

## CHAPTER X.

## AN ACT TO ORGANIZE THE COUNTY OF MINNEHABA.

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

County commis-  
sioners

Section 1. That John Nelson, John Thompson, and Wm. Melville, be, and the same are hereby appointed county commissioners of the county of Minnehaha, and said county commissioners shall have full power and authority to appoint all other officers for said county to complete the organization of said county of Minnehaha.

Register of deeds

Sec. 2. That Edward Broughton be, and he is hereby appointed register of deeds of said county of Minnehaha.

When to take  
effect

Sec. 3. This act shall take effect from and after its passage and approval.

Approved, January 4, 1868.

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CHEYENNE CITY.

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CHAPTER XI.

AN ACT TO INCORPORATE THE CITY OF CHEYENNE, DAKOTA TERRITORY.

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

Description

Section 1. That all that portion of territory surveyed, laid out and platted as a town site, situated on Crow Creek where the Union Pacific Railroad crosses the same, together with all the additions that may be hereafter made thereto, according to law, is hereby declared to be a corporation by the name of the "City of Cheyenne."

Sec. 2. The said city is hereby made a body corporate and politic, and is invested with all the powers and attributes of a municipal corporation, and by that name may sue and be sued, plead and be impleaded, complain and defend in any court of record, and any other place whatsoever; may have a common seal, and may alter the same at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal, or mixed estate, for the use of said corporation.

City made a  
body politic

Sec. 3. The legislative authority of said city is hereby vested in a city council, composed of a mayor and board of aldermen, consisting of six members.

Legislative  
authority where  
vested

Sec. 4. Every legal voter of the Territory who shall have been a resident of the city thirty days next preceding a city election, is declared a citizen of said city, and is entitled to vote at all the elections thereof.

What to consti-  
tute a citizen

Sec. 5. The election of city officers shall be in a manner similar to county elections, as near as the nature of the case admits.

Election of city  
officers

Sec. 6. A person offering to vote may be challenged as in other elections in the county, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

Challenging of  
voters

Sec. 7. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city.

Eligibility to  
office

Sec. 8. The annual election for city officers shall be held on the last Monday in December in each and every year and the officers elect shall qualify and enter upon the discharge of their duties on the first Monday in January thereafter; *Provided, however,* That in case the last Monday of December should be the 25th of said month, the election shall take place on the Tuesday following; *Provided further,* That the commissioners named in the ninth section of this act shall have the full power to fix the day for holding the first election of officers under this act, by giving at least five days notice of each election, and officers elected at such first election shall qualify and enter upon the discharge of their duties, in one week from the day of such election.

Annual election  
when held

Provide

Sec. 9. That J. P. Bartlett, G. M. O'Brien and William Martin, are hereby appointed commissioners to conduct the first election under this act, to canvass the votes and to issue certificates of election to the officers elect.

Commissioners  
of election

Sec. 10. In all elections for city officers, after the first, the mayor shall issue a proclamation to the voters of the city, naming the time and place of such election, and officers to be chosen, and cause

Notice of  
election

a copy to be posted at least ten days previous to the day of election. The polls shall be opened between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon. Within two days after election, the judges of election shall make out their returns to the president of the city council, who shall examine them at the next meeting, and cause an abstract of the votes to be recorded in a book kept for that purpose.

Officers to be  
elected

Sec. 11. In addition to a mayor and board of aldermen, there shall be elected at the general election in each year a marshal, treasurer and city clerk, who shall hold their respective offices for one year, and until their successors are elected and qualified.

Duties of the  
mayor

Sec. 12. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed, and their violation punished; to superintend and direct the official conduct of subordinate officers; to sign and seal all commissions, licenses and permits, granted by the city council, and to perform such duties and exercise such powers as pertain to the office of Mayor of the city, and such as may be granted or imposed, by the ordinances of the city, consistent with law.

Mayor to be  
conservator of  
the peace and ex-  
officio justice of  
the peace

Sec. 13. The mayor shall be a conservator of the peace within the city, and *ex-officio* a justice of the peace, and is invested with original jurisdiction for the violation of the city ordinances; he shall not be disqualified from acting in such judicial capacity by any proceedings being in the name, or in behalf of the city.

Powers of city  
council

Sec. 14. The city council is invested with power to make ordinances to secure the inhabitants against fire, against violations of the public peace, to suppress riots, gambling, drunkenness and indecent behavior in public places; and in general, to provide for the safety, prosperity and good order of the city, and the health, morals and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars for each offence, which may be recovered in a civil action in the name of the city, or by complaint before a justice of the peace. And the laws of the Territory relative to carrying into effect a judgment of a justice of the peace, imposing a fine, shall be applied to judgments in the above cases.

