

having jurisdiction in such cases, be subject to a fine not to exceed twenty-five (25) dollars for each and every offence together with costs of prosecution.

§ 2. FINES, HOW PAID.] One-fourth of the fine shall be paid to the complainant, the remaining three-fourths to be paid to the county treasurer for the benefit of any honorably discharged soldiers or sailors who may be found needy in such county, and upon application therefor to the county auditor, if there be one, or if not to the chairman of the county board of commissioners, such auditor or chairman of the board shall issue a warrant on the treasurer for so much of such money as he may deem right and proper.

§ 3. This act shall take effect on and be in force after July 1, 1887.

Approved, March 11, 1887.

## LEGALIZING ACTS.

### CHAPTER 188.

#### LEGALIZING CERTAIN ELECTION HELD IN CITY OF SPEARFISH.

AN ACT Legalizing a Certain Election Held in the City of Spearfish in the Territory of Dakota.

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

§ 1. LEGALIZING ELECTION—COUNCIL TO ISSUE BONDS.] That the election held in the city of Spearfish on the tenth (10th) day of May 1886, for the purpose of determining the question of issuing the bonds of said city, for the sum of twenty thousand (20,000) dollars, as aid in the construction of a system of waterworks in said city, be and the same is hereby legalized and made valid, and the city council of the said city of Spearfish is hereby authorized, to issue the bonds of said city in the sum of twenty thousand (20,000) dollars in pursuance of said election, which bonds when properly issued and signed shall be legal and valid and binding upon said city.

§ 2. DENOMINATION.] Said bonds to be of the denomination of five hundred (500) dollars each, in pursuance of said election,

which bonds shall run for twenty (20) years and bear interest payable annually, at the rate of not to exceed six (6) per cent. per annum.

§ 3. BONDS, HOW SOLD.] That said bonds, when so issued, shall be advertised for sale at least during the term of thirty (30) days, in at least one newspaper in the city of New York, one newspaper in the city of Boston, and in two (2) newspapers of the Territory of Dakota, and then the same to be sold to the highest and best bidder, in such manner as the city council of the city of Spearfish may direct; *Provided, however,* That said bonds shall not be sold for less than par.

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

Approved, March 11, 1887.

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## CHAPTER 189.

### LEGALIZING CERTAIN ACTS OF BOARD OF EDUCATION OF CITY OF HURON.

AN ACT Legalizing Certain Acts of the Board of Education, of the City of Huron, Beadle County, Dakota Territory, and Authorizing Said Board of Education to Issue Bonds, to Take up Outstanding Warrants Issued by it, and for Other Purposes.

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

§ 1. ACTS OF BOARD OF EDUCATION LEGALIZED.] The action of the board of education, of the city of Huron, of the county of Beadle and Territory of Dakota, in contracting on the twelfth day of July, A. D. 1886, for the sale of warrants of the independent school district of Huron, at par, drawing eight per cent. interest, to the extent of twenty thousand dollars and agreeing to have such warrants funded in bonds running ten years, with the privilege of extending the time to twenty years, drawing eight per cent. interest, payable annually, and the action of said board of education in afterwards issuing twenty warrants of one thousand dollars each, in pursuance of said contract, for the purpose of purchasing school sites and erecting, altering and furnishing school buildings in said city of Huron, is hereby legalized.

§ 2. AUTHORIZING THE ISSUING OF BONDS.] The board of education of the city of Huron, of the county of Beadle, and Territory of Dakota, is hereby empowered and authorized to issue bonds of the city of Huron, not less than one thousand dollars

each, to the extent of twenty thousand dollars, for the purpose of taking upon and redeeming the warrants issued by said board of education under its contract of July 12th, 1886, payable twenty years after date, but subject to payment and redemption at the option of the board of education of the city of Huron, or its successors, at any time after ten years from the date thereof, which bonds shall draw interest at the rate of eight per cent. per annum from date until paid, interest payable annually. The bonds shall specify on their face the date of issue, the amount, and that they were issued for school purposes, the time and place of payment, and the rate of interest. They shall be printed on good paper, with coupons attached for each year's interest, so arranged that the last coupon shall fall due at the same time as the bonds. Each of said bonds and each of the coupons thereto attached, shall be issued under the hand of the president of said board of education and the seal of said board, and attested by the secretary of said board. Said bonds and interest shall be made payable at such place or places as the board of education may designate in said bonds. The board of education shall provide a bond register, in which shall be kept a record of the number, amount, date, place of payment, rate of interest and name of payee, of each bond issued under this act. The warrants redeemed under the provisions of this act shall be canceled and destroyed in the presence of the board of education, at the session of said board next ensuing after the redemption of said warrants.

