

Judicial Districts.

CHAPTER 84.

BOUNDARIES OF DISTRICTS.

AN ACT to Define the Boundaries of the Judicial Districts of the Territory of Dakota and to Sub-divide the same, and to fix the Terms of Court therein, and for other Purposes.

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

§ 1. THIRD DISTRICT—COURT WHERE HELD.] That all that portion of the Territory of Dakota, bounded and described as follows, constitutes the Third Judicial District, viz: Commencing at the northeast corner of the Sisseton and Wapeton reservation; thence in a northwesterly direction on the boundary line of said reservation to the northwest corner thereof; thence in a southeasterly direction on the western boundary line of Ransom county; thence west on the south boundary line of the counties of Ransom and LaMoure, Logan and Emmons, to the right bank of the Missouri river at low water mark; thence down said river along the right bank at low water mark to the mouth of Grand river; thence up the center of the main channel of Grand river to a point where said river is intersected by the one hundred and second meridian of longitude west from Greenwich; thence north on said meridian to the forty-sixth parallel of north latitude; thence west on said parallel to the western boundary of the Territory; thence north along the western boundary of the Territory to the northern boundary thereof; thence east along the northern boundary of said Territory to the northeast corner thereof; thence southerly along the eastern boundary to the place of beginning; and the district court in and for said Third Judicial District, exercising the powers and jurisdiction appertaining to the district and circuit courts of the United States, shall be held at the city of Fargo, in the county of Cass, on the first Tuesday of June and December in each year.

§ 2. FIRST DISTRICT COURT—WHERE HELD.] That all that portion of the Territory of Dakota west of the Missouri river,

and south of the south boundary line of the Third Judicial District, except the Fort Randall military reservation and the counties of Todd, Gregory, Lyman, Presho, Pratt, Stanley, Rush and that part of the county of Boreman south of the Grand river, shall constitute the First Judicial District; and the district court in and for said First Judicial District, exercising the powers and jurisdiction appertaining to the district and circuit courts of the United States, shall be held at Deadwood, on the first Tuesday of August and the third Tuesday of January in each year.

§ 3. SECOND DISTRICT COURT—WHERE HELD. PROVISOR.] That all that portion of the Territory of Dakota not embraced in the First and Third Judicial Districts, shall constitute the Second Judicial District, for the exercise of the powers and jurisdiction appertaining to the district and circuit courts of the United States; and the district court in and for said Second Judicial District, exercising such powers and jurisdiction, shall be held at Yankton, in the county of Yankton, on the first Tuesday of April and the second Tuesday of November in each year. *Provided, however:* That in the sub-division of the Second Judicial District, hereinafter provided, no part of the Fourth Judicial District shall be considered a part of said Second Judicial District.

§ 4. FOURTH JUDICIAL DISTRICT.] That the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, Moody, Lake, Brookings, Kingsbury, Deuel, Hamlin, Clark, Grant, Codington and Day shall constitute the Fourth Judicial District, created by act of congress, entitled "an act providing for an additional associate justice of the supreme court of the Territory of Dakota," approved, March 3d, 1879.

§ 5. SUBDIVISIONS OF FIRST DISTRICT.] That the First Judicial District is sub-divided as follows:

1. PENNINGTON.] The county of Pennington constitutes one subdivision, and the district court shall be held therein at the county seat of Pennington county on the second Tuesdays of April and November in each year.

2. CUSTER.] The county of Custer constitutes one subdivision, and the district court shall be held therein at the county seat of Custer county on the fourth Tuesdays of April and November in each year.

3. LAWRENCE, ETC.] The county of Lawrence and all other portions of said First Judicial District not included in the preceding subdivisions shall constitute one subdivision, and the district court shall be held therein at the county seat of Lawrence county on the first Tuesdays of August and January of each year, and in addition thereto special terms shall be held at said county seat on the first Mondays of March, July, September and December.

