

Appropriations.

TO CHIEF CLERKS FOR COMPLETING RECORDS.

CHAPTER 7.

AN ACT to Provide Compensation to the Chief Clerks of the Council and House of Representatives for Completing the Legislative Records.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. FOR WHAT PURPOSE.] That there be, and is hereby, appropriated out of the territorial treasury, for the payment of the chief clerks of the council and house of representatives, for labor to be performed in compliance with the provisions of section 13, chapter 2, of the political code, after the final adjournment of the legislative body, the amount as hereinafter required by this act.

§ 2. PER DIEM ALLOWED. HOW AUDITED AND FOR WHAT TIME.] That the chief clerks of the said council and house of representatives shall be allowed the sum of six dollars per day for each and every day so occupied in the discharge of such prescribed duty, which said per diem, for each day so employed, shall be paid, on a properly audited account, certified as correct by the secretary of the territory. That the time shall not exceed twenty-five days in which the clerks shall be employed.

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

Approved, February 25th, 1881.

CHAPTER 8.

ENGROSSING AND ENROLLING CLERKS.

AN ACT Authorizing the Employment of Assistant Engrossing and Enrolling Clerks, and appropriating funds for the payment of the same.

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

§ 1. COMMITTEE AUTHORIZED TO EMPLOY CLERKS.] That the committee on engrossed and enrolled bills in the House and Council are hereby authorized to employ assistant engrossing and enrolling clerks: *Provided, however,* That before any assistant clerk shall be employed, the body for which he is employed shall sanction such employment.

§ 2. APPROPRIATION FOR PAYMENT OF CLERKS.] Fifty dollars, twenty-five dollars for the House and twenty five dollars for the Council, or so much thereof as is necessary, is hereby appropriated out of the territorial treasury to the payment of assistant engrossing and enrolling clerks, employed in accordance with section one of this act.

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

Approved, February 17th, 1881.

CHAPTER 9.

ENROLLING CLERKS.

AN ACT to Compensate the Enrolling Clerks of the Fourteenth Legislative Assembly for Extra Labor of the Session.

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

§ 1. APPROPRIATION TO E. T. WHITE.] That there be and is hereby appropriated out of the funds of the Territory of Dakota not otherwise appropriated, the sum of eighty dollars, to be paid to E. T. White, enrolling clerk of the House of Representatives, for extra labor and service rendered during the present session, and a further sum of twenty-five dollars is

likewise appropriated to be paid to J. B. Hall, enrolling clerk of the Council for similar service, and the territorial auditor is hereby authorized to issue warrants upon the territorial treasurer in favor of the said clerks for the respective sums hereby appropriated.

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

Approved, March 5th, 1881.

CHAPTER 10.

REVISED CODES.

AN ACT to Authorize the Purchase of One Thousand Copies of the Revised Codes of Dakota.

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

§ 1. SECRETARY AUTHORIZED TO PURCHASE.] That the secretary of the territory is hereby authorized and it is made his duty to purchase for the use of the Territory of Dakota, as now provided by law, one thousand volumes of the revised codes of 1877, and to pay therefor not to exceed the sum of three dollars and seventy-five cents per volume, said volumes to be suitably indexed and bound in sheep.

§ 2. APPROPRIATION.] That there is hereby appropriated out of the territorial treasury the sum of thirty-seven hundred and fifty dollars, to enable the said secretary to make such purchase.

§ 3. AUDITOR AUTHORIZED TO ISSUE WARRANTS.] That the auditor of the territory is hereby authorized to audit and allow the accounts of the parties furnishing such codes, when such accounts have been approved by said secretary, and he shall issue his warrant upon the territorial treasurer for the amount of such accounts, which warrants shall be paid by the treasurer of the territory whenever there are funds in the treasury applicable thereto.

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

Approved, February 17th, 1881.

CHAPTER 11.

DAKOTA HOSPITAL FOR THE INSANE.

AN ACT Making an Appropriation for Furnishing and Maintaining the Dakota Hospital for the Insane.

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

§ 1. AMOUNTS APPROPRIATED AND FOR WHAT PURPOSES.] There is hereby appropriated out of the territorial treasury for the period of two years, from and after the 22nd day of February, 1881, the following sums, or so much thereof as may be necessary.

For the maintenance of patients in the Dakota Hospital for the Insane, and for their necessary clothing, and for the board of employes and officers necessarily residing in the hospital, the sum of sixteen thousand dollars;

For the necessary wages of employes, the sum of eight thousand dollars;

For necessary fuel and lights, two thousand five hundred dollars;

For necessary incidental expenses, one thousand dollars;

For necessary drugs, medicines, medical books and miscellaneous periodicals, fifteen hundred dollars;

For necessary repairs and improvements for such hospital, fifteen hundred dollars;

For necessary improvements of the hospital farm, two thousand and five hundred dollars.

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

Approved, February 17th, 1881.

CHAPTER 12.

PAGES.

AN ACT to Employ Pages and to Provide Compensation for the same.

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

§ 1. EMPLOYMENT OF PAGES AND PER DIEM.] That there shall be appointed by the president of the Council one (1), and by the speaker of the House of Representatives two (2), pages, who shall each receive the sum of one (1) dollar per day for such services, to be audited and paid out of the territorial treasury on accounts certified by the presiding officers of the respective houses.

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

Approved, February 2nd, 1881.

CHAPTER 13.

PRINTING.

AN ACT to Provide for Territorial Printing and Appropriate Funds for the Payment of the same.

