

## COUNTIES AND COUNTY SEATS.

### CHAPTER 12.

AN ACT TO ESTABLISH THE COUNTY OF BON HOMME, AND LOCATE THE COUNTY SEAT THEREOF.

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

Boundaries of county of Bon Homme.

SECTION 1. The district of country embraced within the following described boundaries, shall be, and is hereby declared to be, a county, to be known as Bon Homme county, to wit: commencing at a point on the Missouri river, on line between ranges 57 and 58; thence along the main channel of the Missouri river to the mouth of Choseau creek; thence along the eastern and northern boundary of the Yankton Indian Reservation to the north line of township No. 96; thence east along said line to the range line between ranges 57 and 58; thence south on said range line to the place of beginning.

Town of Bon Homme declared county seat.

SECT. 2. And the town of Bon Homme is hereby declared to be the county seat of the said county.

Take effect, when.

SECT. 3. This bill shall take effect from and after its passage, and approval by the governor.

Approved April 5, 1862.

W. JAYNE, *Governor.*

### CHAPTER 13.

AN ACT FOR THE ESTABLISHMENT OF CLAY COUNTY IN THE TERRITORY OF DAKOTA.

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

Boundaries of county of Clay.

SECTION 1. That the district of country embraced within the following described boundaries shall be, and is hereby

declared to be Clay county, to wit: commencing at the point where range line between 50 and 51 intersects the Missouri river, and following up the main channel of the Missouri river to the range line between 53 and 54 west; thence north of said line to the northern boundary of township 95; thence east of the said line to the range line between 50 and 51 west; thence west of said range line to the place of beginning.

SECT. 2. This act shall be in force from and after its pas- <sup>Take effect,</sup>  
sage, and approval by the governor. <sub>when.</sub>

Approved April 10, 1862.

W. JAYNE, *Governor.*

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## CHAPTER 14.

A BILL FOR AN ACT FOR THE ESTABLISHMENT OF COLE COUNTY, IN THE TERRITORY OF DAKOTA.

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

SECTION 1. That the district of country embraced within <sup>Boundaries</sup>  
the following described boundaries shall be, and is hereby <sub>of county of Cole.</sub>  
declared to be, Cole county, to wit: commencing at the confluence of the Big Sioux with the Missouri river, and following up the main channel of the Missouri river to the range line between ranges 50 and 51 west; thence north of said range lines, to the northern boundary of township 93; thence east to the Big Sioux river; thence down the main channel of the Big Sioux river to the place of beginning.

SECT. 2. This act shall take effect and be in force from <sup>Take effect,</sup>  
and after its passage, and approval by the governor. <sub>when.</sub>

Approved April 10, 1862.

W. JAYNE, *Governor.*

## CHAPTER 15.

A BILL FOR AN ACT CREATING AND ESTABLISHING JAYNE  
AND HUTCHINSON COUNTIES, DEFINING THE COUNTY LINES  
OF THE SAME, AND FOR OTHER PURPOSES.

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

Boundaries of  
county of Jayne.

SECTION 1. That so much of the Territory of Dakota as is embraced in the following described limits be, and the same is hereby created into, and declared to be a county to be known as Jayne county, to wit: commencing at the north-east corner of Yankton county; thence north thirty miles; thence west twenty-four miles; thence south to the north-west corner of Yankton county; thence east on the north boundary line of Yankton county, to the point of commencement.

Attached to  
county of Yank-  
ton for stated  
purpose.

SECT. 2. The said county of Jayne is hereby attached to the county of Yankton for election, judicial, and revenue purposes.

Boundaries of  
county of Hutch-  
inson.

SECT. 3. That so much of the Territory of Dakota as is embraced in the following described limits be, and the same is hereby created into, and declared to be a county, to be known as Hutchinson county, to wit: commencing at the north-west corner of Bon Homme county; thence north on the east boundary line of Gregory county thirty miles; thence east to the north-west corner of Jayne county; thence south on the west boundary line of Jayne county to the north-west corner of Yankton county; thence west on the north boundary line of Bon Homme county to the point of commencement.

Attached to  
Bon Homme  
county for stated  
purpose.

SECT. 4. The said county of Hutchinson is hereby attached to Bon Homme county for election, judicial, and revenue purposes.

Take effect,  
when.

SECT. 5. This act to take effect, and be in full force, from and after its passage, and its approval by the governor.

Approved May 8, 1862.

W. JAYNE, *Governor.*

## CHAPTER 16.

AN ACT TO ESTABLISH THE COUNTIES OF LINCOLN, MINNEHAHA, BROOKINGS, AND DEUEL.

