

SPECIAL LAWS.

Counties.

ADAMS AND BROWN COUNTIES—DIVISION OF.

CHAPTER 1.

AN ACT creating the County of Adams and for Other Purposes.

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

SECTION 1. The following described territory, to-wit: Commencing at the northeast corner of township one hundred and twenty-four (124) north, range sixty (60) west, thence west on the township line between townships one hundred twenty-four (124), and one hundred and twenty-five (125), to the northwest corner of township one hundred and twenty-four (124), north, range sixty-five (65) west, thence south on range line between ranges sixty-five (65) and sixty-six (66) to the southwest corner of township one hundred and twenty-one (121), north range sixty-five (65) west, thence east on township line between townships one hundred and twenty (120), and one hundred twenty-one (121) to the southeast corner of township one hundred and twenty-one (121) north, range sixty (60) west, thence north on range line between ranges fifty-nine (59) and sixty (60) to the place of beginning, shall be and the same is hereby declared to be the county of Adams.

§ 2. That the county of Adams as hereby created is declared to be liable for such portion of the legal indebtedness of the county of Brown, existing at the time of the taking effect of this act, as the assessed valuation for the year A. D., 1884, of the property situated in the county of Adams as herein created bears to the whole of assessed valuation of the county of Brown for the year A. D., 1884, as shown by the assessment rolls of the said county for the year A. D., 1884, and the cash assets in the hands of the county treasurer of said county of Brown at the time of taking effect of this act, shall be turned over to the county treasurer of

the county of Adams in proportion as the assessed valuation of all property in the county of Adams bears to the whole assessed valuation of the county of Brown for the year A. D , 1884. And it is hereby made the duty of the county treasurer of the county of Brown to turn over such portion of the money in his hands as above provided.

§ 3. All unpaid taxes against all kinds of property situated in that portion of the county of Brown which by the provisions of this act is created into the county of Adams shall belong to and be collected by the county of Adams.

§ 4. If by the provisions of this act any school township or townships shall be divided, each portion shall be liable for its proportion of the entire debt of said school township or townships, based on the assessed valuation of all property in said township or townships for the year A. D., 1884; the assets of said township or townships so divided shall be apportioned to the parts divided in proportion to the assessed valuation in each part so divided.

§ 5. It shall be the duty of the county commissioners of the county of Adams, and county of Brown, to meet at the court house in the village of Columbia, in said Brown county, on the first Monday in June, A. D., 1885, to equalize and provide for the assumption of the debts of the county of Brown.

§ 6. It is hereby made the duty of the register of deeds of the county of Adams as herein created, within thirty days after the county of Adams shall be organized according to law, to commence and transcribe from the records of the county of Brown all instruments therein recorded in any manner relating to property situated in the county of Adams as herein created, in proper books for that purpose, and it is hereby made the duty of the officers of Brown county to allow the register of deeds of the county of Adams to have access to the records of Brown county for the purpose of making such transcripts. The register of deeds of Adams county shall be allowed the same fees for making such transcript as are allowed by law for recording the same, to be paid by the county of Adams; the register of deeds shall also make a transcript of all unpaid tax lists, tax sales, redemption from tax sales and assessment rolls, against all property situated in the county of Adams, as herein defined, and for his services he shall be allowed a reasonable compensation to be fixed by the county commissioners of Adams county, and paid by the county of Adams. The register of deeds of Adams county shall certify to all transcripts, so made, and deliver them to the proper officers of the county of Adams, and take their receipts therefor; and the said transcribed records shall have the same force and effect for all purposes as the original records.

§ 7. The county seat of the county of Adams as herein created is hereby temporarily located in the town of Aberdeen, subject to removal by a majority vote at the next general election.

§ 8. The county commissioners of the county of Adams shall meet at the city hall, in the city of Aberdeen, on Monday the 18th day of May, A. D., 1885, at twelve (12) o'clock noon, and qualify according to law, and proceed to organize said county of Adams according to law, by appointing the county officers of said county and carrying out the provisions of this act.

§ 9. All that portion of Brown county not within the limits of the county of Adams as hereby created, shall be and remain the county of Brown.

§ 10. The officers of Brown county elected at the last general election, including the county commissioners of said county who hold over by non-expiration of their term of office, shall be and remain the officers of Brown county; *Provided*, Such of them as reside within the limits of Adams county as herein created, shall, within thirty days from the time this act shall take effect, remove and reside within the limits of Brown county. The chairman of the board of county commissioners, the clerk of the district court, and the superintendent of public schools shall meet at the county seat of the county of Brown, at the expiration of thirty days from the time of this act taking effect, and fill all vacancies in the board of county commissioners of the county of Brown, and all other vacancies in any of the county offices shall be filled by the board of county commissioners.

§ 11. The county of Brown as herein defined shall have five county commissioners.

§ 12. The question of the division of the county of Brown, as set forth in this act, shall be submitted to the legal voters of Brown county, as it now exists, at a special election to be held in said county on the third Tuesday, the 21st day of April, A. D. 1885; notice of said election to be given by the county clerk of Brown county for at least thirty days prior to said election; and in addition thereto, this act shall be published in at least three of the newspapers published in the county of Brown for four successive issues prior to said election, to be designated by the clerk of the county of Brown. The said election, in all manner not expressly provided for in this act, shall be governed in the same manner as required by law in conducting general elections; the ballots used in said special election shall be in the following form, to-wit: "For division of Brown County; Yes;" or "For division of Brown County; No;" and may be either written or printed, or part written and part printed.

§ 13. If, upon a canvass of all votes cast at said special elec-

tion, it shall appear that a majority of the votes cast at said special election were cast "For division of Brown county, Yes," then all that portion of territory described in section one of this act, shall be and is hereby constituted and created the county of Adams.

§ 14. The county clerk, the chairman of the board of county commissioners, the district attorney, the county treasurer, the clerk of the district court, the judge of the probate court, and the sheriff of Brown county, are hereby constituted a board of canvassers to canvass the vote cast at the special election herein provided for, a majority of whom shall constitute a quorum and are authorized to proceed with said canvass, and it is hereby made their duty to meet at the office of the county clerk in the village of Columbia, in the county of Brown, and the Territory of Dakota, within ten days from the date of said special election, and proceed to canvass the vote cast at said special election. They shall organize by electing one of their number chairman, and one of their number secretary, and shall enter the minutes of their proceedings at length upon the county commissioner's record of the county of Brown. They shall make an abstract of all the votes cast at said special election, and transmit a certified abstract of the same, under seal to the secretary of the Territory of Dakota; and if they shall find that a majority of all the votes cast in the county of Brown, at said special election were cast "for the division of Brown county, Yes" they shall furnish a certified transcript of all the votes so cast to each of the county commissioners of the county of Adams hereinafter mentioned, to be by the sheriff of the county of Brown delivered and served upon each of the county commissioners hereinafter named of the county of Adams, personally, which shall be authority for the county commissioners of the county of Adams hereinafter named, to meet at the time and place specified in section eight of this act, and proceed to organize the county of Adams according to law.

§ 15. That John A. Honlahan, Stephen Wade, C. J. C. McLeod, James D. Reeves and Dr. A. Grant, be and are hereby appointed county commissioners of the county of Adams and shall hold their offices until the next general election.

§ 16. If upon a canvass of all the votes cast at the special election provided for in this act, it shall appear that a majority of all the votes cast at said special election were for the division of Brown county, "No," then this shall be of no force and effect, but if upon said canvass it shall appear that a majority of all the votes so cast were "For the division of Brown county, Yes," then this act shall be and remain in full force and effect.

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

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

Approved, March 13, 1885.

Counties.

COUNTY AUDITORS IN BROWN AND OTHER COUNTIES.

CHAPTER 2.

AN ACT to Amend Chapter One of the Special Laws of 1883, Relating to County Auditors.

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

§ 1. That chapter one of the special laws of 1883, approved March 9, 1883, be amended so as to create the office of county auditor in the counties of Brown, Day, Grant, Codington, Deuel, Sargent, Ransom and Dickey.

§ 2. The county auditors appointed under the provisions of this act shall hold their offices until their successors are duly elected in 1886 and qualified under the general laws of the Territory the same as other county officers.

§ 3. In the counties above mentioned the register of deeds shall not hold the office of county auditor during the time in which he is register of deeds.

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

Approved, March 13, 1885.

1885—29

BOUNDARIES OF BILLINGS AND OTHER COUNTIES.

CHAPTER 3.

AN ACT to Define the Boundaries of Billings, Villard, Dunn and Wallace Counties.

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

§ 1. The boundaries of the county of Billings are hereby designated and established as follows, to-wit: Beginning at the point where the line between towns one hundred and forty-four (144) and one hundred and forty-five (145) north, intersects the boundary line between the territories of Dakota and Montana; thence south along said boundary line to the line between towns one hundred and thirty-two (132) and one hundred and thirty-three (133) north; thence east along said town line to the line between ranges one hundred and one (101) and one hundred and two (102) west; thence north along said range line to the line between towns one hundred and forty-four (144) and one hundred and forty-five (145) north; thence west along said town line to the place of beginning; and the territory included within such boundaries shall be and constitute the said county of Billings.

§ 2. The boundaries of the county of Villard are hereby designated and established as follows, to-wit: Beginning at the point on the line between towns one hundred and forty-four (144) and one hundred and forty-five (145) north, where the same is intersected by the line between ranges one hundred and one (101) and one hundred and two (102) west; thence south along said range line to the line between towns one hundred and thirty-two (132) and one hundred and thirty-three (133) north; thence east along said town line to the line between ranges ninety-seven (97) and ninety-eight (98) west; thence north along said range line to the line between towns one hundred and forty-four (144) and one hundred and forty-five (145) north; thence west along said town line to the place of beginning; and the Territory included within such boundaries shall be and constitute the said county of Villard.

§ 3. The boundaries of the county of Dunn are hereby designated and established as follows, to-wit: Beginning at a point on the line between towns one hundred and forty (140) and one hundred and forty-one (141) north, where the same is intersected by the line between ranges ninety-seven (97) and ninety-eight (98) west, thence east along said town line to the line between ranges

ninety-three (93) and ninety-four (94) west; thence north along said range line to the line between towns one hundred and forty-eight (148) and one hundred and forty-nine (149) north; thence west along said town line to the line between ranges ninety-seven (97) and ninety-eight (98) west; thence south along said range line to the place of beginning; and the territory included within such boundaries shall be and constitute the said county of Dunn.

§ 4. The boundaries of the county of Wallace are hereby designated and established as follows, to-wit: Beginning at the point where the line between ranges ninety-three (93) and ninety-four (94) west, intersects the line between towns one hundred and forty-eight (148) and one hundred and forty-nine (149) north; thence north along said range line to the middle of the channel of the Missouri river; thence along said channel in a northerly and westerly course to the line between ranges one hundred and one (101) and one hundred and two (102) west; thence south along said range line to the line between towns one hundred and forty-eight (148) and one hundred and forty-nine (149) north; thence east along said town line to the place of beginning; and the territory included within such boundaries shall be and constitute the said county of Wallace.

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

Approved, March 10, 1885.

BLAINE COUNTY CREATED.

CHAPTER 4.

AN ACT Creating the County of Blaine and for other Purposes.

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

§ 1. That all that district of country included within the following boundaries, to-wit:—Beginning at the southeast corner of township one hundred and fifty-five (155) range fifty-seven west, and running north on range line between range fifty-six (56) and fifty-seven (57) to the north-east corner of township one hundred and fifty-eight (158), thence west to the northwest corner of one

hundred and fifty-eight (158) in range sixty-one (61), thence south on range line between ranges sixty-one (61) and sixty-two (62), to the southwest corner of township one hundred and fifty-five (155), range (61) sixty-one, thence east on the township line between townships one hundred and fifty-four (154) and township one fifty-five (155), to the place of beginning; shall be and the same is hereby declared to be and the same is constituted the county of Blaine.

§ 2. SPECIAL ELECTION. That for the purpose of carrying out the provisions of section one of this act, it is hereby made the duty of the county auditor of Walsh county in this Territory, to call a special election within the limits of the boundaries of the county of Walsh, to be held at the several precincts within the county of Walsh, not later than the first Tuesday in May, A. D., 1885, and shall cause three notices to be posted in each of said precincts at least twenty days prior to the election, which said notices shall state where the polls shall be, the day of the week, the day of the month and the hour at which the polls shall be opened, and closed, and the purpose for which the election is called. The ballots to be used by the electors within the county of Walsh shall have printed or written or partly printed and partly written "for division of Walsh county—'No, or yes,'" as the case may be. The judges of election shall make returns to the county auditor of Walsh county, showing how many votes were cast for county division "No," for county division "Yes." The county commissioners of Walsh county, shall together with the county auditor of the county, meet at the county seat of Walsh county within ten days from the day of election, to canvass the votes of the several precincts. And the county auditor of Walsh county shall make certified abstracts of the votes cast at said election, and forward the same to the Secretary of the Territory, and one to the Governor of the Territory and if the Governor and Secretary shall find that a majority of all the votes at said election have been cast in favor of such division, then it shall be the duty of the Governor to issue a proclamation to that effect. And then and thereafter the district described in section one shall constitute, and be known as the county of Blaine, and shall be organized as other counties are organized, upon proper petition, and that the county of Blaine shall be attached to the county of Walsh for judicial purposes.

