sureties, to be approved by the chief justice of the supreme court, in the sum of one thousand dollars, upon condition for the faithful performance of his official duties, and shall further take and subscribe an oath or affirmation, to be filed with his bond in the office of the clerk of said court that he will support, protect and defend the constitution of the United States and the act organizing the Territory of Dakota, and that he will perform the duties of his said office with correctness, impartiality and fidelity, and that the volumes of reports printed under his charge shall, in every respect, comply with the provisions of this act.

§ 4. REPORTER TO RECEIVE RECORDS OF CAUSES.] It shall be lawful for the reporter to receive, at the close of each term of the supreme court, the records of all causes decided at such term, with the opinions therein, and retain the same for such reasonable time as he may require to prepare the report thereof, when they shall be returned to and remain in the office of the clerk.

§ 5. REPORTS TO BE PUBLISHED.] As often as the material shall be sufficient to constitute a volume of five hundred and fifty pages, it shall be the duty of the reporter to cause the same to be printed and published in a manner, form and style, and as neat and substantial as the first volume of Dakota reports, provided that not more than one volume, annually, shall be published. And the reporter shall be entitled to obtain and hold the copyright of his reports.

§ 6. TERRITORY NOT RESPONSIBLE FOR PUBLICATION, ETC.] The Territory shall in no event be pecuniarily responsible for any cost incurred in the preparation and publication of such reports, nor shall the reporter be entitled to any fee or remuneration to be paid from the territorial treasury.

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

Approved, February 21, 1879.