

L A W S

OF THE

FUREKA DISTRICT.

APPROVED

MAY 9, 1860.

DENVER,

T. GIBSON, HERALD PRINT.

L A W S

OF

EUREKA DISTRICT.

At a meeting of the citizens of Eureka District, held in Central City on the 2d day of May, 1860, at four o'clock P. M., a Committee, consisting of Geo. W. Brizee, Geo. H. Goodwin, J. F. Mitchell, Wm. T. Wilborn, and Thos. Smith, was appointed to codify and amend the Laws of said District, and to report the said Laws so codified and amended, at a meeting to be held at the store of H. G. Otis, on the 9th inst at seven o'clock P. M.

In accordance with the duties imposed upon them, the Committee report the following Acts, regulating the rights of persons and of property, and the manner in which those rights may be preserved.

AN ACT,
TO DEFINE THE BOUNDARIES OF EUREKA DISTRICT.

SECTION 1. Be it enacted by the citizens of Eureka District, in convention assembled, That the boundaries of Eureka District shall be known and defined as follows—to wit:

Bounded on the North by Chase's Creek, on the East by Gregory District, on the South by New Nevada District, and on the West by the middle branch of Clear Creek.

SEC. 2. Be it further enacted, That no change shall hereafter be made in the boundaries of this District without the consent of its citizens as hereinafter enacted.

SEC. 3. Be it further enacted, That if any persons shall wish to change the boundaries of this District, or erect another within the same, or annex any territory before that time, not belonging thereunto, a public meeting of the citizens of this District shall be called, and ten days notice given of the same by posting twelve notices of said meeting in as many conspicuous places. If the petition for a new District, or change of boundary applied for, in this District, be granted, it shall not take effect for ten days thereafter.

Approved, May 9th, 1860.

AN ACT,
DEFINING CLAIMS AND REGULATING THE
TITLE THERETO.

SECTION 1. Be it enacted by the citizens of Eureka District, in Convention assembled, That all mining leads of gold, or any other precious or useful

metals, and all mining and other claims, shall be held under and defined by the provisions of this Act.

SEC. 2. Be it further enacted, That the term "claim," as used in this District, shall be construed to mean, when applied to a lead, one hundred feet, running the length of the same, and fifty feet in width; when applied to a gulch, one hundred feet by fifty feet; when applied to patch or placer diggings, one hundred feet square; when applied to tunneling claims, the entire distance intended to run the same for discovery purposes, as shown by record and the stake at the mouth of the tunnel; when applied to a quartz mill claim, the distance of two hundred and fifty feet square; when applied to a ditch claim, the entire distance staked out which they intend to run the same, or shown by the survey and stakes; when applied to a water claim, the exclusive right to use water for mining purposes, upon any ditch or stream, not exceeding in distance two hundred and fifty feet; when applied to a farming or ranch claim, one hundred and sixty acres; when applied to a building claim, forty feet front, and one hundred feet deep.

SEC. 3. Be it further enacted, That no person shall have more than one lead, gulch, patch or placer claim, in this District, except by purchase or discovery.

SEC. 4. Be it further enacted, That no person shall hold more than one water, building, farming or ranch claim, except by purchase.

SEC. 5. Be it further enacted, That each discovery claim shall be marked as such, and all purchased claims shall be recorded, and in either case they shall be safely held whether worked or not.

SEC. 6. Be it further enacted, That any claim or claims not held either by purchase or discovery, if abandoned for ten consecutive days after being staked off, shall be forfeited to any person or persons who may

take up the same and work them and not abandon them as aforesaid.

SEC. 7. Be it further enacted, That no claim shall be regarded as good and valid, unless staked off with the owner's name, giving the direction, length, width, and date when the same was made, and when held by a company, the name of each member thereof shall conspicuously appear.

SEC. 8. Be it further enacted, That when members of a company, consisting of two or more, shall work one claim of the company, the rest shall be considered as worked by putting a notice of the same thereon.

SEC. 9. Be it further enacted, That all pre-emption claims which have been, or may be taken up before the first day of July next, need not be worked until that date, provided, however, that the person who so has, or shall take up a claim as aforesaid, shall file with the Recorder for record, a statement thereof wherein he shall describe the claim.

SEC. 10. Be it further enacted, That in all cases when parties shall have complied with the law, as far as possible, priority of claim, when honestly carried out shall be respected.