§ 3. BONDS TO BE USED TO REDEEM WARRANTS.] Said bonds when issued are to be used only for the purpose of redeeming and taking up the warrants that have been issued by said board of education, prior to the passage of this act, under the contract made by said board July 12th, 1886, and are to be so disposed of at not less than their face value, and without any discount whatever.

§ 4. BOND TAX.] The said board of education is hereby granted full power and authority to levy taxes from time to time, as it may deem necessary, not to exceed one per cent. of the taxable property in said city of Huron, in addition to the tax already allowed by law, for the purpose of paying the interest on said bonds promptly, when due, and for creating a sinking fund for paying the principal of said bonds when due.

§ 5. DUTIES OF TAX COLLECTOR.] It shall be the duty of the officer authorized by law to collect other city taxes, of said city of Huron, to collect the taxes herein provided for, and he is hereby empowered and authorized to collect and to enforce the collection of the said taxes, in the same manner as in other cases provided by law, and he shall receive and pay over the moneys so collected by him, to the treasurer of said city, to be held by said treasurer as a part of the school funds of said city of Huron, and shall disburse and account for the same in the same manner as the other school funds of said city.

§ 6. **MUST BE SUBMITTED TO ELECTORS.]** Nothing in this act shall be construed to authorize the issuing of such bonds, unless the question of issuing said bonds shall have been first submitted to the electors of said city of Huron, at a regular city election, or at a special election, called for that purpose, nor unless a majority of all the legal electors of said city, voting at such election shall vote in favor thereof.

§ 7. This act shall take effect 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 5, 1887:

M. L. MCCORMACK,  
Secretary of the Territory.

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## CHAPTER 190.

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### LEGALIZING CERTAIN ELECTION HELD IN CITY OF SIOUX FALLS.

#### AN ACT Legalizing a Certain Election Held in the City of Sioux Falls and for Other Purposes.

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

§ 1. **LEGALIZING ELECTION—COUNCIL TO ISSUE BONDS.** That the election held in the city of Sioux Falls, on the sixteenth (16th) day of February, eighteen hundred and eighty-six (1886), for the purpose of determining the question of issuing the bonds of said city for the sum of sixty thousand (60,000) dollars, as aid in the construction of the line of the Cedar Rapids, Iowa Falls and Northwestern railway company into said city, be and the same is hereby legalized and made valid, and the city council of the said city of Sioux Falls is hereby authorized to issue the bonds of said city in the sum of sixty thousand (60,000) dollars, said bonds to be of the denomination five hundred (500) dollars each, in pursuance of said election, which bonds shall run for twenty (20) years and bear interest, payable annually at the rate of not to exceed seven (7) per cent. per annum, when properly issued and signed in accordance with the provisions of the charter and ordinances of said city for the issuing of bonds, shall be legal and valid and binding upon said city.

§ 2. **BONDS—HOW SOLD.]** That said bonds, when so issued, shall be advertised for sale and sold to the highest bidder in ac-

cordance with the provisions of the charter of the city of Sioux Falls, for the sale of such bonds.

§ 3. PROCEEDS OF—HOW APPLIED.] The proceeds of the sale of said bonds shall be applied as follows:

1. There shall be paid into the treasury of the city of Sioux Falls such an amount as has already been expended by the city council of said city, in securing right of way for said railroad.

2. There shall be paid to the Cedar Rapids, Iowa Falls and Northwestern Railway Company such sum as bonus, or as aid, for constructing its line into the city of Sioux Falls, as the city council of said city in regular session shall determine to be justly due to said railroad company upon said contract with said company; *Provided, however,* That no larger amount of said bonds shall be issued or sold, than shall be necessary to carry out the provisions of this section, not to exceed sixty thousand (60,000) dollars.