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

SECTION 1. That so much of the Territory of Dakota as is embraced in the following boundaries, be and the same is hereby established as the county of Lincoln. Beginning at the south-east corner of township 94, north of range 48 west; thence west to the south-west corner of township 94, north of range 50 west; thence north to the south-west corner of township 96, north of range 50 west; thence west to the south-west corner of township 96, north of range 53 west; thence north to the north-west corner of township 100, north of range 53, west; thence due east to the Big Sioux river; thence south along the course of said river to place of beginning.

Boundaries of  
the county of  
Lincoln.

SECT. 2. That so much of the Territory of Dakota as is embraced in the following boundaries, be and the same is hereby established as the county of Minnehaha: beginning at the south-west corner of the state of Minnesota; thence west to the south-west corner of township 101, north of range 53 west; thence due north to the north-west corner of township 106, north of range 53 west; thence due east to the boundary line between the state of Minnesota and the Territory of Dakota; thence south on said boundary line to place of beginning.

Boundaries of  
the county of  
Minnehaha.

SECT. 3. That so much of the Territory of Dakota as lies within the following boundaries, be and the same is hereby established as the county of Brookings, beginning at the north-east corner of the county of Minnehaha; thence due west to the south-west corner of township 107, north of range 53 west; thence due north to the north-west corner of township 112, north of range 53 west; thence due east to the boundary line between the state of Minnesota and Territory of Dakota; thence south along said boundary line to place of beginning.

Boundaries of  
the county of  
Brookings.

Boundaries of  
the county of  
Deuel.

SECT. 4. That so much of the Territory of Dakota as is embraced in the following boundaries, be and the same is hereby established as the county of Deuel; beginning at the north-east corner of the county of Brookings; thence west to the south-west corner of township 113, north of range 53 west; thence north to the north-west corner of township 124, north of range 53 west; thence due east to the boundary line between the state of Minnesota and the Territory of Dakota; thence south along said boundary line to place of beginning: *Provided*, That all territory from which the Indian title is not yet extinguished shall form no part of said county, until the Indian title shall be extinguished from the same.

Proviso.

For stated pur-  
poses all form  
one county, with  
seat at Sioux  
Falls city.

SECT. 5. And be it further enacted, that for judicial and election purposes, the counties of Lincoln, Minnehaha, Brookings, and Deuel, form one and the same county, with the county seat at Sioux Falls city, in the county of Minnehaha.

Sioux Falls  
city, seat of Min-  
nehaha county.

SECT. 6. And be it further enacted, that the county seat of Minnehaha county, be established temporarily at Sioux Falls city.

Take effect,  
when.

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

Approved April 5, 1862.

W. JAYNE, *Governor*.

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## CHAPTER 17.

### AN ACT TO ESTABLISH CERTAIN COUNTIES, AND FOR OTHER PURPOSES.

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

Boundaries of  
county of Shey-  
enne.

SECTION 1. That so much of the Territory of Dakota as lies within the following boundaries, be and the same is hereby established as the county of Sheyenne: beginning at the north-east corner of the county of Stevens, from thence along the centre of Red river to the north-east corner of Deuel county; from thence west to the western line of range 62; from thence north to the south-west corner

of the county of Stevens; from thence east to the place of beginning.

SECT. 2. That so much of the Territory of Dakota as lies within the following boundaries, be and the same is hereby established as the county of Stevens: beginning at a point in the centre of the Red river of the North, at the point where the north line of township No. 134 north crosses said river; from thence west to the west line of range No. 62 west; from thence north to the north line of township No. 144 north; from thence east to the centre of the said river; from thence along the centre of said river to the place of beginning, as per the fifth principal meridian, according to the Minnesota government survey.

Boundaries of  
county of Ste-  
vens.

SECT. 3. That so much of the Territory of Dakota as lies within the following boundaries, be and the same is hereby established as the county of Chippewa: beginning at the north-west corner of Stevens county; from thence north ten townships; from thence east to the centre of Red river; from thence along the centre of Red river to the south-east corner of the county of Stevens; from thence west to the place of beginning.

Boundaries of  
county of Chip-  
pewa.

SECT. 4. That so much of the Territory of Dakota as lies within the following boundaries be, and the same is hereby established as the county of Kittson: beginning at the north-west corner of Chippewa county; from thence north to the boundary line of the British possessions; from thence east, along said line, to the centre of Red river; from thence, along the centre of said river to the south-east corner of the county of Chippewa, to the place of beginning.

Boundaries of  
county of Kitt-  
son.

SECT. 5. The governor shall appoint three persons for each of the respective organized counties, being residents and legal voters thereof, commissioners for each of said counties, with full power and authority to do and perform all acts and duties devolving upon the board of county commissioners of any organized county in this territory. The said board of commissioners shall have power to appoint all other officers that may be required to complete the organization of their respective counties.

Governor to  
appoint commis-  
sioners, with  
what powers.

Commissioners  
to appoint other  
officers.

SECT. 6. And be it further enacted, That the county seat of the county of Kittson shall be established temporarily at the town of St. Joseph.