§ 6. SUBDIVISIONS OF SECOND DISTRICT.] All that portion of the Second Judicial District not included in the Fourth Judicial District thereto attached is subdivided as follows:

1. YANKTON.] The county of Yankton constitutes one subdivision, and the district court shall be held therein at the county seat of Yankton county on the first Tuesday of April and the second Tuesday of November in each year; and in addition thereto special terms shall be held at said county seat on the first Mondays of January, March, July and September in each year.

2. BON HOMME.] The county of Bon Homme constitutes one subdivision, and the district court shall be held therein at the county seat of Bon Homme county on the second Tuesday of September of each year.

3. CHARLES MIX AND DOUGLAS.] The counties of Charles Mix and Douglas shall constitute one subdivision, and the district court shall be held therein at the county seat of the said Charles Mix county at such time or times as the judge of said court shall appoint.

4. HUTCHINSON.] The county of Hutchinson shall constitute one subdivision, and one term of the district court shall be held therein each year at the county seat of said county at such time as the judge of said district court shall appoint.

5. DAVIDSON, HANSON, MINER AND AURORA.] The counties of Davidson, Hanson, Miner and Aurora constitute one subdivision, and one term of the district court shall be held therein on the second Tuesday of June of each year at the county seat of Hanson county, and such other special terms of district court may be held therein each year at said county seat as the judge of said district shall appoint.

6. BRULE AND BUFFALO.] The counties of Brule and Buffalo constitute one subdivision, and the district court shall be held

therein at the county seat of Brule county on such time or times as the judge of said court shall appoint.

7. HUGHES, HYDE, SULLY, ETC.] The counties of Hughes, Hyde, Sully, Potter, Walworth and Campbell constitute one subdivision, and one term of the district court shall be held therein each year at the county seat of Hughes county at such time as the judge of said district court shall appoint.

8. BEADLE, ETC.] The county of Beadle and all other portions of the Second Judicial District not included in any other subdivision shall constitute one subdivision, and the district court shall be held therein at the county seat of Beadle county, and one term of the district court shall be held therein each year at such time as the judge of said district shall appoint.

§ 7. SUBDIVISIONS OF THE THIRD DISTRICT.] That the Third Judicial District is subdivided as follows:

1. PEMBINA, CAVALIER AND ROLETTE.] The counties of Pembina, Cavalier and Rolette constitute one subdivision, and the district court shall be held therein at the county seat of Pembina county on the first Mondays of April and October of each year.

2. GRAND FORKS, RAMSEY, DESMET AND WALSH.] The counties of Grand Forks, Ramsey, DeSmet and Walsh constitute one subdivision, and the district court shall be held therein at the county seat of Grand Forks county on the second Tuesdays of April and October of each year.

3. TRAILL.] The county of Traill constitutes one subdivision, and the district court shall be held therein at the county seat of Traill county on the third Tuesdays of April and October of each year.

4. CASS.] The county of Cass shall constitute one subdivision, and the district court shall be held therein at the county seat of Cass county on the first Tuesdays of June and December of each year.

5. RICHLAND AND RANSOM.] The counties of Richland and Ransom shall constitute one subdivision, and the district court shall be held therein at the county seat of Richland county on the fourth Tuesday of April of each year.

6. BARNES AND GRIGGS.] The counties of Barnes and Griggs constitute one subdivision, and the district court shall be held

therein at the county seat of Barnes county on the third Tuesday of September of each year.

7. STUTSMAN, LA MOURE, FOSTER, GINGRAS, ETC.] The counties of Stutsman, La Moure, Foster, Gingras, Kidder and Logan shall constitute one subdivision, and the district court shall be held therein at the county seat of Stutsman county on the second Tuesday of May of each year.

8. BURLEIGH, EMMONS AND STEVENS.] The counties of Burleigh, Emmons and Stevens constitute one subdivision, and the district court shall be held therein at the county seat of Burleigh county on the third Tuesday of May and the second Tuesday of November of each year.

