

Shall not be construed as to impair &c.

Sec. 2. Nothing in this act shall be so construed as to impair the right and authority of R. R. Briggs, to assess the township of Jefferson, for the year 1869, as enacted by the act approved January 4, 1868.

Act to take effect —when

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

Approved, Jan. 13, 1869.

YANKTON—INCORPORATION.

CHAPTER 44.

AN ACT TO INCORPORATE THE CITY OF YANKTON, DAKOTA TERRITORY.

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

Portion declared to be a corporation. Name of

Section 1. That all that portion of Territory surveyed, laid out and platted as a townsite, by James E. Witherspoon, J. B. S. Todd, and Chas. F. Pecotte, and Walter A. Burleigh, situated on the Missouri river, on section number eighteen, township ninety-three, range fifty-five, and lots three and four, in section thirteen, township ninety-three, range fifty-six, all in Dakota Territory, with all the additions that may hereafter be made thereto, according to law, is hereby declared to be a corporation by the name of the "City of Yankton."

Sec. 2. The said city is hereby made a body corporate and politic and is invested with all the powers and attributes of a municipal corporation, and by that name may sue and be sued, plead and be impleaded, complain and defend in any court of record, and any other place whatsoever; may have a common seal, and may alter the same at pleasure, and may take, hold, purchase, lease, convey and dispose of any real, personal, or mixed estate, for the use of said corporation.

Vested with
what

Sec. 3. The legislative authority of said city is hereby vested in a city council, composed of a mayor and board of aldermen, consisting of six members.

Legislative
authority

Sec. 4. 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 the elections thereof.

Who shall vote

Sec. 5. The election of city officers shall be in a manner similar to county elections, as near as the nature of the case admits.

Manner of elec-
tion

Sec. 6. A person offering to vote may be challenged as in other elections in the county, and an oath may be administered to him in like manner, naming the qualifications herein prescribed.

Challenging

Sec. 7. No person shall be eligible to any elective office mentioned in this act, unless he be a legal voter of the city.

Eligibility.

Sec. 8. The annual election for city officers shall be held on the first Monday in April in each and every year, and the officers elect shall qualify and enter upon the discharge of their duties on the second Monday in April thereafter.

Elections when
held

Sec. 9. That Geo. W. Kingsbury, Wm. Miner, James S. Foster, are hereby appointed commissioners to conduct the first election under this act, to canvass the votes and to issue certificates of election to the officers elect.

Commissioners,
appointed, when

Sec. 10. In all elections for city officers, after the first, the mayor shall issue a proclamation to the voters of the city, naming the time and place of such election, and officers to be chosen, and cause a copy to be posted at least ten days previous to the day of election. The polls shall be opened between the hours of eight and ten o'clock, in the forenoon, and con-

Mayor shall
issue, a procla-
mation

tinue open until four o'clock in the afternoon. Within two days after the election, the judges of election shall make out their returns to the president of the city council, who shall examine them at the next meeting, and cause an abstract of the votes to be recorded in a book kept for that purpose.

In addition to
Mayor &c.

Sec. 11. In addition to a mayor and board of aldermen, there shall be elected at the general election in each year a marshal, treasurer, and city clerk, who shall hold their respective offices for one year, and until their successors are elected and qualified.

Duty of Mayor.

Sec. 12. It shall be the duty of the mayor to see that the laws and ordinances of the city are executed; and their violation punished; to superintend and direct the official conduct of subordinate officers; to sign and seal all commissions, licenses, permits, granted by the city council, and to perform such duties and exercise such powers as pertain to the office of mayor of the city, and such as may be granted or imposed, by the ordinances of the city, consistent with law.

Mayor shall be
what

Sec. 13. The mayor shall be a conservator of the peace within the city, and *ex officio* a justice of the peace, and is invested with original jurisdiction for the violation of the city ordinances; he shall not be disqualified from acting in such judicial capacity by any proceedings being in the name, or in behalf of, the city.

Power of city
council

Sec. 14. The city council is invested with the power to make ordinances to secure the inhabitants against fire, against violations of the public peace, to suppress riots, gambling, drunkenness and indecent behavior in public places; and in general to provide for the safety, prosperity and good order of the city, and the health, morals and convenience of the inhabitants, and to impose penalties for the violation of its ordinances, not exceeding one hundred dollars for each offense, which may be recovered in a civil action in the name of the city, or by complaint before a justice of the peace, and the laws of the Territory relative to the carrying into effect a judgment of a justice of the peace, imposing a fine, shall be applied to judgments in the above cases.

