

The average not to exceed \$ 600 to each.

vided, That the whole sum allowed shall not exceed an average of six hundred dollars to each keeper.

APPROVED, March 2, 1867.

March 2, 1867.
1864, ch. 95.
Vol. xiii. p. 85.

CHAP. CL. — *An Act amendatory of "An Act to provide a temporary Government for the Territory of Montana," approved May twenty-six, eighteen hundred and sixty-four.*

Legislative assemblies of Territories not to grant special charters; but may pass general incorporation acts for, &c.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the legislative assemblies of the several Territories of the United States shall not, after the passage of this act, grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits.

Jurisdiction of probate courts in Montana extended to certain civil and criminal cases;

SEC. 2. *And be it further enacted*, That the probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are hereby authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury: *Provided*, That they shall not have jurisdiction in any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or chancery or divorce causes: *And provided further*, That in all cases an appeal may be taken from any order, judgment, or decree of said probate court to the district court.

but not to certain other causes.

Appeals allowed.

SEC. 3. *And be it further enacted*, That the chief justice and associate justices of said Territory and the Territory of Idaho, shall each receive an annual salary of thirty-five hundred dollars.

Salary of the chief justice and associates of Montana and Idaho.

Judges of supreme court to define the judicial districts, assign judges, and appoint the times and places of holding the courts.

SEC. 4. *And be it further enacted*, That the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and shall also fix and appoint the times and places for holding the courts in the several counties or subdivisions in each of said judicial districts, and alter the times and places of holding the courts as to them shall seem proper and convenient, but not less than two terms shall be held at each place of holding court each year.

Two terms a year at each place.

Legislative functions of the Territory of Montana revived.

SEC. 5. *And be it further enacted*, That for the purpose of reviving the legislative functions of the Territory of Montana, which have been adjudged therein to have lapsed, the governor of said Territory be, and he is hereby, authorized, on or before the first day of July, eighteen hundred and sixty-seven, to divide said Territory into legislative districts for the election of members of the council and house of representatives, and to apportion among said districts the number of members of the legislative assembly provided for in the organic act of said Territory, and the election of said members of the legislative assembly shall be held at such time and shall be conducted in the manner prescribed by the legislative assembly of said Territory at the session thereof, begun and holden at the city of Bannack, in eighteen hundred and sixty-four and eighteen hundred and sixty-five, and the qualifications of voters shall be the same as that prescribed by said organic act, saving and excepting the distinction therein made on account of race or color, and the legislative assembly, so elected, shall convene at the time prescribed by said legislative assembly at the session last aforesaid. The apportionment provided for in this section shall be based upon such an enumeration of the qualified electors of the several legislative districts as shall appear from the election returns in the office of the secretary of said Territory, and from such other sources of information as will enable the governor, without taking a new census, to make an apportionment which shall fairly represent the people of the

Assembly, &c. districts.
Election of members.

Voters.

Apportionment of representation.

several districts in both houses of the legislative assembly, but the legislature may at any time change the legislative districts of the Territory as fixed by the governor. District may be changed.

SEC. 6. *And be it further enacted*, That all acts passed at the two sessions of the so-called legislative assembly of the Territory of Montana, held in eighteen hundred and sixty-six, are hereby disapproved and declared null and void, except such acts as the legislative assembly herein authorized to be elected shall by special act in each case re-enact: *Provided, however*, That in all claims of vested rights thereunder, the party claiming the same shall not, by reason of anything in this section contained, be precluded from making and testing said claim in the courts of said Territory: *And provided further*, That no legislation or pretended legislation in said Territory since the adjournment of the first legislative assembly shall be deemed valid until the election of the legislative assembly herein provided for shall take place. Certain former acts of assembly of Montana declared null.

Provided, however, That in all claims of vested rights thereunder, the party claiming the same shall not, by reason of anything in this section contained, be precluded from making and testing said claim in the courts of said Territory: *And provided further*, That no legislation or pretended legislation in said Territory since the adjournment of the first legislative assembly shall be deemed valid until the election of the legislative assembly herein provided for shall take place. Claims for vested rights may be made.

SEC. 7. *And be it further enacted*, That from and after the first day of April next the salary of each of the judges of the several supreme courts in each of the organized Territories (except Montana and Idaho) shall be two thousand five hundred dollars. Certain legislation not to be valid until, &c.

SEC. 8. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Salary of judges of supreme courts in Territories, except.

APPROVED, March 2, 1867. Repealing clause.

CHAP. CLI. — *An Act to amend an Act entitled "An Act to provide a Temporary Government for the Territory of Idaho," approved March three, eighteen hundred and sixty-three.* March 2, 1867.
1863, ch. 117.
Vol. xii. p. 608.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judges of the supreme court of said Territory, or a majority of them, shall, when assembled at the seat of government of said Territory, define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts; and shall also fix and appoint the times and places for holding court in the several counties or sub-divisions in each of said judicial districts, and alter the times and places of holding the courts, as to them shall seem proper and convenient. Judges of Supreme Court to define the judicial districts, assign judges, and appoint times and places for holding courts.

SEC. 2. *And be it further enacted*, That the next session of the legislative assembly of the Territory of Idaho shall be held commencing on the first Monday in December, A. D. eighteen hundred and sixty-eight, and thereafter the legislative assembly of said Territory shall be held biennially. And the next election for members of the legislative assembly of said Territory shall be held on the second Monday in August, A. D. eighteen hundred and sixty-eight, and thereafter said election shall be held biennially. Sessions of the legislative assembly.

SEC. 3. *And be it further enacted*, That the members of the house of representatives of said legislative assembly shall be elected for the term of two years; and the members of the council of said legislative assembly shall be elected for the term of four years: *Provided*, That at the first election hereafter one half of the members of said council shall be elected for the term of two years, and the remaining half for the term of four years; and the districts wherein members of the council are to be elected for the term of two years and the districts wherein members of the council are to be elected for the term of four years at the next election shall be determined by proclamation of the governor of said Territory: *Provided*, That in all counties and election districts which shall be entitled to elect two members of the council, one of said members shall be elected for two years and the other for four years. Elections for members.

SEC. 4. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Term of office of members of house and of council.

APPROVED, March 2, 1867. Councillor districts, and election of members of council.

SEC. 5. *And be it further enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed. Proviso.

APPROVED, March 2, 1867. Repealing clause.