

Justices' Code.

CHAPTER 87.

FORCIBLE ENTRY AND DETAINER.

AN ACT to amend Sections Thirty-Nine and Forty, Article VI, Chapter One, of Justices' Code.

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

§ 1. JUDGMENT WHERE FINDING IS IN FAVOR OF PLAINTIFF.] That section 39 of the Justices' Code be amended to read as follows: "§ 39. If the finding of the court or the verdict of a jury be in favor of the plaintiff, the judgment shall be for the delivery of the possession to the plaintiff, and for rents and profits or damages, where the same are claimed in the complaint, and for costs."

§ 2. ACTION UNDER THIS ARTICLE, HOW BROUGHT.] That section 40 of the Justice Code be amended to read as follows: "§ 40. An action under the provisions of this article cannot be brought in connection with any other, except for rents and profits or damages; and no execution for possession can be served except in the daytime: *Provided*, That the plaintiff may bring separate action under the provisions of this article if he so desire."

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

Approved, February 21, 1881.

CHAPTER 88.

PLACE OF TRIAL.

AN ACT to amend Section Seven (7) of the Justices' Code.

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

§ 1. WHEN PLACE OF TRIAL IS ORDERED CHANGED.] That section seven (7) of the Justices' Code be, and the same is, hereby amended to read as follows: "§ (7.) When the court orders the place of trial to be changed, the action must be transferred for trial to a justice's court the parties may agree upon; and if they do not so agree, then to the next nearest justice's court in the same county."

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

Approved, February 3, 1881.

CHAPTER 89.

SECURITY FOR COSTS.

An Act to amend Section 101 of Chapter 1 of the Justices' Code.

Be it enacted by the Legislative Assembly of Dakota Territory:

§ 1. DUTY OF JUSTICE WHEN PLAINTIFF IS A NON-RESIDENT.] Section 101 of chapter 1 of the Justices' Code is hereby amended to read as follows: "The justice shall in all cases where plaintiff is a non-resident of the Territory, or foreign corporation, before issuing a summons, require of the plaintiff sufficient surety for costs. The surety must be a resident of the county. His obligation shall be complete by simply endorsing the summons, or signing his name on the complaint, as security for costs. In all other cases the justice may, in his discretion, require surety for costs."

§ 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 12, 1881.

Laws.

CHAPTER 90.

DISTRIBUTION OF LAWS.

AN ACT to amend Chapter 3 of the Political Code of 1877.

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

§ 1. WHO ENTITLED TO LAWS.] That section 4, chapter 3, of the Political Code of 1877, be amended by adding to said section the following: "One copy to the board of trustees of the Dakota Hospital for the Insane, and one copy to the trustees of the Dakota penitentiary."

§ 2. SECRETARY TO FURNISH LAWS TO MEMBERS OF THE LEGISLATURE.] That the secretary of the Territory is hereby authorized and required to furnish to each member of this Legislative Assembly one copy of the Revised Codes of 1877, and one copy of the session laws of 1879 and 1881.

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

Approved, March 3, 1881.