

## Live Stock Lien.

### CHAPTER 112.

AN ACT to amend Section One (1) of Chapter Eighty-five (85) of the Session laws of 1883 entitled "Live Stock."

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

§ 1. FINE FOR FILING LIEN EXTENDED.] That section one (1) of chapter eighty-five (85) be and the same is hereby amended by striking out the word, "ten" where it occurs in said section and inserting in lieu thereof the word "ninety."

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

Approved, March 3, 1885.

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## Militia.

### CHAPTER 113.

AN ACT to Amend Chapter 30 of the Political Code, Revised 1877, of the Territory of Dakota, and making an Annual Appropriation to Provide for the Maintenance of the Militia.

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

§ 1. UNIFORMS.] That chapter 30 of the Political Code be amended as follows: That every company or battery of the Dakota National Guard shall provide suitable uniforms, subject to the inspection and approval of the officer who may muster such company into service. For the purpose of aiding in procuring uniforms, and keeping them in repair, there shall be paid annually to each officer and soldier, who shall be uniformed and duly mustered, and is in attendance at the annual encampment or the annual inspection of such company, a sum equal to five dollars.

§ 2. ARMORY.] Every company and battery shall provide at their own expense a suitable room or building for an armory, with

proper racks, frames and other needful provision for the safe keeping of the arms, accoutrements, and stores issued by the Territory, and shall therein keep the same when not in lawful use. The Governor of the Territory is hereby authorized and empowered to receive and execute bonds in the name of the Territory for such arms and accoutrements as may be deemed necessary to fully carry out the provisions of this act.

§ 3. WHEN ENTITLED TO FUNDS.] Each company or battery which shall be organized and mustered, and shall possess minimum number of members, and are uniformed and equipped with the necessary arms and accoutrements for its members, that has a suitable armory and has its arms, accoutrements and stores in good condition, which shall have been annually mustered and inspected by the company commander, and made return thereof to the adjutant general, shall, upon the certificate thereof from the adjutant general, approved by the Governor, be annually paid out of the territorial treasury three hundred dollars, on the receipts of the commander, which shall be in full compensation on the part of the Territory for all pay when not called into active service, and for rent of armory. Whenever any of the companies shall lapse into ill condition, become lax in discipline, negligent in instruction, drill or other duties, or the members lose interest in their organization, the Governor may retire such company from the service, and shall admit in place thereof some other company of later organization, which shall have complied with the requirements of the law; *Provided, however,* That compensation shall not be allowed to more than one company in any county. The Governor, however, may divide the compensation between two companies, where the same have already been organized.

§ 4. EXEMPT FROM JURY DUTY.] Every member of the Dakota National Guard shall be exempt from jury duty, and from the payment of poll tax, and every member who shall be honorably discharged after four years' service, or by reason of disability received while in service, shall be forever so exempt, and also exempt from military duty in time of peace; the proper discharge certificate shall be conclusive evidence of the right of such exemption.

§ 5. ORGANIZATION.] The Governor may form the volunteer companies into battalions and regiments, and appoint officers therefor; not less than two nor more than five companies shall constitute a battalion, and two battalions shall be deemed a regiment; the officers of such regiment shall be a colonel, lieutenant colonel and one major.

§ 6. GENERAL TRAINING.] The Governor shall, with or without permanently organizing battalions or regiments, order rendez-

vous and encampments of the several companies for instruction in drill and duties, not to exceed four nor less than two days in any one year, and shall fix the point at which such companies shall rendezvous, and the Governor shall designate the officer to command at each camp. The Governor shall allow toward the expense of subsistence of the troops during such rendezvous, one dollar and fifty cents per day for each officer and enlisted man actually attending in uniform for the time he is absent from home to attend such rendezvous. Such allowance shall be paid out of the territorial treasury to the companies on such vouchers and proofs as the Governor may require and on his approval. Transportation, subsistence and suitable camp and garrison equipage shall be provided at the expense of the Territory.