Same

Sec. 15. The council is authorized to establish and organize fire companies, and provide them with fire engines, hose and other apparatus.

Same

Sec. 16. The council may regulate the keeping and sale of gunpowder within the city.

Sec. 17. The council shall have exclusive authority to provide for the licensing and prohibition of all exhibitions, shows and theatrical performances, and billiard table halls, and ten-pin alleys, and other saloons, but the above authority extends to no exhibition of a purely scientific character. The city council shall also have the power to license and regulate the retailing of intoxicating liquors, and also the sale of all goods, wares and merchandise, and all other property sold at auction within the limits of said city.

Sec. 18. The council shall be the judge of the qualifications and elections of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

Sec. 19. The mayor shall preside at all meetings of the city council, and in case of his death, resignation or inability to serve from any cause, a majority of the aldermen shall elect a mayor *pro tem* to preside at said meetings, and shall designate a justice of the peace to take cognizance of offences arising under the ordinances of said city.

Sec. 20. No member of the city council shall be eligible to any office within the gift of the city council during the term of office for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract, job, or work, or services to be performed for the city.

Sec. 21. Ordinances passed by the city council shall be recorded in a book to be kept for that purpose, and shall be signed therein by the mayor and be attested by the clerk.

Sec. 22. It is the duty of the clerk to keep a true record of all the proceedings of the city council, and such record shall be open in all business hours for the inspection of any citizen.

Sec. 23. The mayor, aldermen, marshal, treasurer, clerk, assessor and collector shall respectively take an oath to support the Constitution of the United States and the laws of the Territory, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the city council.

cil. The oath of office may be administered by the mayor or clerk of the council when he is qualified, and in the transaction of the business of the corporation, those officers and the president for the time being may administer oaths which shall have the same effect as if administered by the officers authorized therefor.

Salaries of  
officers

Sec. 24. The mayor shall receive for his services an annual salary not exceeding five hundred (\$500) dollars; each of the aldermen shall receive a salary not exceeding three hundred (\$300) dollars, said salaries to be fixed by the council within the limits aforesaid. And it shall be the duty of the council to allow such fees for the services of city officers not provided for in this act as it shall deem right.

The Treasurer,  
clerk, assessor,  
collector and  
marshal to give  
bonds

Sec. 25. The treasurer, clerk of the council, assessor, collector and marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistent with law, which bond shall be approved by the council and filed with the mayor.

Treasurer and  
marshal what to  
do

Sec. 26. The treasurer shall be *ex-officio* collector, and the marshal *ex-officio* assessor of said city.

Duties of the  
marshal

Sec. 27. The marshal shall be a conservator of the peace within said city, shall serve all process directed to him by the mayor or any justice of the peace exercising jurisdiction under the ordinances of the city, and shall possess the powers usually exercised by sheriffs and constables in making arrests, suppressing riots, and breaches of the peace and executing process.

PUBLICATION OF  
ANNUAL FINANCIAL  
REPORT

Sec. 28. On the third Monday in December in each year, it shall be the duty of the council to cause a full, complete and detailed statement of the financial condition of the city, to be published in some newspaper in the city, which statement shall be signed by the mayor, clerk and a majority of the members of the council.

This act declared  
to be a public  
act

Sec. 29. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this Territory without proof; and all ordinances of the city council may be proved by the book referred to in this act; and when printed and published in book form, and purporting to have been printed by authority of the city council, said ordinances shall be received in all courts and places without further proof.

Sec. 30. The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same;

and shall cause all claims against the city to be audited, and all city <sup>Keeping and</sup> officers are accountable to said council in such manner as it may <sup>disbursing of</sup> direct. <sup>public money</sup>

Sec. 31. This act shall take effect and be in force from and after <sup>When to take</sup> its passage. <sup>effect</sup>

Approved December 24th, 1867.

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## EXEMPTIONS.

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### CHAPTER XII.

AN ACT PROVIDING THAT THE EXEMPTION LAW, APPROVED JANUARY 9TH, 1866, OF SESSION LAWS OF 1865-6, SHALL APPLY ONLY TO RESIDENTS OF THIS TERRITORY.

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

Section 1. That the exemption law of this Territory, shall be so <sup>Exemptions</sup> construed as to apply only to residents of the Territory, and that no <sup>Who applied to</sup> person except a resident of said Territory shall be entitled to the benefit thereof.

Sec. 2. This act to take effect and be in force from and after its <sup>When to take</sup> passage and approval. <sup>effect</sup>

Approved, December 18, 1867.