SEC. 11. Be it further enacted, That all contracts of partnership or agreements, whereby an interest in claims or lands are concerned, and all contracts relating thereto, hereafter made, shall be in writing, and give the names and interests of each of the parties, and when a partnership the firm name also, and the same shall be recorded, or the said contract shall not be regarded as binding upon, or effecting any but the original parties in any transaction whatever.

SEC. 12. Be it further enacted, That all deeds, bonds, contracts, bills of sale, or instruments of any kind, relating to the conveyance of claims and bonds,

shall be witnessed by, at least, two disinterested witnesses and recorded.

SEC. 13. Be it further enacted, That when any miner shall hold both a gulch and lead claim, if one be worked the other may be held without working, by recording the same.

SEC. 14. Be it further enacted, That any person owning a quartz mill claim, upon which he has a mill or is preparing to place one, may claim the right to cut a race or ditch from any stream to bring water to said mill, not interfering with vested rights.

SEC. 15. Be it further enacted, That when water is claimed for gulch and quartz mining purposes, on the same stream, neither shall have the right to more than one half, unless there shall be insufficient for both when priority of claim shall determine.

SEC. 16. Be it further enacted; That when water companies are engaged in bringing water into any portion of the mines, they shall have the right of way secured to them, and may pass over any claim, road or ditch, provided the water shall be so guarded as not to interfere with any vested rights.

SEC. 17. Be it further enacted, That other questions not settled by the provisions of this Act, arising out of the rights of riparian proprietors shall be divided according to the common law.

SEC. 18. Be it further enacted, That claims of every kind, except discovery mining claims, must be recorded, unless the same are continuously worked or used according to law.

SEC. 19. Be it further enacted, That no person or persons shall be allowed to mine under any building, or other improvement unless he first secures the parties against all damages except by priority of title.

SEC. 20. Be it further enacted, That if any person shall locate a tunnel in this District for the pur-

pose of discovery, he shall first file a specification of the same with the Recorder, whose duty it shall be to record the same upon payment of his fees. The said specification shall state the place of commencement and termination of the said tunnel, together with the names of the parties interested therein. A stake shall be placed at its mouth, having written thereon the same things hereby made necessary to record.

SEC. 21. Be it further enacted, That any person or persons engaged in working a tunnel, provided he or they shall comply with the requirements of the law, shall be entitled to two hundred and fifty feet on each side of all leads discovered in consequence of the same, and such parts of the lead as they are entitled to in consequence of said discovery, shall be held as discovery claims; provided, however, they do not interfere with any vested rights, and if it shall appear that leads are staked off on the line of said tunnel, so that the required number of feet cannot be taken near to the same, they may be taken upon any part thereof where the same may be found vacant.

SEC. 22. Be it further enacted, That if the person or persons locating a tunnel, shall fail to work the same for twenty consecutive days, after the 1st day of July next, they shall forfeit their claim to said tunnel but not to the claims they have discovered and held by virtue of discovery before the time of forfeiture.

SEC. 23. Be it further enacted, That the person or persons working a tunnel, shall, after the same is legally located, have the priority of right to all leads discovered on the line of the tunnel from the recorded line of its mouth to its terminus, and shall have the right of way through all leads which may lie in its course if said tunnel is recorded, staked out and worked.

SEC. 24. Be it further enacted, That all building

lots which have been or may be taken up before the 1st day of July need not be improved until that date, provided, however, that the person who has or shall take up a lot as aforesaid shall file with the Recorder for record a statement thereof, wherein he shall describe the situation of the same.

Approved, May 9, 1860.

AN ACT

IN RELATION TO THE OFFICERS OF EUREKA DISTRICT—THEIR DUTIES, TERM OF OFFICE AND FEES.

SECTION 1. Be it enacted by the citizens of Eureka District, in Convention assembled, That there shall be elected in this District, upon the first Monday of June, in each year, the following officers, who shall each hold their respective offices for the term of one year, unless they shall sooner die, resign, remove from the District, or be removed from their offices for misconduct, by the citizens of this District, viz: a President, a Judge of Miners' Court and a Recorder, who shall be ex officio Secretary and Treasurer of this District.

SEC. 2. Be it further enacted, That it shall be the duty of the President of the District to preside at all public meetings of the citizens of the District when called for purposes relating to public business, and to preside at the trial of causes in the miners' court, when required by law.

