

AMENDMENTS.

CHAPTER V.

JURISDICTION OF JUSTICES OF THE PEACE.

AN ACT amending section 114 of an act entitled, "An act to establish the courts and define the jurisdiction of justices of the peace" of the laws of 1865-6, approved January 4th, 1866, and re-enacted by section 2, chapter 6, of the laws of 1872-3, approved January 9, 1873.

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

SECTION 1. That section 114 of an act entitled "An act to establish the courts and define the jurisdiction of justices of the peace," approved January 4th, 1866, and re-enacted by section 2, chapter 6, of the laws of 1872-3, approved January 9th, 1873, be and the same is amended so as to read as follows:

"Section 114. That no appeal shall be allowed by any justice of the peace, until the appellant, in addition to the requirements of section ninety and one hundred and three of this act, shall pay one dollar for the return of the justice."

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act be and the same is hereby repealed.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

Approved, January 6, 1875.

CHAPTER VI.

ELK POINT CORPORATION.

AN ACT to amend section one (1) of article one (1) of chapter twelve (12) of the special and private laws of 1872-3, approved January 10th, 1873.

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

SECTION 1. That section one of article one of chapter twelve be amended so as to read as follows:

"That all that portion of territory contained in lots one and

two, of the northwest quarter, and lots one and two of the southwest quarter, of section number nineteen, of township ninety-one, north of the base line of range forty-nine, west of the fifth principal meridian, and the east half of the northeast quarter, and the northeast quarter of the southeast quarter, of section number twenty-four, (24) of township number ninety-one, north of the base line of range fifty, west of the fifth principal meridian, all situated in the county of Union, Dakota territory, is hereby declared to be a corporation by the name of the city of Elk Point."

Conflicting
acts repealed.

SEC. 2. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

When to take
effect.

SEC. 3. That this act shall take effect and be in force from and after the date of its passage and approval.

Approved, January 14, 1875.

CHAPTER VII.

ORDER OF EXTINCTION OF OBLIGATIONS.

AN ACT amending the third subdivision of section 705 of the civil code.

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

Order of ex-
tinction of ob-
ligations.

SECTION 1. That the third subdivision of section 705 of the civil code be amended, after the word "ratable" to read as follows:

- (1.) Of interest due at the time of the performance;
- (2.) Of principal due at that time;
- (3.) Of the obligation earliest in date of maturity;
- (4.) Of an obligation not secured by a lien or collateral undertaking;
- (5.) Of an obligation secured by a lien or collateral undertaking.

Conflicting
acts repealed.

SEC. 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

When to take
effect.

SEC. 3. This act shall take effect and be in force from and after the date of its passage and approval.

Approved, January 14, 1875.

CHAPTER VIII.

POISONING BIRDS AND GOPHERS.

AN ACT to amend chapter 19 of the session laws of 1864-5,
approved January 11th, 1865.

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

SECTION 1. That chapter 19 of the session laws of 1864-5,
be and the same is hereby amended so as to authorize and
allow any person, at any time, to put out poisoned grain for
the purpose of killing black birds and gophers.

Persons al-
lowed to pois-
on blackbirds
and gophers.

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

When to take
effect.

Approved, January 13, 1875.

CHAPTER IX.

FEES OF REGISTERS OF DEEDS.

AN ACT to amend section 14 of chapter 6 of the laws of 1868-9,
approved January 14th, 1869.

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

SECTION 1. That section 14 of chapter 6 of the laws of 1868-9,
be and the same is hereby amended so as to read as fol-
lows:

Fees of reg-
ister of deeds.

Issuing certificates of election, twenty-five cents;

For performing the duties of clerk of the county commis-
sioners, and attending to the business of the county, such sal-
ary per annum, to be paid by the county quarterly, as the
commissioners of the county shall allow, not exceeding in
any one year the sum of six hundred dollars;

For each certificate and seal in other cases, twenty-five cents;

For recording each certificate of marriage, twenty-five cents.

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

When to take
effect.

Approved, January 15, 1875.

CHAPTER X.

INCORPORATION OF TOWN SITES.

AN ACT to amend sections 15, 16, 22, 28, 42, 45 and 57, of chapter 14 of the laws of 1867-8, approved January 6, 1868, entitled "An act for the Incorporation of Towns, defining their powers, providing for the election of the officers thereof, and defining their duties," and for other purposes.

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

Section 15
amended.

SECTION 1. That section 15 of chapter 14 of the laws of 1867-8, approved January 6, 1868, be and the same is hereby amended so as to read as follows:

What town
officers to be
elected.

Section 15. That there shall be elected at the first, and at every subsequent election, one trustee, from each district in said town, and also a clerk, assessor, treasurer, marshal and justice of the peace, who shall respectively hold their offices until the first Monday in May next following, or until their successors are elected and qualified: *Provided, however,* That nothing herein contained shall prevent the respective offices of clerk, treasurer, assessor and marshal from being held by one and the same person.

Section 16
amended.

SEC. 2. That section 16 of chapter 14 of the laws of 1867-8, approved January 6, 1868, be and the same is hereby amended so as to read as follows:

Persons hav-
ing highest
number of
votes to be
elected.

Section 16. That the persons having the highest number of votes for the office of trustee shall be declared elected as such trustees, and the persons who receive the highest number of votes respectively for clerk, marshal, assessor, treasurer and justice of the peace, as designated by the ballot for such office shall be declared so elected; and if two or more shall have an equal and highest number of votes, and there be no choice, the inspectors of such election shall forthwith determine by lot which shall be deemed elected; and it shall be the further duty of such inspectors to make a certified statement over their own signatures of the persons elected to fill the several offices in said town, and file the same with the register of deeds in the county thereof, within ten days after the date of such election, and no act or ordinance of any board of trustees chosen at such election shall be valid until the provisions of this section are substantially complied with.

Duty of in-
spectors.

SEC. 3. That section 22 of chapter 14 of the laws of 1867-8, Section 22 amended. approved January 6, 1868, be and the same is hereby amended so as to read as follows:

Section 22. That the board of trustees shall have the following powers, viz: Powers of board of trustees.

First, To have a common seal, and alter the same.

Second, To purchase, hold, or convey any estate, real or personal, for the use of the corporation, so far as such purchase may be necessary to carry out the objects contemplated by this act.

