

by virtue of their then existing charters shall be and are hereby ratified and made legal.

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

Approved, March 11, 1887.

COUNTIES.

CHAPTER 173.

PROVIDING FOR RE-LOCATION OF COUNTY SEATS IN CERTAIN CASES.

AN ACT Entitled "An Act to Provide for the Re-location of County Seats in Counties Where County Seats Have Been Located by a Vote Less Than a Majority of all the Electors Voting Thereon.

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

§ 1. ELECTION—WHEN.] That in all counties in this Territory, having a population not less than twelve thousand, as shown by the census of 1885, and having an area of not less than forty-eight congressional townships, and in which the present county seat thereof has been heretofore located under the provisions of section six, of chapter twenty-one of the Political Code, by a vote less than a majority of all the votes cast at the election held under the provisions of said section six of chapter twenty-one of the Political Code, there shall be held a special election of the duly qualified voters of such counties, on the twelfth day of July, A. D. 1887, at which election the question of the re-location of the county seat of such counties shall be voted upon; *Provided*, That such election shall not be held in any county, unless there shall be presented to the judge of the district court, of the district in which such county is situated, or in his absence from such district or his inability to act, to the Chief Justice of said Territory, a petition signed by at least one-third in number of the electors of said county, as shown by the vote cast at the last general election praying said judge to issue an order directing the holding of said election as provided in this act. If said judge shall find that said

petition is signed by one-third of the electors of said county, as above provided, he shall issue an order directing said election to be held in accordance with the provisions of this act.

§ 2. REGISTER OF DEEDS TO GIVE NOTICE OF ELECTION.] It shall be the duty of the register of deeds in each of said counties, upon being duly served with a copy of the order made by the judge, as provided in section one of this act, to cause a duly certified copy of this act to be published in at least one of such papers as have been designated by the the board of county commissioners, as the official paper of such counties, for at least six consecutive weeks immediately preceding the date of such election, and no other or further notice of said election shall be required.

§ 3. POLLING PLACES—JUDGES.] The polling places at such elections shall be the same as those designated for the general election of 1886, and the judges and clerks of such election shall be the same as at the general election of 1886; *Provided*, That if any of the said judges or clerks shall be absent, or for any reason shall fail to act at said special elections their places shall be filled in the manner provided by the laws governing general elections in this Territory.

§ 4. BALLOTS.] The ballots for such elections shall be printed or written, or partly printed and partly written, and substantially as follows: "For county seat, the city (or town) of," and by such ballot the elector shall designate the city or town for which he desires to cast his vote for county seat.

§ 5. CANVASS OF VOTE.] The vote cast at said special elections shall be canvassed, certified and returned, in the same manner as at general elections, and the county commissioners shall, within twenty days after said elections, meet and open the returns and declare and enter upon their records the result.

§ 6. RESULT.] The city or town receiving the highest number of votes, such number being not less than a majority of all the votes cast at the said election, shall be the county seat.

§ 7. QUESTION AGAIN SUBMITTED—WHEN.] If upon a canvass of the votes cast at said election no city or town shall have received a majority of all the votes cast, the question of a relocation of the county seat shall be again submitted to the qualified voters of such counties at the annual election in 1887, and it shall be the duty of the register of deeds of such counties to cause this act to be again published in the same manner and with like effect as provided in section two of this act; *Provided, however*, That at said annual election the electors of such counties shall designate by their ballots as herein provided, their choice for county seat between the two places receiving the highest number of votes at the special election herein provided for, and no ballots cast for any other city or town shall be considered or counted, but shall be deemed void and of no effect, and the city or town receiving the highest number of votes at said annual election shall be the

county seat. The ballots cast at said annual election shall be canvassed, certified and returned and the result declared in the manner provided in section five of this act.

§ 8. REMOVAL OF COUNTY RECORDS.] It shall be the duty of the several county officers, whose offices are required by law to be kept at the county seat, to remove their respective offices, files, records, office fixtures, furniture and all public property pertaining to their respective offices, to the county seat designated by the electors, within sixty days after such county seat shall have been designated by the electors under the provisions of this act.

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

NOTE BY THE SECRETARY OF THE TERRITORY.

BISMARCK, Dak., March 11, 1887.

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.

M. L. McCORMACK,
Secretary of the Territory.

CHAPTER 174.

AMENDATORY OF CHAPTER 173, SESSION LAWS OF 1887.

AN ACT To Amend an Act, Entitled "An Act to Provide for the Relocation of County Seats in Counties Where County Seats Have Been Located by a Vote Less Than a Majority of all the Electors Voting Thereon," Which Became a law March 11, 1887.