SEC. 3. Be it further enacted, That it shall be the duty of the Judge of miners' courts to preside at the trial of causes, and at public meetings, in the absence of the President, and perform such other duties as the law requires.

SEC. 4. Be it further enacted, That it shall be the duty of the Recorder safely to keep the books and

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records of the District, and to record all proper papers upon payment of his fees; to act as Secretary of the District at public meetings of the District, and to keep all moneys paid into his hands by the Judge of the miners' court, to be paid over as directed by the citizens at some public meeting legally called.

Sec. 5. Be it further enacted, That the Sheriff of Arapahoe county shall be ex-officio Sheriff of this District, and shall have the same power he has by virtue of his office, under the laws of Kansas.

Sec. 6. Be it further enacted, That the fees of the Recorder shall be one dollar for each claim recorded, and one dollar for each deed or instrument in writing not exceeding 100 words, with 50 cents extra for each additional 100 words, and such other fees for District business as the citizens may allow. All fees shall be payable before filing.

Sec. 7. Be it further enacted, That every person shall be a voter in this District who owns a claim therein which is recorded.

Sec. 8. Be it further enacted, That the officers of this District shall continue to hold their said offices until the next annual election, subject to the provisions hereinbefore named.

Sec. 9. Be it further enacted, That the justice of the miners' court shall be hereafter known as the Judge thereof.

Sec. 10. Be it further enacted, That the Judge of the miners' court shall have full probate jurisdiction within this District.

Sec. 11. Be it further enacted, That the President, Judge and Recorder shall each be required to give good and sufficient security in the sum of \$500; the bonds of the Judge to be approved by the President, and the bonds of the President and Recorder to be approved by the Judge.

Approved, May 9th, 1860.

AN ACT.
ESTABLISHING A MINERS' COURT, AND
REGULATING ITS JURISDICTION.

SECTION 1. Be it enacted by the citizens of Eureka District, in convention assembled, That a regular term of a court, to be known as the Miners' Court, shall be held in this District, in some convenient and proper place, upon the first Saturday or each month, and all writs to be made returnable at said term, shall be served before the Wednesday next preceding. Nothing herein contained shall be so construed as to prevent the trial of criminals at any time.

SEC. 2. Be it further enacted, That if any person shall wish to commence a suit for the recovery of any claim within two weeks after the regular term of said Miners' Court has commenced, a special term of said Court may be held to try said cause.

SEC. 3. Be it further enacted, That the officers of said Court shall consist of a Judge, a Clerk, the Sheriff of Arapahoe County and his deputies.

SEC. 4. Be it further enacted, That it shall be the duty of said Court to sign all writs, issuing out of said Court, either by himself or his Clerk, to make all transcripts of judgments required, on payment of his fees; to enter judgments and issue executions, and pay over to the proper parties moneys collected on such judgments and executions; to try all criminals and pay over to the Treasurer all monies he may receive for the District, for fines and judgments, and perform such other duties as necessarily appertain to his office.

SEC. 5. Be it further enacted, That if the Judge of said Court shall not be able to attend any trial, or shall be disqualified from any cause, to try any

suit, or if there shall be more business than the Court can attend to, or if any person shall make his affidavit in writing, that he does not believe he can have a fair and impartial trial before the said Judge of said Court, or if the said Court shall be interested in the event of any suit, either as plaintiff or defendant, or with either of them, in any manner, the President of the District shall preside in the Miners' Court at such trial.

SEC. 6. Be it further enacted, That the Miners' Court shall have equity, as well as law jurisdiction, and may grant writs of injunctions upon motion, in all proper cases, and all other motions upon proper cause shown, to be supported by affidavits alone, and do all such other acts as a Court of Equity has power to do.

SEC. 7. Be it further enacted, That the Miners' Court shall have power to fine for contempts, in a sum not exceeding fifty dollars, and may issue execution thereon, the same as upon a judgment.

SEC. 8. Be it further enacted, That the said Court shall have power to appoint its own Clerk, whenever it shall be deemed necessary, and the said Clerk shall have such power as a clerk of record has by the laws of Kansas, relating to matters that may come before the Court in consequence of some process issued therefrom.