9. MORTON, MERCER, STARK AND BILLINGS.] The counties of Morton, Mercer, Stark and Billings shall constitute one subdivision, and the district court shall be held therein at the county seat of Morton county on the fourth Tuesday of May of each year.

§ 8. SUBDIVISIONS OF THE FOURTH DISTRICT.] The Fourth Judicial District with the powers and jurisdiction conferred upon the courts therein by law and by said act of congress, is subdivided as follows:

1. CLAY.] The county of Clay constitutes one subdivision, and the district court shall be held therein on the first Tuesdays in January and August in each year.

2. UNION.] The county of Union constitutes one subdivision, and the district court shall be held therein on the second Tuesdays of January and August in each year.

3. LINCOLN.] The county of Lincoln constitutes one subdivision, and the district court shall be held therein on the fourth Tuesdays of January and August in each year.

4. MINNEHAHA AND MCCOOK.] The counties of Minnehaha and McCook constitute one subdivision, and the district court shall be held therein on the first Tuesday of April and the second Tuesday of November in each year at the county seat of Minnehaha.

5. TURNER.] The county of Turner constitutes one subdivision, and the district court shall be held therein on the fourth Tuesday of March and the fourth Tuesday of September in each year.

6. MOODY.] The county of Moody constitutes one subdivi-

sion, and the district court shall be held therein on the first Tuesday of June in each year.

7. **BROOKINGS AND KINGSBURY.]** The counties of Brookings and Kingsbury constitute one subdivision, and the district court shall be held therein at the county seat of said county of Brookings on the second Tuesday of June in each year,

8. **DEUEL.]** The county of Deuel constitutes one subdivision, and the district court shall be held therein at the county seat of the said county of Deuel on the third Tuesday of June in each year.

9. **CODINGTON, CLARK AND HAMLIN.]** The counties of Codington, Clark and Hamlin constitute one subdivision, and the district court shall be held therein at the county seat of said county of Codington on the fourth Tuesday of June in each year.

10. **GRANT AND DAY.]** The counties of Grant and Day constitute one subdivision, and the district [court] shall be held at the county seat of Grant county on the first Tuesday of July in each year.

11. **LAKE.]** The county of Lake constitutes one subdivision and the district court shall be held therein on the fourth Tuesday of May in each year at Madison in said county.

§ 9. **IN FIXING VENUE WHAT SHALL BE SUFFICIENT.]** In the entitling of a cause and fixing the venue in actions or proceedings in any judicial subdivision as herein created, it shall not be necessary to name all the counties comprising the whole subdivision, but it shall be sufficient to name the county wherein the court is held.

§ 10. **CONCERNING ACTIONS NOW PENDING.]** All actions or proceedings, civil or criminal, now pending in any of the subdivisions in this Territory which do not properly belong therein under the provisions of the Code of Civil Procedure and Code of Criminal Procedure, by reason of the change in the subdivisions heretofore existing by law, the venue thereof may be changed by order of the court or judge thereof, upon the demand of either party, which demand shall be served upon the opposite party or his attorney, if either can conveniently be found within the Territory; but if neither can conveniently be found within the Territory, then such change of venue may be made as herein provided upon filing such de-

mand with the clerk of the court in which such action or proceeding is pending: *Provided, however,* That if no such change of venue is made as in this section provided, then all such actions or proceedings shall remain and be tried or be disposed of according to law in the courts of the subdivision where they are now pending.

§ 11. JUDGE AUTHORIZED TO CREATE A NEW SUBDIVISION.] The judge of the district courts respectively have authority at any time by an order to that effect to create a new subdivision out of any subdivision or subdivisions composed of two or more counties and to fix the place of holding courts therein, which place shall be a county seat, and from the time of making such order such counties wherein courts are so appointed shall cease to be a part of the subdivision or subdivisions as herein provided, and shall itself constitute a subdivision, and the district courts shall be therein held at the times provided in such order,

§ 12. CLERK AND SHERIFF WHEN SUBDIVISION MADE UP OF TWO OR MORE COUNTIES.] In subdivisions composed of two or more counties the clerk of district of the county where the court is held shall have authority to issue, and the sheriff thereof shall have authority to execute all proper writ and process in any county or other place embraced within such subdivision the same as if such subdivision were composed of his county only.