Third, To organize fire companies, hook and ladder companies, to regulate their government, and the times and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires; to make owners of buildings provide ladders and fire buckets; which are hereby declared to be appurtenances to the real estate, and exempt from execution, seizure or sale; and if the owner shall refuse to procure suitable ladders or fire buckets after reasonable notice, the trustees may procure and deliver the same to him; and in default of payment therefor, may recover of said owner the value of such ladder, or fire buckets, by suit before the justice of the peace of the town incorporated by the provisions of this act, and costs accrued thereby; to regulate the storage of gunpowder and other materials; to direct the construction of a place for the safe deposit of ashes; and may under any order by them, entered upon the proper book of the board, visit or appoint one or more fire wardens, to visit and examine at all reasonable hours, dwelling houses, lots, yards, enclosures and buildings of every description, discover if any of them are in a dangerous condition, and provide proper remedies for such dangers; to regulate the manner of putting up stoves and stove pipes; to prevent out-fires, and the use of fireworks, and the discharge of fire-arms within the limits of said corporation, or such parts thereof as they may think proper; to compel the inhabitants of such town to aid in the extinguishment of fire and prevent its communication to other buildings, under such penalties as are in this act provided; to construct and preserve reservoirs, wells, pumps and other water works, and to regulate the use thereof, and generally to establish other measures of prudence, for the prevention or extinguishment of fires as they shall deem proper.

Powers of
board of trust-
ees.

Fourth, To declare what shall constitute a nuisance, and to prevent, abate and remove the same and take such other measures for the preservation of the public health, as they shall deem necessary.

Fifth, To restrain from running at large, cattle, swine, or other animals.

Sixth, To restrain and prohibit gambling and other disorderly conduct; to suppress and prohibit the keeping of houses of ill-fame, and to authorize the seizure and destruction of gambling apparatus.

Seventh, To license, regulate or restrain auction establishments, traveling peddlers, public exhibitions and the sale of intoxicating liquors within the corporation.

Eighth, To establish and regulate markets, and build market houses, and direct the location of slaughter houses.

Ninth, To lay out, open, grade and otherwise improve the streets, alleys, sewers, sidewalks and crossings, and to keep them in repair and to vacate the same.

Tenth, To appoint street commissioners, and also fire wardens, not exceeding three.

Eleventh, To prohibit incumbrance of the sidewalks, of said town, and riding or driving thereon, except to cross the same.

Twelfth, To provide means for keeping and preserving the peace and quietness of such town.

Thirteenth, To insure the public property of such town.

Fourteenth, To purchase, lay out and regulate cemeteries.

Fifteenth, To plant trees upon public grounds, and along the streets of such town, and provide for their culture and preservation, and to enclose any public square or other public ground within said corporation.

Sixteenth, To levy and collect annual taxes not exceeding fifty cents on the hundred dollars valuation, and twenty-five cents poll tax, on all property subject by law to taxation.

Seventeenth, To levy and collect annually, a tax of one dollar on each male dog, and two dollars on each female dog, owned and kept within such town.

Eighteenth, To make and establish such by-laws, ordinances and regulations not repugnant to the laws of this territory, as may be necessary to carry into effect the provisions of this act, and to repeal, alter or amend the same, as they

shall seem to the board of trustees of such town to require; but every by-law, ordinance or regulation, unless in case of emergency, shall be published in a newspaper in such town, if one be printed therein, or posted in five public places, at least ten days before the same shall take effect.

SEC. 4. That section 28 of chapter 14 of the laws of 1867-8, approved January 6, 1868, be and the same is hereby amended so as to read as follows: Section 28 amended.

Section 28. That the clerk, assessor, treasurer, marshal and justice of the peace, shall within ten days after their election or appointment, each and severally give bonds payable to the town of ———, with freehold sureties, to such an amount as the board of trustees shall direct; but the bonds of the treasurer and marshal shall respectively be for double the amount of the estimated tax duplicate for the current year. Certain officers to give bonds.

SEC. 5. That section 42 of chapter 14 of the laws of 1867-8, approved January 6, 1868, be and the same is hereby amended so as to read as follows: Section 42 amended.

Section 42. That the marshal of such town shall be a peace officer, and shall possess the powers and be subject to the liabilities possessed and conferred by law upon sheriffs in executing the orders of the trustees, or enforcing the by-laws and ordinances of said town. Powers of marshal.

SEC. 6. That section 45 of chapter 14 of the laws of 1867-8, approved January 6, 1868, be, and the same is hereby amended so as to read as follows: Section 45 amended.

Section 45. That the trustees, clerk, assessor, treasurer, marshal and justice of the peace, shall respectively receive for their services, such compensation as the board of trustees in their by-laws may decide; and said board shall cause to be paid other officers of such town for their services a just and reasonable compensation. Compensation of town officers.

SEC. 7. That section 57 of chapter 14 of the laws of 1867-8, approved January 6, 1867, (1868) be and the same is hereby amended so as to read as follows: Section 57 amended.

Section 57. That any person or persons violating the provisions of any ordinance of a town organized under this act to which there may be a penalty affixed, shall be presented before the justice of the peace of such town, and that the justice of the peace of such town shall have exclusive jurisdiction, Proceedings for violation of ordinances.

and it shall be his duty to hear and determine all offenses against the ordinances of the town.

Sections to
be added.

SEC. 8. That the following sections be added to chapter 14 of the laws of 1867-8, approved January 6, 1868:

How ordi-
nances may be
proven.

Section 60. That all ordinances of the town may be proven by the ordinance book of the town or the certificate of the clerk of the town under seal of the town; and when printed in a newspaper or published in a book or pamphlet form, and purporting to be published or printed by authority of the town, shall be read and received in all courts and places without further proof.

Taxes assess-
ed to be a lien.

Section 61. That all taxes assessed by the board of trustees of towns incorporated under the provisions of this act, for the grading, paving, or otherwise improving the streets of the town, or for building or repairing sidewalks of the town, shall be a lien on the lots or pieces of ground subject to the same, from the time the amount thereof shall have been ascertained, and in case any error or irregularity should occur in levying or collecting any such tax, proceedings may be taken anew, so as to obviate any such error or irregularity.

