

Judicial Districts.

CERTAIN TERMS CONSIDERED GENERAL.

CHAPTER 71.

AN ACT to Amend Section 9 of an act Entitled an Act to Amend Chapter Thirteen of the Political Code Relating to the Subdivision of Judicial Districts.

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

§ 1. **ADDITIONAL TERMS CONSIDERED GENERAL.]** That section nine, of chapter twenty-seven, of the laws of 1879, be and is hereby amended by striking out in said section the word "Additional" wherever it occurs therein.

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

Approved, March 13, 1885.

SECOND DISTRICT—SUBDIVISION OF MINER COUNTY.

CHAPTER 72.

AN ACT Creating a Judicial Subdivision of the Second Judicial District, and Fixing Time of Holding Court Therein.

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

§ 1. **MINER COUNTY A SUBDIVISION.]** That the county of Miner shall constitute a judicial subdivision of the second judicial district.

§ 2. **TERM OF COURT.]** And one term of the District Court is hereby appointed to be held therein at Howard, the county seat of Miner county, on the first Tuesday of May of each year, and such other special terms of the District Court may be held in said county in each year at said county seat, as the Judge of said district may appoint.

§ 3. This act shall take effect on and after its passage and approval.

Approved, March 13, 1885.

THIRD DISTRICT—SUBDIVISION OF RANSOM AND SARGENT COUNTIES.

CHAPTER 73.

AN ACT Constituting Ransom and Sargent Counties one Judicial Subdivision in the Third Judicial District, to fix the Terms of Court Therein and for other purposes.

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

§ 1. SUBDIVISION OF RANSOM AND SARGEANT COUNTIES.] That the counties of Ransom and Sargent in the Territory of Dakota, shall constitute one Judicial Subdivision in the Third Judicial District; and the District Court therein shall be held at the county seat of said Ransom; county on the second Thursday of March in each year.

§ 2. ACTIONS MAY BE CHANGED.] All actions or proceedings, civil or criminal, now pending in the subdivision formerly composed of the counties of Richland, Ransom and Sargent, which properly belong in said counties of Ransom and Sargent under the provisions of the code of civil procedure and code of criminal procedure, the venue thereof may be changed by order of the court or judge thereof upon the demand of either party, which demand shall be served upon the opposite party or his attorney if either can conveniently be found in the Territory, but if neither can conveniently be found in the Territory, then such change of venue may be made as therein provided upon filing such demand with the clerk of the district court of said Richland county.

§ 3. PROCESS RETURNABLE.] All process, writs, bonds, notices, appeals, continuances, recognizances and proceedings in actions arising or properly belonging in said Ransom and Sargent counties issued and made returnable to the terms of the district court in said Richland county as fixed by law prior to the passage of this act, shall be taken and considered as made, taken and returnable to the terms of said district court for Ransom and Sargent counties as fixed by this act.

§ 4. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

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

Approved, February 20, 1885.

THIRD DISTRICT—SUBDIVISION OF NELSON COUNTY.

CHAPTER 74.

AN ACT Creating the County of Nelson, Dakota Territory, as a Legal Subdivision of the Third Judicial District, and Providing for a Term of Court Therein.

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

§ 1. NELSON COUNTY A SUBDIVISION.] That the county of Nelson, in the Territory of Dakota, be and the same is hereby created a legal subdivision of the third judicial district of Dakota.

§ 2. TERM OF COURT.] There shall be held on the third Monday of August in each year at Lakota, the county seat of said county, a term of court for the trial of all causes within the jurisdiction thereof.

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

Approved, March 12, 1885.

THIRD DISTRICT—SUBDIVISION OF RICHLAND COUNTY.

CHAPTER 75.

AN ACT Creating and Defining a Subdivision of the Third Judicial District.

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

[§ 1.] RICHLAND COUNTY A SUBDIVISION.] That the county of Richland shall constitute one subdivision of the third judicial dis-

trict, and the District Court shall be held therein at the county seat of said Richland county, on the fourth Tuesday of March and the first Tuesday of October of each year.