§ 13. PAYMENT OF THE EXPENSES OF COURTS IN SUBDIVISIONS MADE UP OF TWO OR MORE COUNTIES.] For the purpose of paying the expenses of holding courts in those subdivisions composed of two or more counties, the county clerks of the organized counties therein shall annually as soon as the assessment roll is received, transmit to the clerk of the court of that county wherein the court is held, a statement of the aggregate amount of the assessment roll of their counties respectively, and at the close of each term of the district court the clerk thereof shall, under the supervision of the judge, calculate the expenses of such term and the proportionate amount to be paid by each organized county according to the proportion which the amount of the assessment roll bears to the aggregate amount of all the assessment rolls in such subdivision, and shall certify to the boards of county commissioners of the

respective counties, amounts for such proportionate amounts and in favor of the persons to whom such expenses shall be due, which accounts shall be audited and allowed and warrants issued accordingly in like manner as other claims against the county.

§ 14. WHEN JUDGE MAY FIX THE AMOUNT.] If any county shall fail to furnish a statement of the amount of its assessment roll, or if no assessment shall be made therein, the judge of the district court may fix the proportionate amount of the expenses of *the* which each county shall pay, and may at any time by mandamus compel the assessment and levy of a tax, or the doing of any other act necessary to carry out the provisions of this chapter.

§ 15. JURISDICTION OF JUSTICES OVER UNORGANIZED COUNTIES. WHEN TERRITORY TO PAY EXPENSES.] The civil and criminal jurisdiction of justices of the peace in organized counties in any judicial subdivision containing one or more unorganized counties, shall extend over all such unorganized county or counties in such subdivision; and all summons, warrants, orders or process issued by such justice of organized counties, shall be served or executed by the sheriff or any constable of the same county, and the costs in all criminal prosecutions in the district and justices courts for offenses heretofore or hereafter charged to have been committed when the same is not collected from the defendant, shall be audited and paid out of the territorial treasury; but no such costs shall be so audited or paid unless a duplicate itemized account of the same shall be certified to as correct by the district attorney of the district, and examined and allowed by the district court, one of which accounts shall be preserved as a public record in the office of the clerk of the district court of the subdivision; and the court shall have full authority to disallow any or all such costs and fees whenever it deems the same illegally or unnecessarily incurred. And the expenses of all criminal prosecutions arising or having arisen in such unorganized counties, including the lawful costs of keeping the prisoners, shall be audited and paid out of the territorial treasury when the same is certified and allowed in the manner prescribed in this section. But no fees, costs or charges shall be certified or allowed unless the same is first duly adjusted; and no fees, costs or

charges shall be so certified, allowed or audited as in this section provided, unless the officer prosecuting the same shall attach to such itemized account an affidavit that the same and every item thereof has been actually, legally and necessarily incurred, and that no part thereof has been paid.

§ 16. ADDITIONAL TERMS OF COURT.] The judges of the district courts respectively shall have power whenever thereunto requested by the board of commissioners of the county wherein terms of court are regularly holden, or upon their own motion without such request by an order to that effect, to appoint and hold additional terms of the district court in any county or subdivision; and such judges shall have power to adjourn courts from time to time as they shall deem expedient for the due administration of justice; and such additional terms shall in all respects be considered the same as the general terms provided in this act. The courts herein appointed shall continue as long as the business therein shall require.

§ 17. ACTS REPEALED.] All acts and parts of acts in conflict with this act are hereby repealed, and all acts and parts of acts fixing the terms of courts in the judicial subdivisions and defining the boundaries thereof are hereby abrogated and annulled.

§ 91. [18.] This act shall take effect and be in force from and after its passage and approval.

Approved, February 23, 1881.