

licable, to as good condition as they were before they were injured.

Subscribers
may pay with
convertible prop-
erty.

SECT. 18. Said company are hereby authorized to take and receive from the several subscribers to said capital stock, money, labor, materials, cars, locomotives, or other articles adapted to the construction or operation of said railroad, or any property that, in the opinion of the board of directors, may be exchanged or converted to such use, and upon receiving full payment in manner aforesaid of such subscription of stock, may issue to such subscriber or subscribers, certificates therefor.

When road to
be commenced.

SECT. 19. The company shall be allowed fifteen years from the passage of this act for the commencement of said road, and in case at least twenty miles of the same shall not be completed in ten years thereafter, the privileges herein granted shall be forfeited.

Act, how con-
strued, and to be
public.

SECT. 20. This act shall be construed beneficially for all purposes herein specified or intended, and shall be deemed and taken as a public act.

Take effect,
when.

SECT. 21. This act shall take effect and be in force from and after its passage.

Approved May 14, 1862.

W. JAYNE, *Governor.*

INCORPORATED TOWNS.

CHAPTER 20.

AN ACT TO INCORPORATE THE TOWN OF BON HOMME.

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

Town of Bon
Homme.

SECTION 1. That so much land as is contained in the north-east quarter of section number thirteen, and the north-east quarter of north-west quarter of section number thirteen, and

lots number two, three, and four, in section number thirteen, in township number ninety-three, north of range fifty-nine west, be, and the same is hereby, created a town corporate, by the name of Bon Homme, and shall have and enjoy all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

SECT. 2. That for the good order and government of said town, it shall be lawful, and there shall be established a president, recorder, and three trustees, who shall constitute the town council of said town, and shall be known as "The Town Council of Bon Homme," and any three of whom shall constitute a quorum for the transaction of business.

The town council.

SECT. 3. Reuben Wallace as president, and Daniel C. Gifford as recorder, and Edward Gifford, George M. Pinney, and Jonathan Brown, shall be known and are hereby constituted the town council of said town, who shall hold their respective offices for one year, and until their successors shall be elected and qualified, and who shall have full power and authority to make and establish all needful rules and regulations for the government of the said town.

Who compose same — with what powers.

SECT. 4. It shall be the duty of the president, with the consent of the town council of said town corporate, to enter so much land within the corporate limits of said town as can be entered under the provisions of the act of congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," approved May 23, 1854.

President to enter land.

SECT. 5. It shall be the duty of the town council, as soon as the title to said lands shall be obtained pursuant to the third section of this act, to ascertain the number of persons entitled, legally or equitably, to lots or squares within said town, and to deed, under the hand of the president and seal of the corporation, to every such person entitled as aforesaid: *Provided*, That any person or persons to whom lots or squares shall be so deeded, shall previously have paid the sum of one dollar for each deed and acknowledgment so required to be made.

Town council to deed property equitably.

Proviso.

SECT. 6. If any vacancy should occur in any of the offices of the town council aforesaid, a quorum of said town council, duly assembled, shall at any time fill the vacancy.

Of vacancies in council.

Take effect,
when.

SECT. 7. This act shall take effect from and after its passage, and approval by the governor.

Approved April 10, 1862.

W. JAYNE, *Governor*

CHAPTER 21.

AN ACT TO INCORPORATE THE TOWN OF ELK POINT.

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

Town of Elk
Point.

SECTION 1. That so much land as is contained in the south-west quarter of the north-west quarter of section nineteen, township ninety-one, north range forty-nine west; and the south-east one quarter of the north-east one quarter of section twenty-four, township ninety-one, north range fifty west, be, and the same is hereby, created a town corporate by the name of Elk Point, and shall have and enjoy all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

The town coun-
cil.

SECT. 2. That, for the good order and government of said town, it shall be lawful, and there shall be established a president, recorder, and three trustees, who shall constitute the town council of said town, and shall be known as "The Town Council of Elk Point," and any three of whom shall constitute a quorum for the transaction of business.

Who compose
same, with what
powers.

SECT. 3. John R. Wood as president, E. B. Wixson as recorder, and Myron Sheldon, William Adams, and Preston M. Hotchkiss, shall be known and are hereby constituted the town council of said town, who shall hold their respective offices for one year, and until their successors shall be elected and qualified, and who shall have full power and authority to make and establish all needful rules and regulations for the government of the said town.