[§ 2.] This act shall take effect and be in force from and after the 1st day of June, 1885.

Approved, March 13, 1885.

THIRD DISTRICT—SUBDIVISION OF SARGENT COUNTY.

CHAPTER 76.

AN ACT Authorizing the Judge to Create a New Subdivision in the Third Judicial District, and for other Purposes.

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

§ 1. JUDGE MAY MAKE SUBDIVISION OF SARGENT COUNTY.] That upon a petition signed by a majority of the board of county commissioners of Sargent county, the Judge of the District Court within and for said third judicial district, shall, by an order to that effect, create the county of Sargent a judicial subdivision; and upon the making of such order, the said county of Sargent shall be and become a judicial subdivision, and such Judge may hold court at the county seat of said county at such time as he may elect.

§ 2. JUDGE MAY ORDER TRANSFER.] Whenever said county shall have been created a subdivision under the provisions of this act, the Judge shall order all actions or proceedings that may at that time be pending in the counties of Richland or Ransom, properly belonging to said Sargent county, to be transferred, together with all papers and files relating to such actions or proceedings, to the clerk of the District Court of said Sargent county.

§ 3. All acts or parts of acts in conflict with this act are hereby repealed.

§ 4. This act shall take effect and be in force from and after the fifteenth (15) day of April, 1885.

Approved, March 13, 1885.

THIRD DISTRICT—SUBDIVISION OF RAMSEY COUNTY.

CHAPTER 77.

AN ACT to Create a New Subdivision of the (3) Third Judicial District.

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

§ 1. RAMSEY AND TOWNER COUNTIES A SUBDIVISION.] That the counties of Ramsey and Towner are hereby created and constituted a subdivision of the (3) third judicial district.

§ 2. The judge of the (3) third judicial district shall annually appoint and hold terms of the district court for said subdivision at Devils Lake, the county seat of said Ramsey county; and the county of Towner is attached to Ramsey county for judicial purposes.

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

Approved, March 13, 1885.

FOURTH DISTRICT—BOUNDARIES OF.

CHAPTER 78.

AN ACT Defining the Boundaries of the Fourth Judicial District, and Fixing the Time for Holding Court Therein.

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

§ 1. COUNTIES INCLUDED IN FOURTH DISTRICT—TERMS OF COURT.] That the counties of Union, Clay, Lincoln, Turner, Minnehaha, McCook, Moody and Lake shall constitute the fourth judicial district, and each of said counties shall constitute a judicial subdivision, and the terms of the District Court shall be held therein as follows, to-wit :

Clay county, the first Tuesday in February and the first Tuesday in September.

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Union county, the third Tuesday in February and the third Tuesday in September.

Lincoln county, the fourth Tuesday in February and the fourth Tuesday in September.

Turner county, the second Tuesday in March and the third Tuesday in October.

Minnehaha county, the second Tuesday in April and the second Tuesday in November.

McCook county, the fourth Tuesday in May.

Lake county, the first Tuesday in June.

Moody county, the third Tuesday in June and the first Tuesday in January.

§ 2. All acts and parts of acts in conflict with 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.

Approved, March 2, 1885.

FIFTH DISTRICT—BOUNDARIES OF.

CHAPTER 79.

AN ACT Defining the Boundaries of the Fifth Judicial District, and Fixing the Time for Holding Court therein.

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

§ 1. COUNTIES INCLUDED IN—TERMS, WHEN HELD.] That the counties of Roberts, Day, Brown, McPherson, Edmunds, Campbell, Walworth, Potter, Faulk, Sully, Hughes, Hyde, Hand, Spink, Beadle, Clark, Codington, Grant, Deuel, Hamlin, Kingsbury, Brookings, shall constitute the fifth judicial district, and each of said counties shall constitute a judicial subdivision, excepting the counties of Edmunds, McPherson, Campbell and Walworth, which counties shall constitute one judicial subdivision; and in case of the organization of the county of Marshall the said county shall be attached to the county of Day for judicial purposes, and the terms of the District Court shall be held therein as follows, to-wit:

Brookings, the second Tuesday in June and the second Tuesday in December.