SEC. 9. Be it further enacted, That the jury for each term of Court shall be drawn upon the Saturday next preceeding each term, in the following manner: the Sheriff, or his deputy, shall place the names of fifty good and substantial men in a box, prepared for that purpose, and the Judge of the Court, or the Clerk thereof, shall draw therefrom the names of eighteen men, who shall be summoned to act as grand and petit jurors, for the next succeeding term of Court. When necessary the Sheriff may summon talismen, but no person shall serve as jurors for two successive terms of court.

Approved, May 9th, 1860. *bettsausib ad flade to*

**AN ACT
IN RELATION TO THE PRACTICE IN MINERS
COURT.**

SECTION 1. Be it enacted by the citizens of Eureka District in Convention assembled, That if any person shall wish to commence a civil action in the Miners' Court, of this District, he shall file with the Judge or Clerk thereof a statement in writing, setting forth his grounds of complaint, which shall contain all the allegations and facts necessary to constitute a cause of action, in plain and unequivocal language. Such statement, if in equity, shall be in the nature of a petition; and, if in law, of a complaint; and shall be known and called by the name of a petition or complaint, as the case may be. Upon the filing of either a petition or a complaint, as aforesaid, the court, or the clerk thereof, shall issue a writ of summons, to be served upon the defendant, to appear and answer at the time therein named, or judgment will be taken against the defendant by default. If the relief demanded be for a sum of money, the amount shall be stated in the summons; if for a sum of money, and other relief, the summons shall state in substance, that if the defendant do not appear and answer at the time therein named, judgment will be taken against him by default for the sum of money demanded, and such other relief as to the court may seem meet. If the remedy applied for shall not be for any sum of money, the summons shall ask judgment for the relief demanded in the complaint, if at law, or the petition, if in equity.

SEC. 2. Be it further enacted, That the defendant may at any time before the time of trial at law of any cause entered in the miners' court, file his answer or demurrer, upon either of which the plaintiff may join

issue; and if an answer be filed containing new matter, irrelevant to the issue, it must be denied or avoided by the plaintiff in his reply; and all matters not denied or avoided by one pleading subsequent to another, shall be taken as confessed and true.

SEC. 3. Be it further enacted, That all pleadings subsequent to the petition in equity shall be the same as used in the United States courts of equity, and the term of three days shall be granted for the filing of each pleading subsequent to another, until the issue is made up.

SEC. 4. Be it further enacted, That all pleas in equity shall be verified, and no remedy shall be allowed in equity where the same can be had at law.

SEC. 5. Be it further enacted, That in cases of the foreclosure of a mortgage or lien of any kind upon a claim, the equity of redemption, where the same is allowed, shall not extend beyond thirty days.

SEC. 6. Be it further enacted, That in all cases of judgment for partition of claims between joint owners, three disinterested commissioners shall be appointed by the court, who shall effect such partition.

SEC. 7. Be it further enacted, That the rules of evidence, as admitted in the courts of the United States, shall be observed in the miners' court, with the exception that either party may file his affidavit in court at any time before the commencement of a trial, wherein he may depose to any facts relative to the issue, and shall thereafter depose in the same, that none of the foregoing facts contained in such affidavit can be proven by any witness whose testimony it is possible to procure, either by deposition or the usual process of this court to compel the attendance of witnesses, when the affidavit may be read in evidence. The adverse party may have the right to rebut or explain the said facts, so set forth, by affidavit, or depose to any facts that

may legally affect the matters deposed to by his opponent, which affidavit may also be read in evidence.

SEC. 8. Be it further enacted, That depositions may be used in this court in evidence, provided the witness is sick and unable to attend the place of trial; about to leave the country, or is out of the jurisdiction of this court. If to be taken within the county of Arapahoe, notice shall be given to the adverse party of the time and place where the said deposition is to be taken; if out of said county, no notice need be given.

SEC. 9. Be it further enacted, That no cause shall be continued unless, upon affidavit of a party or his attorney, or of the absence of a material witness, whose evidence is material to the issue, which he shall state as he believes he can prove by said witness, and that the said party cannot safely proceed to trial without the evidence of said witness, which he believes he can procure at some future time, which he shall state, or for some other good and sufficient cause.

