

ness exists, otherwise to be applied and placed to the credit of the general school fund of the school district.

§ 8. DISPOSITION OF SURPLUS.] In case there should be found any surplus on hand, over and above receipts for fees and awards for expenses arising from the conveyances of lots, as provided in section ten of the act, of which this act is amendatory, then such surplus shall so soon as ascertained by the corporate authorities, or judge of the probate court, be accounted for and turned over to the treasurer of the school district, wherein such city or town may be situated, to be by such school district treasurer placed to the credit of the school house fund, then to be disbursed and applied as herein provided for the disbursement of proceeds derived from the sale of unclaimed lots or parcels of land.

§ 9. That all acts and parts of acts in conflict with the provisions of this act be and the same are hereby repealed.

§ 10. This act to take effect from and after its passage and approval.

Approved, February 8, 1883.

Trespass of Animals.

CHAPTER 115.

AN ACT to Amend Section 747, Chapter 38 of the Code of Civil Procedure Entitled "Herd Law."

Be it Enacted by the Legislative Assembly of the Territory of Dakota, as follows:

§ 1. LIABILITY FOR TRESPASS.] That section 737 [747] chapter 38 of the Code of Civil Procedure, entitled "Herd Law," be, and the same is hereby amended to read as follows:

§ 743. [747] LIABILITY FOR TRESPASS OF ANIMALS.] Any person owning or having in his or their charge, or possession, any horses, mules, cattle, goats, sheep or swine, or any such animals, which shall trespass upon the lands of another, or upon lands either fenced or not fenced, belonging to any person or persons other than the owner or owners of such animals, such person or

persons owning or having in charge or possession such trespassing animal or animals, shall be liable to any party or parties sustaining such injury for all damages he, she or they may have sustained by reason of such trespassing aforesaid, to be recovered in a civil action before any court having jurisdiction thereof, in the county where such damage may have occurred, and the proceedings shall be the same in all respects as in other civil actions, except as herein modified ;

Provided, That no property shall be exempt, except those exemptions made absolute from seizure and sale under executions issued upon judgment obtained under or by virtue of this chapter ; and

Provided, further, That the party or parties claiming damages under the provisions of this chapter shall bring action in proper court to recover the same within sixty days after the infliction of such damages.

§ 2. All acts or parts of acts contravening the provisions of this act are hereby repealed.

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

Approved March 9, 1883.

Wheat.

CHAPTER 116.

AN ACT Regulating the Grading and Weighing of Wheat and for other purposes in the Territory of Dakota.

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

§ 1. LEGAL STANDARD FOR MEASURING.] There is hereby created a lawful standard for determining the grade of wheat in this Territory, which shall be the legal half bushel measure, and measured bushel by the same when weighed shall fix the grade of wheat in the number of pounds constituting the general grade of wheat as may be from time to time fixed or established by the Board of Grain Inspectors of this Territory as hereinafter provided and the several grades of wheat fixed and established under the