Taxes, how
collectable, and
penalty when
delinquent.

Section 62. Such special tax shall be due and may be collected as the improvements are completed in front of, or along or upon any block, lot, or piece of ground, or at the time the improvement is completed according as shall be provided in the ordinance levying the tax. Such tax, if not paid within thirty days after becoming due, shall have added thereto a penalty of ten per cent., and shall bear interest from the day of sale, at the rate of twenty-five per cent. per annum, to be computed on the tax, penalty and costs of sale.

What costs
may be includ-
ed in tax.

Section 63. The cost and expenses of grading, filling, paving, macadamizing, culverting, curbing and (ditching), or otherwise improving streets, sidewalks, alleys, avenues or lanes at their intersections, may be included in the special tax levied for the improvement of any street, sidewalk, alley, avenue or lane, as may be deemed best by the board of trustees of such town.

Marshal's du-
ty in relation
to taxes.

Section 64. When the special tax is levied, it shall be the duty of the marshal of such town to calculate the amount of the tax on any block, lot, or piece of ground, and file a statement thereof with the town clerk, who shall, as soon as the tax is due on any block, lot, or piece of ground, issue a cer-

tificate describing it, its number and lot and block, and stating the amount of tax due thereon, and the name of the person entitled to the same, and the purpose for which said tax was levied; and such certificate so given shall be the tax warrant of the contractor, and shall be by the clerk placed in the hands of the marshal, and he shall keep a record of all such warrants and enter on the margin of such records, all amounts paid, and by whom paid.

Section 65. That whenever complaint shall be made to the justice of the peace of a town organized under the provisions of this act, upon the oath or affirmation of any person competent to testify against the accused, that an offense has been committed, of which such justice of the peace has jurisdiction; said justice of the peace shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the marshal, or some person specially appointed by such justice of the peace for that purpose.

Duty of justice on complaint being made.

Section 66. That when any person shall be brought before such justice of the peace upon such warrant, it shall be his duty to hear and determine the complaint alleged against the defendant.

Duty of justice when defendant appears.

Section 67. That upon good cause shown, such justice of the peace may postpone the trial of the cause to a day certain, in which case he shall require the defendant to enter into bond with sufficient security, conditioned that he will appear before such justice of the peace at the time and place appointed, then and there to answer the complaint alleged against him.

Proceedings where trial is postponed.

Section 68. That it shall be the duty of such justice of the peace to summon all persons whose testimony may be deemed material as witnesses at the trial, and to enforce their attendance by attachment if necessary; and when a trial shall be continued by such justice of the peace, he may verbally notify such witnesses as may be present at the continuance, to attend before him to testify in the cause set for trial; and such verbal notice shall be as valid as a summons.

Justice to summon witnesses.

Section 69. That all trials before such justice of the peace, shall be governed by the criminal procedure applicable to justices' courts.

Trials—how governed.

Section 70. That in all trials for offenses under the ordinances of the town incorporated under and by the provisions of this act, if the defendant is found guilty, such justice of

When defendant found guilty justice to render judgment.

the peace shall render judgment accordingly. It shall be part of the judgment that the defendant stand committed until the judgment be complied with; in no case to exceed one day, for every seventy-five cents of the fine and costs assessed against said defendant.

Duty of justices.

Section 71. That such justice of the peace shall be a conservator of the peace, and his court shall be open every day except Sunday, to hear and determine any and all cases cognizable before him; and he shall have power to bring parties forthwith before him for trial; and no act shall be performed by him on Sunday, except to receive complaints, issue process and take bail.

Sunday duties.

Appeals to be allowed and conditions.

Section 72. That in all cases before such justice of the peace, an appeal may be taken by the defendant to the district court of the county in which such town is situated; but no appeal shall be allowed unless such defendant shall, within ten days enter into recognizance with sufficient securities, to be approved by such justice of the peace, conditioned for the payment of the fine and costs and costs of appeal, and that he will render himself in execution thereof if it should be determined against the appellant.

On conviction—how punished.

Section 73. That any person convicted before such justice of the peace of an offense under the ordinances of the town, shall be punished by fine as may be regulated by ordinances.

Powers of justice.

Section 74. That the justice of the peace of the town organized under the provisions of this act, shall have power to enforce obedience to all orders, rules, judgments and decrees made by him; and he may fine or imprison for contempt offered to him while holding his court, or to process issued, or orders made by him in the same manner and to the same extent as provided for courts of justice of the peace. On the trial of any case in said court, it shall be the duty of such justice of the peace to sign any bill of exceptions rendered to the court during the progress of such trial: *Provided*, The truth of the matter be fairly stated, and thereupon said exceptions shall be entered in the record of such trial, and become a part thereof; and any final conviction, sentence, or judgment of said court may be examined by the district court of the county in which such town is situated, on writ of error, which may be allowed by the district court or the judge thereof, for sufficient cause, and proceedings may be stayed as

Bill of exceptions.]

may be deemed reasonable, and the revising court shall, in such proceedings take judicial notice of all the ordinances of such town. Cases before such justices of the peace, arising under town ordinances, shall be tried and determined by such justice of the peace without the intervention of a jury, unless the defendant demand a trial by jury; and when a demand shall be so made, the trial shall be by jury of twelve citizens of such town, having the qualifications of jurors, who shall be summoned by the marshals of such town upon a venire issued by such justice of the peace. That the venire for a jury shall contain eighteen names, three of whom shall be stricken off the list by the defendant, and three by the marshal of such town; the remaining twelve names shall constitute a jury for the trial of a cause. If there is any challenges for cause, such justice of the peace shall try the question in a summary manner, who may examine the challenged jurors under oath.

When jury must be had.

Section 75. That such jurors shall be paid fifty cents for their services as jurors in each case.

Fees of jurors.

Section 76. That in case the defendant is found guilty, the costs of the jury shall be taxed against him as a part of the costs of the case, and the amount thereof shall be a part of the judgment.

Costs taxed to defendant.

Section 77. That in all cases not herein specially provided for, the process and proceedings of the court of such justice of the peace shall be governed by the laws regulating proceedings in justices' courts in criminal cases.

Proceedings —how governed.

SEC. 9. That all acts and parts of acts in conflict with the provisions of this act is hereby repealed.

Conflicting acts repealed.