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

§ 1. AMENDMENT.] That section one of an act of the Legislative Assembly of this Territory, which became a law March 11, 1887, entitled "An act to provide for the relocation of county seats in counties where county seats have been located by a vote less than a majority of all the electors voting thereon," is hereby amended by striking out the following words: "Located under the provisions of section six, of chapter twenty-one, of the Political Code, by a vote less than," and insert in lieu thereof the following words: "temporarily located under the provisions of section four, of chapter twenty-one, of the Political Code, and remained the county seat under the provisions of section six, of chapter twenty-one, of the Political Code, by reason of the fact that no place received" and that amended as herein provided, section one of an act of the Legislative Assembly of this Territory, which became a law March 11, 1887, entitled "An act to provide for the relocation of county seats, where county seats have been located by a vote

less than a majority of all the electors voting thereon," as amended, shall read as follows:

§ 1. That in all counties in this Territory, having a population not less than twelve thousand, as shown by the census of 1885, and having an area of not less than forty-eight congressional townships, and in which the present county seat thereof has been heretofore temporarily located under the provisions of section four of chapter twenty-one of the Political Code, and remained the county seat under the provisions of section six of chapter twenty-one of the Political Code, by reason of the fact that no place received a majority of all the votes cast at the election, held under the provisions of said section six of chapter twenty-one of the Political Code, there shall be held a special election of the duly qualified voters of such counties, on the 12th day of July, A. D. 1887, at which election the question of the relocation of the county seat of such counties shall be voted upon; *Provided*, That such election shall not be held in any county, unless there shall be presented to the judge of the district court of the district in which such county is situated, or in his absence from such district, or his inability to act, to the Chief Justice of said Territory, a petition signed by at least one-third in number of the electors of said county, as shown by the vote cast at the last general election, praying said judge to issue an order directing the holding of said election, as provided in this act. If said judge shall find that said petition is signed by one-third of the electors of said county, as above provided, he shall issue an order directing said election to be held in accordance with the provisions of this act.

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

Approved, March 11, 1887.

CHAPTER 175.

STANLEY, STERLING AND NOWLIN COUNTIES ATTACHED TO
COUNTY OF HUGHES FOR JUDICIAL PURPOSES.

AN ACT To Attach the Counties of Stanley, Sterling and Nowlin to the
County of Hughes for Judicial Purposes.

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

§ 1. FOR JUDICIAL PURPOSES.] That the counties of Stanley, Sterling and Nowlin, in the Territory of Dakota, be and the same

are hereby attached to the county of Hughes, in the Territory of Dakota, for judicial purposes.

§ 2. All acts and parts of acts 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, January 26, 1887.

CHAPTER 176.

BARNES AND GRIGGS COUNTIES—SPECIAL FUNDING ACT REPEALED.

AN ACT To Repeal an Act, Entitled "An Act to Enable the School Districts of the Counties of Barnes and Griggs to Fund Their Indebtedness," approved March 12, 1885.

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

§ 1. REPEALED.] That an act of the Legislative Assembly of the Territory of Dakota, entitled "an act to enable the school districts of the counties of Barnes and Griggs to fund their indebtedness," approved March 12th 1885, shall be and the same is hereby repealed.

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

Approved, March 11, 1885.

CHAPTER 177.

NELSON COUNTY—SPECIAL FUNDING ACT REPEALED.

AN ACT To Repeal Section Five, of an Act, Entitled "An Act to Authorize the County Commissioners of Nelson County to Fund the Outstanding Indebtedness Thereof," approved March 13, 1885.

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

§ 1. WARRANTS.] That section five of an act, entitled "an act to authorize the county commissioners of Nelson county to fund

the outstanding indebtedness thereof," approved March 13, 1887, be and the same is hereby repealed.

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

Approved, February 19, 1887.

CHAPTER 178.

PEMBINA COUNTY—SINKING FUND BOND TAX.

AN ACT To Amend Chapter Twenty-three of the Special and Private Laws of 1881, Entitled "An Act Authorizing the Board of County Commissioners of Pembina County to Fund the Outstanding Indebtedness Thereof."

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

§ 1. WHEN TAX SHALL BE LEVIED.] That section four (4) chapter twenty-three of the Session Laws of 1881, be and the same is hereby amended by changing the word "eight," in line five, of said section and inserting the word "seven."

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved, March 11, 1887.

CHAPTER 179.