Kingsbury, the third Tuesday in June and the third Tuesday in December.

Codington, the first Tuesday in June and the first Tuesday in December.

Deuel, the fourth Monday in May.

Hamlin, the fourth Tuesday in November.

Hughes, the second Tuesday in April and the second Tuesday in September.

Hand, the fourth Tuesday in April and the third Tuesday in October.

Beadle, first Tuesday in May and the first Tuesday in October.

Spink, the second Tuesday in July and the second Tuesday in January.

Brown, the third Tuesday in July and the third Tuesday in January.

Grant, the third Tuesday in March and the third Tuesday in November.

Edmunds, McPherson, Walworth and Campbell shall constitute one judicial subdivision of the fifth judicial district, and a term of court shall be held in Edmunds county on [the] second Tuesday in September.

Hyde—A term of court shall be held in Hyde county, commencing on the 3d Tuesday in September.

Sully—A term of court shall be held in the county of Sully, commencing on the 4th Tuesday in October.

The counties of Marshall and Day shall constitute one judicial subdivision, and a term of court shall be held in the county of Day commencing on the 2d Tuesday of August.

Potter county—A term of court shall be held in Potter county the 3d Tuesday of February.

Faulk—At such time in the year, 1885, as the Judge of said district may designate, and thereafter there shall be two terms of court annually held in said county on the first Tuesday of September and fourth Tuesday of January.

Clark—Terms of court shall be held on the first Tuesday of February and third Tuesday in August.

For other counties of said district, not otherwise provided for, at least one term shall be held each year, and two if deemed necessary by the Judge, at such times as he shall designate.

§ 2. All acts and parts of acts in conflict with provisions of this act are hereby repealed

Approved, March 13, 1885.

SIXTH DISTRICT—FIXING TERMS OF COURT THEREIN.

CHAPTER 80.

AN ACT to fix the Terms of the District Court within and for the Sixth Judicial District of the Territory of Dakota, exercising the Power and Jurisdiction of the District and Circuit Courts of the United States.

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

§ 1. TERMS OF COURT—WHEN AND WHERE HELD.] That the terms of the district court in and for the Sixth Judicial District of the Territory of Dakota, having and exercising in all cases arising under the constitution and laws of the United States, the same jurisdiction as is vested in the circuit and district courts of the United States, shall be held at Bismarck, in the county of Burleigh and Territory of Dakota, on the first Tuesday in March and the first Tuesday of September in each year, and the judge of said court shall have power to appoint and hold such other special terms of said district court as he may deem necessary for the due administration of justice.

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

Approved, March 12, 1885.

SIXTH DISTRICT—BOUNDARIES AND SUBDIVISIONS.

CHAPTER 81.

AN ACT to define the Sixth Judicial District of the Territory of Dakota and To Subdivide the same, and to fix the terms of Court therein, and for other purposes, in pursuance of the act of Congress dividing said Territory in six Judicial Districts.

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

§ 1. COUNTIES INCLUDED IN.] That the sixth judicial district of the Territory of Dakota shall consist of the following counties in said Territory, namely: Bowman, Villard, Billings, Dunn,

McKenzie, Allred, Buford, Flannery, Wallace, Mountraille, Williams, Stark, Hettinger, Boreman, Morton, Mercer, McLean, Ward, Stevens, Renville, Wynn, Bottineau, McHenry, Sheridan, Burleigh, Emmons, McIntosh, Logan, Kidder, Wells, DeSmet, Rolette, Benson, Foster, Eddy, Stutsman, LaMoure, Dickey, Griggs, Steele and Barnes.

§ 2. SUBDIVISION FIRST.] That the said sixth judicial district be, and the same is hereby divided into subdivisions, as follows: The first subdivision shall consist of the counties of Burleigh, Emmons, McLean, Stevens, Boreman, and Sheridan, Mountraille, Flannery, Buford. The district court in and for this subdivision shall be held at the city of Bismarck, in the county of Burleigh, on the first Tuesday in March and the first Tuesday in September in each year.