SEC. 10. That this act shall take effect and be in force from and after its passage and approval.

When to take effect.

Approved, January 9, 1875.

CHAPTER XI.

CONCERNING REVENUE.

AN ACT to amend sections 24, 27, 28, 29, 31, 32, 33 and 35 of chapter 25 of the session laws of 1868-9 entitled, "An act concerning revenue," approved January 12th, 1869.

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

SECTION 1. That sec. 24 of said chapter 25 be amended as

Section 24 of chapter 25 amended.

follows: by striking out the word "April," where it occurs in the first line and insert in lieu thereof the word "July."

Section 27
amended.

SEC. 2. That sec. 27 of said chapter 25 be amended as follows: by striking out the word "April" where it occurs in the fifth line and insert in lieu thereof the word "July."

Section 28
amended.

SEC. 3. That sec. 28 of said chapter 25 be amended as follows: by striking out the word "May" where it occurs in the third line, and insert the word "August" in lieu thereof.

Section 29
amended.

SEC. 4. That sec. 29 of said chapter 25 be amended as follows: by striking out the word "May" where it occurs in the fifth line, and insert the word "August" in lieu thereof.

Section 31
amended.

SEC. 5. That sec. 31 of said chapter 25 be amended as follows: by striking out the word "June" where it occurs in the first line, and insert the word "September" in lieu thereof.

Section 32
amended.

SEC. 6. That sec. 32 of said chapter 25 be amended as follows: by striking out the word "July" where it occurs in the first line, and insert the word "October;" also the word "July" in the fourth line, and insert the word "October" in lieu thereof.

Section 33
amended.

SEC. 7. That sec. 33 of said chapter 25 be amended as follows: by striking out the word "July" where it occurs in the fifth line, and insert the word "October" in lieu thereof.

Section 35
amended.

SEC. 8. That sec. 35 of said chapter 25 be amended as follows: by striking out the word "October" where it occurs in the fifth line, and insert the word "December" in lieu thereof.

When assess-
ment shall be
made.

SEC. 9. In no case shall the assessor commence assessing before the first Monday in April.

When to take
effect.

SEC. 10. This act shall take effect from and after its passage and approval.

Approved, January 6, 1875.

CHAPTER XII.

IN RELATION TO TOWN SITES.

AN ACT amending the general laws of 1868-9 relating to town sites.

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

SECTION 1. That section one of chapter 27 of the general laws of 1868-9, being an act entitled An act supplementary to an act entitled an act in relation to town sites entered as

Section 1 of
chapter 27 of
general laws of
1868 amended.

such under the act of congress, approved March 2d, 1867, approved December 18th, 1867, be amended by adding thereto, after the words "re-survey of said town:" *Provided, however,* That when any tract, or piece or parcel of land filed upon as a town site under the provisions of this act shall become an incorporated city, town, or village, prior to the entry of said land, it shall be the duty of the officer so filing upon said land to transfer said land when entered, to the corporate authorities of said city, town, or village, who shall therefore [thereupon] proceed to deed the same to the several occupants thereof according to their respective interests, and to hold the residue [residue] in trust for the use and benefit of the inhabitants thereof.

SEC. 2. This act shall be in force and take effect from and after the date of its passage. When to take effect.

Approved. January 15, 1875.

CHAPTER XIII.

FORECLOSURE OF MORTGAGES.

AN ACT amending chapter 15, "An act providing for the foreclosure of mortgages," approved January 11, 1865.

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

SECTION 1. That chapter 15 of the laws of 1864-5, approved January 11, 1865, entitled "an act providing for the foreclosure of mortgages," be and the same is amended as follows: By striking out the last clause of section 11 of said chapter, which clause reads as follows: "But no mortgagor shall be entitled to retain the possession of the mortgaged premises after the sale thereof as provided in this act." Last clause of section eleven stricken out.

SEC. 2. That section twenty-three (23) of said chapter 15 be and the same is hereby amended so as to read as follows: Where actions for foreclosure may be brought Action[s] for the foreclosure or satisfaction of mortgages may be brought in the district court of the county or subdivision, of a judicial district where the mortgaged premises or some portion thereof are situated, and in case any defendant is not a resident of the county or subdivision, process may be served on him in any other county or subdivision within the

territory; or if he be a non-resident of the territory, or absent or concealed the same proceedings may thereupon be had as are provided by the code of civil procedure in such cases.

Power of the court.

SEC. 3. That section 24 of said chapter 15 be amended so as to read as follows: Whenever an action shall be brought for the foreclosure or satisfaction of a mortgage the court shall have power to render a judgment against the mortgagor for the amount of the mortgage debt due at the time of the rendition of such judgment, and the costs of the action, and to order and decree a sale of the mortgaged premises, or such part thereof as may be sufficient to pay the amount so adjudged to be due, and cost[s] and costs of sale, and shall have the power to order and compel the delivery of the possession of the premises to the purchaser; but in no case shall the possession of the premises so sold, be delivered to the purchaser until after the expiration of one year from such sale; and the court may direct the issuing of an execution for the balance that may remain unsatisfied after applying the proceeds of such sale.

After action commenced, certain proceedings cannot be had.

SEC. 4. That section 25 of said chapter 15 be amended so as to read as follows: After such action shall be commenced while the same is pending, no proceedings at law shall be had for the recovery of the debt secured by the mortgage, or any part thereof, unless authorized by the court.

Section 26 amended.

SEC. 5. That section 26 of said chapter be amended by substituting the word "plaintiff" for complaint ["complainant,"] and the word "action" for "bill," and by adding to the end of said section the words "by execution or other process."

What complaint to state in action for foreclosure.

SEC. 6. That section 27 of said chapter be amended so as to read as follows: In an action for the foreclosure or satisfaction of a mortgage, the complaint shall state whether any proceedings have been had at law or otherwise for the recovery of the debt secured by such mortgage, or any part thereof; and if there has, whether any and what part thereof has been collected.

Section 28 amended.

SEC. 7. That section 28 of said chapter be amended by substituting the word "complaint" for the word "bill."

Who to make sale under decree of foreclosure.