BILLINGS, STARK AND LAWRENCE COUNTIES—BOUNDARIES.

AN ACT To Define the Boundaries of Billings, Stark and Lawrence Counties.

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

§ 1. BOUNDARIES OF BILLINGS COUNTY.] The boundaries of the county of Billings are hereby designated and established as follows, to-wit: Beginning at the point where the line between townships one hundred and forty-four (144) and one hundred and forty-five (145) north, intersects the boundary line between the Territories of Dakota and Montana; thence south along said boundary line to the line between townships one hundred and thirty-two (132) and one hundred and thirty-three (133) north; thence east along said township line to the line between ranges ninety-

seven (97) and ninety-eight (98) west; thence north along said range line to the line between townships one hundred and thirty-six (136) and one hundred and thirty-seven (137) north; thence west along said township line to the line between ranges ninety-nine (99) and one hundred (100) west; thence north along said range line to the line between townships one hundred and forty (140) and one hundred and forty-one (141) north; thence east along said township line to the line between ranges ninety-seven (97) and ninety-eight (98) west; thence north on said range line to the line between townships one hundred and forty-four (144) and one hundred and forty-five (145) north; thence west along said township line to the place of beginning; and the territory included within such boundaries shall be and constitute the said county at [of] Billings.

§ 2. BOUNDARIES OF STARK COUNTY.] The boundaries of the county of Stark are hereby designated and established as follows, to-wit: Beginning at the point on the line between townships one hundred and forty (140) and one hundred and forty-one (141) north, where the same is intersected by the line between ranges ninety-nine (99) and one hundred (100) west; thence south along said range line to the line between townships one hundred and thirty-six (136) and one hundred and thirty-seven (137) north; thence east along said township line to the line between ranges ninety (90) and ninety-one (91) west; thence north along said range line to the line marking the forty-seventh (47th) degree north latitude; thence west along said degree line to the line between ranges ninety-three (93) and ninety-four (94) west; thence south along said range line to the line between townships one hundred and forty (140) and one hundred and forty-one (141) north; thence west along said township line to the place of beginning; and the territory included within such boundaries shall be and constitute the said county of Stark.

§ 3. BOUNDARIES OF LAWRENCE COUNTY.] The boundaries of the county of Lawrence are hereby designated and established as follows, to-wit: Beginning at a point on the boundary line dividing the Territory of Dakota and the Territory of Wyoming, ten (10) miles north of the point where the forty-fourth (44th) parallel of north latitude intersects the western boundary of Dakota Territory, which point is the northwest corner of Pennington county; thence running east in a direct line along the northern boundary of Pennington county to a point where it intersects with the channel of the south fork of the Big Cheyenne River; thence northerly along said south fork to its confluence with the Belle Fourche, on North Fork; thence northwesterly along said north fork of the Cheyenne, or Belle Fourche River, to a point where the one hundred and third (103d) meridian, west of Greenwich, crosses said river; thence north along said one hundred and third (103d) meridian to the north line of township No. seven (7) north of the Black Hills base line; thence west along said north

line of township seven (7) to a point where said line crosses the center of the channel of Red Water creek; thence in a westerly direction along the center of the channel of said Red Water creek to the boundary line between Dakota and Wyoming Territories; thence south along said boundary line to the point of beginning; and the territory included within such boundaries shall be and constitute the said county of Lawrence.

§ 4. All acts and parts of acts, in conflict with the provisions of this act are hereby repealed.

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

NOTE BY THE SECRETARY OF THE TERRITORY.

BISMARCK, DAK., March 10, 1887.
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.

M. L. McCORMACK,
Secretary of the Territory.

CHAPTER 180.

PIERCE AND CHURCH COUNTIES CREATED—BOUNDARIES OF BOTTINEAU, ROLETTE, M'HENRY AND SHERIDAN COUNTIES DEFINED.

AN ACT Creating the Counties of Pierce and Church and Defining the Boundaries of the Counties of "Bottineau," "Rolette," "McHenry" and "Sheridan" and for Other Purposes.

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

§ 1. COUNTY OF PIERCE.] That the district of country included within the following boundaries, to-wit: Beginning at the southwest corner of Towner county, thence north along the west line of said county of Towner, to the northeast corner of township 158 north of range sixty-nine west; thence west along the line between townships 158 and 159 to the northwest corner of township 158 north of range seventy-four west; thence south along the line between ranges seventy-four and seventy-five to the southwest corner of township 153 north of range seventy-four west; thence east along the line between townships 152 and 153 to the northeast corner of township 152 north of range seventy-four west; thence south along the line between ranges seventy-three and seventy-four to the southwest corner of township 151 north of range seventy-three west; thence east along the line between townships 150 and 151 to the southeast corner of township 151

north of range 72 west; thence north along the line between ranges 71 and 72 to the northeast corner of township 156 north of range 72 west; thence east along the north line of Benson county to the place of beginning, be and the same is hereby constituted the county of "Pierce."