President to
enter land.

SECT. 4. It shall be the duty of the president, with the consent of the town council of said town corporate, to enter so much land within the corporate limits of said town, as

can be entered under the provisions of the act of congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States under certain circumstances, approved May 23, 1854.

SECT. 5. It shall be the duty of the town council, as soon as the title to said lands shall be obtained, pursuant to the third and fourth sections of this act, to ascertain the number of persons entitled legally or equitably to lots or squares within said town, and to deed, under the hand of the president and seal of the corporation, to every such person as aforesaid: *Provided*, That any person or persons to whom lots or squares shall be deeded, shall previously have paid the sum of one dollar for each deed and acknowledgment so required to be made.

Town council
to deed land
equitably.

Proviso.

SECT. 6. If any vacancy should occur in any of the offices of the town council aforesaid, a quorum of said town council, duly assembled, shall at any time fill said vacancy.

Of vacancy in
council.

SECT. 7. This act shall take effect from and after its passage.

Take effect,
when.

Approved April 24, 1862.

W. JAYNE, *Governor*.

CHAPTER 22.

AN ACT TO INCORPORATE THE TOWN OF RICHLAND.

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

SECTION 1. That so much land as is contained in the south half of the north-east one quarter of section twenty-nine, township ninety-two north of range forty-nine west, be, and the same is hereby, created a town corporate by the name of Richland, and shall have and enjoy all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

The town of
Richland.

SECT. 2. That, for the good order and government of said town, it shall be lawful, and there shall be established a president, recorder, and three trustees, who shall constitute the

The town coun-
cil.

town council of said town, and shall be known as "The Town Council of Richland," and any three of whom shall constitute a quorum for the transaction of business.

Who compose same — with what powers.

SECT. 3. P. Bliss as president, M. M. Rich as recorder, and A. R. Phillips, W. Frisbie, and Ole Kittleson, shall be known and are hereby constituted the town council of said town, who shall hold their respective offices for one year, and until their successors shall be elected and qualified, and who shall have full power and authority to make and establish all needful rules and regulations for the government of said town.

President to enter land.

SECT. 4. It shall be the duty of the president, with the consent of the town council of said town corporate, to enter so much land within the corporate limits of said town as can be entered under the provisions of the act of congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States under certain circumstances," approved May 23, 1854.

Town council to deed land equitably.

SECT. 5. It shall be the duty of the town council, as soon as the title to the said lands shall be obtained pursuant to the third and fourth sections of this act, to ascertain the number of persons entitled legally or equitably to lots or squares within said town, and to deed, under the hand of the president and seal of the corporation, to every such person as aforesaid: *Provided*, That any person or persons to whom lots or squares shall be deeded, shall previously have paid the sum of one dollar for each deed and acknowledgment so required to be made.

Proviso.

Of vacancy in council.

SECT. 6. If any vacancy should occur in any of the offices of the town council aforesaid, a quorum of said town council duly assembled, shall at any time fill said vacancy.

Take effect, when.

SECT. 7. This act shall take effect from and after its passage.

Approved May 12, 1862.

W. JAYNE, *Governor*.

CHAPTER 23.

AN ACT TO INCORPORATE THE TOWN OF SPRINGFIELD.

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

SECTION 1. That so much land as is contained in the south-east quarter of section number twenty-three, and the east half of the south-west quarter of section twenty-three, and the fractional part of the north-east quarter of section number twenty-six, and the north-east quarter of the north-west quarter of section number twenty-six, in township number ninety-three north, of range number sixty west, be, and the same is hereby, created a town corporate, by the name of Springfield, and shall have and enjoy all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

SECT. 2. That, for the good order and government of said town, it shall be lawful, and there shall be established a president, recorder, and three trustees, who shall constitute the town council of said town, and shall be known as "The Town Council of Springfield," and any three of whom shall constitute a quorum for the transaction of business.

SECT. 3. Charles M. Cooper as president, Richard M. Johnson as recorder, and Samuel Hardy, Jacob Teele, and Jonathan Gates, shall be known and are hereby constituted the town council of said town, who shall hold their respective offices for one year, and until their successors shall be elected and qualified, and who shall have full power and authority to make and establish all needful rules and regulations for the government of said town.