SEC. 8. That section 29 of said chapter be amended so as to read as follows: All sales of mortgaged premises under an order and decree of foreclosure shall be made by a referee, sheriff or deputy sheriff of the county who [where] the court

in which the judgment or decree is rendered is held, or other person appointed by the court, and shall be made in the county or subdivision where the premises or some part of them are situated, and shall be made upon the like notice and in the same manner as provided by law for the sale of real property upon execution.

SEC. 9. That section 30 of said chapter 15 be amended so as to read as follows: Whenever any real property shall be sold under an order or decree or judgment of foreclosure under the provisions of this act, or upon the foreclosure of a mortgage by proceedings in court, it shall be the duty of the officer or other person making the sale, to give to the purchaser or purchasers a certificate in writing, under seal, duly acknowledged, setting forth a description of each tract or parcel of the premises sold, the sum paid therefor and the time when the purchaser or purchasers will be entitled to a deed for the same unless they shall be redeemed as provided in this act, and such certificate may be recorded in the register of deeds office of the county where the lands or premises are situated, and the same or a certified copy thereof, certified by such register, shall be taken and deemed evidence of the facts therein recited and contained; and at the expiration of the time for the redemption of such mortgaged premises, if the same shall not be redeemed, the person or office[r] making the sale, or his successor or other person appointed by the court shall make to the purchaser or purchasers, or their heirs or assigns, a deed or deeds to such premises which shall vest in the purchaser the same estate that was vested in the mortgagor at the time of the execution and delivery of the mortgage, or at any time thereafter; and such deed shall be as valid as if executed by the mortgagor and mortgagee, and shall be an entire bar against each of them, and against all the parties to the action in which the decree for such sale was made, and against their heirs respectively, and all persons claiming under such heirs.

Duty of officer making sale of real property.

SEC. 10. That section 33 of said chapter 15 be amended by substituting in the first line thereof the words "an action shall be commenced" for the words "a bill shall be filed," and by substituting the word "action" for the word "bill" in the fifth line of said section.

Section 33 amended.

SEC. 11. That section 34 of said chapter 15 be amended so as to read as follows: If after an order or decree for the sale

When proceedings to be stayed.

of mortgaged premises shall be entered in such action against a defendant, he shall bring into court the principal and interest due, with costs, the proceedings in such action shall be stayed, until a further default, and in case of a subsequent default in the payment of any of the installments or any part thereof of such mortgage the court may enforce by order or other process the collection of such subsequent installment.

Section 35 amended.

SEC. 11. [12.] That section 35 of said chapter be amended by substituting the word "plaintiff" for the word "complainant" in the third line, and by adding the words "or reform [referee]" after the word "master" in the 4th line.

Appeals.

SEC. 12. [13.] Appeals may be taken in actions for the foreclosure of mortgages as in other actions.

When to take effect.

SEC. 13. [14.] This act shall take effect and be in force from and after its passage and approval.

Approved, January 12, 1875.

CHAPTER XIV.

TO PROVIDE FOR LOCATING HIGHWAYS.

AN ACT to amend section 27 of chapter 13 of the session laws of 1867-8.

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

Defining the width of highways.

SECTION 1. That section twenty-seven of chapter thirteen of the session laws of 1867-8, approved January 8th, 1868, entitled "An act to provide for the opening, vacating and change of highways," be and the same is hereby amended by striking out the word "eighty" in the first line of said section and inserting in lieu thereof the word "sixty-six."

When to take effect.

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

Approved, January 6, 1875.

CHAPTER XV.

TO INCORPORATE THE CITY OF YANKTON.

AN ACT to amend an act entitled "An act to incorporate the city of Yankton, Dakota Territory, approved January 8, A. D. 1873.

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

SECTION 1. That "an act to incorporate the city of Yankton, Dakota Territory," approved January 8, 1873, be amended in the following manner.

What act amended.

SEC. 2. That section nine of said act be amended so as to read as follows:

Time of election and officers to be elected.

"On the first Monday in April, after the taking effect of this act, and on the same day in each year thereafter, an election shall be held for mayor, eight aldermen, clerk, treasurer and marshal, each of whom shall be elected for the term of one year, commencing on the first Monday succeeding the day of their election and shall hold their respective offices until their successors are elected and qualified."

SEC. 3. That section ten of said act be amended so as to read as follows:

Opening and closing of polls

"At all elections authorized by this act, the polls shall be kept open from nine o'clock A. M. until four o'clock P. M. and no longer."

SEC. 4. That section eleven of said act be amended so as to read as follows:

Election districts defined.

"Each ward shall constitute an election district, and polls shall be opened at such place therein as may be designated by the mayor, or fixed by ordinance or resolution of the council: *Provided*, That when any ward shall contain over three hundred legal voters, the mayor and council may, by ordinance, re-district said city, and increase the number of wards to six; and when so re-districted, each of said wards shall be entitled to two aldermen: *And provided further*, That 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 elections. And no person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city, and has been a resident thereof one year next preceding

his election: *And provided further*, That every person shall vote in the ward where he resides, and not elsewhere."

Powers of
the mayor and
council.

SEC. 5. That section thirteen, subdivision first, be amended so as to read as follows:

"To levy and collect taxes for general purposes, not exceeding four mills on the dollar in any one year, on all the property within the limits of the city, taxable according to the laws of the territory, the valuation of such property to be taken from the assessment roll of Yankton county; and it shall be the duty of the county clerk of said Yankton county, to *prevent* [permit] the city clerk to make out, from the assessment rolls of the county, an assessment roll for the city, of all the property liable to taxation as above specified: *Provided*, That the authorities of the said city of Yankton, shall not, in any year, issue warrants or orders to an amount greater than ninety per cent. of the amount of taxes levied for such year, and the amount actually received from other sources; and said city authorities shall not contract or incur any indebtedness in addition to the amount for which they are authorized to issue warrants, orders, or bonds."

Powers of
same.

SEC. 6. That subdivision fourteenth of article thirteen be amended so as to read as follows:

"To provide for removing officers of the city for misconduct; to appoint a city attorney, street commissioner and city engineer and prescribe the duties and compensation of such officers, and to create any office, or employ any agent they may deem necessary for the good government and interests of the city: *Provided*, That the present street commissioner and city engineer shall hold their respective offices for the time for which they were elected to the same unless removed upon charges preferred in accordance with the charter and ordinances of the city."

Same.