SEC. 10. Be it further enacted, That in all cases of attachment and replevin, the practice prescribed by the laws of Kansas shall be observed; and when in the case of attachment the defendant has left the country, or keeps himself secreted within the same, so that process cannot be served upon him, publication in some public newspaper, printed in the county, for two weeks, shall be deemed sufficient notice. The order of publication shall not be granted by the court, unless a summons has been returned by a proper officer, which return shall show that he has made diligent search and inquiry, and cannot learn that the defendant is in this country, or that he cannot find the defendant, and believes he keeps himself secreted to avoid the service of a summons, together with other evidence tending to make either of said facts appear.

SEC. 11. Be it further enacted, That garnishee pro-

cess may issue as a part of the original writ to be served on both defendant and garnishee, or separately; or it may be issued after execution is returned unsatisfied; and in either case, if the garnishee shall pay the demand over to the defendant after legal notice, he shall still be held liable to the amount of plaintiff's judgment and costs, if he was indebted to that amount when service was made, and if in a smaller sum, the amount he was indebted at the time notice was served.

Sec. 12. Be it further enacted, That all special proceedings in the Miners' Court shall be conducted according to the forms prescribed in the statutes of Kansas, for the year one thousand eight hundred and fifty-nine, as far as consistent with the laws and local affairs of this District; and all motions relating to such proceedings shall be sustained or approved by affidavits alone.

Sec. 13. Be it further enacted, That new trials of all causes which have been or may be tried, shall be granted upon the same terms, or by the rules of the common law, and it shall be discretionary with the Court in all cases to grant or reject the application.

Sec. 14. Be it further enacted, That no debt or demand of any nature shall be collected by suit in this Court, which has not originated either in coming to this mining region, or since the arrival of such debtor within the proposed limits of Jefferson Territory.

Sec. 15. Be it further enacted, That in all cases where the liability of persons in actions founded upon contract, or in mixed actions or tort is not pointed out and defined by the laws of this District the common law rules shall apply as to such liability.

Sec. 16. Be it further enacted, That in all suits, either in law or equity, the order of publication shall be allowed.

Approved, May 9th, 1860.

AN ACT,
RELATING TO TRIAL AND ITS INCIDENTS:

SECTION 1. Be it enacted by the citizens of Eureka District in Convention assembled, That in all cases where a civil action is hereafter commenced in the Miner's Court, the plaintiff shall file a bond with one or more good and sufficient sureties, conditioned to pay all costs which may be taxed against him, in case he should fail to recover judgment in said suit.

SEC. 2. Be it further enacted, That in case the costs cannot be collected against the defendant in any cause wherein the plaintiff shall recover judgment, the said plaintiff shall be held responsible for all costs he shall make in said suit.

SEC. 3. Be it further enacted, That upon the return day of a summons, if either party shall call for a jury, he shall first advance the fees at the rate of two dollars for each juror, and in cases of Change of Venue found out of the District three dollars, who shall try the cause, and in case he shall prevail in the same, the fees so advanced shall be taxed against the adverse party, but in case no jury is called for, the cause shall be tried by the Court.

SEC. 4. Be it further enacted, That when a jury is called for, the Court or Clerk shall call nine persons from the jurors summoned, and each party shall strike off three until but three remain, who shall proceed to try and determine said cause.

SEC. 5. Be it further enacted, That if any person shall enter an appeal from the jury of three, he shall give notice thereof upon the same day that the first verdict was rendered, either by giving a notice in open court, or procuring the same to be entered upon the docket of the Court, and shall perfect his appeal within

three days, by paying up all costs before that time, giving security for future costs, and advancing the Jurors' fees; the cause shall then be set for immediate trial unless otherwise agreed upon between the parties.

SEC. 6. Be it further enacted, That Jurors shall try all causes in equity, as well as law, and in equity may render special verdicts, upon which the Court may enter judgment and issue its decree or order.

Sec. 7. Be it further enacted, That a juror may be challenged for favor for cause shown by his own evidence or that of others, and each party shall have the right to three peremptory challenges,

Sec. 8. Be it further enacted, That the defended party shall be, in all cases, liable for the costs of suit.

Sec. 9. Be it further enacted, That the said appeal shall be decided by a Jury of twelve men, and from the decision of said Jury there shall be no appeal.

Sec. 10. Be it further enacted, That all executions issuing out of the Miners' Court shall be made returnable in twenty days from date, and the Sheriff shall note on each execution the day and hour he received the same, and return the said execution within the said twenty days, whether satisfied or not, with his proper return thereon endorsed.