St. Joseph, seat  
of Kittson  
county.

Take effect,  
when.

SECT. 7. This act shall take effect and be in force on and after its passage, and approval by the governor.

Approved April 24, 1862.

W. JAYNE, *Governor.*

## CHAPTER 18.

A BILL FOR AN ACT CREATING AND ESTABLISHING TODD, GREGORY, CHARLES MIX, AND BRUGUIER COUNTIES; TO DEFINE THE BOUNDARY LINES OF THE SAME, AND TO LOCATE COUNTY SEATS.

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

Boundaries of  
county of Todd.

SECTION 1. That so much territory as is embraced in the following described limits be, and the same is hereby created into and declared to be one county,— to be known as Todd county, to wit: commencing in the middle of the channel of the Missouri river at the mouth of the Niobrarah river; thence up the main channel of the Niobrarah river to the south-east corner of the Ponka Indian Reserve; thence north, on the east line of said reserve, to Ponka creek; thence up the main channel of said creek to the north-west corner of the afore-said reserve; thence on the west boundary line of said reserve to the Niobrarah river; thence up the main channel of said river to the west boundary line of the lands ceded by the Ponka Indians to the United States government; thence on a direct line to the south-west corner of the Fort Randall Military Reserve; thence on the south line of said reserve, to the south-east corner of the same; thence on the east line of said reserve, to the Missouri river; thence down the centre of the main channel of said Missouri river to the point of commencement.

Mixville de-  
clared county  
seat.

SECT. 2. The county seat of Todd county, is hereby located and established at Mixville, on the Niobrarah river.

Boundaries of  
the county of  
Gregory.

SECT. 3. That so much territory as is embraced in the following described limits be, and the same is hereby created

into and declared to be a county, to be known as Gregory county, to wit: commencing in the centre of the main channel of the Missouri river opposite the north-west corner of the Fort Randall Military Reserve; thence on the west line of said reserve to the south-west corner of the same; thence west on a direct line to a point on the Niobrarah river, where the west boundary line of the tract of lands ceded to the United States by the Ponka Indians strikes the same; thence on the last-named boundary line to the Missouri river; thence down the centre of the main channel of the last-named river, to the point of commencement.

SECT. 4. That the said county of Gregory be, and the same is hereby attached to the county of Todd, for revenue, election, and judicial purposes.

Attached to  
Todd county for  
stated purposes.

SECT. 5. That so much territory as is embraced in the following described limits be, and the same is hereby created into and declared to be a county, to be known as Charles Mix county, to wit: commencing at the north-east corner of the Yankton Indian Reserve; thence north to Fire Steel creek; thence east up the main channel of said creek to its source; thence on a direct line to the head of the main branch of Fish or Pratt creek; thence down the main channel of said creek to the Missouri river; thence down the main channel of said river to the south-west corner of the Yankton Indian Reserve; thence on the west line of said reserve to the north-west corner of the same; thence on the north line of said reserve to the point of commencement.

Boundaries of  
the county of  
Charles Mix.

SECT. 6. The county seat of said county of Charles Mix is hereby located and established at Papineau on the Missouri river, on the claim of Mr. Papineau.

Papineau de-  
clared county  
seat.

SECT. 7. That so much territory as is embraced in the following described limits be, and the same is hereby created into and declared to be a county, to be known as Bruguier county, to wit: commencing at the mouth of Fish or Pratt creek; thence up the main channel of said creek to the source of its main branch; thence on a direct line to the source of Fire Steel creek; thence due west to the Missouri river; thence down the main channel of said river to the point of beginning.

Boundaries of  
the county of  
Bruguier.

SECT. 8. The said county of Bruguier is hereby attached to the county of Charles Mix for election, judicial, and revenue purposes.

Attached to  
Charles Mix  
county for stated  
purposes.

Take effect,  
when.

SECT. 9. This act to take effect and be in force from and after its passage, and its approval by the governor.

Approved May 8, 1862.

W. JAYNE, *Governor.*

## CHAPTER 19.

A BILL FOR AN ACT TO CREATE AND ESTABLISH THE COUNTY OF YANKTON, TO DEFINE THE BOUNDARY LINES, AND TO LOCATE THE COUNTY SEAT THEREOF.

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

Boundaries of  
the county of  
Yankton.

SECTION 1. That so much territory as is embraced in the following described limits, be and the same is hereby created into and declared to be a county to be known as Yankton county, to wit: commencing at a point on the Missouri river where the range line dividing ranges 53 and 54 west of the fifth principal meridian strikes said river; thence north on said range line to the north-east corner of township 96, north range 54 west; thence west on the north boundary line of township 96, to the range line dividing ranges 57 and 58; thence south on said range line to the Missouri river; thence down the main channel of the Missouri river to the point of beginning.

