

cuted with reasonable diligence the highest market value of the property at any time between the conversion and the verdict without interest, at the option of the injured party: And ;”

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

Approved, March 12, 1885.

Dental Surgery.

CREATING A BOARD OF EXAMINERS.

CHAPTER 43.

AN ACT to Insure the better Education of Practitioners of Dental Surgery, and to Regnlate the Practice of Dentistry in the Territory of Dakota.

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

§ 1. UNLAWFUL.] That it shall be unlawful for any person to engage in the practice of dentistry in this Territory unless he or she shall have obtained a certificate as herein provided.

§ 2. BOARD OF EXAMINERS. NAME.] A Board of Examiners, to consist of five practising dentists, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this act. The members of said board shall be appointed by the Governor, who shall select them from ten candidates whose names shall be furnished him by the “South Dakota Dental Society” and the “Northwestern Dental Association.” Each shall furnish the names of five candidates and the Governor shall select at least two from each five names so furnished, to be members of said board. The term for which the members of said board shall hold their offices shall be five years, except that the members of the board first to be appointed under this act shall hold their offices for the term of one, two, three, four and five years respectively, and until their successors shall be duly appointed. In case of a vacancy occurring in said board, such vacancy shall be filled by the Governor from names presented to him by the “Northwestern Association” and the “South Dakota Dental So-

ciety." It shall be the duty of the said dental organizations to present twice the number of names to the Governor of those to be appointed.

§ 3. OFFICERS.] Said board shall choose one of the members President and one the Secretary thereof: And it shall meet at least once in each year, and as much oftener and at such times and places as it may deem necessary. A majority of said board shall at all times constitute a quorum, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

§ 4. PRACTISING DENTISTS TO REGISTER.] Within six months from the time this act takes effect, it shall be the duty of every person, who is at that time engaged in the practice of dentistry in this Territory to cause his or her name and residence, or place of business, to be registered with said board of examiners, who shall keep a book for that purpose. The statement of every such person shall be verified under oath before a Notary Public or Justice of the Peace, in such manner as may be prescribed by the board of examiners. Every person who shall so register with said board, as a practitioner of dentistry, may continue to practice the same as such without incurring any of the liabilities or penalties provided in this act, and shall pay to the board of examiners for such registration a fee of one dollar. It shall be the duty of the board of examiners to forward to the register of deeds of each county in the Territory, a certified list of the names of all persons residing in his county who have registered in accordance with the provisions of this act: And it shall be the duty of all registers of deeds to register such names in a book to be kept for that purpose.

§ 5. EXAMINATION OF PRACTITIONERS.] Any and all persons who shall so desire, may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in dental surgery, and if the examination of any such person or persons shall prove satisfactory to said board, the board of examiners shall issue to such persons, as they shall find to possess the requisite qualifications a certificate to that effect, in accordance with the provisions of this act. Said board shall also endorse, as satisfactory, diplomas from any reputable dental college, when satisfied with the character of such institution, upon the holder of such diploma furnishing evidence satisfactory to the board of his or her right to the same: All certificates issued by said board shall be signed by its officers, and such certificates shall be *prima facie* evidence of the right of the holder to practice dentistry in the Territory of Dakota.

§ 6. MISDEMEANOR. PENALTY.] Any person who shall violate any of the provisions of this act shall be deemed guilty of a mis-

demeanor, and upon conviction may be fined not less than fifty dollars, or more than two hundred dollars, or be confined six months in the county jail. All fines received under this act shall be paid into the common school fund of the county in which such conviction takes place.

§ 7. FEE FOR EXAMINATION.] In order to provide the means for carrying out and maintaining the provisions of this act, the said board of examiners may charge each person applying to or appearing before them for examination for a certificate of qualification, a fee of two dollars, which fee shall in no case be returned: And out of the funds coming into the possession of the board, from the fees so charged, the members of said board may receive, as compensation, the sum of five dollars for each day actually engaged in the duties of their office; and all legitimate and necessary expenses incurred in attending the meetings of said board. Said expenses shall be paid from the fees and penalties received by the board under the provisions of this act, and no part of the salary or other expenses of the board shall ever be paid out of the territorial Treasury. All moneys received in excess of said per diem, allowance and other expenses, above provided for, shall be held by the Secretary of said board as a special fund, for meeting the expenses of said board and carrying out the provisions of this act, he giving such bonds as the board shall from time to time direct, and said board shall make an annual report of its proceedings to the Governor, by the 15th. of December of each year, together with an account of all moneys received and disbursed by them pursuant to this act.

§ 8. CERTIFICATE TO BE RECORDED.] Any person who shall receive a certificate of qualification from said board, shall cause his or her certificate to be registered with the register of deeds of any county or counties in which such persons may desire to engage in the practice of dentistry: And the registers of deeds of the several counties in this Territory shall charge for registering such certificates a fee of twenty-five cents for such registration. Any failure, neglect, or refusal on the part of any person holding such certificate to register the same with the register of deeds as above directed for a period of six months, shall work a forfeiture of the certificate; And no certificate when once forfeited shall be restored except upon the payment to the said board of examiners of the sum of twenty-five dollars, as a penalty for such neglect, failure or refusal.

§ 9. PENALTY FOR FALSE PRETENSE.] Any person who shall knowingly and falsely, claim or pretend to have or hold a certificate of license, diploma, or degree, granted by any society, or who shall falsely, and with intent to deceive the public, claim or pretend to be a graduate from any incorporated dental college, not

being such graduate, shall be deemed guilty of a misdemeanor, and shall be liable to the same penalty as provided in section VI of this act.

Approved, March 9, 1885.

Depositions.

IN CRIMINAL CASES.

CHAPTER 44.

AN ACT to Provide for Taking Depositions in Criminal Cases.

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

CHAPTER I.

§ 1. **RIGHT OF DEFENDANT.]** When a defendant has been held to answer a charge for a public offense, he may either before or after indictment or information, have witnesses examined conditionally on his behalf as prescribed in this chapter, and not otherwise.

§ 2. **IN CASE OF SICK WITNESS.]** When a material witness for the defendant is about to leave the Territory, or is so sick or infirm as to afford reasonable grounds for apprehending that he will be unable to attend the trial, the defendant may apply for an order that the witness be examined conditionally.

§ 3. **AFFIDAVIT, WHAT TO CONTAIN.]** The application must be made upon affidavit, stating :

1. The nature of the offense charged.
2. The state of the proceedings in the action.
3. The name and residence of the witness, and that his testimony is material to the defense of the action.
4. That the witness is about to leave the Territory, or is so sick or infirm as to afford reasonable grounds for apprehending that he will not be able to attend the trial.

§ 4. **APPLICATION.]** The application may be made to the court or to a judge thereof, and must be made upon five days' notice to the district attorney.