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

Approved, March 13, 1885.

TO REIMBURSE BROWN COUNTY FOR CARE OF PAUPERS.

CHAPTER 5.

AN ACT to Appropriate Money to Reimburse Brown County for the Payment of Money for Taking Care of Certain Paupers therein Named.

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

§ 1. That there is hereby appropriated out of the funds of the territorial treasury, not otherwise appropriated, the sum of four hundred and fifty dollars and ninety-six cents for the following purposes, viz: One hundred and four dollars and thirty-one cents to reimburse Brown county for money paid out in the case of Mrs. Feecenhuse, a pauper residing in town 125 of range 66, and also the sum of three hundred and forty-six dollars and sixty-five cents paid out by Brown county in the case of William Carlson, a pauper residing in township 123 of range 66, making in the aggregate an appropriation for the purposes named, the sum of four hundred and fifty dollars and ninety-six cents.

§ 2. The money herein appropriated shall be paid out to the county treasurer of Brown county, or order, upon the presentation to the territorial Treasurer of the proper vouchers, showing that such sums of money was paid out by said county for the purpose above stated.

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

Approved, March 9, 1885.

**FIXING PAY OF COMMISSIONERS OF CUSTER AND PENNINGTON
COUNTIES**

CHAPTER 6.

**AN ACT Fixing the Per Diem and Mileage of the County Commissioners of
Custer and Pennington Counties while Necessarily Engaged in County
Business.**

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

§ 1. That the county commissioners of Custer and Pennington counties shall each be allowed for the time they shall be necessarily employed in the duties of their office, the sum of five dollars per day and ten cents per mile for the distance necessarily traveled in attending the meetings of the board, and when engaged in other official duties, to be paid out of the county general fund.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed so far as they apply to the said counties of Custer and Pennington.

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

Approved, February 26, 1885.

GOVERNMENT ROADS IN CHARLES MIX COUNTY.

CHAPTER 7.

**AN ACT in Relation to the United States Government Bridge across Choteau
Creek, and to the Government Road in the Counties of Charles Mix and
Bon Homme.**

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

§ 1. That the road made through Bon Homme county and Charles Mix county, together with the bridges therein, are herein made a public highway in said counties, and said highway is

hereby subject to any and all general laws in force in said counties relating to public highways and bridges.

§ 2. It is the duty of the county commissioners of said counties to maintain and keep in repair the bridge upon the highway across Choteau creek ; each county being liable for the maintenance and repairs of that portion of said bridge within its own boundary. The sums raised by the said counties respectively to carry out the provisions of this act, shall be levied as other bridge and road taxes.

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

Approved, March 13, 1885.

SALARY OF SUPERINTENDENT OF SCHOOLS FOR CASS AND GRAND FORKS COUNTIES.

CHAPTER 8.

AN ACT to Repeal Chapter Thirty-six of the Session Laws of 1883.

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

§ 1. That chapter thirty-six (36) of the special laws of 1883, entitled an act to fix the salary of the superintendent of public schools in and for Cass county, Dakota Territory, be and the same is hereby repealed.

§ 2. The county superintendents of schools in and for the counties of Grand Forks and Cass will be entitled to such fees and compensation as now allowed or may be hereafter allowed superintendents of other counties for like services.

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

Approved, March 4, 1885.

COUNTY AUDITOR IN CASS, WALSH, GRAND FORKS, LINCOLN,
TRAILL AND PEMBINA COUNTIES,

CHAPTER 9.

AN ACT Regulating the Term of Office of Auditor in the Counties of Cass,
Walsh, Grand Forks, Lincoln, Traill and Pembina.

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

[§ 1.] That in the counties of Pembina, Walsh, Grand Forks Lincoln, Traill and Cass, wherein county auditors have been heretofore elected in pursuance of chapter 1 of the special laws of 1883, the county auditors so elected shall continue to hold their respective offices until the general election of county officers in November, 1886.

[§ 2.] That this act shall apply and take effect only in such of the above counties as have elected auditors for the term of two years at the annual election of 1883.

[§ 3.] That all auditors elected at the annual election of 1883, who have taken oath and given bond for a term of two years only, from the time of their said election, shall, at the expiration of said time for which they were elected, again qualify for the term of one year, or until the term of office hereby extended expires.

[§ 4.] All acts or parts of acts in conflict with this act are hereby repealed.

[§ 5.] This act to be in force and effect from and after its passage and approval.

Approved, March 12, 1885.

CLAY AND LINCOLN COUNTIES INCLUDED IN ACT FOR FIVE
COMMISSIONER DISTRICTS.

CHAPTER 10.

AN ACT to Amend Chapter Thirty-three of the Special Laws of 1883, relating to County Commissioners.

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

§ 1. That section five of chapter thirty-three of the special laws of 1883, entitled "An act to provide for the division of counties into five commissioners districts and the appointment and election of commissioners therefor, and amending section fifteen of chapter twenty-one of the Political Code," be and the same is hereby amended by striking out all of the provisions in said section five of said act.

§ 2. The provisions of said act are hereby expressly extended and made to apply to the counties of Clay and Lincoln in this Territory.

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

Approved, February 26, 1885.

CAVALIER COUNTY—BOUNDARIES OF.

CHAPTER 11.

AN ACT Defining the Boundaries of Cavalier County, and for other Purposes.

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

§ 1. All that district of country included within the following boundary lines shall be and the same is hereby constituted and declared to be the county of Cavalier, viz: Beginning at the southeast corner of township 159 north, range 57 west; thence

north to the international boundary on the line running between ranges 56 and 57; thence west on the international boundary line to a point where said line is intersected by the line running between ranges 62 and sixty-three (63); thence south to the southwest corner of township 159 north, range 62 west; thence east on the township line between townships 158 and 159 to the place of beginning, shall be and remain the county of Cavalier.

SPECIAL ELECTION—DUTY OF AUDITOR OF PEMBINA COUNTY.

§ 2. That for the purpose of carrying out the provisions of section one of this act, it is hereby made the duty of the county auditor of the county of Pembina, in this Territory, to call a special election within the limits of the boundaries of the said county of Pembina, as now constituted, to be held at the several precincts within said county, not later than the twelfth day of May, 1885, and shall cause three notices to be posted in each of the several precincts within said county at least twenty days prior to said election, which said notices shall state where the polls shall be—the day of the week, the day of the month, and the hour at which said polls shall be opened and closed, and the purpose for which the election is called. The ballots to be used by the electors within the county of Pembina shall have printed or written or partly printed or written, "For division of Pembina county, No" or "Yes," as the case may be. The judges of election shall make a return to the county auditor of Pembina county, showing how many votes were cast for county division "No," for county division "Yes." The county commissioners shall, together with the county auditor of the county, meet at the county seat of Pembina county within ten days from the day of election to canvass the votes of the several precincts, and the county auditor of Pembina county shall make certified abstracts of the vote of the county of Pembina, and if a majority of all the votes cast at said election have been cast in favor of such division, then and thereafter the district described in section one shall constitute and be known as the county of Cavalier.

§ 3. In case a majority of the voters of Pembina county fail to vote for the division of Pembina county as provided in this act, then the boundaries of Cavalier county shall be as follows: Beginning at the southwest corner of township (159) one hundred and fifty nine, range (59) fifty-nine; thence north to the international boundary line; thence west along said international boundary line to a point where it is now intersected by the range line between ranges 64 and 65; thence south on said range line between ranges 64 and 65 to the southwest corner of township 159, range 64; thence east on the township line between townships 159 and 158 to the place of beginning; and the question of county

seat location shall be submitted to the voters at the next annual election ; a majority of all the votes cast shall decide.

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

Approved, March 13, 1885.

DAY AND MARSHALL COUNTIES—BOUNDARIES OF.

CHAPTER 12.

AN ACT Creating the County of Marshall and defining the Boundaries of Day County.

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

§ 1. That the northern tier of townships of the county of Clark are hereby detached from said county of Clark, and the same are hereby attached to and made a part of the county of Day, and the boundaries of said county of Day are hereby declared to be as follows, to-wit: Commencing at the northeast corner of township 124 north of range 54 west, of the fifth principal meridian, running thence west on the north line of said tier of townships to the northwest corner of township 124 north, of range 59 west, thence south along the west said tier of townships to the southwest corner of township 120 north, of range 59 west, thence east along the same line of said tier of townships to the southeast corner of township 120 north, of range 54 west, thence north along the east line of said tier of townships to the northeast corner of township 124 north, of range 54 west, and the jurisdiction of said county of Day shall, upon the taking effect of this act, extend over all the district embraced in the above boundaries.

§ 2. That all that portion of Day county as now defined lying north of the township line, between townships 124 and townships 125, shall be and the same is hereby declared to be the county of Marshall.

§ 3. That the county of Marshall is hereby declared to be liable for such proportion of the legal indebtedness of the county of Day, existing at the date of the approval of this act, as the assessed valuation for the year A. D., 1884, of the property taken from the county of Day bears to the whole assessed valuation of Day county

for the year A. D., 1884, as shown by the assessment rolls of said Day county, and the cash assets in the treasury of Day county at the time said Marshall county is organized according to law, shall be turned over to the treasurer of the county of Marshall in the proportion that the assessed valuation of said Marshall county bears to the whole valuation of Day county as shown by the assessment of the year A. D., 1884, and it is made the duty of the treasurer of Day county to turn over the money on hand as above provided.

§ 4. All unpaid taxes for the year A. D., 1884, assessed against that portion of Day county which, by the provisions of this act, becomes Marshall county, shall belong to and be collected by the county of Marshall.

§ 5. All that portion of territory detached from the county of Clark under the provisions of this act, is hereby charged with its proportion of the entire indebtedness of Clark county, based on the assessment of Clark county for the year A. D. 1884.

§ 6. If the provisions of this act shall divide any school township, each portion shall be liable for its proportion of the entire debt of said school township, based on the assessment of the year A. D., 1884, and shall receive its just proportion of the assets of such school township, based on the last annual assessment thereof.

§ 7. It shall be the duty of the county commissioners of Day, Clark and Marshall counties to meet at the court house in the village of Webster, in said county of Day, on the first Monday in June, A. D., 1885, to equalize and provide for the assumption of the debt of Day and Clark counties.

§ 8. The officers of said county elected at the last general election, including the county commissioners who hold over by reason of non-expiration of their term of office, shall be and remain, in case of the division of said Day county, as provided in this act, said officers of said Day county, *Provided*, That they shall elect to remove, and reside within the limits thereof, if not already residents.

§ 9. The register of deeds, clerks of court, judges of probate, and county treasurers of Day and Marshall counties, respectively, shall within thirty days after the said county of Marshall shall be organized according to law, transcribe all the records of deeds, mortgages and other instruments, judgments and mechanics liens and other records; also duplicate of the assessment roll and tax list for the year A. D., 1884, from the books of said officers, respectively, in the counties of Clark and Day, pertaining to their respective counties, and such transcribed records shall have the same force and effect for all purposes as original records, and such registers of deeds, clerks of court and probate judges, shall be paid by their respective counties, fifty per cent. of such fees as are pro-

vided by law, for recording original instruments of the same character, except the county treasurer, who shall be allowed four (4) dollars per day for all services performed by him in carrying out the provisions of this section.

§ 10. The said county of Marshall is hereby attached to the county of Day for judicial purposes.

§ 11. A special election shall be held in the counties of Day and Marshall as constituted in the preceding sections of this act, on the second day of May, A. D., 1885. That it shall be the duty of the sheriff of Day county, as heretofore organized, to give fifteen days notice of such election by publication for two successive weeks, in two weekly newspapers printed in said county, and that the election precincts, polling places and judges of election at such special election, shall be the same as at the last general election in Day county, *Provided*, If any such shall not be present at the opening of the polls, judges may be chosen as provided by law at general elections, and *Provided, further*, That any elector residing in that portion of Clark county attached to Day county by the provisions of this act, may vote at such election, at such polling place in Day county as heretofore organized, as may be nearest his place of residence; that said election, except as herein otherwise expressly provided, shall be governed in all things as provided by law for general elections. The ballots used at said election shall be as near as may be of one of the following forms: "For the division of Day county, Yes," or "For the division of Day county, No." If a majority of the legal votes cast at said election shall be in favor of the division of Day county, then the said counties of Day and Marshall shall be established and constituted as provided in the preceding sections of this act.