§ 2. DEFINING M'HENRY COUNTY.] That the boundaries of the county of McHenry be and the same are hereby changed and modified, so that hereafter the said county of McHenry shall be bounded as follows to wit: Beginning at the southeast corner of township 153, north of range 75 west; thence north along the line between ranges 74 and 75 to the northeast corner of township 158 north of range 75 west; thence west along the line between townships 158 and 159 to the northeast corner of township 158 north of range 76 west; thence north along the line between ranges 75 and 76 to the northeast corner of township 159 north of range 76 west; thence west along the line between township 159 and 160 to the northwest corner of township 159 north of range 80 west; thence south along the line between ranges 80 and 81 to the southwest corner of township 157 north of range 80 west; thence east along the 14th parallel to the northeast corner of township 156 north of range 81; thence south between ranges 80 and 81 to the southwest corner of township 153 north of range 80 west; thence east along the line between townships 152 and 153 to the place of beginning.

§ 3. BOTTINEAU COUNTY.] That the following described territory, to-wit: Townships 160, 161, 162, 163 and 164, of range 79 west, and townships 160, 161, 162, 163 and 164, of range 80 west, are hereby attached to and made a part of Bottineau county.

§ 4. COUNTY OF CHURCH.] That all that district of country included within the following boundaries, to-wit: Beginning at the southeast corner of township 149, north of range 74 west; thence north along the line between ranges 73 and 74 to the northeast corner of township 152, north of range 74 west; thence west along the line between townships 152 and 153 to the northwest corner of township 152 north of range 80 west; thence south along the line between ranges 80 and 81, to the southwest corner of township 149 north of range 80 west; thence east along the line between townships 148 and 149 to the place of beginning, be and the same is hereby constituted the county of Church.

§ 5. CHANGE OF CERTAIN BOUNDARIES.] The boundaries of the counties of Benson, Bottineau, Rolette, Renville and Sheridan are hereby changed and modified to conform with the provisions of this act.

§ 6. NEW COUNTY TO BEAR PORTION OF INDEBTEDNESS OF OLD.] Every county created, or the boundary lines of which are changed under the provisions of this act, which acquires any new territory, shall pay that portion of the existing indebtedness of the original county from which any portion is segregated, to be determined as follows: As the number of acres segregated bears to the total

number of acres contained in said original county, so shall the portion of the indebtedness to be borne by the county acquiring said segregated territory, bear to the total amount of indebtedness of said original county.

§ 7. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved, March 11, 1887.

CHAPTER 181.

WARD AND RENVILLE COUNTIES—BOUNDARIES.

AN ACT To Define the Boundaries of Ward and Renville Counties.

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

§ 1. CHANGING THE BOUNDARIES OF WARD COUNTY.] That the boundaries of the county of Ward be and the same are hereby changed, so that hereafter the said county of Ward shall be bounded as follows to wit: Beginning at the southeast corner of township one hundred and fifty-three (153) north, range eighty one (81) west; thence north along the line between ranges 80 and 81 west to the northeast corner of township 158 north of range 81 west; thence west along the line between township 158 and 159 to the northwest corner of township 158 north of range 87 west; thence south along the line between ranges 87 and 88 to the southwest corner of township one hundred and fifty-three (153) north of range eighty-seven (87) west; thence east along the line between townships one-hundred and fifty-two (152) and one hundred and fifty-three (153) to the place of beginning.

§ 2. ATTACHED TO RENVILLE COUNTY.] That the following described territory, to-wit: Townships 159, 160, 161, 162, 163 and 164 of range 82 west, and townships 159, 160, 161, 162, 163 and 164 of range 81 west, are hereby attached to and made a part of Renville county.

§ 3. CHANGING BOUNDARIES OF M'HENRY AND WYNN.] That the boundaries of the counties of McHenry and Wynn are hereby changed and modified to conform with the provisions of this act.

§ 4. TREASURER AUTHORIZED TO COLLECT TAXES.] The treasurer of McHenry county is hereby authorized to collect all taxes heretofore levied in townships 153, 154, 155 and 156, of range 81 west of the fifth principal meridian, in the same manner as he is authorized to collect other taxes.