SECT. 4. It shall be the duty of the president, with the consent of the town council of said town corporate, to enter so much land, within the corporate limits of said town, as can be entered under the provisions of an act of congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," approved May 23, 1854.

SECT. 5. It shall be the duty of the town council, as soon as the title to said lands shall be obtained, pursuant to the

third section of this act, to ascertain the number of persons entitled, legally or equitably, to lots or squares within said town, and to deed, under the hand of the president and seal of the corporation, to every such person entitled as aforesaid:

Proviso.

Provided, That any person or persons to whom lots or squares shall be so deeded, shall previously have paid the sum of one dollar, for each deed and acknowledgment so required to be made.

Of vacancy in council.

SECT. 6. If any vacancy should occur in any of the offices of the town council aforesaid, a quorum of said town council, duly assembled, shall, at any time, fill the vacancy.

Take effect, when.

SECT. 7. This act to take effect from and after its passage, and approval by the governor.

Approved April 30, 1862.

W. JAYNE, *Governor*.

CHAPTER 24.

AN ACT TO INCORPORATE THE TOWN OF ST. JOSEPH.

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

Town of St. Joseph.

SECTION 1. That so much land as is contained in the town of St. Joseph, on the Pembina river, be, and the same is hereby, created a town corporate, by the name of St. Joseph, with all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

President and common council—their powers.

SECT. 2. That the corporate authorities of said town shall be a president and common council, which shall be known as "The President and Common Council of St. Joseph." That for the good order and government of said town, it shall be lawful for the president thereof, on the first Monday of September, A. D. 1862, to appoint not less than three discreet persons as the common council, who shall [have served] until their successors be chosen and qualified, and who, with the consent of the president, shall have full power and authority to make and establish all needful rules and regulations for the government of said town corporate.

SECT. 3. It shall be the duty of the common council, as soon as the title to the said lands shall be obtained, to ascertain the number of persons legally or equitably entitled to lots or squares within said town, and to deed, under the hand of the president and seal of the corporation, to every such person entitled as aforesaid: *Provided*, That every person or persons to whom lots or squares shall be so deeded, shall previously have paid the sum of one dollar for each deed and acknowledgment, so required to be made.

Council to deed lands equitably.

Proviso.

SECT. 4. It shall be the duty of the president and common council to cause a plat of the survey of said town to be recorded in the office of the register of the county wherein said town is located, in conformity with the provisions of the statutes authorizing the record of town plats in this territory.

To cause plat to be recorded.

SECT. 5. That John B. Wilkie shall be the first president of said town corporate, and shall serve from and after this act, until his successor shall be chosen and qualified, under such rules and regulations as the common council, with the consent of the president, shall establish; and in the event of any vacancy of the president, the common council may fill the same, and if in the common council, the same shall be filled by the president of the said town corporate.

John B. Wilkie first president.

Of vacancy.

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

Take effect, when.

Approved May 5, 1862.

W. JAYNE, *Governor*.

CHAPTER 25.

AN ACT TO INCORPORATE THE TOWN OF YANKTON.

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

SECTION 1. That so much land as is contained in the following described tracts, to wit: lots number three and four (3 and 4), in section eighteen (18); the north half of the south-west quarter of section eighteen (18); the north-west

The town of Yankton.

fractional quarter of section eighteen (18); and the south half of the south-west quarter of section seven (7), in township ninety-three (93), north of range fifty-five (55) west of the fifth principal meridian; and lots number three and four of section thirteen (13); the north-east quarter of section thirteen (13); and the south half of the south-east quarter of section twelve (12), in township ninety-three (93), north of range fifty-six (56) west of the fifth principal meridian, be, and the same is hereby, a town corporate, by the name of Yankton, and shall have and enjoy all the powers, privileges, and responsibilities usually enjoyed and possessed by municipal corporations.

The town council.

SECT. 2. That, for the good order and government of said town, it shall be lawful, and there shall be established a recorder and three trustees. Said trustees, at their first meeting, shall elect one of their members president of the town council. The president, two trustees, and recorder shall constitute the town council of said town, and shall be known and styled as "The Town Council of Yankton," and the president, recorder, and one trustee shall constitute a quorum for the transaction of business.

