

Attorney General.

CHAPTER 8.

AN ACT to Create the Office of Attorney General, Provide for his Appointment and to Define his Powers and Duties, and for other Purposes.

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

§ 1. OFFICE CREATED—DUTIES OF ATTORNEY GENERAL.] There shall be in and for the Territory of Dakota an Attorney General, who shall be appointed by the Governor, by and with the advice and consent of the Legislative Council, who shall hold his office two years and until his successor is appointed and qualified. He shall be a member of the Territorial Board of Equalization. He shall appear for the Territory and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court in which the Territory shall be interested as a party, and shall also, when requested by the Governor, or either branch of the Legislature, appear for the Territory and prosecute or defend in any other court or before any officer in any cause or matter, civil or criminal, in which the Territory may be a party or interested, and shall attend to all civil cases remanded by the Supreme Court to any District Court in which the Territory is a party or interested.

§ 2. TO PROSECUTE OFFICIAL BONDS.] It shall be the duty of the Attorney General at the request of the Governor, Auditor or Treasurer to prosecute any official bond or any contract in which the Territory is interested upon a breach thereof, and to prosecute or defend for the Territory all actions, civil or criminal, relating to any matter connected with either of their departments.

§ 3. TO ADVISE DISTRICT ATTORNEYS.] The Attorney General shall consult with and advise the District Attorneys when requested by them in all matters pertaining to the duties of their office. He shall also when requested give his opinion in writing without fee, upon all questions of law submitted to him by the Legislature, or either branch thereof, or by the Governor, Auditor, Treasurer or Superintendent of Public Instruction.

§ 4. SHALL PREPARE CERTAIN WRITINGS.] Whenever requested by the Territorial Auditor, Treasurer or Superintendent of Public Instruction, he shall prepare proper drafts for contracts, forms and other writings, which may be wanted for the use of the Territory ;

and he shall report to the Legislature, or either branch thereof, whenever requested, upon any business relating to the duties of his office.

§ 5. MONEYS RECEIVED, HOW DISPOSED OF.] That all moneys received by the Attorney General belonging to the Territory shall, immediately upon the receipt thereof, be paid by him into the territorial treasury.

§ 6. SHALL KEEP CERTAIN BOOKS.] The Attorney General shall keep in proper books, to be provided for that purpose, at the expense of the Territory, a register of all actions and demands prosecuted or defended by him in behalf of the Territory, and of all proceedings had in relation thereto, and shall deliver the same to his successor in office.

§ 7. OATH AND BOND.] Before the Attorney General enters upon the duties of his office he shall take and subscribe the oath required by law, and shall execute to the Territory a bond, with not less than three (3) sureties, in the sum of three thousand dollars, to be approved by the Governor, conditioned for the faithful performance of his duties as Attorney General and also as member of the Territorial Board of Equalization, which bond and oath shall be filed in the office of the Executive, and such bond shall be renewed in larger amounts whenever requested by the Legislature.

§ 8. SALARY.] The Attorney General shall receive a salary of two thousand five hundred dollars per annum and all necessary traveling expenses incurred while journeying in the performance of the said office, to be paid in quarterly payments, which shall be in full for all his services both as Attorney General and as a member of the Territorial Board of Equalization, and there is hereby appropriated out of any money in the treasury not otherwise appropriated, a sum of money sufficient to pay such salary and expenses :

Provided, That no warrant upon the Treasurer for such expenses be drawn by the Auditor until an itemized statement of such expenses, verified by oath, shall be filed with the Auditor.

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

Approved, March 9, 1883.