

Rowley, John T. McChesney and H. M. Marple, to pay for the use of tents at the Territorial Militia encampment, held at Fargo, Dakota, in September and October, 1885, and for damage to the same, and freight paid thereon, not exceeding the sum of four hundred, ninety-one and fifty-two one-hundredths (491.52) dollars; and the said Auditor is empowered to issue his warrant upon the Treasurer for such sum or sums as he may allow said Jumper, Rowley, McChesney and Marple, and the Treasurer is hereby directed to pay the amount mentioned in such warrant out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.

MUNICIPAL CORPORATIONS.

CHAPTER 104.

RELATIVE TO EXTENSION OR RESTRICTION OF CITY LIMITS BY ORDINANCE.

AN ACT To Provide for Extending or Restricting the Limits of Incorporated Cities and Towns.

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

§ 1. LIMITS MAY BE EXTENDED.] That on petition in writing, signed by not less than three fourths of the legal voters, and by the owners of not less than three fourth (in value) of the property in any territory contiguous to any incorporated city or town, and not embraced within the limits thereof, the city council of the city or the board of trustees of the town, as the case may be, may by ordinance annex such territory to such city or town, upon filing a copy of such ordinance with an accurate map of the territory annexed, (duly certified by the mayor of the city or the president of the board of trustees of the town), in the office of the register of deeds of the county where the annexed territory, or the greater portion of it is situated, and having the same recorded therein.

§ 2. LIMITS MAY BE RESTRICTED.] On petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property, in any territory within any incorporated city or town, and being upon the border and within the limits thereof, the city council of the city, or the board of trustees of the town, as the case may be, may disconnect and exclude such Territory from such city or town; *Provided*, That the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

§ 3. NOTICE OF PRESENTATION OF PETITION TO BE PUBLISHED.] No final action shall be taken by the city council or the board of trustees, as the case may be, upon any petition presented, in pursuance of the provisions of sections one and two of this act, until notice of the presentation of such petition has been given, by the petitioners by publication at least once in each week, for two successive weeks, in some newspaper published in the city or town where the petition has been presented; or if no newspaper be published in such city or town, then in the newspaper published nearest to such city or town.

§ 4. PETITION PRESENTED TO DISTRICT COURT, WHEN.] Upon the failure of the city council, or the board of trustees, as the case may be, to grant the request contained in a petition presented in accordance with the provisions of sections one or two of this act, for thirty days after the last publication of the notice provided for in section three, or upon a refusal to grant such request, the petitioners may present their petition to the district court of the county, in which such city or town or the greater portion of it is situated, by filing such petition with the clerk of said court. Notice of such filing shall be served by the petitioners upon the mayor of the city, or the president of the board of trustees of the town as the case may be, together with a notice of the time and place when and where a hearing shall be had upon such petition, least ten days before the date of such hearing. The hearing on the petition may be had at a regular or special term of the district court, or by the court in vacation.

§ 5. DUTY OF COURT.] If upon the hearing, the court find that the request of the petitioners ought to be granted and can be so granted, without injustice to the inhabitants or p intrusted, the court shall so order. If the court shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners.

§ 6. MAP OF ADDED TERRITORY TO BE FILED.] When any Territory is annexed by ordinance, or by a decree or order of court, to any city or town, as provided in this act, it shall be the duty of the mayor of the city, or of the president of the board of trustees of the town, as the case may be, to cause an accurate map of such added territory, together with a copy of the ordinance for the annexation, or a copy of the decree or order of court therefor, duly certified, to be filed and recorded in the office of the register of

deeds of the county in which such added territory, or the greater portion of it, is situated. If territory is disconnected or excluded from any city or town, a copy of the ordinance or decree therefor shall be so filed and recorded, at the expense of the petitioners therefor.

§ 7. All acts and parts of acts in conflict with this act are hereby repealed.

§ 8. This act shall be in force and take effect from and after its passage and approval.

Approved, March 11, 1887.

CHAPTER 105.

GRANTING POWER TO PROVIDE FOR CERTAIN PUBLIC IMPROVEMENTS.

AN ACT To Enable Cities and Municipal Corporations to Purchase, Erect, Lease, Manage and Maintain Systems or Parts of Systems of Water Works, Telegraphic Fire Signals and Fire Apparatus.

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

§ 1. WATER WORKS AND FIRE ALARMS.] All towns, cities and municipal corporations in this Territory having a population of one thousand (1,000) inhabitants or more are hereby authorized and empowered to purchase, erect, lease, rent, manage and maintain any system or part of system of water works, hydrants and supply of water, telegraphing fire signals, or fire apparatus that may be of use in the prevention and extinguishment of fires; and to pass all ordinances, penal or otherwise, that shall be necessary for the full protection, maintenance, management and control of the property so leased, purchased or erected. The common council or board of trustees of such city or municipal corporation are hereby empowered and authorized to assess, levy and collect taxes for the purposes aforesaid, and to do all acts necessary to carry such lease and contracts of purchase, erection or maintenance into effect, and to pay the stipulated rent or contract prices for the property so leased, purchased, erected or to be maintained, excepting, however, that any such lease or contracts for purchase, erection or maintenance, which shall stipulate for an annual payment greater than an annual levy of five (5) mills on each dollar of the assessed valuation of such city or municipal corporation, shall not be authorized until the contract providing therefor shall first have been submitted to a vote of the people

of such city or municipal corporation at any general or special election, and ratified by a majority of the voters of said city or municipal corporation, voting at such election.