§ 7. MUSTER ROLLS, ETC.—ADJUTANT GENERAL'S SALARY.] The adjutant general and quarter-master general shall prepare, subject to the Governor's approval, blanks and forms for muster rolls, ordnance and property returns, reports, receipts and other papers necessary to carry out the provisions of this act, with proper accompanying instructions from time to time. The adjutant general shall preserve and cause to be recopied, when necessary, such muster rolls or other records of his office as require to be transcribed for presentation; that the adjutant general shall receive the sum of (\$1000) one thousand dollars per annum as salary, and there is hereby appropriated the sum of five hundred dollars for the purpose of necessary records, keeping the same, traveling expenses, rents, caring for and storing arms, freights and other necessary expenses belonging to the adjutant general's office.

§ 8. INSPECTION.] The entire territorial militia and all armories, ordnance stores, camp and garrison equipage, belonging to the Territory, shall be inspected at least once each year, under such rules and regulations as may be provided by the inspector general with the approval of the commander-in-chief.

§ 9. CLERKS.] Such clerical assistance shall be employed in the adjutant general's office as shall, in the opinion of the Governor, be actually necessary, and any person so employed shall receive for the time actually and necessarily on duty such compensation as the Governor may prescribe. There shall be allowed annually for postage, stationary and office incidentals to each regimental headquarters, twenty-five dollars, and each company headquarters the sum of ten dollars.

§ 10. CALLING OUT MILITIA.] When the sheriff or other officer authorized to execute process finds, or has reason to apprehend that resistance will be made to the executive thereof, he may command as many male inhabitants of his county as he may think proper; and upon application of the sheriff and by order of the

Governor, any military companies in the county, armed and equipped, shall assist him in overcoming the resistance, and if necessary, in seizing, arresting and confining the resisters and their aiders and abettors, to be punished by law.

§ 11. MILITIA, HOW PAID.] All officers and soldiers while on duty or assembled therefor, pursuant to the order of any sheriff of any county in cases of riot, tumult, breach of the peace, or whenever called upon by the civil authorities to aid in the enforcement of the laws, shall receive the same compensation as provided for in section 12 of this act and shall be a portion of the county charges of said county from the Territory, to be levied and raised as other county charges are levied and raised.

§ 12. PAY OF OFFICERS AND MEN ] The military forces of the Territory, when in the actual service of the Territory in time of insurrection, invasion, or immediate danger thereof, shall, during their time of service, be paid by an appropriation especially made therefor, the following sums each for every day actually on duty :

To each general, field and staff officer,.....	\$4 00
To every other commissioned officer,.....	2 50
To every non-commissioned staff officer,.....	2 00
To every other enlisted man,.....	1 50

§ 13. RULES FOR GOVERNING.] The Governor shall from time to time make, publish and distribute in a neat pamphlet form, rules, regulations and orders for the government of the Dakota National Guard, not inconsistent with law.

§ 14 APPROPRIATION.] For the purpose of carrying out the provisions of chapter 30 of the Political Code of the Territory of Dakota as herein amended, there is hereby made an appropriation of fifteen thousand dollars per annum, or so much thereof as may be necessary, out of any money in the territorial treasury, and all warrants against said appropriation shall be drawn by the territorial Auditor upon the territorial Treasurer, upon the certificate of the adjutant general approved by the Governor. All laws in conflict with the foregoing provisions being hereby so amended as to conform thereto.

§ 15. This act being deemed of immediate importance shall take effect from and after its passage and approval.

Approved, March 12, 1885.

## COMMISSIONS—WHEN TO EXPIRE.

## CHAPTER 114

AN ACT to Amend Chapter (30) Thirty, Section Fourteen of the Political Code. Revised 1877.

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

§ 1. COMMISSIONS EXPIRE.] That section fourteen of said chapter thirty be amended by striking out the words "except the quarter master general, adjutant general and paymaster general."

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

Approved, March 13, 1885.

## New Trials.

## CHAPTER 115.

AN ACT to Amend Sections Four Hundred and Twenty-three and Four Hundred and Twenty-four of the Code of Criminal Procedure of the Territory of Dakota.

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

§ 1. WHEN COURT MAY POSTPONE.] That section four hundred and twenty-three of the Code of Criminal Procedure of the Territory of Dakota, be and the same is hereby amended by adding thereto as paragraph seven: "When new evidence is discovered material to the defendant, and which he could not with reasonable diligence have discovered and produced at the trial when a motion for a new trial is made upon the ground of newly discovered evidence, the defendant must produce at the hearing, in support thereof, the affidavits of the witnesses by whom such evidence is expected to be given, and if time is required by the defendant