

BON HOMME INCORPORATION ACT.

CHAPTER 3.

AN ACT TO INCORPORATE THE CITY OF BON HOMME, DAKOTA TERRITORY.

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

Boundaries of
City of Bon
Homme.

SECTION 1. That all that portion of Territory contained in lots numbers one and two, of the northwest quarter of section number eighteen, and lots numbers three and four, of the southwest quarter of section number eighteen, all being in township number ninety-three north, range number fifty-eight west; and also the northeast quarter of section number thirteen, and the northeast quarter of the northwest quarter of section number thirteen, and lots numbers two, three, and four, in said section number thirteen, in township number ninety-three north, of range number fifty nine west, all in the county of Bon Homme, Dakota Territory, is hereby declared to be a corporation by the name of the "CITY OF BON HOMME."

Powers of
said city.

SEC. 2. The said city of Bon Homme 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.

Legislative
authority.

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.

SEC. 4. Every legal voter of the Territory of Dakota who shall have been a resident of the city of Bon Homme, 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 entitled to 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 election.

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.

Voter may be challenged.

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

Who eligible to office.

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.

Election, where held.

SEC. 9. That Benton Fraley, D. P. Bradford, and Timothy B. Burleigh, are hereby appointed commissioners to conduct the first election under this act, who, or a majority of whom, are to canvass the votes and to issue certificates of election to the several officers elect, and whose duty it shall also be to fix the place for holding the first election of officers under this act, by giving at least five days notice of such election, by printed or written notices.

Names and duty of commissioners of election.

SEC. 10. In all elections for city officers, after the first election, the Mayor shall issue a proclamation to the voters of the city, naming the time and place of such election, and the officers to be chosen, and cause at least one copy to be posted in each ward, in case the city shall have been subdivided into wards, and if not so subdivided, as many as the case may require, which notice or notices shall be so posted, at least ten days previous to the day of election. The polls shall be open between the hours of eight and ten o'clock in the forenoon, and continue open until four o'clock in the afternoon. Within two days from the day of 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.

Proceedings in all subsequent elections

Other officers
to be elected.

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 in like manner 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 and permits, granted by the city council, and to perform such duties and exercise such powers as pertain to the office of the mayor of the city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

Jurisdiction
of mayor.

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 the 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.

Powers vest-
ed in the 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.

Penalties for
violation of
ordinances.

Fire compan-
ies, &c.

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

Sale of gun-
powder.

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

City council
provide for li-
censing exhibi-
tions.

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.

SEC. 18. The city council shall be the judge of the qualification and election 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 of the city, and may compel the attendance of its members in such manner and by such penalties as it may adopt.

City council shall be judge of qualification of its members.

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 may designate a justice of the peace to take cognizance of offenses arising under the ordinances of the city.

Mayor shall preside at all meetings of city council.

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.

Members of council shall be ineligible to certain offices.

SEC. 21. All 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 shall be 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.

Clerk shall keep record of proceedings.

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 faithful 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, or by any person duly authorized to administer oaths; and in the transaction of the business of the corporation, those officers and the

Oath of officers.

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 and aldermen.

SEC. 24. The mayor shall receive for his services an annual salary not exceeding ten dollars; each of the aldermen shall receive a salary not exceeding three dollars per annum, said salaries to be fixed by the council, within the limits aforesaid. It is however, *Provided*, That when the city shall contain a population of 6,000 inhabitants additional to its present population, the salaries of the mayor and aldermen may be increased to any sum not exceeding five times the amount herein designated, such sums of money to be fixed by the council aforementioned. It shall be the duty of the council to allow such fees for the services of other city officers, not provided for in this act, as it shall deem right.

Proviso.

What officers shall give bonds.

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

Treasurer and collector.

SEC. 26. The treasurer shall be ex-officio collector, and the marshal ex-officio assessor of said city.

Duty and powers of marshal.

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 the powers usually exercised by sheriffs and constables in making arrests, suppressing riots, and breaches of the peace, and executing process.

When council shall cause financial statement to be made.

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 made out, which statement shall be signed by the mayor, clerk, and a majority of the members of the council, and open to inspection.

This act declared to be a public act, and admissible as evidence.

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.

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 just claims against the city to be audited, and all city officers are accountable to said council in such manner as it may direct. Council shall provide for keeping public money.

SEC. 31. All acts and parts of acts conflicting with this act are hereby repealed. Conflicting acts repealed.

SEC. 32. This act shall take effect and be in force from and after its passage. Take effect when.

Approved, January 13, 1871.

CANTON, LINCOLN COUNTY.

CHAPTER 4.

AN ACT TO CHANGE THE NAME OF THE TOWN SITE OF LINCOLN, IN THE COUNTY OF LINCOLN, TERRITORY OF DAKOTA.

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

SECTION 1. That the Township of Lincoln, situated on the southeast quarter of section fourteen (14), township ninety-eight (98), of range forty-nine (49), of Lincoln county, Dakota Territory, be, and the same is hereby changed to the name of Canton. Township of Lincoln, in Lincoln county, changed to Canton.

SEC. 2. This act shall take effect and be in force from and after its passage and approval by the Governor. To take effect when.

Approved, December 23, 1870.