

Removal of Officers.

CHAPTER 123.

AN ACT to Amend Section 5, of Chapter 22, of the Political Code.

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

§ 1. COURT MAY SUSPEND OFFICER.] That section five of chapter twenty-two of the Political Code be amended by striking out the words, "If the cause be continued," in the first line of said section and inserting in lieu thereof the following: "At any time after the commencement of the action."

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

Approved, February 25, 1881.

Road Supervisors.

CHAPTER 124.

COLLECTION OF ROAD TAXES.

AN ACT to Amend Section 67, of Chapter 29, of the Political Code.

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

§ 1. SUPERVISORS TO GIVE NOTICE.] That section sixty seven, of chapter 29, of the Political Code be and the same is hereby amended so as to read as follows: § 67. The road supervisors must, between the first days of April and December of each year, give at least twenty-four hours notice to all persons subject to road labor, as aforesaid, to perform the work necessary on the public highways within their respective dis-

trict, and such notice shall specify the time when and place where they are to appear for that purpose.

1. PENALTY FOR NEGLECT TO PAY TAX.] Every person subject to labor on the public highways, who has been duly notified to work thereon, as hereinbefore provided, who shall not commute or pay the sum of one dollar and fifty cents, as provided by section sixty-six of chapter twenty-nine of the Political Code, and who shall refuse or neglect, without good cause, to appear as above provided, shall for every day's refusal pay the sum of one dollar.

2. SUPERVISOR TO MAKE COMPLAINT.] Every supervisor of highways may within six days after any person shall become liable for the payment of any sum of money under the provisions of this act, unless a satisfactory excuse be rendered to him by the person so liable, make a complaint in writing and on oath to some justice of the peace of the county, stating the default, neglect, refusal or other cause by reason of which such person became so liable, which complaint shall be in the name of the Territory of Dakota as plaintiff, and the party liable for such tax as defendant, and no fees of officers, costs or expenses in court in enforcing the provisions of this chapter shall be paid by or be a charge upon the Territory or county, but shall be collected from the defendant.

3. DUTY OF JUSTICE.] The justice of the peace to whom such complaint shall be made shall forthwith issue a summons, directed to the defendant, in the form provided in the Justices' Code in a summons for relief, returnable in not less than two and not more than six days; and it shall be the duty of any sheriff or constable to whom it is delivered to forthwith serve the same.

4. PROCEEDINGS TO COLLECT TAX.] On the return day of such summons, or within such reasonable time thereafter as the justice shall allow, if no sufficient cause be shown to the contrary, the justice shall render a judgment in favor of the Territory of Dakota against such person for the sum for which such person shall have become liable to pay on account of the default, neglect or other delinquency mentioned in the complaint and for the delinquent tax, with the cost of the prosecution, and shall forthwith issue an execution under his hand directed to the sheriff or any constable of the county, as pro-

vided in the Justices' Code, and returnable at the time prescribed therein, commanding him to levy the amount of such judgment, including the costs of the proceedings, of the goods and chattels of such defendant, and nothing shall be exempt from such execution except the absolute exemptions.

5. SAME.] The sheriff or constable to whom such execution shall be delivered, shall forthwith proceed to execute the same, and he shall pay the moneys collected thereon to the justice of the peace who issued the execution, who shall pay the same to the supervisor who entered the complaint, to be by him expended in improving the roads and bridges in his district.

6. SUPERVISOR SHALL NOT EXCUSE PAYMENT.] The acceptance by a supervisor of an excuse for a refusal or neglect shall not in any case exempt the person excused from paying for or working the tax for which he shall have become liable during the year.

§ 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 19, 1881.

Reports of Territorial Officers.

CHAPTER 125.

PRINTED REPORTS OF TERRITORIAL OFFICERS.

WHAT REPORTS TO BE PRINTED.] *Resolved:* That there be ordered printed for the use of the members of this legislative body, the Council concurring, 500 copies of the report of the trustees and warden of the Insane Asylum and 500 copies of each of the reports of the territorial auditor and territorial treasurer, and that the same be paid for out of appropriation for printing.

Approved, February 10, 1881.