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

§ 1. APPROPRIATION TO PRINT REPORTS OF TERRITORIAL OFFICERS.] That the sum of two hundred and fifty dollars, or so much thereof as shall be necessary, be and the same is hereby appropriated out of the territorial treasury, to pay for printing the reports of the officers of the Dakota Hospital for the Insane, the Territorial Auditor and Treasurer, and for such other printing as may be ordered by joint resolution of the territorial assembly, to be audited and paid out of the terri-

torial treasury on accounts certified and allowed by the chief clerks of the two houses of the Legislative Assembly or by either one of such clerks in the absence of the other from the city of Yankton, and the rates allowed for such printing shall not exceed the amounts allowed by the United States government for like printing.

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

Approved, February 2nd, 1881.

CHAPTER 14.

REMOVAL OF DEAD BODIES FROM INSANE HOSPITAL GROUNDS.

AN ACT to appropriate the sum of Five Hundred Dollars to aid in the Removal of the Bodies of Persons Interred upon lands belonging to the Insane Hospital of Dakota.

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

§ 1. APPROPRIATION.] That there is hereby appropriated the sum of five hundred dollars, to aid in the removal of the bodies of deceased persons buried upon lands belonging to the Insane Hospital for Dakota.

§ 2. GOVERNOR TO APPOINT COMMITTEE.] There shall be appointed by the governor a committee of three persons, (of which one, at least, shall be a member of the cemetery committee of the Yankton Catholic Church,) under whose supervision this appropriation shall be expended; *Provided*, That such committee shall receive no compensation for their services under this act.

§ 3. COMMITTEE TO FILE BOND.] The committee appointed under this act, before entering upon the discharge of their duties, shall file with the governor a bond, (in such sum as the governor may deem just,) with good and sufficient sureties, conditioned for the faithful performance of their duties,

and upon completion of the work of removal, shall file with the governor a full report of their doings under this act.

§ 4. MONEYS, HOW DISBURSED.] No money shall be paid out under this act, except upon an order signed by at least two of the committee aforesaid, who shall take duplicate vouchers for the same, one of which shall be filed with the governor and the other be kept by the committee.

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

Approved, February 21st, 1881.

CHAPTER 15.

TRANSFER OF FUNDS IN APPROPRIATIONS FOR DAKOTA HOSPITAL FOR INSANE.

JOINT RESOLUTION Authorizing the use of Funds Appropriated to Support the Dakota Hospital for the Insane for the Payment of all Accounts against the same.

AUTHORITY GIVEN TO USE FUNDS FOR ANY PURPOSE.] *Resolved, By the Council and House of Representatives of the Legislative Assembly of Dakota Territory; That the board of trustees of the Dakota Hospital for the Insane be and they are hereby authorized to draw from and use any funds heretofore appropriated for any purpose for the support and maintenance of said hospital, which are or shall remain unexpended, or so much thereof as may be necessary to pay all bills, claims and accounts against any particular fund of said hospital which may be lawfully due until the 22nd day of February, 1881, when said appropriations expire.*

Approved, February 2nd, 1881.

CHAPTER 16.

ASSISTANT CLERKS FOR LEGISLATIVE ASSEMBLY.

AN ACT. to Employ Assistant Clerks and to Provide for the Compensation of the same.

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

§ 1. ELECTION AND PER DIEM OF ASSISTANT CLERKS.] That there shall be elected one assistant clerk for each branch of the Legislative Assembly, who shall each receive the sum of six dollars per day for such services during the sessions thereof; to be audited and paid out of the territorial treasury upon an account certified by respective presiding officers of the two houses of said assembly.

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

Approved, January 20th, 1881.

CHAPTER 17.

DEAF AND DUMB.

AN ACT Making an Appropriation for the Deaf and Dumb School at Sioux Falls, Territory of Dakota,

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

§ 1. APPROPRIATION FOR BUILDING. PROVISIO.] That there is hereby appropriated from the funds in the territorial treasury the sum of two thousand dollars for the purpose of building a deaf and dumb school at Sioux Falls, Territory of Dakota. *Provided, however:* That said sum shall not be paid until ten acres of land in or near the village of Sioux Falls is deeded to the Territory of Dakota, and a building is erected on said land of the value of three thousand dollars.

§ 2. AUDITOR TO DRAW WARRANT.] That when the building is

erected as provided for in section [one] (1) of this act, and the territorial auditor is satisfied of that fact, it shall be the duty of the territorial auditor to draw his warrant on the territorial treasurer for the sum of two thousand dollars (\$2,000), payable to the treasurer of the deaf and dumb school at Sioux Falls, Territory of Dakota.

§ 3. That this act shall be in force and effect from and after its passage and approval.

Approved, February 23rd, 1881.

Attorneys' Fees in Justices' Courts.

CHAPTER 18.

AN ACT in Relation to Attorneys' Fees in Justices' Courts.

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

§ 1. WHO ENTITLED TO ATTORNEY'S FEES, AND AMOUNT.] In all actions in justice courts, the party obtaining judgment shall be entitled to attorney's fees, as follows: On all judgments less than twenty-five dollars, an amount equal to twenty per cent. of such judgment; on all judgments over twenty-five dollars and under fifty dollars, five dollars as attorney's fees; on all judgments over fifty dollars, an amount equal to ten per cent. of such judgment as attorney's fees; in actions for the recovery of personal property, the value of the property recovered shall govern the amount of attorney's fees to be recovered in such action, and when judgment is for the defendant, the amount claimed in the plaintiff's complaint shall govern the amount of attorney's fees to be recovered by the defendant. *Provided, however;* That no attorney's fees shall be allowed in any such action, unless the party has appeared therein by an attorney of a court of record.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

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

Approved, February 16th, 1881.