SEC. 7. That subdivision twenty-third of section thirteen be amended so as to read as follows:

When streets
and alleys may
be changed or
vacated.

"To name and re-name streets, avenues, parks and squares within the city; to vacate streets and alleys, and authorize the laying of railroad switches through the same when in their judgment the interests of the city will be promoted thereby: *Provided*, That three-fourths of the real estate owners adjacent to such streets and alleys shall petition to the city council that such streets and alleys should be vacated and the city council

if convinced that no injustice will be worked by any person or persons by such vacation shall order such vacation, and in all cases they shall cause all expenses arising from the application and the ensuing proceeding to be paid by the parties applying for such vacation. The streets, alleys or public grounds thus vacated shall become the property of owners of real estate thereto adjacent on each side, in proportion to the frontage of such real estate."

SEC. 9. [8.] That section eighteen be amended so as to read as follows:

Powers of
the mayor and
council.

"The mayor and council shall have power to extend, open, widen, grade, pave, macadamize or otherwise improve and keep in repair in any manner they may deem proper, any street, sidewalk, alley, avenue or lane within the limits of the city, to vacate any portion of any street or alley, and add the portion so vacated to adjoining lots; to re-survey and straighten any street or alley of said city; and to defray the cost and expense of such improvements, or any of them, out of the general funds of the city; or the mayor and council shall have power to levy and collect special taxes upon lots and pieces of ground adjacent to and abutting upon the streets, sidewalks, alleys, avenues or lanes thus opened, widened, extended or improved, or to be improved as aforesaid."

Sec. 10. [9.] That section twenty-one be amended so as to read as follows: Sa ne.

"The mayor and council shall have power to require all lots or pieces of ground within the city to be *divided*, [drained] or filled when necessary to prevent stagnant water, or any other nuisance accumulating therein; and upon the failure of the owners of such lots or pieces of ground to fill or drain the same when so required, to cause such lots or pieces of ground to be drained or filled; and the cost and expense thereof shall be levied upon the property so filled or drained and collected as other special taxes; or pay for the same out of the general funds of the city."

Sec 11. [10.] That section thirty-six be so amended as to read as follows: When money
may not be ex-
pended.

"No money shall be expended or payment made by the city, except in pursuance of a specific appropriation made for that purpose by ordinance or resolution. And the residents of

said city shall be exempt from payment of a poll tax for the benefit of roads as required under the present laws relating to roads; but in lieu thereof the mayor and council of said city shall have power to require each able-bodied male person between the ages of 21 and 60 years, resident within the city, to perform by himself or substitute, in each and every year, one day's labor upon the streets and highways of said city: *Provided*, That acting volunteer firemen shall be exempt from performing said one day's labor: *And provided further*, That such labor, when so required may be commuted by the payment of the sum of two dollars in each year, to be expended upon the streets and highways where such labor would have *be* [been] applied."

Road poll tax.

Firemen exempt.

Payment of liabilities to be provided.

SEC. 12. [11.] That section thirty-seven be amended so as to read as follows:

"At the first meeting in each month the mayor and council shall provide by ordinance or resolution, for the payment of all liabilities of the city incurred during the preceding month, or at any time previous thereto, except the bonded indebtedness of said city which shall be paid at the maturity of such bonds."

Mayor to appoint officers.

SEC. 13. [12.] That section fifty-two be amended so as to read as follows:

"The mayor shall have power, by and with the consent of the council, to appoint all officers of the city other than those elected by the people, and all nominations made by him may be confirmed or rejected by a majority of the councilmen present and voting upon such confirmation."

City justice of the peace.

SEC. 14. [13.] That section fifty-three be amended so as to read as follows:

"A city justice of the peace shall be appointed by the mayor and council from the qualified voters of said city. The city justice of the peace shall have exclusive jurisdiction and it shall be his duty to hear and determine all offenses against the ordinances of the city, and concurrent jurisdiction with all other justices in all other cases civil and criminal."

Appeals from the city court.

SEC. 15. [14.] That section sixty be amended so as to read as follows:

"In all cases before the said justice, arising under the ordinances of the city an appeal may be taken by the defendant to the district court of Yankton county except in cases tried

by a jury; but no appeal shall be allowed unless such defendant shall, (in case of fine,) within ten days, (and in case of imprisonment,) within twenty-four hours, enter into recognizance, with sufficient securities, to be approved by said justice, conditioned in case of fine, for the payment of said fine and costs, and costs of appeal, and in case of judgment of imprisonment, that he will render himself in execution thereof, if it should be determined against the appellant."

SEC. 16. [15.] That section sixty-five be amended so as to read as follows:

Powers of
city justice.

"The city justice of the peace shall have power to enforce due obedience to all orders, rules, judgments and decrees made by him; and he may fine or imprison for contempt offered him while holding his court, or to process issued *on* [or] orders made by him in the same manner and to the same extent as provided for justice court. On the trial of any case in said court, it shall be the duty of the city justice of the peace to sign any bill of exceptions rendered to the court during the progress of such trial: *Provided*, The truth of the matter be fairly stated, and thereupon said exceptions shall be entered in the record of such trial and become a part thereof; and any final conviction, sentence or judgment of said court may be examined by the district court on writ of error which may be allowed by said district court or the judge thereof, for sufficient cause, and proceedings may be stayed as may be deemed reasonable, and the revising court shall, in such proceedings take judicial notice of all the ordinances of said city. Cases before the city justice of the peace, arising under the city ordinances, shall be tried and determined by the justice without the intervention of a jury, except in cases where, under the provisions of the ordinances of the city, imprisonment for a longer time than ten days *in* [is] made a part of the penalty, or the maximum fine shall be twenty dollars or over, and the defendant shall demand a trial by jury before the commencement of such trial; and when a demand shall be so made it shall be the duty of the city justice of the peace to write down the names of eighteen persons, residents of the city, and having the qualifications of jurors in the district court, and the defendant and the attorney for the city shall each strike off three names, or, in case the defendant shall neglect or refuse so to do, then the city justice of the peace,

Cases tried
without jury.

with the attorney for the city, shall strike off such names; and the said justice shall at once issue his venire to the marshal *demadning* [commanding] him to summon the twelve persons whose names remain upon the list as jurymen. And in all trials by jury in said *county* [court] challenges shall be allowed in the same manner and for the same causes as in the district court in cases of misdemeanor, and in case the number shall be reduced below twelve by such challenges, or any portion of said number shall fail to attend, *them* [then] the marshal shall summon in a sufficient number of talesmen, having the qualifications of jurors, to complete the panel, which shall in all cases consist of twelve jurors. If either party objects to the competency of a juror, the question thereon must be tried in a summary manner by the justice who may examine the juror or other witness under oath.