§ 2. **HOW TO BE CONSTRUED.]** This act shall not be construed to modify or affect the power of any city or town, or the powers of the common council or board of trustees thereof, as authorized and granted by the charters of such cities or towns, or the laws under which they were incorporated, where said charter or law shall have expressly given to such city the power to lease, rent or maintain the property described in this act.

§ 3. This act shall take effect and be in force from and after its passage and approval.

NOTE BY THE SECRETARY OF THE TERRITORY.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the House of the Legislative Assembly in which it originated within the time prescribed by the organic act, has become a law without his approval.

BISMARCK, Dak., March 10, 1887.

M. L. McCORMACK,
Secretary of the Territory.

CHAPTER 106.

POWERS OF BOARDS OF TRUSTEES.

AN ACT to Amend Section Twenty-two (22) of Chapter Twenty-four (24) of the Political Code, Entitled "Incorporation of Towns and Cities."

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

§ 1. **POWER OF BOARD OF TRUSTEES.]** That section twenty-two, of chapter twenty-four, of the Political Code, be and the same is hereby amended, by adding the following subdivision: "No. 20. To authorize the construction and maintenance of street railways, water mains and water pipes and gas mains and gas pipes along, through the streets and alleys within the corporate limits, and to grant franchises and rights to persons, associations or corporations for such purposes, and to regulate the same."

§ 2. This act shall take effect and be in force from and after its passage and approval.

NOTE BY THE SECRETARY OF THE TERRITORY.

The foregoing act having been presented to the Governor of the Territory for his approval, and not having been returned by him to the Council of the Legislative Assembly, in which it originated, within the time prescribed by the organic act, has become a law without his approval.

BISMARCK, DAK., March 2, 1887.

M. L. McCORMACK,
Secretary of the Territory.

CHAPTER 107.

LOCATION OF ALLEYS.

AN ACT To Provide for the Location of Alleys in Cities and Incorporated Towns and Villages.

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

§ 1. PETITION NECESSARY.] That whenever a majority of the resident owners of real estate situated in any block or subdivision of any city or incorporated town or village, in the Territory of Dakota shall be desirous of locating an alleyway through such block or subdivision when said block or subdivision contains no alleyway, they shall, after having given notice of their intention so to do, by publishing notice thereof in a newspaper printed and published in the city or incorporated town or village, wherein said block or subdivision is situated, for three consecutive weeks, once in each week, prior thereto, present their application in writing to the judge of the district court of the county wherein said city or incorporated town or village is located, describing the proposed location of the proposed alleyway.

§ 2. JUDGE TO APPOINT COMMISSION TO APPRAISE DAMAGES.] Upon the presentation to him of the said application, together with due proof of publication of the notice required in the preceding section, the judge shall appoint three commissioners to appraise the damages if any, to the property in the block or subdivision wherein said alleyway is sought to be located. Said commissioners in their appraisal may and shall take into consideration and offset any advantage to abutting property, against the damages thereto.

§ 3. DUTY OF COMMISSIONERS—DAMAGES AND COSTS ASSESSED AGAINST PROPERTY.] Said commissioners shall thereupon locate said alleyway and make their return forthwith to said court, which return shall contain a plat of the block or subdivision showing the location of the proposed alleyway, a statement of the damages to each lot or parcel of land in said block or subdivision, together with the aggregate amount of the damages, and if the said location be granted by the court, said damages and all costs of the proceedings shall be entered up against said block or subdivision, and be a first lien thereon against each lot or parcel in proportion to the assessed valuation thereof by the last assessment next preceding the date of the granting of said order, and shall be by the clerk of said court certified to the county clerk of the county in which said city or incorporated town or village is

situated, who shall, in making out the duplicate assessment and tax of said county next thereafter, enter said sums therein in a separate column, opposite the description of the property against which the taxes so remain unpaid, and such taxes shall be collected in the same manner, and by the same person as the general taxes of said county are collected, and shall, when so collected be paid over to the person entitled thereto.

Approved, March 11, 1887.

CHAPTER 108.

RELATIVE TO TOWN AND CITY LOTS.

AN ACT To Amend Section Two (2) of Chapter Twenty-six (26) of the Political Code, Entitled "Town and City Plats."

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

§ 1. LOTS AND SQUARES NUMBERED.] Section two (2) of chapter twenty-six (26) of the Political Code, is hereby amended so as to read as follows: All the in-lots intended for sale, shall be numbered in progressive numbers, or by squares in which they are situated, and their precise length and width shall be stated on said map or plat; and out-lots shall in like manner be surveyed and numbered, and their precise length and width stated on the plat or map, together with any streets, alleys, or roads which shall divide or border the same.