Sec. 15. The council is authorized to establish and organize fire companies, and provide them with fire engines, hose and other apparatus.

Authorized to establish what

Sec. 16. The council may regulate the keeping and sale of gunpowder within the city.

May regulate what

Sec. 17. The city council shall have exclusive authority to provide for the licensing and prohibition of all exhibitions, shows, theatrical performances, and billiard table halls, ten pin alleys, and other saloons, but the above authority extends to no exhibition of a purely scientific character. The city council shall also have the power to license and regulate the retailing of intoxicating liquors, and also the sale of all goods, wares and merchandise, and all other property sold at auction within the limits of the city.

Exclusive authority

Sec. 18. The council shall be the judge of the qualifications and elections of its own members; it may determine the rules of its own proceedings, and shall keep a record thereof, which shall be open to the inspection of every citizen, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

Judge of qualifications &c

Sec. 19. The mayor shall preside at all meetings of the city council, and in case of his death, resignation or inability to serve from any cause, a majority of the aldermen shall elect a mayor *pro tem* to preside at said meetings, and shall designate a justice of the peace to [take] cognizance of offenses arising under the ordinances of said city.

Mayor shall preside at meetings &c. In case of death resignation &c,

Sec. 20. No member of the city council shall be eligible to any office within the gift of the city council during the term of office for which he is elected, nor shall he be interested directly or indirectly in the profits of any contract, job, or work, or services to be performed for the city.

Member of council not eligible

Sec. 21. Ordinances passed by the council shall be recorded in a book to be kept for that purpose, and shall be signed therein by the mayor and be attested by the clerk.

Ordinances passed, recorded

Sec. 22. It is the duty of the clerk to keep a true record of all the proceedings of the city council and such record shall be open in all business hours for the inspection of any citizen.

Duty of clerk

Oath Sec. 23. The mayor, aldermen, marshal, treasurer, clerk, assessor and collector shall respectively take an oath to support the constitution of the United States and the laws of the Territory, and faithfully and impartially to perform their duty to the best of their knowledge and ability. Other officers shall qualify in such manner as may be prescribed by the city council. The oath of office may be administered by the mayor or clerk of the council when he is qualified, and in the transaction of the business of the corporation, and those officers and the president for the time being may administer oaths which shall have the same effect as if administered by the officers authorized therefor.

Salary of mayor Sec. 24. The mayor shall receive for his services an annual salary not exceeding five dollars; each of the aldermen shall receive a salary not exceeding three dollars, said salaries to be fixed by the council within the limits aforesaid. And it shall be the duty of the council to allow such fees for the services of city officers not provided for in this act as it shall deem right.

Bond Sec. 25. The treasurer, clerk of the council, assessor, collector and marshal, shall give such bond, perform such duties, and exercise such powers as may be required of them by ordinance not inconsistent with law, which bond shall be proved by the council and filed with the mayor.

Treasurer ex officio collector
Marshal ex officio assessor Sec. 26. The treasurer shall be *ex officio* collector, and the marshal *ex officio* assessor of said city.

Marshal conservator of the peace Sec. 27. The marshal shall be a conservator of the peace within said city, shall serve all process directed to him by the mayor or any justice of the peace exercising jurisdiction under the ordinances of the city, and shall possess powers usually exercised by sheriffs and constables in making arrests, suppressing riots, and breaches of the peace, in executing process.

Duty of council to make statement, when Sec. 28. On the third Monday in December in each year, it shall be the duty of the council to cause a full, complete and detailed statement of the financial condition of the city, to be published in some newspaper in the city, which statement shall be signed by the mayor, clerk and a majority of the members of the council.

Sec. 29. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this Territory without proof; and all ordinances of the city council may be proved by the book referred to in this act; and when printed and published in book form, and purporting to have been printed by authority of the city council, said ordinances shall be received in all courts and places without further proof.

Declared to be
a public act

Sec. 30. The council shall provide by ordinance for the keeping of the public money of the city, and the manner of disbursing the same; and shall cause all claims against the city to be audited, and all city officers are accountable to said council in such manner as it may direct.

Shall provide
for the keeping
of public money

Sec. 31. The mayor and council shall have full power to remove the present cemetery without the corporate limits of the city, and sell the ground that the same is located on, to pay for the purchase of ground for a new cemetery, and to defray the expenses of removal.

Shall have power
to remove
cemetery &c.

Sec. 32. That this act shall take effect and be in force from and after its passage.

Act shall take
effect—when

Approved, Jan. 8, 1869.