§ 12. That the register of deeds, judges of the probate court, and clerk of the district court of Day county, shall meet at the office of the register of deeds of said county, on the ninth day of May, A. D., 1885, and canvass the vote cast at said special election, that the judges of election of the several precincts shall make their returns in time to enable said canvassers to canvass the vote cast at said election on the ninth day of May, A. D., 1885; that said canvassers shall canvass the vote cast at said election, as provided by law, and they shall make three certified abstracts of the votes cast at the several precincts, at said election, and they shall immediately forward one of said abstracts to the Governor of the Territory of Dakota, and one of said abstracts to the Secretary of said Territory, and the Governor and Secretary of said Territory shall proceed to canvass the vote cast at the said election as soon as they shall receive said abstracts, and if a majority of the votes cast at said election shall be in favor of the division of Day county

then it shall be the duty of the Governor within twenty (20) days to organize the said county of Marshall according to law.

§ 13. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved, March 10, 1885.

TRANSCRIBING RECORDS IN EDMUNDS AND McPHERSON COUNTIES.

CHAPTER 13.

AN ACT to provide for Transcribing the Records in Edmunds and McPherson Counties.

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

§ 1. That the records of transfers affecting the title to real and personal property in townships 121, 122, 123 and 124, range 66, Edmunds county, shall be transcribed from the records of Brown county by the register of deeds of said Edmunds county, and shall become a part of the records of said Edmunds county.

§ 2. That the record of transfers affecting the title to real and personal property in townships 125, 126, 127 and 128, range 66, McPherson county, shall be transcribed from the records of Brown county by the register of deeds of said McPherson county and shall become a part of the records of said McPherson county.

§ 3. Said records when transcribed shall be of full force and effect, as fully as if said transfers had been originally recorded in said Edmunds and McPherson counties, and shall be public notice from and after the date of said transcript; and said transcript shall be paid for out of the treasuries of said Edmunds and McPherson counties at the legal rates; *Providing, however,* That the board of county commissioners of the respective counties of Edmunds and McPherson may contract and let the transcribing of said records at any rates less than the legal rates.

§ 4. This act shall be in force from and after its passage and approval.

Approved, March 13, 1885.

DEFINING THE BOUNDARIES OF EDMUNDS AND McPHERSON COUNTIES.

CHAPTER 14.

AN ACT to Define the Boundary lines of Edmunds and McPherson Counties.

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

§ 1. The county of McPherson shall be bounded and described as follows: Beginning at the intersection of the seventh standard parallel with the range line between ranges sixty-five (65) and sixty-six (66); thence west along the seventh standard parallel to its intersection with the range line between ranges seventy-three (73) and seventy-four (74); thence south along said range line between ranges seventy-three (73) and seventy-four (74), to the sixth (6) standard parallel; thence east along said sixth (6) to the southeast corner of township one hundred and twenty-five (125) of range sixty-six (66); thence north along the range line between ranges sixty-five (65) and sixty-six (66) to the seventh standard parallel the place of beginning.

§ 2. The county of Edmunds shall be bounded and described as follows: Beginning at the intersection of the sixth (6) standard parallel with the range line between ranges sixty-five (65) and sixty-six (66); and thence west along the sixth (6) standard parallel to its intersection with the range line between ranges seventy-three (73) and seventy-four (74); thence south along said range lines between ranges seventy-three (73) and seventy-four (74) to its intersection with the fifth (5) standard parallel; thence east along said 5th standard parallel to the southeast corner of township one hundred and twenty-one (121), of range sixty-six (66); thence north along the range line between ranges sixty-five (65) and sixty-six (66) to the sixth (6) standard parallel the place of beginning.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved, February 6, 1885.

CREATING EDDY COUNTY AND DEFINING ITS BOUNDARIES.

CHAPTER 15.

AN ACT Creating the County of Eddy, Defining its Boundaries and Defining the Boundaries of the County of Foster, and for other purposes.

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

§ 1. That all that district of country included within the following boundary lines, shall be and the same is hereby constituted and declared to be the county of Eddy, viz: Beginning at the southeast corner of township number one hundred and forty-eight (148) north, of range sixty-two (62), west of the fifth principal meridian, running thence north along the line between ranges sixty-one (61) and sixty-two (62) west, to the northeast corner of township number one hundred and fifty (150) north, of range number sixty-two (62) west, thence west and along the line between townships one hundred and fifty (150) and one hundred and fifty-one (151) west, [north], to the northwest corner of township number one hundred and fifty (150) north, of range number sixty-seven (67) west, thence south along the line between ranges number sixty-seven (67) and sixty-eight (68) west, to the southeast corner of township number one hundred and forty-eight (148) north, of range number sixty-seven (67) west, and thence along the line between townships number one hundred and forty-seven (147) and one hundred and forty-eight (148) north, to the southeast corner of township number one hundred and forty-eight (148) north, of range sixty-two (62) west.

§ 2.

That all that district of country included within the following boundary lines shall be and the same is hereby constituted and declared to be the county of Foster, viz: Beginning at the southeast corner of township number one hundred and forty-five (145) north, of range number sixty-two (62) west of the fifth principal meridian, thence north along the line between ranges number sixty-one (61) and sixty-two (62) west to the northeast corner of township number one hundred and forty-seven (147) north, of range number sixty-two (62) west, thence west and along the line between townships numbers one hundred and forty-seven (147) and one hundred and forty-eight (148) north, to the northwest corner of township number one hundred and forty-seven (147) north, of range number sixty-seven (67) west, thence south along the line between ranges number sixty-seven (67) and sixty-eight (68)

west, to the southwest corner of township number one hundred and forty-five (145) north, of range number sixty-seven (67) west, and thence east along the line between townships number one hundred and forty-four (144) and one hundred and forty-five (145) north, to the southeast corner of township number one hundred and forty-five (145) north of range number sixty-two (62) west.

§ 3. That the county seat of Foster county shall be and remain at the village of Carrington, situated in section number nineteen (19), township number one hundred and forty-six (146) north, of range number sixty-six (66) west, in said county of Foster, until changed according to law, and the county seat of the county of Eddy shall be and remain at the village of New Rockford, situated in section number thirty-two (32), township one hundred and forty-nine (149) north of range number sixty-six (66) west, in said county of Eddy, until changed according to law.

§ 4. That the question of the creation of the county of Eddy and the division of the county of Foster as provided in section number (1) and two (2) of this act shall be submitted to the legal voters of the said counties of Foster and Eddy, as constituted and defined by this act, at a special election, to be held as provided in the next section of this act.

§ 5. That a special election shall be held in the counties of Foster and Eddy, as constituted and defined in this act, on the thirty-first day of March, A. D. 1885; that it shall be the duty of the county clerk of Foster county, as now organized, to give fifteen (15) days' notice of such special election, by publication for two (2) successive weeks next preceding said election in two (2) weekly newspapers, one of which newspapers shall be published in the county of Foster and one of which shall be published in the county of Eddy; that the election precincts, polling places and judges of election at said special election shall be the same as at the last general election in Foster county; *Provided*, That the said polling places shall be within the limits of said counties of Foster and Eddy, as herein defined, and that special ballot boxes shall be provided by said clerk for said special election; *And provided further*, That if any of such judges shall not be present at the opening of the polls, other judges may be chosen as provided by law at general elections.

§ 6. That said election, except as herein otherwise expressly provided, shall be governed in all things as provided by law for general elections; that the ballots used at said special election shall be in one of the following forms: "For the creation of Eddy county and the division of Foster county, Yes," or "For the creation of Eddy county and the division of Foster county, No;" and that if a majority of the legal votes cast at said special election upon the

question submitted shall be in favor of the creation of Eddy county and the division of Foster county, then said county of Eddy shall be deemed created and the said county of Foster shall be divided as provided in this act.

§ 7. That the county clerk, judge of probate and county treasurer of Foster county, or a majority of them, shall meet at the office of said county clerk on the first Monday after said special election and canvass the votes cast at said special election; that the judges of election of the several voting precincts shall make their election returns to said county clerk in time to enable said canvassers to canvass the votes cast at said election on the said first Monday after said election; that said canvassers shall canvass the votes cast at said election as provided by law, and they shall make three certified abstracts of the votes cast in the several precincts at said election, and they shall immediately forward one of said abstracts to the Governor of the Territory of Dakota and one of said abstracts to the Secretary of said Territory, and one abstract shall be filed as a public record with the county clerk of Foster county. The Governor and Secretary of said Territory shall proceed to canvass the votes cast at said special election as returned in said abstracts, as soon as they shall receive said abstracts; and if a majority of the votes cast at said election upon the question submitted shall be in favor of the creation of the county of Eddy and the division of the county of Foster, the Governor shall within ten days thereafter appoint three (3) commissioners for the said county of Eddy, residing therein, and shall appoint two (2) commissioners for the county of Foster, residing therein; that said commissioners so appointed for the county of Eddy shall, except as herein otherwise provided, proceed to organize said county of Eddy.

§ 8. That the register of deeds and the clerk of the District Court of the county of Eddy respectively, shall without delay transcribe all the records of deeds, mortgages, and other instruments and judgments, and mechanics' liens, and other records, from the books of said office in the county of Foster, and such transcribed records shall have the same force and effect for all purposes as the original records; and said register of deeds and clerk of the District Court shall be paid by the county of Eddy for transcribing such records, such fees as are provided by law for recording original instruments of the same character.

§ 9. That the indebtedness of the county of Foster, existing at the time of the passage of this act, except the sum of twenty-one hundred dollars (\$2100), to be paid exclusively by the county of Foster, shall be assumed and paid by the counties of Foster and Eddy in the proportion that the assessed valuation in 1884 of the property in each county shall bear to such indebtedness.

§ 10. That all taxes heretofore assessed or levied upon property situated within said counties of Foster and Eddy shall be collected by the treasurer of Foster county, and that said taxes shall be applied in liquidation of the proportion of the indebtedness of Foster county herein assumed by Eddy county; *Provided*, That all school moneys belonging to school townships situated within the county of Eddy, shall be paid by the treasurer of Foster county to the treasurer of Eddy county.

§ 11. That in case any school township shall be divided by the division of said Foster county, then that part of such school township as may lie in either of said counties as herein provided, to be created or defined, shall be annexed to and become a part of the school township which may lie next east of it.

§ 12. That all acts and parts of acts inconsistent with this act are hereby repealed.

§ 13. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 9, 1885.

DIVIDING EMMONS COUNTY AND CREATING WINONA.

CHAPTER 16.

AN ACT to Divide the County of Emmons and Create the County of Winona.

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

§ 1. That all that district of country included within the following boundary lines, to-wit: Beginning at the middle of the main channel of the Missouri river, where the eighth (8) standard parallel intersects said channel; thence east along said parallel line to the northeast corner of township one hundred and thirty-two (132) north, of range seventy-four (74) west; thence south along the eastern boundary line of Emmons county to the southeast corner of said county of Emmons; thence west along the southern boundary line of said county of Emmons to the middle of the main channel of the Missouri river; thence north along the middle of the main channel of the Missouri river to the place of beginning, shall be, and the same is hereby declared to be, and is constituted the county of Winona.

§ 2. That for the purpose of carrying out the provisions of section one of this act, it is hereby made the duty of the county clerk of Emmons county, of this Territory, to call a special election in the county of Emmons, on the thirtieth day of March, A. D. 1885, to be held in said county, at which election there shall be two polling places, one in the town of Williamsport; and the county clerk of said county shall give notice of such election by causing to be posted in five of the most public places in said county, ten days before election, written or printed notices, which notices shall state the time when the election will be held, where the polls will be, the time when the polls will be opened and closed, and the purpose for which the election is called.

§ 3. The ballots to be used by the electors shall have printed or written, or partly written or printed, "For division of Emmons county— Yes, or No;" and it is hereby made the duty of the county commissioners of the county of Emmons, at least ten days before the day of election, to appoint three electors, residing in the election precinct for which they are appointed, judges of election for each of said polling places, and two electors possessing the same qualifications, clerks of election for each of said polling places. And it is made the duty of the county clerk to make out under his hand and official seal, a notice to each of the persons so appointed judges and clerks, and serve the same upon each of them personally, within five days after they are appointed. And if the county commissioners shall neglect or fail to appoint such judges and clerks of election, or if for any cause judges and clerks of election are not present at the polling places at the hour designated in the notices for the opening of the polls, the electors present may choose from among their number three persons to act as judges of election, and the judges so chosen may appoint two electors clerks of election for that polling place.