Town of Yank-  
ton declared  
county seat.

SECT. 2. The town of Yankton is hereby declared to be the county seat of Yankton county, and the seat of justice is hereby located and established at the same.

Take effect,  
when.

SECT. 3. This act shall take effect and be in force from and after its passage, and approval by the governor.

Approved April 10, 1862.

W. JAYNE, *Governor.*

## CHAPTER 20.

### AN ACT TO PROVIDE FOR THE LOCATION OF THE COUNTY SEATS IN THE COUNTIES OF THIS TERRITORY.

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

SECTION 1. That when any number of the legal voters of any county in this territory equal to one half the highest number of votes cast at the next preceding general election in such county, shall, at least thirty days previous to the next ensuing election, petition the county commissioners of such county to be allowed to vote on the removal or location of the county seat of such county, to any point within such county, the said commissioners shall cause to be inserted in the notices for the next general election, an article requiring the voters of such county to vote on the removal of the county seat to, or the location thereof, at the point named in the petition. That only one point of removal or location shall be voted for in each year, and that point shall be the one presenting the largest number of petitions: *Provided*, That the same point was not voted for at the last preceding election, and that it shall be lawful for said petitioners to deposit any sum of money or bonds with the county treasurer, which they may propose to donate for the erection of public buildings at the point petitioned for: *Provided*, That in any of the counties of the territory in which the county seat has been or shall hereafter be located by a vote of the electors of said county, the place at which the county seat is so located shall be and remain the county seat at least three years after the time of taking such vote; and no new vote shall be had on the re-location of the county seat until the expiration of said three years.

SECT. 2. The voters of any county, so notified, shall vote at the next general election on the removal or location of their county seat by ballot, written or printed as follows: "For county seat at ——" (filling the blank with the place named in the petition), or "Against county seat at ——" (filling the blank as above); and if a majority of the votes

Election, how ordered and when.

Proviso.

Proviso.

Form of ballot.

Majority to decide. cast are for the point named in the petition, then that place shall be the county seat; otherwise the county seat shall remain as before.

Returns and canvass same as in voting for county officers. **SECT. 3.** The votes for and against the removal or location of the county seat shall be returned and canvassed in the same manner as the votes for county officers.

No county seat removed in any other manner. **SECT. 4.** No county seat, in any county in this territory, shall be removed in any other manner than that prescribed in this act, except by the amendment or repeal of this act.

If county seat removed, officers to remove within twenty days. **SECT. 5.** If, on canvassing the votes, a majority of them are found to be in favor of removal, then all the county officers — who are required to hold their offices at the county seat — shall, within twenty days after such canvass, move their offices to the point so elected as the county seat.

Take effect, when. **SECT. 6.** This act shall take effect from and after the first day of January, one thousand eight hundred and sixty-four.

Approved April 24, 1862.

W. JAYNE, *Governor.*

## CHAPTER 21.

### AN ACT NAMING AND LOCATING THE COUNTY SEAT OF COLE COUNTY.

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

Named Victoria. **SECTION 1.** That the county seat of Cole county be, and the same is hereby named Victoria.

Located, where. **SECT. 2.** That the county seat of Cole county be, and the same is hereby located on the claim of Joseph Chapillion, on section 10, in township 89 north, range 48 west of the fifth principal meridian.

Take effect, when. **SECT. 3.** This act shall take effect from and after its passage, and approval of the governor.

Approved May 7, 1862.

W. JAYNE, *Governor.*

**CHAPTER 22.**

AN ACT TO PROVIDE FOR THE LOCATION OF THE COUNTY SEAT OF COLE COUNTY.

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

SECTION 1. That at the first general election held in the county of Cole, in the Territory of Dakota, the legal voters shall vote by ballot for the location of the county seat of said county; and the place in said county having the highest number of votes, shall be declared to be the permanent county seat of said county.

To vote at first general election on location.

SECT. 2. That the votes cast for county seat in said county shall be returned by the several judges of elections in said county, to the registrar of deeds of said county, as is provided by law for the return of votes in other cases, to the registrar of deeds, and canvassed by him as is provided for the canvass of votes by law; and after said canvass, he shall declare the place having the highest number of votes, to be the county seat of said county.

Return and canvass same as in other elections.

SECT. 3. If any two places should have the highest and an equal number of votes, then the registrar of deeds shall, within twenty days after the result of such election is known, give notice, that within ten days from the time of giving such notice, that an election will be held in said county, at which election the two places only having the highest and an equal number of votes shall be candidates for the county seat; after the result of which election the votes shall be canvassed as hereinbefore provided; and the place having the highest number of votes shall be declared to be the county seat of said county.

In case of tie vote.

SECT. 4. This act to take effect from and after its passage, and approval by the governor.

Take effect, when.

Approved May 8, 1862.

W. JAYNE, Governor.