

Commissioners to fix the license in the several counties.

SEC. 2. That for every such license so granted, there shall be paid by the person applying therefor, such a sum as the county commissioners of the several counties shall establish, for the use of the county in which such license is granted.

License, how obtained.

SEC. 3. That hereafter it shall be the duty of any person, desirous of trading as aforesaid, to apply to the county commissioners of the county in which he is desirous to trade, and pay to the treasurer of said county the sum so required to be paid for such license, who shall receipt for the same; and which receipt shall be forthwith filed with the clerk of the board of county commissioners of the proper county; whereupon it shall be the duty of such clerk, under the direction of the county commissioners, to make out a license under the seal of his county; which license shall be a sufficient authority for such applicant to trade in said county for the term of one year from the date thereof.

Fees allowed the clerk for such license.

SEC. 4. The clerk of the board of county commissioners shall be entitled to demand and receive as a fee for issuing a license under this act, the sum of one dollar, to be paid by the party applying for such license, previous to the issuing thereof.

Peddling without license, penalty for.

SEC. 5. That when, and as often as any pedlar or other person, shall be found travelling, or disposing of goods as aforesaid, without such license as is herein provided for, such person shall, for every such offence, forfeit and pay the sum of fifty dollars, to be recovered, on the complaint of any one who will sue for the same, before any justice of the peace within the county, in a summary way, with costs of suit; which sum, when recovered, shall be paid into the treasury of the county, for the use thereof; and if any person, so trading as aforesaid, on demand made by any justice of the peace, sheriff, constable, or any other person within the county, shall refuse to produce or show his or her license, he or she shall forfeit the sum of five dollars to the use of the county, which shall be recoverable in the manner mentioned above: *Provided*, That on neglect or refusal, by any person against whom judgment shall have been rendered according to the provisions of this act, to pay any fine or penalty so imposed, the justice, before whom such offender shall be convicted, may, by warrant under his hand, commit such offender to the jail of the county where the offence shall have been committed, there to remain until the fine or penalty be paid, or the offender released from imprisonment by due course of law.

How recovered.

Penalty to ensue to county.

Refusing to show license, penalty for.

Counterfeiting license to be deemed a forgery.

SEC. 6. That if any person or persons shall forge or counterfeit any such license, or travel with any forged or counterfeit license, for the purpose aforesaid, such person shall be deemed guilty of forgery; and on conviction thereof shall be punished accordingly.

SEC. 7. That all suits to be brought for any offence against this act, shall be brought within ninety days after the offence shall have been committed.

CHAP. LXV.—An Act to provide for recording contracts relating to lands and for other purposes.

What instruments may be recorded.

SEC. 1. That all bonds, contracts, or agreements, concerning any interest in lands in this territory, made in writing under seal, attested by one or more witnesses, and acknowledged before some

person authorized by law to take acknowledgment of deeds, may be recorded in the office of Register of Deeds of the proper county.

SEC. 2. It shall be the duty of the Register of Deeds in each county within this Territory, to receive and record at length, all such bonds, contracts, or agreements as shall be left with him for that purpose.

SEC. 3. Each and every bond, contract or agreement, made and recorded according to the provisions of the first section of this act, shall be notice to, and take precedence of any subsequent purchaser or purchasers, and shall operate as a lien upon the lands therein described, according to its import and meaning.

SEC. 4. The said Registers shall receive the same compensation for recording all papers, contemplated by this act as is now allowed, by law, for recording deeds and mortgages.

SEC. 5. This act shall take effect from and after its passage, and shall include all bonds, contracts or agreements, now made and recorded, or now made and not recorded, as well as those hereafter to be made.

Duty of Register of deeds.

Effect of such record.

Fees of Register.

When this act to take effect.

CHAP. LXVI.—An Act to prevent trespass and other injuries being done to the possession of settlers, on the public lands, and to define the right of possession on said lands.

SEC. 1. That, hereafter in actions of trespass *quare clausum fregit*, trespass, ejection, forcible entry and detainer, as well as forcible detainer, only, when any person may be settled upon any of the public lands, in this territory, where the same have not been sold by the General Government, his, her, or their possession shall be considered, on the trial, as extending to the boundaries, embraced by the "claim" of such person or persons, except mineral lots, so as to enable him, her, or them, to have and maintain either of the aforesaid actions, without being compelled to prove an actual enclosure: *Provided*, That such claim shall not exceed, in any case three hundred and twenty acres, and provided that such claim may be located, in two different parcels, as will suit the convenience of the holder. And every such claim shall be marked out, so that the boundaries thereof may be readily traced, and the extent of such claim easily known: *Provided*, That no person shall be entitled to sustain either of said actions for possession of, or injury done to, any claim unless he occupy the same, or shall have made improvements thereon, to the value of fifty dollars.

What deemed the possessions of a settler.

How he may defend them.

A 'claim' how acquired.

How abandoned.

SEC. 2. A neglect to occupy or cultivate said claim, for the period of six months, shall be considered such an abandonment as to preclude said owners from sustaining either of the aforesaid actions.

CHAP. LXVII.—An Act declaring Rivers navigable for certain purposes.

SEC. 1. That all rivers and streams of water in this territory, in all places where the same have been meandered and returned as navigable, by the surveyors employed by the United States Government, are hereby declared navigable to such an extent, that no dam, bridge or other obstruction may be made in, or over the same, without the permission of the Legislature.

Meandered streams not to be obstructed by dams etc.