§ 4. The polls shall be open at 9 o'clock a. m., and be kept open until four o'clock p. m.; and immediately upon the closing of the polls it shall be the duty of the judges to proceed to canvass the votes cast, which canvass shall be completed before any adjournment of the board; and when the canvass is made, the result thereof shall be certified under their hands to the county clerk of Emmons county, and the poll boxes and ballots cast shall also be delivered to the county clerk of said county and be by him safely kept until thirty days after the result of the election is made known.

§ 5. And it is hereby made the duty of the county clerk of said county of Emmons, within five days after said election is held to canvass the returns received from the judges of election, and by proclamation declare the result of the election, and under his official seal certify the result to the Governor of this Territory.

§ 6. The laws of this Territory declaring the qualifications of electors and governing general elections shall apply to the election hereby authorized to be held in all matters not provided for herein.

Approved, March 12, 1885.

FENCE LAW FOR FALL RIVER, CUSTER, PENNINGTON, LAWRENCE, ETC.

CHAPTER 17.

AN ACT to Establish a Fence Law in the Counties of Fall River, Custer, Pennington, Lawrence, Butte, Harding, Burdick, Ewing, Bowman and all of Billings and for other purposes

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

§ 1. That in the counties of Fall River, Custer, Pennington, Lawrence, Butte, Harding, Burdick, Ewing, Bowman, and all of Billings, a fence constructed as hereinafter described shall be sufficient and lawful.

§ 2. Posts or other uprights of reasonable strength and firmness in position, not more than thirty-two feet distant from each other, with two suitable stays between posts, nearly equally dividing such space into three parts, with three strands of ordinary barbed fence wire, well stretched and firmly fastened to such posts, uprights and stays, with the upper strand not more than forty-eight, nor less than forty-two inches above the general surface of the ground thereunder, and the lower strand shall not be more than eighteen, nor less than twelve inches above the general surface of the ground thereunder, and the middle strand shall nearly equally divide the space between the upper and lower strand.

§ 3 Any other kind of a fence or barrier, as effective for the purposes of a fence as that provided in section 2 of this act, is hereby declared sufficient and lawful; *Provided*, That all corral fence exclusively for purposes of inclosing stacks is outside of any lawful inclosure shall not be less than sixteen feet distant from such stacks so inclosed; shall be substantially built with posts not more than eight feet distant from each other, and with not less than five strands of barbed fence wire, shall be not less than five feet high; and *Provided, further*, That any other kind of a fence

equally as effectual for the purpose of a corral fence may be made in lieu thereof.

§ 4 Any person owning or having in charge any horses, mules, asses, cattle, sheep, or goats, or any such animals, which shall breach through, over or under any lawful fence, not the property of the owner of such offending animals, shall be liable to the party having sustained injury by reason of such breaching, to be recovered in civil action before any court of competent jurisdiction, and it shall be sufficient in any such action, that it was a lawful fence where the breach was made, and the proceedings shall be the same as in other civil actions except as herein modified.

§ 5. Any person owning or having in charge in either of said counties, any swine which shall trespass upon the lands or premises of another, including premises in towns, villages and cities, whether such lands or premises are fenced or not fenced, such person owning or having in charge such trespassing swine shall be liable to any party sustaining such injury for all damages he may sustain by reason of such trespassing, to be recovered in a civil action before any court having jurisdiction thereof, and the proceedings shall be the same in all respects as in other civil actions, except as herein modified; *Provided*, That if such trespassing swine shall be restrained, the person so restraining the same shall be entitled to one (1) dollar for each of such swine so restrained, distinctly as a compensation for such restraining.

§ 6. The parties sustaining damages done by such trespassing animals as mentioned in sections 4 and 5, before commencing action thereon, shall notify the owner or person having in charge such offending animals of such damages and the probable amount thereof, provided he knows to whom such offending animals belong, and that the owner or person in charge, reside and is within the county.

§ 7. The party suffering damages done by offending animals as mentioned in sections 4 and 5 of this act, may retain and keep in custody such offending animals until the damages, other sums provided for herein, and costs are paid, or until sufficient security be given for the same, and when any animals are restrained as herein authorized, the person restraining the same shall without unnecessary delay notify the owner or person in whose custody the same was at the time the trespass was committed, of the seizure of such animals, provided such owner or person who had the same in charge is known to be the person making such seizure, and by him known to be, and reside, within the county.

§ 8. For serving notice as provided in sections six and seven of this act, the person making such service shall be entitled to the same fees and mileage allowed a sheriff in serving a summons.

§ 9. Upon the trial of an action under the provisions of this act the plaintiff shall prove the amount of damages sustained and the amount of expenses incurred, for restraining and keeping the offending animals, if such have by him been restrained, and any judgment rendered for damages, other sums provided for, costs and expenses against the defendant, shall be a lien upon the animals having committed the damages, and they may be sold and the proceeds applied to the satisfaction of the judgment.

§ 10. If upon trial it shall appear that the defendant is not the owner or person in charge of such offending animals he shall be discharged and the suit may proceed against the defendant whose name is unknown, and if at the commencement of the action the plaintiff does not know the name of the owner or keeper of such offending animals, he may bring a suit against a defendant unknown. In such case service shall be made by publishing a copy of the summons with a notice stating the nature of the action in a newspaper, if there be one published in the county, and if not, by posting copies of the summons and notice in three public places in the county in either case not less than ten days previous to the day of trial.

§ 11. After judgment shall have been rendered against the defendant unknown as aforesaid, the offending animals or so many of them as may be necessary, shall be sold as in other civil actions and after said judgment and costs have been satisfied, if there is a surplus of money, it shall be placed in the hands of the county treasurer, and if the defendant does not appear and call for the same within six months from the day of sale, it shall be placed into the school fund, for the use of the public schools of the county.

§ 12. Taking or attempting to take, or advising or assisting in the taking from the possession of any person having them in charge, without the consent of such person, except by due course of law, any animals restrained and held by virtue of section 7 of this act, is hereby declared a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty dollars or by imprisonment in the county jail not to exceed thirty days, or by both fine and imprisonment at the discretion of the court.

§ 13. In all actions under and by virtue of the provisions of this act, wherein the amount of damages claimed does not exceed twenty-five (25) dollars, the judgment of the court having original jurisdiction thereof shall be final, provided either party to such suit shall be entitled upon demand therefor, to a jury trial.

§ 14. No property shall be exempt from seizure and sale under execution upon judgment obtained under and by virtue of the provisions of this act, except those exemptions made absolute.

§ 15. All actions under the provisions of this act, unless commenced within six months from the date of alleged damages are hereby declared barred by statute of limitations.

§ 16. Chapter 78 of the laws of 1881, and amendments thereto, and all acts and parts of acts containing the provisions of this act, so far as to their application to the counties herein named, are hereby repealed.

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

Approved, March 12, 1885.

FAULK COUNTY—COUNTY SEAT.

CHAPTER 18.

AN ACT to amend Section one, Chapter Nineteen, of laws of 1883, Providing for vote to change County Seat in said County

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

§ 1. That section one, of chapter nineteen of the laws of 1883, be amended by adding at the end thereof the following: That until the county seat of said county has been located by a vote of the people at a not greater distance than one mile from a depot to which a railroad is finished and cars running, said county of Faulk may change its county seat at any general or annual election if a majority of the legal voters of the county at such election shall vote for any one place, and the county commissioners of the county shall submit said vote upon a petition of a majority of the qualified voters of the county. Said election and proceedings under this act shall be conducted as provided in chapter 21 of the political code, except as herein provided, and after said county seat is so located within one mile of a depot to which a railroad is finished and cars running it may thereafter be changed as provided in section seven (7) of chapter 21 of the political code.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed, so far as it relates to Faulk county.

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

Approved, March 12, 1885.

ROAD IN GRAND FORKS COUNTY.

CHAPTER 19.

AN ACT to establish and Maintain a road on Forest River in Grand Forks and Walsh Counties, Dakota.

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

§ 1. That there is hereby established in the county of Grand Forks and Walsh in the Territory of Dakota, a winter road on the south side of the Forest river whose courses shall be determined as hereinafter provided.

§ 2. Said road shall commence on the east line of the township of Inkster in Grand Forks county and thence proceeding easterly by the most practicable route to the village of Minto in said county of Walsh.

§ 3. It shall be the duty of the supervisors of each township through which said road passes to lay out and maintain the same.

§ 4. Said road when so laid out shall be maintained as a road from the 1st day of December to the first day of April in each year.

§ 5. It shall be unlawful to use the same for road purposes except as provided in the preceding section.

§ 6. All acts or parts of acts inconsistent herewith, are hereby repealed.

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

Approved, February 26, 1885.

1885—32

**SALARY OF COUNTY TREASURER AND REGISTER OF DEEDS
IN GRAND FORKS COUNTY.****CHAPTER 20.**

AN ACT entitled "An act Prescribing the Duties and Regulating the Salaries of the County Treasurer and Register of Deeds for Grand Forks County, D. T."

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

§ 1. The county treasurer within and for the county of Grand Forks, Territory of Dakota, shall discharge such duties as are now provided by law, not inconsistent with this act, and such other duties as are hereinafter provided.

§ 2. He shall receive all moneys directed by law to be paid *by* [to] him as such treasurer, and shall pay the same out only upon the order of the proper authority. All moneys belonging to the county shall be paid out only upon the order of the board of county commissioners, signed by the chairman thereof and attested by the county auditor. All moneys due the Territory, arising from the collection of taxes or other sources, shall be paid upon a draft of the territorial Auditor, drawn in favor of the territorial Treasurer, a duplicate copy of which the territorial Auditor shall forward to the county auditor who shall preserve the same and credit the county treasurer with the amount thereof.

§ 3. There is hereby created a board of auditors for said county which board shall consist of the county auditor, the chairman of the county commissioners and the clerk of the District Court of said county, whose duty it shall be to examine and audit the accounts, books and vouchers of the treasurer, and to account and ascertain the kind, description and amount of funds in the treasury of said county or belonging thereto, at least three times in each year, without previous notice to the treasurer, and make report thereof, and of their acts and doings in the premises, to the board of county commissioners at their next meeting after such examination, and to publish the result of such examination in one or more newspapers in the county, and also to witness and attest the transfer and delivery of accounts, books, vouchers and funds by any outgoing treasurer to his successor in office, and report the same to the board of county commissioners at their next meeting.

§ 4. All the funds of said county shall be deposited by the county treasurer in one or more designated National bank or

banks in said county, on or before the first day of each month, in the name of the county ; such bank or banks shall be designated by the said board of auditors, after advertising in one or more newspapers published in the county, for at least two weeks, for proposals and receiving proposals, stating what security would be given to said county for such funds so deposited, and what interest on monthly balances of the amount deposited, upon condition that said funds with accrued interest shall be held subject to draft and payment at all times on demand ; *Provided*, That the amount deposited in any bank shall not exceed the assessed capital stock of said bank. Every payment to the county treasurer of funds deposited in such bank shall be made on a warrant of the chairman of the board of county commissioners, duly attested by the county auditor.

§ 5. The treasurer shall keep the books of his office in such way and manner as to show plainly and accurately every receipt and disbursement or payment daily, and on the same day on which such receipts and payments, or either of them actually occurs, and no unfinished business shall be kept or entered upon loose memorandum or slips of paper, and the said treasurer's books shall be balanced plainly and accurately every business day. Before any National bank shall be designated as such depository, such bank shall deposit with such treasurer a bond payable to the said county and signed by not less than five freeholders of said county as sureties, which bond shall be approved by the county commissioners, and shall be in such amount as said board shall direct, in a sum not less than the amount of funds deposited in such bank at any one time.

§ 7. [6.] The board of auditors shall be entitled to three dollars for each day actually employed in the discharge of their duties under this act, not to exceed thirty days in any one year.

§ 8. [7.] Whenever any portion of the funds of the county is deposited in any National bank or banks in the manner as provided in this act, such county treasurer and the sureties on his bond shall be exempt from all liabilities thereon by reason of the loss of any such deposited fund from the failure, bankruptcy or any other act of such bank to the extent and amount of such funds in the hands of such bank at the time of such failure or bankruptcy.

§ 9. [8.] On the last day of December and July in each year, the treasurer shall make settlement with and shall exhibit his accounts since the last settlement, balanced to said day, to the board of county commissioners and county auditor, showing all the moneys received and disbursed by him since his last settlement, and the balance remaining in his hands. The books, accounts and vouchers of the treasurer and all moneys remaining in the treasury, shall at all times be subject to the inspection and examination

of the board of county commissioners or any committee thereof.

§ 10. [9.] The treasurer and auditor of said county, conjointly shall make out and cause to be published in the official newspaper of the county a statement of the exact amount of money in the treasury of said county, on the last day of December and July in each year, particularly specifying in such settlement the amount to each particular fund, together with all other property, bonds, securities, claims and assets belonging to the county in the custody or under control of such treasurer.