§ 5. INDEMNITY FUND.] The county commissioners of Ward county shall annually levy a tax of one mill on the dollar on all taxable property in said Ward county, and said taxes, when collected, shall be known as the "Indemnity Fund," and shall be paid to the treasurer of McHenry county by the treasurer of Ward county on or before the first day of January of each year until the amount so paid shall be sufficient to discharge the proportionate share of indebtedness of McHenry county, chargeable to the townships named in section four of this act, and whenever the said proportionate share of the indebtedness aforesaid shall have been paid as herein provided, said levy shall be discontinued, and no longer made by said commissioners, and any balance that may be left of any such tax, after paying said proportionate share of indebtedness shall be turned into the general county fund of said Ward county.

§ 6. GOVERNOR TO CALL ELECTION.] The Governor of the Territory shall on or before the first day of May, 1887, order an election to be held in that part of the Territory which, by the terms of this act, is detached from McHenry county and attached to Ward county, and shall appoint three (3) judges, residing in said territory, to conduct said election; said election to be conducted in the same manner as is now provided by the election laws of this Territory, except as hereinafter provided. Notice of said election shall be posted at least twenty (20) days before said election, and shall contain a clause notifying the voters that said election is held for the purpose of giving the qualified voters of said territory an opportunity of voting upon the question of being attached to said Ward county; and the ballots voted at said election shall have written or printed upon them the words "For annexation to Ward county," or "Against annexation to Ward county," and the returns of said election shall be certified to the Governor; and if a majority of all the votes cast shall be in favor of annexation to Ward county, then the said territory shall be attached to said Ward county; and if a majority of votes cast are against annexation to Ward county, then said territory shall be and remain a part of McHenry county, and the Governor shall on or before the first of July, 1887, certify the result to the county clerk of Ward county and McHenry county respectively, and the expenses of said election shall be paid out of the treasury of the county to which said territory shall hereafter be attached under the provisions of this act.

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

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

Approved, March 11, 1887.

CHAPTER 182.

CAVALIER COUNTY—BOUNDARIES.

AN ACT Defining the Boundaries of Cavalier County and for Other Purposes.

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

§ 1. BOUNDARIES.] All that district of country included within the following boundary lines shall be and the same is hereby constituted and declared to be the county of Cavalier, viz.: Beginning at the southeast corner of township 159 north, range 57 west; thence north to the international boundary on the line running between ranges 56 and 57; thence west on the international boundary line to a point where said line is intersected by the line running between ranges 64 and 65; thence south to the southwest corner of township 159 north, range 64 west; thence east on the township line between townships 158 and 159 to the place of beginning, shall be and remain the county of Cavalier.

§ 2. COUNTY SEAT.] The county seat of said county shall be and remain as now located, subject to removal under section seven, of chapter twenty-one, of the Political Code providing for the removal of county seats.

§ 3. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved, March 11, 1887.

CHAPTER 183.

MORTON—BOUNDARIES.

AN ACT To Establish and Define the Boundaries of Morton County.

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

§ 1. BOUNDARIES.] That the boundaries of the county of Morton be and the same are hereby fixed, established and defined as follows: Beginning at the main channel of the Missouri river,

where the tenth (10th) standard parallel intersects the said channel; thence west on said line to the range line between ranges ninety (90) and ninety-one (91) west; thence south along said range line to the point where said line intersects the south fork of the Cannon Ball river; thence easterly along the channel of the said Cannon Ball river to the point where the said Cannon Ball river forms a junction with the said Missouri river; thence northerly along the main channel of the said Missouri river to the place of beginning.

§ 2. All acts and parts of acts 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, February 18, 1887.

COUNTY AUDITOR.

CHAPTER 184.

TERM OF OFFICE EXTENDED IN CERTAIN CASES.

AN ACT To Extend the Term of Office of County Auditors Elected at the Annual Election of 1885.

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

§ 1. TERM OF OFFICE.] That all county auditors, who were elected at the annual election in 1885, and who have since qualified and are now assuming the duties of said office, shall hold said office until the 1st day of March, following the general election in 1888, and the said terms of office of such county auditor, are hereby extended to the 1st day of March 1889, or until their successors are elected and qualified.

§ 2. ADDITIONAL BONDS.] It shall be the duty of such county auditors, whose terms of office are hereby extended, to give such further bonds for the faithful performance of the duties of their said offices for the year 1888, as the county commissioners of their respective counties may require.

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

Approved, February 12, 1887.