In case of absence or vacancy.

SECT. 3. In case of the absence of the president, the two trustees and recorder may elect one of the trustees present, president pro tem.; and, in the event of a vacancy or vacancies of either of the members of the council, by death, removal, or otherwise, any two members of said council may order an election to fill such vacancy or vacancies.

Names of first town council, and their powers.

SECT. 4. William Miner as recorder, and Henry C. Ash, Charles S. White, and Justus Townsend, as trustees (one of said trustees to be president), shall be known, and are hereby constituted the town council of said town, who shall hold their respective offices for one year from and after the approval of this act, and until their successors shall be elected and qualified; and said town council shall have full power and authority to make and establish all needful rules, regulations, and ordinances for the government of said town.

Election, how ordered and held.

SECT. 5. The president of said council shall order an election to be held, within the corporate limits of said town, on the last Monday in August, A. D. 1862, for the election of three trustees, recorder, treasurer, assessor, and marshal. Said

president shall also appoint the judges and clerks of said election, and shall give at least ten days' notice thereof. Said officers, so elected, shall hold their respective offices for one year, and until their successors are elected and qualified.

SECT. 6. Any legal voter of this territory, who shall have been a resident of said town, within the corporate limits thereof, thirty days next preceding a municipal election, shall be entitled to vote at said election, and any legal voter shall be eligible to any office mentioned in this act.

Qualifications
of voters.

SECT. 7. Said officers, before entering upon the duties of their respective offices, shall take and subscribe to an oath, before some person qualified and authorized to administer an oath, to support the constitution of the United States and the organic act and laws of this territory, and to faithfully perform the duties of their respective offices, which said oath shall be filed in the office of the recorder of said town council.

Officers to
make what oath.

SECT. 8. The treasurer, recorder, assessor, and marshal shall give such bonds as may be required of them by the town council, which said bonds must be approved by the council, and filed with the president.

Officers give
bonds.

SECT. 9. Said town council is hereby vested with full power and authority to prescribe the duties of the officers of said corporation, to provide for the keeping of the public money and property, to provide for the levying and collection of taxes, to order assessments upon all taxable property, real and personal, within said town limits, for the auditing and payment of claims against said corporation, for the working and improvement of roads, streets, and alleys, for the granting and issuing of licenses, abating nuisances, and all other matters usually attended to by like corporations.

Powers of town
council.

SECT. 10. The said council may hold its regular meetings at such times and places, within said town, as may be provided for by ordinance, and may hold called sessions, by the president giving proper notice thereof, may establish all needful rules respecting town elections, and the returns and the counting of the votes.

Of regular and
special meetings.

SECT. 11. The president, with the advice and consent of the council, is hereby authorized and empowered to enter so much land, within the corporate limits of said town, not em-

President to
enter lands.

braced in any treaty grants, as can be entered under the provisions of an act of congress, entitled "An Act for the relief of citizens of towns, upon the lands of the United States, under certain circumstances," approved May 23, 1854; and, as soon as the title to said lands shall be obtained, pursuant to the provisions of said act of congress, the said president, with the advice and consent of the town council, shall convey, by deed or deeds of special warranty, lots or blocks, within said town, to such person or persons or company as may be entitled thereto, and said deed or deeds, so made and executed, shall be valid in law and equity.

Town council
to fix fees of officers.

SECT. 12. The said town council is hereby authorized to regulate and fix the compensation and fees of all the officers mentioned and provided for in this act.

President has
what powers.

SECT. 13. The said president of the town council of Yankton is hereby authorized and empowered to take acknowledgments to deeds, bonds, and all other papers relative to lands within the corporate limits, and to administer oaths, and his fees in all such cases shall be the same as are allowed to justices of the peace for like business. The said president shall provide himself with a seal containing the following words: "President of the Town Council of Yankton, D. T."

Officers deliver
what to successors.

SECT. 14. At the expiration of the term of office of either of the officers provided for in this act, he or they shall hand over to his or their successor or successors in office, all moneys, papers, books, and property in his hands belonging to said office.

Take effect,
when.

SECT. 15. This act shall take effect from and after its passage, and approval by the governor.

Approved May 8, 1862.

W. JAYNE, *Governor.*