§ 3. SECOND.] The second subdivision shall consist of the counties of Morton, Stark, Hettinger, Boreman, Bowman, Villard, Billings, Dunn, McKenzie, Allred, Wallace, Williams and Mercer. The district court in and for this subdivision shall be held at the city of Mandan in the county of Morton on second Tuesday of August of each year.

§ 4. THIRD.] The third subdivision shall consist of the counties of Kidder, Logan and McIntosh. The district court in and for this subdivision shall be held at the city of Steele in the county of Kidder, at such time as the judge may direct in each year.

§ 5. FOURTH.] The fourth subdivision shall consist of the counties of Stutsman, Foster, Wells and La Moure. The district court in and for this subdivision shall be held at the city of Jamestown in the county of Stutsman on the second Tuesday in November of each year and one term commencing second Tuesday in April, 1885, shall be held.

§ 6. FIFTH.] The fifth subdivision shall consist of the counties of Barnes, Griggs, Steele. The district court in and for this subdivision shall be held at the city of Valley City in the county of Barnes on the second Tuesday in July of each year.

§ 7. SIXTH.] The sixth subdivision shall consist of the counties of Benson, Rolette, Bottineau, McHenry, Ward, DeSmet, Eddy, Wynn. The district court in for this subdivision shall be held at the town of Minnewaukan in the county of Benson on the second Tuesday in January of each year.

§ 8. SEVENTH.] The seventh subdivision shall consist of the county of Dickey. The district court in and for this subdivision shall be held at Ellendale at such time in each year as the judge of said court may direct.

§ 9. PENDING ACTIONS.] All actions and proceedings, both civil and criminal, now pending in any subdivision of said sixth

judicial district, heretofore created by act of the Legislature of this Territory, shall be respectively tried, heard and determined in the district court held in the subdivision hereby created, in which the county, wherein the cause of action arose, or the offense was committed, or the venue is laid, is situate or forms a part.

§ 10. All acts or parts of acts conflicting with this act, or any of its provisions, are hereby repealed.

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

Approved, March 13, 1885.

SIXTH DISTRICT—DICKEY AND McINTOSH COUNTY

CHAPTER 82.

AN ACT to Create a New Sub-division of the Sixth Judicial District.

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

§ 1. SUB-DIVISION.] The counties of Dickey and McIntosh are hereby created and constituted a sub-division of the sixth judicial district.

§ 2. JUDGE SHALL APPOINT TERM.] The judge of the sixth judicial district shall annually appoint and hold court for said subdivision at the county seat of said Dickey county, and the county of McIntosh is hereby attached to Dickey county for judicial purposes.

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

Approved, March 4, 1885.

ACTIONS TRANSFERRED FROM THE THIRD TO SIXTH DISTRICT.

CHAPTER 83.

AN ACT Concerning Actions and Proceedings Brought in the Third Judicial District of Dakota Territory, in the Counties or Sub-divisions now included in the Sixth Judicial District of said Territory, and the Jurisdiction thereof since the Creation of the said Sixth Judicial District.

WHEREAS, The judge of the district court of the sixth judicial district of the Territory of Dakota, as created by act of congress, has held that the said court has no jurisdiction "To hear, try or determine any action or proceeding" pending in the subdivisions in said district prior to the creation of said district ; Therefore,

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

§ 1. ACTIONS TO CONTINUE, ETC] That all actions, motions, orders and proceedings, pending at the time of the passage of said act of congress are hereby declared to continue in said 6th judicial district in every sub-division therein, with full force and effect, the same as though said judge had not so held ; *Provided, however,* That this act shall not be construed as a legislative construction that such decision is correct, but this act is passed to avoid the effect of such decision on pending cases and proceedings and to avoid litigation and unnecessary appeals.

Approved, March 13, 1885.

Juries.

CHAPTER 84.

AN ACT Providing for Struck Juries.

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

§ 1. MANNER OF SELECTING JURY.] That whenever a struck jury is deemed necessary, by either party, for the trial of the issue