Fees of jurors. Each and every person summoned as a juror in any case shall be entitled to a fee of fifty cents, and in case of conviction, such fees shall be taxed against the defendant as a part of the costs of the case,"

City warrants, how signed; how paid. SEC. 17. [16.] That section sixty-eight be amended so as to read as follows:

"All warrants drawn upon the treasury must be signed by the mayor, and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom chargeable; and no money shall be otherwise paid than upon such warrant so drawn, except as hereinafter provided. All warrants shall be paid in the order in which they are presented, and the treasurer shall note upon the back of each warrant presented to him the date of such presentation, and when payment is made the date of such payment: *Provided*, That any warrant shall be paid by the treasurer in case a sufficient amount of money shall remain in the treasury to pay all warrants presented previous to such warrant. Any violation of the provisions of this section on the part of the treasurer of said city shall be sufficient ground for his removal from office by the mayor and city council."

When treasurer may be removed.

Duties of the marshal.

SEC. 18. [17.] That section seventy-five be amended so as to read as follows:

"The marshal shall serve all warrants issued by the city justice of the peace, and may arrest offenders within or without the city limits for offenses committed against the ordinan-

ces of said city; and serve subpoenas for witnesses, venires for juries, and all other process issued by the city justices of the peace in such cases; and shall at all times have power to make, or order an arrest upon view of an offense being committed against said ordinances, with or without process, and bring the offender to trial before the city justice of the peace; *Provided*, That any person arrested for an offense without process shall be entitled, on demand before trial, to have filed a complaint on oath, in writing: *And provided further*, That nothing in this act contained shall be so construed as to authorize the marshal to serve any process in a civil suit or any warrant of arrest for violation of the laws of the territory.

SEC. 19. [18.] All acts and parts of acts in conflict with this act are hereby repealed. Conflict'g acts repealed.

SEC. 20. [19.] This act shall take effect and be in force from and after its passage and approval. When to take effect.

Approved, January 14, 1875.

CHAPTER XVI.

TO LOCATE A TERRITORIAL ROAD FROM CANTON TO MAXWELL CITY.

AN ACT to amend chapter 41 of the laws of 1872-3, approved Jan. 6th, 1873, and for other purposes.

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

SECTION 1. Section one of chapter 41 of the laws of 1872-3, is hereby amended as follows: Strike out all of said section after the words "as follows," in the fifth line of said section, and insert the following: "Commencing at the northeast corner of section twenty-three, township 98 of range 49 in the town of Canton; running thence south to the northeast corner of section 35; thence west along the north line of sections 35, 34, 33, 32 and 31 to the west line of said range 49; thence south along said line to the southeast corner of section one, of township 97 of range 50; thence west along the section line by way of Turner's mill and bridge to the northeast corner of section 9, in township 97, range 53; thence south one mile to the southeast corner of section 9; thence west along the section

Locating a territorial road from Canton to Olivet.

line to the Dakota river; thence by the most direct and practicable route to Olivet.”

Time for making report extended.

SEC. 2. Section five of said act is hereby so amended that the time for making a report of the location and cost of said road, and the filing of copies of the law, as provided in said section 5 shall be and the same is hereby extended to the first day of July, 1875, and no further charges shall be made by said commissioners, than the expenses already incurred under the provisions of the act to which this is amendatory.

Acts legalized.

SEC. 3. All acts of said commissioners heretofore performed under and by authority of the provisions of the said chapter 41, so far as said acts are consistent with the provisions of this act, are hereby legalized.

Conflicting acts repealed.

SEC. 4. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SEC. 5. This act shall take effect and be in force from and after its passage and approval by the governor.

Approved, January 15, 1875.

CHAPTER XVII.

TO INCORPORATE THE CITY OF ELK POINT.

AN ACT to amend section 62 of chapter twelve of the session laws of the Territory of Dakota, entitled “An act to incorporate the city of Elk Point, Dakota Territory,” approved January 10th, 1873.

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

Elk Point charter amended.

SECTION 1. That section sixty-two of chapter twelve of the session laws of 1872 and 1873, entitled “an act to incorporate the city of Elk Point, Dakota Territory,” be amended by adding thereto the following: “In all cases where the defendant shall demand a trial by jury, it shall be the duty of the city justice of the peace to write down the names of eighteen persons, residents of the said city, and having the

qualifications of jurors in the district courts; and the defendant and the attorney for the city shall each strike off three names; or in case the defendant shall neglect or refuse so to do, then the city justice of the peace, with the attorney for the city, shall strike off such names, and the said justice shall at once issue his venire to the marshal, or to the sheriff, or to any constable of the county of Union demanding [commanding] them or either of them to summon the twelve persons whose names remain upon the list as jurymen. And in all trials by jury in said court, challenges shall be allowed in the same manner and for the same cause as in the district court in cases of misdemeanor, and in case the number shall be reduced below twelve by such challenges, or any portion of said number shall fail to attend, then the marshal or the sheriff or constable who shall be attending upon said court, shall summons in a sufficient number of talesmen having the qualifications of jurors, to complete the panel, which shall in all cases consist of twelve jurors.

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

Approved, January 15, 1875.

CHAPTER XVIII.

IN RELATION TO MECHANICS LIENS.

AN ACT to amend chapter 21 of the laws of 1867-8.

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

SECTION 1. That section four of chapter twenty-one of the laws of 1867-8, be amended by striking out the words "sixty days," where they occur in said section, and insert in the place thereof the words "one hundred and twenty days." Section four amended.

SEC. 2. That at the end of section four shall be added the following words: "Whenever a lien is obtained upon any property, it shall take effect and date from the time of furnishing the materials or performing the labor." When lien to take effect.

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

Approved, January 15, 1875.

CHAPTER XIX.