Sec. 11. Be it further enacted, That witnesses fees shall be, in all cases, three dollars for each day, and twenty-five cents mileage.

Approved, May 9th, 1860.

AN ACT,
IN RELATION TO LEVY AND SALE UPON
EXECUTION.

SECTION 1. Be it enacted by the citizens of Eureka District in Convention assembled, That there shall be exempt from levy and sale upon execution, all tools

for mining, bedding, clothing, cooking utensils, and necessary provisions for three months, and in case of a man residing with his family, a dwelling house, not exceeding five hundred dollars in value, and such articles of household furniture as are strictly necessary.

SEC. 2. Be it further enacted, That all property taken in execution shall be posted in three conspicuous places in the District, for the five days next preceding the sale thereof, and the Sheriff may adjourn the said sale at any time, when it appears that the property posted cannot be sold, unless at a great sacrifice, for want of bidders.

SEC. 3. Be it further enacted, That money collected on execution shall be paid into the hands of the Court by the Sheriff, to satisfy the judgment in whole or in part that may be recorded on his books, and the Court shall pay the same to the proper parties.

Approved, May 9th, 1860.

AN ACT,

RELATING TO CRIMES AND NUISANCES COMMITTED IN EUREKA DISTRICT.

SECTION 1. Be it enacted by the citizens of Eureka District in Convention assembled, That all crimes committed in this District, shall be punished as a Jury of twelve men shall direct.

SEC. 2. Be it further enacted, That any person who shall cause any nuisance, affecting the health of the people of this District, or liable to affect the health of the people of this District, may be sued for the same in the Miners' Court, in the name of "Eureka District vs. the defendant," and shall be liable to pay damages in a sum not exceeding one hundred dollars, for the use of said District and cost of suit.

SEC. 3. Be it further enacted, That if any person

shall obstruct any highway, or make any pit or hole and leave it open, so as to endanger life or limb upon any usually traveled road or trail, such person may be sued as aforesaid, for committing a nuisance, and be liable to said District in damages, as provided in Sec. 2, with costs of suit.

Sec. 4. Be it further enacted, That every other act of commission or omission, which may affect the public health or convenience, shall be regarded as a nuisance, and the person or persons causing the same shall be liable accordingly.

Sec. 5. Be it further enacted, That after any conviction for a nuisance in said Miners' Court, if the said nuisance is allowed to remain for twenty-four hours thereafter, the person or persons who caused the same, and whose duty it should have been to remove it, shall be again liable in damages, and shall also be liable for each twenty-four hours after a conviction, as hereinbefore provided in this act.

Sec. 2. Be it further enacted, That executions shall issue in all cases under the provisions of this act, in the name of the District, the same as in any other suit at law.

Approved, May 9th, 1860.

AN ACT,
CONTAINING GENERAL PROVISIONS FOR
THE GOVERNMENT OF EUREKA DISTRICT.

SECTION 1. Be it enacted by the citizens of Eureka District in Convention assembled, That the Judge of the Miners' Court shall pay over each week, to the Treasurer of the District, all monies he may collect from judgments in favor of the District, contempts of court, and fines of every kind; and the Treasurer shall not pay the same out to any person, unless upon the

vote of the miners, given at some meeting legally called.

SEC. 2. Be it further enacted, That the President or the Judge of the Miners' Court may call a public meeting at any time either of them may deem the same necessary, by giving forty-eight hours notice, and by posting three notices in as many conspicuous places in the District.

SEC. 3. Be it further enacted, That no timber for building purposes, or cordwood, shall be allowed to be cut and carried out of this District under a penalty not exceeding one hundred dollars for each offence; but any timbers that are already got out may be removed.

SEC. 4. Be it further enacted, That when one Lode crosses another, the owner of the claim first taken up shall not be entitled to any portion of the Lode that crosses his claim, except in his shaft or drift, by virtue of the width of his claim, but the first claimant to the ground shall not in any case be impeded in his work by the owner of the claim on the Lode which may cross it.

SEC. 5. Resolved, That until the District shall be able to build a Court House for the transaction of public business, the Recorder shall be authorized to hire a suitable room for the transaction of public business, and for the trial of causes. The sum of two dollars shall be allowed, to be taxed with the costs of such suit, for the use of said room for each trial, but all public meetings of the miners shall be held without charge.

Approved, May 9th, 1860.