§ 11. [10] The county treasurer for said county shall receive as full compensation for his services as county treasurer in lieu of all fees now allowed him by law, a salary of two thousand dollars per annum to be paid out of the county general fund in monthly payments upon an order from the county auditor. The said treasurer shall also be allowed a sufficient sum for clerk hire to be fixed by the county commissioners, not to exceed the sum of two thousand dollars in any one year, to be paid as herein provided for the payment of the salary of the county treasurer.

DUTIES OF REGISTER OF DEEDS.

§ 12. [11] The register of deeds for the county of Grand Forks, D.T., shall discharge such duties as is required of him under the laws of this Territory, and such other duties as herein provided for.

§ 13. [12.] The register of deeds within and for the county of Grand Forks and Territory of Dakota, in lieu of all fees now allowed him by law, shall receive a compensation of fifteen hundred dollars per annum, to be paid in monthly installments out of the general county fund by an order from the county auditor of said county. The board of county commissioners of said county shall allow a sum sufficient to pay necessary clerk hire for the office of register of deeds not to exceed in the aggregate for such clerk hire in addition to the salary herein allowed for the register of deeds, the sum of two thousand dollars per annum, to be paid to said clerk or clerks in the same manner as the salary of the register of deeds is paid.

§ 14. [13] The register of deeds shall charge and collect the same fees as now allowed by law for filing and recording any and all records and papers to be filed and recorded in the office of register of deeds, which fees so received shall on the first day of every month, except when the first day shall be a Sabbath day, then on the second day, be by said register of deeds turned over to the county treasurer of said county, to be placed to the credit of the general county fund, taking the receipt of said county treasurer for the same, and it is hereby made the duty of the county treasurer to receive such sum or sums, and to give his receipt there-

for and to credit the amount so received to the general county fund. The register of deeds shall also, upon the first day of each month, make and file, with the county auditor of said county a certified copy of a detailed statement in writing under oath, showing the date of the receipt in his office of every such instrument or paper required to be filed or recorded in his office, from whom received, the kind of instrument or paper to be so filed or recorded and the regular fees allowed by law for the same, the aggregate total of said fees to tally with the amount turned into the county treasurer, and the county auditor shall thereupon charge up said amount against the county treasurer. The original copy of the report herein provided to be made to the county auditor shall be kept in the office of the register of deeds in a properly ruled book, and the board of county commissioners shall provide said register of deeds with the necessary record for the same.

§ 15. [14] The failure to comply with any of the provisions of this act by any of the officers herein named shall be a misdemeanor, and upon conviction thereof, the offender shall be fined in a sum of not less than (\$100.00,) one hundred dollars, nor more than five hundred dollars, and removed from office.

§ 16. [15] All acts and parts of acts inconsistent with this act, so far as the same may apply to the county of Grand Forks, are hereby repealed.

§ 17. [16] This act shall also apply to the counties of BonHomme and Brown, and that where the county auditor appears in said bill, it shall apply to and mean county clerk in the said counties of Bon Homme and Brown.

§ 18. [17] This act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1885.

GARFIELD COUNTY—BOUNDARIES OF,

CHAPTER 21.

AN ACT to create the County of Garfield and Define its Boundaries.

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

§ 1. That the county of Garfield is hereby created and established of, and including, the territory within the following de-

scribed boundaries, to-wit: Beginning at a point on the town line between towns one hundred and fifty-two (152) and one hundred and fifty-three (153) north, where the same is intersected by the line between range eighty-six (86) and eighty-seven (87) west; thence south on the said range line to the middle of the main channel of the Missouri river, thence along the middle of said channel in a westerly course to the line between ranges ninety-one (91) and ninety-two (92) west; thence north on the said range line to the line between towns one hundred and fifty-two (152) and one hundred fifty-three (153) north; thence east on said town line to the place of beginning.

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

Approved, March 13, 1885.

GRANT AND ROBERTS COUNTIES - BOUNDARIES OF.

CHAPTER 22.

AN ACT to Correct and Define the Boundary Line between the Counties of Grant and Roberts.

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

§ 1. That the boundary line between the counties of Grant and Roberts shall be the township line between township one hundred and twenty-one (121) and township one hundred and twenty-two (122.)

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. All assessments of real and personal property heretofore made in conformity with this act are hereby legalized.

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

Approved, February 2, 1885.

KIDDER COUNTY—BOUNDARIES OF.

CHAPTER 23.

AN ACT to define the Boundaries of Kidder County.

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

BOUNDARIES OF KIDDER COUNTY.

§ 1. The county of Kidder shall be bounded and described as follows: Beginning at the south east corner of township one hundred and thirty-seven, between ranges sixty-nine and seventy, thence north on said line to the eleventh standard parallel; thence west along said parallel to the range line between ranges seventy-four and seventy-five; thence south on said range line to the southwest corner of township one hundred and thirty-seven; thence east along the ninth standard parallel to the place of beginning.

§ 2. The following named persons: S. S. May, Robert Allison and E. J. Moore, are hereby appointed commissioners for calling and holding an election within the Territory embraced in range 74, townships 137,-138,-139,-140,-141,-142,-143 and 144. The commissioners shall call said election and appoint the time and place for holding the same as soon as may be after the passage and approval of this act. They shall give at least twenty days notice of holding said election and no person shall vote at said election except persons who have resided within the townships above described prior to the passage of this act.

§ 3. Returns of said election shall be made in triplicate; one shall be filed with the county clerk of Kidder county, one with the county clerk of Burleigh county, and one with the secretary of the Territory.

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

Approved, March 10, 1885.

KIDDER COUNTY—BOUNDARIES OF.

CHAPTER 24.

AN ACT to Amend an Act entitled "An Act Defining the Boundaries of Kidder County."

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

§ 1. That the portion of Kidder county segregated from Burleigh county lying in range seventy-four (74) west, shall not be released of its just and equitable proportion of the bonded indebtedness of said Burleigh county, at the date of the passage of this bill, and that said county of Kidder shall assume and pay said indebtedness.

§ 2. That within sixty days after the passage and approval of this act, the county commissioners of said Kidder county shall meet the county commissioners of Burleigh county, in the city of Bismarck, and the said commissioners of the two counties shall constitute a joint board of commissioners whose duty it shall be to ascertain the amount of the bonded indebtedness to be assumed by the county of Kidder, as provided in section one of this act; the assessment of Burleigh county for the year eighteen hundred and eighty-four being taken as the basis of valuation, and when so ascertained the commissioners of said county of Kidder shall, and are hereby authorized to execute and deliver to the board of county commissioners of Burleigh county, for such share of the bonded indebtedness so ascertained, bonds of the county of Kidder with interest coupons attached, bearing the same rate of interest, due and payable at the same time as the bonds of Burleigh county, against which they are to be issued.

§ 3. The bonds to be issued under and by virtue of this act shall be printed upon bond paper, signed by the chairman of the board of county commissioners of the county of Kidder and attested by the official seal and signature of the county clerk thereof, and shall be numbered consecutively in their respective series, and recorded by the county clerk in a book kept for that purpose.

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

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

Approved, March 10, 1885.

COLLECTION OF DELINQUENT TAXES IN LAWRENCE, PENNINGTON, CUSTER, FALL RIVER AND BUTTE COUNTIES.
[SEE SUPPLEMENTARY ACT.]

CHAPTER 25.

AN ACT Supplementary to Chapter 28 of the Political Code Entitled "Revenue" and to Authorize the Bringing of suits for the Recovery of Delinquent Taxes, and to Regulate Proceedings therein.

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

§ 1. MAY COLLECT TAX BY ACTION.] At any time after the annual tax sale has closed, if any real property remains unsold for want of bidders thereof or any taxes remain unpaid, the county treasurer is hereby authorized and empowered, when so directed by the board of county commissioners, in lieu of the private sale provided by section 69 of chapter 28 of the political code, to institute a civil action in the district court of his county or subdivision, in his own name as treasurer of his county for the collection of such taxes from the party or parties liable therefor, against the real property chargeable therewith. In such action the treasurer shall include taxes remaining unpaid and delinquent for any previous year or years, and all delinquent taxes for whatever year, against whomsoever assessed that are a lien upon the real property sought to be charged in the action, and that can properly be united in the same action.

§ 2. TREASURER MAY BRING ACTION AGAINST UNKNOWN OWNER.] Where the real property appears assessed against any owner or the title of a subsequent owner of such property appears of record, the treasurer may bring the action against either or both at his own option, and in cases where the property appears assessed to an unknown owner, and the title of no subsequent owner appears of record, he may bring the action against an unknown owner, and all persons having an interest in the property shall be presumed to have notice of such action and the proceedings therein.

§ 3. ACTION HOW BEGUN.] This action shall be begun by the service of a summons in like manner as in other civil actions, and in the case of non-residents and of unknown defendants, service of the summons shall be made by publication upon the same proceedings and in like manner as are provided in the code of civil procedure for non-resident and unknown defendants having or claiming an interest in or lien upon real property.

§ 4. COSTS.] In every judgment recovered under this act, the same costs shall be taxable as in ordinary civil actions, and in addition thereto, the sum of one dollar in each case for the treasurer for his certificate of the tax entry, and it shall be the duty of the county attorney to prosecute all such suits when directed so to do by the board of county commissioners without any additional fees therefor, *Provided, however,* That none of these taxable costs shall be demanded of the treasurer of the county in advance, but shall be payable when collected by the treasurer.

§ 5. COMPLAINT—FORM OF.] In the action brought by the treasurer, the complaint may be in the following form, and shall be legally sufficient; (title of court,) (name of plaintiff) vs. (name of defendant.) The plaintiff complains and alleges, that the defendant is indebted to the plaintiff in the sum of \$—, (naming the total amount due the territorial, county and other funds,) for taxes, with five per cent. penalty added thereto, for the non-payment thereof, and interest thereon, at the rate of one per cent per month from (date of delinquency) and —cents cost of advertising, which said taxes were duly assessed and levied upon the (real or personal) property of the defendant, to-wit: (describe the property as assessed) for the fiscal year (naming the year). (For taxes for a previous year and additional paragraph may be added in similar form.) That the taxes aforesaid, with penalty, interest and costs are a lien upon the real property before described. Wherefore the plaintiff prays judgment against said defendant for the sum of \$—, with penalty and interest as aforesaid, and costs of suit, and that the lien of said taxes may be enforced against said real property, and the same be condemned to be sold to satisfy plaintiff's judgment. [*Signature of Attorney*]. In case of an unknown owner or of personal tax chargeable as a lien on real property or where the defendant is sued in a representative capacity, or in other causes presenting peculiar circumstances the complaint shall contain such additional allegations as such circumstances may require.

§ 6. EVIDENCE] In the trial of any action brought under this act, a certificate in the following form, signed by the treasurer and under the seal of the county, shall be *prima-facie* evidence of the due assessment and levy of the tax, and that it is due and delinquent. "I hereby certify that the following is a correct transcript of entry on the duplicate tax list of — county now in my hands for collection" (name description of real property, personal tax to different funds, totals, remarks.) That the above tax became delinquent on (date), has since been advertised for sale at a cost of \$—, and not sold for want of bidders, and remains unpaid.

(COUNTY SEAL.)

(TREASURER.)

§ 7. ACTIONS—HOW GOVERNED.] These actions shall be governed by the rules and practice of the code of civil procedure, and judgment may be taken as in such code provided, either in term time or vacation. Where issue is joined the cause shall at once, on request of the plaintiff, be placed by the clerk on the calendar for trial, without serving or filing note of issue or notice of trial, and shall be given precedence in the district court next after criminal business. Such issue shall be triable by the court, subject to its power to send any or all of the issues to be tried to a jury, as provided in the code of civil procedure.

§ 8. AFTER PAYMENT—TREASURER TO PAY COSTS.] Upon the payment of any taxes after suit shall have been brought, or the payment or collection thereof after judgment, the treasurer shall pay therefrom the costs and make distribution of the balance as provided by law.

§ 9. INTEREST ON JUDGMENT.] All judgments obtained under the provisions of this act, shall bear interest at the rate of thirty [per cent.] per annum until paid.