§ 4. BONDS MUST BE SOLD AT PAR.] Said bonds shall not be sold at less than par, and that no fees or commissions shall be allowed for selling or negotiating the sale of such bonds, and that no fees or commissions of any kind shall be allowed or paid to the city treasurer or to any other officer for collecting or disbursing the proceeds of said bonds.

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

Approved, February 18, 1887.

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## CHAPTER 191.

A. L. BAIN.

AN ACT Legalizing the Acts of A. L. Bain as Notary Public of the Territory of Dakota.

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

§ 1. ACTS AS NOTARY PUBLIC LEGALIZED.] That all acknowledgements taken before, and all oaths administered by, A. L. Bain as notary public of the Territory of Dakota, between the 15th day of December, 1885, and the 3d day of April, 1886, are hereby legalized.

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

Approved, March 11, 1887.

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CHAPTER 192.

MAX HOEHN.

AN ACT To Legalize the Acts of Max Hoehn as Notary Public of the Territory of Dakota.

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

§ 1. ACKNOWLEDGMENTS, ETC., LEGALIZED.] That all acknowledgments of deeds, mortgages and all other instruments in writing and all oaths administered by, and affidavits taken before, Max Hoehn, as notary public of the Territory of Dakota, between the sixteenth (16th) day of November A. D. 1880 and the third (3rd) day of December A. D. 1885, are hereby legalized and declared to have the same force and effect, in both law and equity, as if said acknowledgments, oaths, or affidavits had been taken by a duly authorized officer to take acknowledgments, oaths or affidavits, and the record of such instruments, acknowledgments, oaths or affidavits shall have the same force and effect, as if he had been duly authorized to take the same.

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

Approved, February 12, 1887.

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CHAPTER 193.

HENRY KROGH.

AN ACT To Legalize the Acts of Henry Krogh as a Notary Public of the Territory of Dakota.

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

§ 1. ACKNOWLEDGMENTS, ETC., LEGALIZED.] That all acknowledgments of deeds, mortgages and other instruments in writing, and all oaths administered by, and affidavits taken before, Henry Krogh, as notary public of the Territory of Dakota, between the twenty-fourth (24th) day of July, 1886, and the first day of January, 1887, are hereby legalized and declared to have the same force and effect in both law and equity as if said acknowledg-

ments, oaths or affidavits had been taken by a duly authorized officer to take acknowledgments, oaths or affidavits, and the record of such instruments, acknowledgments, oaths or affidavits shall have the same force and effect as if he had been duly authorized to take the same.

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

Approved, February 4, 1887.

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## CHAPTER 194.

ALLEN M. CHANEY.

AN ACT To Legalize the Acts of Allen M. Chaney as Notary Public of the Territory of Dakota.

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

§ 1. ACTS AS NOTARY PUBLIC LEGALIZED.] That all acknowledgments, deeds, mortgages and all other instruments in writing, and all oaths administered by, and affidavits taken before, Allen M. Chaney, notary public of the Territory of Dakota, between the 10th day of June, A. D. 1886 and the 22d day of November, A. D. 1886, are hereby legalized, and such acknowledgments shall have the same force and effect as if the said Allen M. Chaney, as such notary public, was duly authorized to take and certify acknowledgments of deeds, mortgages and other instruments, in writing, and to take and certify to the administering of oaths and affidavits by the laws of this Territory.

§ 2. RECORDS TO BE VALID.] That deeds, mortgages and other instruments in writing, the acknowledgment of which had been taken and certified by and before Allen M. Chaney as notary public of this Territory, between the tenth (10th) day of June, A. D. 1886, and the twenty-second (22d) day of November, A. D. 1886, are hereby declared to be acknowledged and certified, and the record of the same shall be as valid and binding in law and equity as though the same had been acknowledged before some officer duly authorized by the laws of this Territory to take and certify acknowledgments of deeds, mortgages and other instruments in writing.

§ 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed, so far as they apply to the cases herein provided for by this act.

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

Approved, March 11, 1887.