RELATIVE TO THE BOND OF THE TERRITORIAL TREASURER.

AN ACT to amend section 2 of chapter 86 of the general laws of 1862.

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

Amount of
treasurer's
bond.

SECTION 1. That section 2 of chapter 86 of the general laws of 1862, be amended as follows: Strike out the words "two thousand" in 3d line of said section, and insert in lieu thereof the words "five thousand."

Conflicting
acts repealed.

SEC. 2. All acts in conflict with the provisions of this act are hereby repealed.

When to take
effect.

SEC. 3. This act shall take effect and be in force from and after the date of its passage and approval.

Approved, January 15, 1875.

CHAPTER XX.

CONCERNING REVENUE.

AN ACT amendatory of chapter 51 of the laws of 1872-3, approved January 10, 1873.

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

Section sev-
enty-four chap-
ter 51, laws of
1872-3, amend-
ed.

SECTION 1. That section 74 of chapter 51 of the laws of 1872-3, be amended by adding thereto the following words: "And it shall be the duty of the town clerk to make out the tax list of all taxes legally authorized by the township, and annex to such tax list a warrant under the hand of said clerk, directed to the said treasurer, to collect the sums therein named; said list and warrant to be made out and delivered to said treasurer by said clerk during the month of August of each year."

Section 75
amended.

SEC. 2. That section 75 of said act be amended so as to read as follows: "The warrant annexed to any tax list shall command the treasurer of the township to collect from each of the persons and corporations named in such tax list, and of the owners of the real estate therein described, the several sums

set opposite the names of such persons and corporations, and to the description of the several tracts of land owned by non-residents, within forty days from the date thereof, and within twenty days from the date of such warrants, to personally demand such tax of the persons charged therewith; and if any tax shall not be paid within thirty days thereafter, to collect the same by distress and sale of property in the same manner as county taxes, and the said treasurer shall execute the warrant and return the same to the clerk at the expiration of the time limited therein for the collection of such tax list. The warrant issued by the clerk of any township may be executed anywhere within the county; and such warrant shall have the like force and effect as a warrant issued for the collection of county taxes; and the treasurer of the county shall have the like powers in the execution thereof as are provided by law for the collection of county taxes. If any tax in any tax list delivered to any township treasurer, shall remain unpaid at the time he is required by law to return his warrant to the township clerk, such treasurer shall, within ten days, make out and deliver to the county treasurer, in writing, a statement containing the amount of personal property, and a description of the lots and pieces of land upon which such taxes remain unpaid, together with the amount of tax assessed on each; and he shall attach thereto an affidavit, that the taxes mentioned in such statement are unpaid; and after diligent effort he has been unable to collect the same. The county treasurer upon delivery to him of such statement, shall give a certificate to the treasurer of the township of the amount of taxes so remaining unpaid as the same shall appear from such statement, which certificate shall be deposited by the township treasurer with the township clerk, and shall be filed by such clerk, and the county treasurer shall immediately add such delinquent taxes to his delinquent tax list, and collect the same as other delinquent taxes are collected, and when so collected shall pay over the same, (less his fees for the collection thereof,) to the township in which said taxes were levied, upon the order of the township board: *Provided*, That this act, so far as the collection of taxes by town treasurers do not apply to the county of Union.”

Section 75
amended.

Where war-
rant may be ex-
ecuted.

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

When to take
effect.

Approved, January 15, 1875.

CHAPTER XXI.

INTOXICATING LIQUORS.

AN ACT amending an act entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the territory of Dakota," approved January 10, 1873.

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

Section one
amended.

License pro-
vided for.

Bond required.

Liab. for dam-
ages.

SECTION 1. That section one of an act entitled "An act to provide against the evils resulting from the sale of intoxicating liquors in the territory of Dakota," approved January 10th, 1873, be amended so as to read as follows: "That it shall be unlawful for any person or persons, by agent or otherwise, without first having obtained a license and given a bond, to sell in any quantity, intoxicating liquors, to be drank in, upon, or about the premises where sold, or to sell such intoxicating liquors to be drank in any adjoining room, building, or premises, or other place of popular resort connected with said building: *Provided*, That no person shall be granted a license to sell or give away intoxicating liquors, without first giving a bond to the county commissioners of their respective counties; which bond shall run in the name of the people of the territory of Dakota, and be in the penal sum of three thousand dollars (3,000) with at least two good and sufficient sureties to be approved by the county commissioners which said sureties shall be freeholders of the county, conditioned that the person applying for the license shall keep a quiet and orderly house, and that they jointly and severally will pay all damages to any person or persons, which may be inflicted upon them, either in person or property, or means of support, by reason of the person so obtaining a license, selling or giving away intoxicating liquors; and such bond may be sued and recovered upon in a civil action for the use of any person or persons, or their legal representatives, who may be injured by reason of the selling intoxicating liquors by the person or his agent so obtaining the license; *And provided further*, That the person applying for the license shall, after having given the bond as aforesaid, and before the license shall be granted, pay into the treasury of the county or other municipality a sum of not less than thirty dollars nor more than three hundred dollars: *And provided further*, That it

shall be competent and lawful for both the county commissioners of any county and also the mayor and city council or other authorities of any town or city situated therein to require the payment of the license herein provided, and the granting of the power to license or tax in any city or town charter shall not be held as conflicting in any way with the provisions of this act, the intention being to allow both the county and town or city authorities to levy and collect a license for the sale of intoxicating liquors as herein provided, or as provided by the charter and ordinances of such town or city: *And provided further*, No license shall run for a longer time than one year without renewal."

SEC. 2. And be it further enacted that sections eight, (8) Certain act revived and re-enacted nine (9) and ten (10) of an act entitled "An act to regulate the sale of spirituous liquors, and for other purposes, approved January 8, 1868," be and the same is hereby revived and re-enacted, and that sections one, two, three, four, five, six and seven of said act shall be of no force and effect.

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

Approved, January 15, 1875.

APPORTIONMENT.

CHAPTER XXII.

APPORTIONMENT.

AN ACT apportioning the representation in the Legislative Assembly.

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

SECTION 1. That the county of Union shall constitute the Apportionment of first district first council and representative district, and shall be entitled to two members of the council and four members of the house of representatives.

SEC. 2. That the county of Clay shall constitute the second Second district