§ 10. ENFORCING JUDGMENT.] Upon the recovery of judgment in any case brought under this act, the same may be enforced by execution, in like manner as now provided in the code of civil procedure for cases of judgment requiring the sale of property, and the proceedings throughout shall be the same as in such cases except that in all cases arising under this act, execution shall be directed to the treasurer of the county in which the property to be sold is situated, instead of to the sheriff, and the treasurer shall discharge all and singular the duties in and about the receipt of said execution, the advertisement and sale of the real property directed to be sold thereunder, the conduct of the sale, the execution of certificate of purchase, return of execution and report of sale, and any other duties now required of the sheriff in the sale of real property on execution, in the same manner as the same are required by law to be performed and discharged by the sheriff in the case of sale of real property by him under writs of execution, requiring the sale of real property. The proceedings of the treasurer in the premises, to be reported to the court upon return of the execution, and be subject to review and confirmation by the court, in like manner as sheriff's sale of real property on execution. The premises sold by the treasurer shall be subject to redemption in like manner upon the same terms and conditions, and within the same period, as provided for ordinary sales of real property on execution. *Provided, however,* That during the period allowed for redemption, and until redemption is made the treasurer's certificate of purchase shall bear interest at the rate of thirty per cent. per annum.

§ 11. HIGHEST BIDDER.] In any sale upon execution under

this act, the person who offers to pay the amount due on any parcel of land, for the smallest portion of the same is to be considered the highest bidder : Such portion to be chosen in like manner as provided for sales made by the treasurer under ordinary tax sales in section sixty-three (63) of chapter twenty-eight (28) of the political code.

§ 12. WHEN COUNTY TO PURCHASE.] If in any instance there should be no bidders willing to give the full amount of the judgment, penalty, interest and costs for any real property advertised and offered for sale then it shall be the duty of the treasurer, when directed by the board of county commissioners, to bid for such real property in the name of the county of which he is treasurer, for the amount of judgment, interest and costs accrued, and certificate shall issue to such county in like manner as to any other purchaser ; *Provided, however,* That no costs or treasurers' commission, shall be payable by the county until redemption is made from such sale, or the time for redemption has expired. *Provided, further,* That all property purchased by any county, under the provisions of this act, shall be offered for sale to the highest bidder, by the treasurer, at each annual tax sale, until the same is sold.

§ 13. EXPIRATION OF REDEMPTION.] At the expiration of the period allowed for redemption, if no redemption shall have been made, the treasurer must make the purchaser, or the party entitled thereto, a deed of the real property sold, which deed shall be in the usual form of deeds made by the sheriff after sale under execution on a judgment directing the sale of real property, and shall have the same force and effect.

§ 14. FEES OF TREASURER.] For his services in attending and conducting any sale under this act, the treasurer shall be allowed the following fees ; for advertising and attending sale and returning execution, one (1) dollar ; for executing certificate of purchase, one (1) dollar ; for execution of deed, one (1) dollar ; the last item to be paid by the grantee in the deed ; the other items to be taxed as accrued costs in making sale.

§ 15. PURCHASER'S PRIVILEGES.] The purchaser at any sale as aforesaid, or his assignee, may pay any tax becoming delinquent before redemption from his purchase has been made, and thereafter no redemption can be made from him without paying the amount due on his certificate of purchase, with interest at the rate of thirty per cent. per annum from the date thereof, and such other liens held by him as are now required to be paid in making redemption from sales on ordinary execution, and in addition thereto, the amount of such subsequent tax paid by him with interest from date of his payment thereof, at the rate of thirty per cent. per annum.

§ 16. LIMITATION OF ACTION.] The same limitation shall apply to the bringing of action to impeach any deed made under the provisions of this act, and the same pre-requisites be enforced against the party bringing such action, as in case of deed executed by the treasurer on ordinary tax sale made by him in section seventy-five (75) of chapter twenty-eight (28) of the political code.

§ 17. NO DEFENSE.] In actions brought under the provisions of this act, it shall be no defense thereto that the land described has not been advertised or offered at the tax sale or that a public tax sale for any year has not been held, or that there were irregularities in the conduct of the sale or the advertisement thereof, or in the assessment and levy of the tax; nor shall any defense be admissable or any relief granted against the tax sought to be enforced, except such as may have been heretofore permitted under the existing revenue laws of the Territory.

§ 18. PENALTIES REMITTED.] It is further provided that any parties paying their delinquent taxes prior to October 1st, 1885, for the year 1883, and all previous years, shall have remitted to them all penalties and interest due on the same.

§ 19. This act shall be in force and effect from and after its passage and approval, but no proceedings for the sale of property under the provisions thereof, shall take place prior to November 1st, 1885.

Approved, March 3, 1885.

SUPPLEMENTARY TO CHAPTER 25.

CHAPTER 26.

AN ACT Supplementary to an Act entitled "An act Supplementary to Chapter 28 of the Political Code, entitled 'Revenue.'" Approved March 3, 1885.

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

§ 1. That the provisions of section eighteen of an act entitled an act supplementary to chapter 28 of the Political Code, entitled Revenue, and to authorize the bringing of suits for the recovery of delinquent taxes and to regulate proceedings *proceedings* therein, approved, March 3, 1885, shall apply only to and be in force in the

counties of Lawrence, Pennington, Custer, Fall River and Butte.

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

Approved, March 13, 1885.

TO LOCATE THE COUNTY SEAT OF LA MOURE COUNTY.

CHAPTER 27.

AN ACT to Enable the Voters of La Moure County to Locate the County Seat.

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

§ 1. That at the next general election in the year one thousand eight hundred and eighty-six (1886) the qualified voters of La Moure county, Territory of Dakota, are hereby empowered to vote upon the location of the county seat of said county, by ballot, and for this purpose each voter may designate on his ballot the place of his choice for county seat of said county, in manner following, to-wit: "For county seat _____" the name of the place to be either written or printed in the foregoing blank.

§ 2. The said election for county seat shall be governed by the law relating to general elections, and returns of said vote for county seat shall be made by the officers appointed under and pursuant to said general election law, in the various voting precincts, to the county clerk, as therein provided, who shall proceed with other officers as therein directed to ascertain the result of said vote, and shall truly certify the same to the county commissioners of said county, said certificate to be duly filed of record by said commissioners.

§ 3. That the place having the majority of the votes polled for county seat at such election, shall be the county seat of said county and if it shall appear that a majority of the votes polled for county seat were cast for some place other than the present county seat, the county commissioners of said county shall assemble at their usual place of meeting within ten days after the issuing of the certificate mentioned in the last preceding section, and shall give immediate public notice in accordance with the result of the vote, of the change of county seat by publication at least once in all the

newspapers published in said county ; and it shall be the further duty of said commissioners to make provision for the further removal of the public records and public offices of the county, and to remove the same within thirty days after the publication of such notices to the place named therein as the future county seat.

§ 4. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved, March 13, 1885.

ENLARGING THE COUNTY OF McHENRY

CHAPTER 28.

AN ACT to Annex Certain Townships to the County of McHenry, Dakota Territory, and Making them a Part of said County.

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

§ 1. That townships numbered one hundred and fifty-one (151), one hundred and fifty-two (152), one hundred and fifty-three (153), one hundred and fifty-four (154), one hundred and fifty-five (155), one hundred and fifty-six (156), north of range eighty-one (81) west, are hereby attached to and made a part of McHenry county, and that the jurisdiction of McHenry county shall extend over the same.

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

Approved, March 13, 1885.

TAXES COLLECTED BY THE TREASURER OF MINER COUNTY.**CHAPTER 29.**

AN ACT to Repeal Section Five (5) of Chapter Thirty-one (31) of the Session Laws of 1883.

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

§ 1. That section five (5) of chapter thirty-one (31) of the session laws of 1883 of this Territory, be and the same is hereby repealed.

§ 2. That the treasurer of Miner county is hereby authorized and required to retain all moneys collected for that portion of Miner county out of which Sanborn county was created, and that said treasurer of Miner county is hereby directed to apply said money so collected by him to the payment of any indebtedness incurred by Miner county previous to the division of said county, said payment to be made by said treasurer as directed by the board of county commissioners of said Miner county.

Approved, February 29, 1885.

McLEAN COUNTY—BOUNDARIES OF.**CHAPTER 30.**

AN ACT to Define the Boundaries of the County of McLean.

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

§ 1. That the county of McLean shall include all the territory within the following described boundaries, to-wit: Beginning at the southeast corner of town 143 north, range 80 west; thence west along the line between towns 142 and 143 north, to the middle of the channel of the Missouri river; thence following the middle of the channel of said river in a northwesterly direction to the town line between ranges 84 and 85 west; thence north along

the line between ranges 84 and 85 west, to the northwest corner of town 147 north, range 84 west; thence east along the line between towns 147 and 148 north, to the northeast corner of town 147 north, range 80 west; thence south along the line between ranges 79 and 80 to the place of beginning, adding to the said county of McLean as now constituted, towns 143 and 144 north, range 80 west, and fractional township 143 north, range 81 west; *Provided, however,* That a majority of the legal voters of said towns 143 and 144 north, range 80 west, and fractional township 143 north, range 81 west, present and voting at an election called for that purpose, shall vote in favor of being transferred to McLean county.

§ 2. The board of county commissioners of the county of Burleigh are empowered and it is hereby made their duty to provide for and call a special election to be held in the said townships 143 and 144 north, range 80 west, and fractional townships 143 north, range 81 west, on the first Monday in April, 1885, at which election the legal voters of said townships shall vote in favor of or against said townships being annexed to and made a part of said McLean county. The ballots used at such election shall have written or printed on them the words: "For annexation to McLean county, Yes," or "For annexation to McLean county, No." If a majority of ballots cast at said election shall be in favor of annexation to McLean county, then said townships become and be a part of said McLean county. It shall also be the duty of the commissioners of Burleigh county to give not less than fifteen days' notice of such election, by causing to be posted in three conspicuous places in each of said townships affected by this act, written or printed notices of said election, which notices shall designate the time and place or places of holding said election, and otherwise conform to the law providing for notices for election. Said county commissioners of Burleigh county shall establish one or more voting places in said townships, as in their opinion may seem necessary, and appoint judges of election and make such other provisions for said election as are required for general elections. The returns of said elections shall be made in the manner provided for general elections, and the county clerk of Burleigh county shall within ten days after such election returns are canvassed, make two certified copies of the same, one of which said copies shall be spread at length upon the deed records of Burleigh county, and the other of said copies delivered to the register of deeds of McLean county, who shall record the same in the deed records of said county, the recording of which said returns in the respective counties named in this act shall be full and complete notice of the result of said election.

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

Approved, March 12, 1885.

MERCER AND OLIVER COUNTIES—BOUNDARIES OF.

CHAPTER 31.

AN ACT to Define the Boundaries of the Counties of Mercer and Oliver and for other purposes.

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

§ 1. All that district of country in the Territory of Dakota included within the following boundary lines, to-wit: Commencing at a point in the middle of a channel in the Missouri river where it is intersected by the boundary line between ranges number eighty-three and eighty-four, and running thence south to the boundary line between townships numbered one hundred and forty-three and one hundred and forty-four, thence west on said boundary line to the eastern boundary line of range number ninety-one, thence north on the line dividing ranges numbered ninety and ninety-one to the middle of the channel of the Missouri river, where it is intersected by said line, thence following the middle of the channel of said Missouri river to the place of beginning, is hereby constituted and declared to be the county of Mercer.

§ 2. That all the district of country included within the following boundary lines shall be and the same is hereby constituted and declared the county of Oliver, to-wit: Beginning at a point in the middle of the channel of the Missouri river on the northern boundary line of the county of Morton and running thence west on said boundary line which is also the tenth standard parallel to the eastern boundary line of Williams county, thence north along the said eastern boundary line of Williams county which is the eastern boundary line of range number eighty-eight, to the point where it intersects the boundary line between townships numbered one hundred and forty-three and one hundred and forty-four, thence east upon this said line to the boundary line between ranges number eighty-three and eighty-four, thence north upon

this said line to the middle of the channel of the Missouri river, thence following the downward course of the said river in the middle of the channel to the place of beginning, and the town of Raymond is hereby constituted the seat of government of said county of Oliver until changed according to law, and Henry Sawyer, H. E. Fisher and Lewis Connolly are hereby constituted commissioners of said county of Oliver until their successors are duly elected and qualified according to law.

§ 3. The counties, the boundaries of which are defined by this act, shall be attached to the county of Morton for judicial purposes.

§ 4. This act shall not take effect until the same shall have been submitted to the legal voters of the counties of Mercer and Oliver as constituted and defined by this act at a special election to be held as provided in the next section of this act.

§ 5. That a special election shall be held in the counties of Mercer and Oliver as constituted and defined by this act on the second Tuesday of April A. D. 1885, which is the fourteenth day thereof. That it shall be the duty of the county clerk of Mercer county as now organized to give fifteen days notice of such special election by posting written notices thereof in a public place at each of the polling places constituted as hereinafter required, and by publishing the same for two weeks next preceding the said election in the *Stanton Pilot*, a weekly paper published at Stanton, in said county of Mercer.