§ 2. This act shall take effect from and after its passage and approval.

Approved, March 11, 1887.

CHAPTER 109.

RELATIVE TO VACATION OF TOWN PLATS.

AN ACT in Relation to the Vacation of Town Plats.

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

§ 1. TOWN AND CITY PLATS, HOW VACATED.] Any plat of any town or city or addition thereto, or any subdivision of land may be vacated by the proprietors thereof at any time before the sale of any lots therein; by a written instrument declaring the same to

be vacated, duly executed, acknowledged or proved and recorded in the same office with the plat to be vacated; and the executing and recording of such writing shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, commons and public grounds laid out as described in such plat. And in cases where any lots have been sold, the plat may be vacated as herein provided by all the owners of lots in such plat joining in the execution of the writing aforesaid; *Provided*, That this act shall not be construed as applying to any of the territory included within the limits of any incorporated city, town or village created and organized under and by virtue of a special act of the legislature.

§ 2. PART OF PLAT VACATED—HOW.] Any part of a plat may be vacated under the provisions and subject to the conditions of this chapter; *Provided*, Such vacating does not abridge or destroy any of the rights and privileges of other proprietors in said plat; and, *Provided, further*, That nothing contained in this section shall authorize the closing or obstructing of any public highways laid out according to law.

§ 3. PROPRIETORS' RIGHTS WHEN VACATED.] When any part of a plat shall be vacated as aforesaid, the proprietors of the lots so vacated may inclose the streets, alleys and public grounds, adjoining said lots in equal proportion.

§ 4. REGISTER OF DEEDS TO MARK PLAT "VACATED."] The register of deeds, in whose office the plats aforesaid are recorded, shall write in plain, legible letters across that part of said plat so vacated the word "vacated," and also make a reference on the same, to the volume and page in which the said "instrument of vacation" is recorded.

§ 5. OWNER OF PART OF VACATED PLAT MAY PLAT AGAIN.] The owner of any lots in a plat so vacated, may cause the same and a proportionate part of adjacent streets and public grounds to be platted and numbered by the county surveyor, and when such plat is acknowledged by such owner, and is recorded in the record office of the county, such lots may be conveyed and assessed by the numbers given them on such plat.

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

Approved, March 11, 1887.

CHAPTER 110.

OF CHANGING OF NAME, NUMBER AND BOUNDARY OF WARDS.

AN ACT To Enable Towns and Cities to Change the Name, Number and Boundary of Wards.

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

§ 1. MAJORITY OF LEGAL VOTERS MAY PETITION.] That when a petition shall be presented to the mayor and council of any town or city, incorporated under any special or general act of the Territorial Legislature, signed by a majority of the legal voters of said town or city, the majority to be determined by the number of names on the poll list of the last regular election, praying for a change in the name, number or boundary of wards of said town or city, the council of such corporation shall at once cause to be published in a weekly newspaper of the town or city in at least three issues, a notice of the day and hour, together with the place of meeting, in which they will consider such petition.

§ 2. COUNCIL MAY ORDER CHANGE—HOW, WHEN.] If it shall appear to the council that the change petitioned for, is desirable, and for the best interests of the town or city, the council may by a majority vote of all the members elect, order the change desired, but no such change shall take effect until the next regular election.

§ 3. PLATS AND RECORDS—CORPORATION ATTORNEY TO CHANGE.] The council shall order the corporation attorney to cause such needful changes in papers, plats, and matters of record, as the change made may demand.

§ 4. DUTY OF CITY CLERK.] It shall be the duty of the town or city clerk to make such changes in assessment lists as the change in wards necessitates.

§ 5. MANNER OF HOLDING ELECTION IN NEW WARD.] Ten days before the next regular election, the council shall designate the proper polling place or places, for the new ward or wards, appoint judges, clerks, and make all necessary provisions for holding the election in the new ward or wards, naming the several officers to be chosen.

§ 6. All acts and parts of acts, either general or special, in conflict with this act are hereby repealed.

§ 7. This act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.

CHAPTER 111.

POWER TO LAY OUT, OPEN, IMPROVE AND VACATE STREETS
AND ALLEYS.

AN ACT Authorizing Municipal Corporations, to Lay Out, Open, Improve,
and Vacate Streets and Alleys and for Other Purposes.

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

§ 1. POWER TO OPEN, IMPROVE AND VACATE STREETS AND ALLEYS.] Any city, town, or village, organized under and by virtue of a special act or charter, or under and by virtue of any general law of the Territory of Dakota, is hereby authorized and empowered by and through its proper municipal officers to lay out, open, grade and otherwise improve the streets, alleys, sewers, sidewalks and crossings therein, and to keep them in repair and to vacate the same.

§ 2. All acts and parts of acts, either general or special, in conflict with this act are hereby repealed.

§ 3. This act shall take effect and be in force from and after its passage and approval.

Approved, March 11, 1887.