§ 6. There shall be established by the county commissioners of Mercer county, as now organized, three polling places, each in the counties of Mercer and Oliver, as created and bounded by this act, and at such places as shall best accommodate the voters thereof. The said county commissioners of Mercer county, as now organized, shall appoint three judges of election for each voting precinct hereby constituted. The said judges of each precinct shall elect two clerks for that precinct and shall open the polls for said special election at ten o'clock A. M., on the day on which said special election is called, and close the same at four o'clock P. M. of that day, and in all other matters, except as hereinafter provided, shall conduct the election as any general election.

§ 7. The ballots used in the special election as provided by section five of this act, shall be in one of the following forms: "For the division of Mercer county and the creation of Oliver county, Yes," and "For the division of Mercer county and the creation of Oliver county, No;" and if a majority of the legal votes cast at said special election shall be for the division of the county of Mercer and the creation of the county of Oliver, then the county of Oliver shall be deemed created and the county of Mercer divided

and their respective boundaries be as defined in sections one and two of this act.

§ 8. The judges of election of the several voting precincts for the special election provided by this act, shall make their returns of said election to the Secretary of Dakota Territory, and shall forward the same returns without delay as soon as they are completed, to the said Secretary of Territory, who, with the Governor of the Territory, shall canvass the votes cast at said special election as soon as the returns of the same are received, and within ten days notify the county clerk of Mercer county of the result, and if a majority of the votes cast at said election upon the questions submitted shall be in favor of creating the county of Oliver and the division of the county of Mercer, then the Governor shall within ten days thereafter notify the three commissioners for the county of Oliver as provided in section two of this act, who shall proceed to organize the said county according to law

§ 9. That the register of deeds of the county of Oliver upon the organization of said county, shall without unnecessary delay, transcribe the records of deeds, mortgages and other instruments from the books of said office in the county of Mercer, and such transcribed records shall have the same force and effect for all purposes as the original records, and the said register of deeds shall receive as compensation for transcribing such records such fees as are provided by law for recording original instruments of the same character.

§ 10. The special election as provided by section five of this act shall not be invalidated by the neglect of the county clerk of Mercer county to give proper notice thereof, or the neglect of the judges of election in any voting precinct.

§ 11. That should the county clerk of Mercer county neglect to give notice of said special election as required by this act, or the county commissioners neglect to establish voting precincts or appointing judges of election as required by this act, then the legal voters may assemble at the voting precincts as established at the last election in said county of Mercer as it now exists, and elect their own judges and proceed with said election as hereinbefore provided.

§ 12. This act to take effect upon its passage and approval.
Approved, March 12, 1885.

RAMSEY AND BENSON COUNTIES—BOUNDARIES OF.

CHAPTER 32.

AN ACT to Define the Boundaries of Ramsey and Benson Counties, and for other Purposes.

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

§ 1. That all that territory described as follows, to-wit: Beginning at the intersection of the thirteenth standard parallel with the range line between ranges 60 and 61; thence north on the range line between ranges 60 and 61 to the northeast corner of township 154; thence west on the township line between townships 154 and 155 to the northwest corner of township 154; thence north on the range line between ranges 61 and 62 to the northeast corner of township one hundred and fifty-eight; thence west on the township line between townships 158 and 159 to the northwest corner of township 158, between ranges 64 and 65; thence south on the range line between ranges 64 and 65 to the southwest corner of township 157; thence west on the township line between townships 156 and 157 to the intersection of said line with the ninth guide meridian; thence south along said ninth guide meridian to its second intersection with the Mauvaise Coulee; thence along the center of said Mauvaise Coulee to its intersection with the township line between townships 153 and 154; thence east on the township line between townships 153 and 154 to the range line between ranges 65 and 66; thence south on the range line between ranges 65 and 66 to the intersection of said range line with the 13th standard parallel; thence east on the 13th standard parallel to the south shore of Devils Lake; thence easterly along the south shore of Devils Lake to the southeastern extremity of said lake; thence east to the range line between ranges 61 and 62; thence north on the range line between ranges 61 and 62 to the 13th standard parallel; thence east on said 13th standard parallel to the place of beginning, shall be, and the same is hereby constituted, the county of Ramsey.

§ 2. That all that territory described as follows, to-wit: Beginning at the intersection of the 13th standard parallel with the range line between ranges 65 and 66; thence east on the 13th standard parallel to the south shore of Devils Lake; thence easterly along the south shore of Devils Lake to the southeastern extremity of said lake; thence east on the range line between ranges

61 and 62 ; thence south on the range line between ranges 61 and 62 to the township line between townships 150 and 151 ; thence west on the township line between townships 150 and 151 to the range line between ranges 71 and 72 ; thence north on the range line between ranges 71 and 72 to the township line between townships 156 and 157 ; thence east on the township line between townships 156 and 157 to the ninth guide meridian ; thence south on the 9th guide meridian to its second intersection with the Mauvaise Coulee ; thence south along the center of said Mauvaise Coulee to its intersection with the township line between townships 153 and 154 ; thence east along said township line to the range line between ranges 65 and 66 ; thence south on said range line to its intersection with the 13th standard parallel, shall be and the same is hereby constituted, the county of Benson.

§ 3. SPECIAL ELECTION TO VOTE UPON ANNEXATION.] *Provided, however,* That the portion of Benson county hereby proposed to be attached to Ramsey county shall not be so attached unless the question of annexation shall first be submitted to a vote of the electors living in said portion proposed to be attached to Ramsey county, and it is hereby made the duty of the county clerk of Ramsey county to call said election within sixty days after the passage and approval of this act ; said election to be conducted in accordance with the laws governing elections. In case a majority of the legal voters of said portion voting shall vote in favor of said annexation, then this act shall be of full force and effect. The form of ballots shall be, " For annexation, Yes," " For annexation, No." All expenses of said election shall be paid by Ramsey county.

§ 4. All taxes levied for the year 1884 on that portion of Benson county hereby sought to be attached to Ramsey county shall be paid to the county treasurer of Benson county for the sole use and benefit of said Benson county.

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

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor for his approval, and not having been returned to the House of Representatives, the house of the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

JAMES H. TELLER,

Secretary of the Territory.

FIVE COMMISSIONER DISTRICTS IN RICHLAND, FAULK, HYDE
AND SARGENT COUNTIES.

CHAPTER 33.

AN ACT to provide for County Commissioners in the Counties of Richland,
Faulk, Hyde and Sargent.

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

§ 1. That the counties of Richland, Faulk, Hyde and Sargent shall have five county commissioners, whose powers and duties shall be the same as now provided by law.

§ 2. It is hereby made the duty of the clerk of the district court, the judge of probate and the county superintendent of schools of said counties to meet at the county seat of their respective counties on or before the first day of May, 1885, and proceed to lay off their county into five commissioner districts which shall contain as near as practicable an equal number of voters as evidenced by the votes polled therein at the general election of 1884; due regard being had to population and extent of territory, and the division shall so be made that no polling precinct shall lie or be in more than one commissioners district; the counties shall also be so divided where practicable, that no two of the commissioners of any county now holding office will be residents of one commissioner district.

§ 3. Said officers whose duty it is hereby made to lay out and so divide their respective counties shall order, and it is hereby made their duty to order, an election in each of commissioner districts not already represented by the present board of county commissioners, for the purpose of electing a commissioner for such district; such election to be held on or before the first day of June, 1885, upon a notice of not less than fifteen days, such notice to be published twice in a weekly paper published in the county, if one be published therein, and by posting such notices in five conspicuous places in each commissioner district, and such notice to also contain the time and place of holding such election, *Provided*, That where in such division of commissioner districts, two members of the present board of commissioners shall reside in one commissioner district, one of such commissioners shall, by order of the said officers so authorized to make such division, be declared to represent one of the commissioner districts adjoining the one in which such commissioner reside, and in such case the dis-

trict declared to be represented by one of the present board of commissioners shall hold no election for commissioner until the expiration of the term of the commissioner so declared to represent such district.

§ 4. All commissioners elected under this act shall hold their office until the next general election in 1886, except where they are elected to fill vacancy caused by the expiration of the term of office of any commissioner now holding office, in which case he shall hold for a period of two years next ensuing the annual or general election at which he is elected, and no commissioner of any county provided for by this act hereafter elected, shall be elected to hold for a longer period than two years next ensuing his election.

§ 5. The said officers hereby authorized to subdivide their respective counties as aforesaid, shall receive such fees for their services rendered herein as shall be allowed by the commissioners of their respective counties.

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

Approved, March 12, 1885.

RICHLAND COUNTY—BOUNDARIES OF.

CHAPTER 34.

AN ACT to Change the Boundary Line of the County of Richland, and for other Purposes.

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

§ 1. That all that territory lying and being within the following boundary lines, to-wit: Commencing at the southeast corner of the county of Richland; thence in a southerly direction up the main channel of the Bois De Sioux river, along the boundary line of the State of Minnesota to a point where the same is intersected by the southern boundary line of township one hundred and twenty-nine (129) north; thence westward along said boundary line and onward to a point at the northeast corner of Day county; thence directly northward to the southern boundary line of said county of Richland; thence eastward along said southern

boundary line to the place of beginning, including all that portion of townships one hundred and twenty-nine (129) north, ranges forty-seven (47), forty-eight (48), forty-nine (49), fifty (50), fifty one (51) and fifty-two (52), not heretofore forming a part of said county of Richland, be and the same is hereby attached to and made a part of said county of Richland.

§ 2. That all taxes now assessed on said tract of land shall be collected and paid into the treasury of Roberts county.

§ 3. The county seat of government for the county of Roberts, Dakota Territory, is hereby established at the village of Wilmot in said county, and shall not be moved therefrom except by a vote of the people and in accordance with the general laws of the Territory.

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

Approved, March 9, 1885.

LEGALIZING THE LOCATION OF THE COUNTY SEAT OF
SANBORN COUNTY.

CHAPTER 35.

AN ACT Entitled an Act to Legalize the Location of the County Seat of Sanborn County.

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

§ 1. That the acts of the county commissioners of Sanborn county in declaring the town of Woonsocket duly elected county seat of Sanborn county at the general election of 1884, is hereby legalized.

§ 2. That the town of Woonsocket is hereby declared to be the permanent county seat of Sanborn county, subject to removal under the provisions of section seven, chapter 21, of the Code of Civil Procedure.

§ 3. This act shall be in full force and effect on and after its passage and approval.

Approved, March 12, 1885.

SPINK COUNTY—COUNTY SEAT.

CHAPTER 36.

AN ACT to Relocate the County Seat of Spink County, Dakota.

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

§ 1. That the county seat of Spink county, Dakota, is hereby removed from its present location and located at Ashton, Spink county, Dakota, situated on section thirty-five, township number one hundred and eighteen north of range sixty-four west.

§ 2. That within thirty days after the passage and approval of this act, the board of county commissioners of said county shall provide suitable offices at said Ashton for all the officers of said county, and all of said officers shall immediately thereafter remove all the records, files and documents pertaining to their respective offices to the places so provided at said Ashton, and shall thereafter hold their respective offices thereat ; *Provided*, That the county commissioners of said county shall expend no moneys in procuring the offices mentioned in this section except the annual rental thereof, which shall not exceed the sum of five hundred dollars.

§ 3. That in case said board of commissioners shall fail or refuse to provide suitable offices for any of said county officers at said Ashton within the time limited in the foregoing section, then each of said county officers shall provide for himself a suitable office at said Ashton, and shall immediately remove his office to said Ashton and shall thereafter keep the same thereat, and the expense incurred in providing such office and removing thereto shall be a charge against the said county of Spink ; *Provided*, That the entire rent per annum for the said county offices shall not exceed the sum of five hundred dollars.

§ 4. That the county clerk of said county shall within ten days after the passage and approval of this act, call a special meeting of the board of commissioners of said county for the purpose of enabling said board to carry into effect the provisions of this act.

§ 5. That the county seat of said Spink county may be removed from said Ashton if at the general election in 1886 a majority of all the votes cast shall be in favor of any other town, but if no town receive a majority of all the votes cast at said election then the said Ashton shall be and remain the permanent county seat of Spink county, unless afterwards removed in the manner pro-

vided by section seven of chapter twenty-one of the Political Code of Dakota.

§ 6. That all acts or parts of acts not consistent with this act are hereby repealed.

§ 7. That this act shall take effect and be in force from and after its passage and approval.

Approved, March 10, 1885.

COUNTY AUDITORS FOR SPINK AND OTHER COUNTIES.

CHAPTER 37.

AN ACT Providing for Appointing Auditors for the Counties of Spink, Stutsman, Barnes, Burleigh, Nelson, Brookings and Miner.

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

§ 1. That the board of county commissioners, county treasurer, and judge of probate, respectively, of the counties of Spink, Stutsman, Barnes, Morton, Burleigh, Nelson, Brookings and Miner, are hereby authorized to appoint an auditor for their respective counties, who shall hold his office till the first Monday in January, 1887, and until his successor is elected and qualified.

§ 2. That the special law creating the office of county auditor in the counties of Pembina, Walsh, Grand Forks, Lincoln, Traill, Cass and Richland, approved, March 9, 1883, chapter one, section one to twenty, inclusive, shall apply and prescribe the duties of the auditors of the counties of Spink, Stutsman, Barnes, Morton, Burleigh, Nelson, Brookings and Miner.

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

Approved, March 13, 1885.

STANTON COUNTY—BOUNDARIES OF.

CHAPTER 88.

AN ACT to Create and Define the Boundaries of the County of Stanton, and for other purposes.

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

§ 1. All that district of country included within the following boundary lines shall be, and the same is hereby constituted and declared the county of Stanton, viz: Beginning at the southeast corner of township one hundred and thirty-seven (137) north, of range sixty-nine (69) west, thence west between townships one hundred and thirty-seven (137) and one hundred and thirty-six (136) to the southwest corner of township one hundred and thirty-seven (137) north, of range seventy-one (71) west, thence north between range seven-one (71) and seventy-two (72) to the northwest corner of township one hundred and forty-four (144) north, of range seventy-one (71) west, thence east between townships one hundred and forty-four (144) and one hundred and forty-five (145) north, to the northeast corner of township one hundred and forty-four (144) north, of range sixty-nine (69) west, thence south between ranges sixty-nine (69) and sixty-eight (68) to the point of beginning, shall be and the same is hereby declared to be, and is constituted the county of Stanton.

§ 2. *Provided, however,* That the portion of Kidder county and the portion of Stutsman county hereby proposed to be segregated shall not be cut off unless the question of segregation shall be first submitted to a vote of the people of Kidder county, and also to the voters of that part of range sixty-nine (69) proposed to be detached from Stutsman county, at a special election called for that purpose, by giving at least fifteen (15) days notice of the same by posting such notices in each election precinct as already established; or if in such portion of either county proposed to be segregated no election precinct is already established, then it shall be the duty of the board of county commissioners at their first meeting after the passage of this act to appoint therein an election precinct, and it is hereby made the duty of the county commissioners of the counties of Kidder and Stutsman to call said election within sixty (60) days after the passage and approval of this act, and in case of a neglect or refusal of said commissioners to call said election, then

it shall be the duty of the county clerks of said counties to call said election.

§ 3. In case a majority of the legal voters of said Kidder county and of said range sixty-nine (69) voting, shall vote in favor of said segregation, then this act shall be in full force and effect. It shall be the duty of the respective boards of county commissioners of Kidder and Stutsman counties to meet at their respective county seats within ten (10) days after said election to canvass said vote, and in case of refusal of said board to canvass said vote within the ten (10) days, then the respective county clerks are hereby authorized and empowered to appoint three freeholders of the county to act as a board of canvassers, who shall canvass the vote as now provided by law. The form of the ballot shall be: "For division, Yes." "For division, No." All expenses of said election shall be paid by the county of Stanton.

§ 3. [4.] All acts and parts of acts in conflict with this act are hereby repealed.

§ 4. [5] This act shall take effect and be in force from and after its passage and approval.

Approved, March 13, 1885.

TRAILL COUNTY—COMMISSIONERS DISTRICT.

CHAPTER 39.

AN ACT Dividing the County of Traill, Dakota Territory, into Commissioner Districts

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

§ 1. The county of Traill is divided in county commissioner districts in the following manner: District number one (1) shall consist of the civil townships of Belmont, Caledonia and Elm River.

§ 2. District number two (2) shall consist of the civil townships of Eldorado, Hillsboro, Kelso and Bousack.

§ 3. District number three (3) shall consist of the civil townships of Irvin, Buxton and Norway.

§ 4. District number four (4) shall consist of the civil townships of Morgan, Mayville and Blanchard.

§ 5. District number five (5) shall consist of the civil townships of Garfield, Boseville, Norman and Galesburg.

§ 6. H. C. Smette is hereby continued in office as county commissioner of the old district No. 2, till the expiration on January 1st, 1886, of the term for which he was elected and no longer. At the annual election in 1885 a commissioner shall be elected from district number four (4) in this act, who shall serve for three years from and after January 1st, 1886.

§ 7. If at any time hereafter the boundaries of the county of Traill are changed by division of said county or any addition thereto, then it shall be the duty of the board of commissioners of said county to divide said county into commissioner districts other than the foregoing.

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

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

Approved, March 13, 1885.

TURNER COUNTY - COUNTY SEAT.

CHAPTER 40.

AN ACT providing for the Location of the County Seat of Turner County Dakota Territory.

WHEREAS, The county seat of the county of Turner heretofore located at Swan Lake, by an act of the Legislative Assembly of the Territory of Dakota entitled "an act to organize the county of Turner, Hutchison, Hanson, and Buffalo and for other purposes," and approved January 13th, 1871, and, WHEREAS, At the general elections held in the years 1882 and 1884 the village of Parker received a majority of all the votes cast at such elections for the county seat in said county of Turner and, WHEREAS, The present location of the county seat of said Turner county at Swan Lake is wholly unfitted for court and county uses and purposes by reason of the village having become depopulated and no suitable buildings being therein situated to be used for such purpose; *Therefore,*

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

§ 1. That at the annual election to be held in the year 1885, the voters of said Turner county may designate upon their ballots the place of their choice for county seat of said county. And the place receiving a majority of the votes so cast at such election shall be the county seat of said Turner county, subject to be changed as provided by law for the removal of county seats from their permanent locations.

§ 2. That the county seat of said Turner county be and the same is hereby located at Parker in said county, subject to be changed as herein provided. *Provided, however,* That the county commissioners shall expend no money of the county in erecting county buildings at the village of Parker until such election has been had.

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

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

Approved, February 26, 1885.

UNION COUNTY—BONDS.

CHAPTER 41.

AN ACT to repeal Sections Eighteen, Nineteen, Twenty and Twenty-one in relation to road tax and road Supervisors of, "An Act, entitled An Act to Authorize and Empower the County of Union in the Territory of Dakota to issue Bonds to be used in Refunding and paying off its Outstanding Indebtedness and for the Payment of the same," Approved, March 9th, 1883.

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

§ 1. That sections eighteen, nineteen, twenty and twenty-one of "an act entitled an act to authorize and empower the county of Union, Territory of Dakota, to issue bonds to be used in refunding and paying off its outstanding indebtedness and for the payment of the same, are hereby repealed

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

Approved, March 13, 1885.

WARD COUNTY—BOUNDARIES OF.

CHAPTER 42.

AN ACT Creating the County of Ward, Defining its Boundaries, and for other Purposes.

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

§ 1. All that tract of land included within the following boundary lines shall be and the same is hereby constituted and declared the county of Ward, to-wit: Beginning at the northeast corner of township number one hundred and fifty-seven (157) north of range eighty-two (82) west; thence south along the range line between ranges eighty-one (81) and eighty-two (82) to the southeast corner of township number one hundred and fifty-three (153) north of range eighty-two (82) west; thence west along the township line between townships number one hundred and fifty-two and one hundred and fifty-three (153) to the southwest corner of township number one hundred and fifty-three north of range eighty-seven (87) west; thence north along the range line between ranges eighty-seven (87) and eighty-eight (88) to the northwest corner of township number one hundred and fifty-seven north of range eighty-seven (87) west; thence east along the township line between townships number one hundred and fifty-seven (157) and one hundred and fifty-eight (158) to the place of beginning; and the jurisdiction of said county of Ward shall upon the taking effect of this act extend over all that district of country embraced within the boundaries herein described.

§ 2. CERTAIN BOUNDARY DEFINED.] That the south boundary of Ward county shall be the north boundary of Stevens county.

§ 3. COUNTY SEAT.] The county seat of said Ward county shall be and is hereby located at Burlington on section two (2) in township number one hundred and fifty-five (155) north of range numbered eighty-four west; *Provided*, That such location may be changed by vote of the qualified electors of said county as now provided by law in such cases.

§ 4. GOVERNOR TO APPOINT COMMISSIONERS, ETC.] It shall be the duty of the Governor upon the passage of this act to select and appoint three commissioners for the said Ward county. The commissioners so appointed shall be empowered and it is hereby made their duty after having duly qualified, to appoint all the

officers of said Ward county as provided in the Code of this Territory; and the said county commissioners and the officers so appointed by them shall each and all of them hold their several offices and discharge the duties thereof until the next general election, and until their successors are elected and qualified as provided in the general laws of the Territory.

§ 5. Prior to the taking effect of the preceding provisions of this act, the question of division of Stevens county and the creation of Ward county shall be submitted to a vote of the electors of Stevens county and of the territory affected, at a special election to be held at such time and at such places as may be designated by the Governor of the Territory of Dakota; *Provided, however,* That such election shall be called and held within sixty days from the passage of this act.

§ 6. The Governor of the Territory shall appoint the necessary judges and officers to conduct such election and to certify the returns thereof to the Governor, who shall, if the majority of the voters in said territory vote for the division of said county of Stevens and the creation of said county of Ward, declare the county of Ward duly created; and he shall be further authorized and empowered to appoint three commissioners to serve as herein before provided, or may cause the selection of such commissioners and other county officers to be submitted to a vote of the people at such time and places as he may designate. Such election to be called and held within six months from the passage of this act, and the returns of said election shall be by the officers thereof, duly certified to the Governor, who shall, upon the coming in of such returns, issue to the persons elected to the respective offices, certificates of election therefor.

§ 7. The expenses of such elections shall be born by the county of Ward upon its organization, and it is made the duty of the commissioners thereof to reimburse the Territory of Dakota for any and all expense incurred in the creation and organization of said county, as well as to cause a full record of all election returns and other records pertaining to the organization of the county filed with the Governor, to be certified to the county clerk of said Ward county, to be by him recorded in the records of said county.

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

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

Note by the Secretary of the Territory.

The foregoing act having been presented to the Governor for his approval, and not having been returned to the House of Representatives, the house of

the Legislative Assembly in which it originated, within the time prescribed by the Organic Act, has become a law without his approval.

JAMES H. TELLER,
Secretary of the Territory.

WELLS COUNTY, BOUNDARIES OF

CHAPTER 43.

AN ACT defining the boundaries of the County of Wells.

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

BOUNDARIES OF WELLS COUNTY.

§ 1. All that portion of the Territory of Dakota included within the following boundary lines to-wit: Beginning at the southeast corner of township number one hundred and forty-five (145) north of range number sixty-eight (68) west, and thence running west along the line between township one hundred and forty-five (145) and township one hundred and forty-four (144) to the southwest corner of township one hundred and forty-five (145) north, of range number seventy-three (73) west, thence north and along the line between ranges number seventy-three (73) and seventy-four (74) to the northwest corner of township number one hundred and fifty (150) north, of range seventy-three west, thence east and along the line of township one hundred and fifty (150) and one hundred and fifty-one (151) north, to the northeast corner of township one hundred and fifty (150) north, of range sixty-eight (68) west, thence south and along the lines between ranges sixty-seven (67) and sixty-eight (68) to the place of beginning. And the jurisdiction of said county of Wells shall upon the taking effect of this act, extend over all the district embraced in the foregoing boundaries.

§ 2. All acts or parts of acts in any way conflicting with the provisions of this act, are so far declared void and of no effect.

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

Note by the Secretary of the Territory.

The foregoing act, having been presented to the Governor for his approval and not having been returned to the Council, the House of the Legislative Assembly, in which it originated, within the time prescribed by the Organic Act, has become a law without his approval

JAMES H. TELLER,
Secretary of the Territory.

ROADS IN YANKTON, TURNER AND CLAY COUNTIES.

CHAPTER 44.

AN ACT to establish a Public Highway on the County Line between Yankton and Turner and Yankton and Clay Counties.

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

§ 1. That there be and is hereby established a public highway on the county line between Yankton and Turner, and Yankton and Clay counties, with legal width of highway, described as follows, to-wit: Commencing at the northeast corner of Yankton county, thence south on the county line between Yankton and Turner and Yankton and Clay counties to where the said county line intersects the Missouri river, the road to be one-half on each side of said county line.

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

Approved, March 10, 1885.

YANKTON COUNTY—REMISSION OF TAXES.

CHAPTER 45.

AN ACT to authorize the County Commissioners of Yankton County to Remit Certain Taxes.

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

§ 1. That the County Commissioners of the county of Yankton in said Territory be and they are hereby authorized and empowered to remit the whole or any part of the railroad taxes assessed or attempted to be assessed in said county in the years 1872, 1873, 1874 and 1875 as they may deem proper.

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

Approved, March 12, 1885.