

EMMERSONVILLE—INCORPORATION ACT.

CHAPTER 6.

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

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

SECTION 1. That all that portion of territory contained in the northeast quarter of section number thirty-three, and the southeast half of the southeast quarter of section twenty-eight, all being in township number ninety-five north, range number fifty-four west, all in the county of Yankton, Dakota Territory, is hereby declared to be a corporation by the name of the "City of Emmersonville."

Boundaries of City of Emmersonville.

SEC. 2. The said city of Emmersonville 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.

Powers of said city.

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 of Dakota who shall have been a resident of the city of Emmersonville 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.

Manner of election.

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.

Voter may be challenged.

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.

Who eligible to office.

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

Elections, where held.

SEC. 8. The annual election of 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.

Names and duty of commissioners of election.

SEC. 9. That Bartlett Tripp, Joseph Emmerson and John Lawrence 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.

Proceedings in all subsequent elections.

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 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.

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.

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 mayor of the city, and such as may be granted or imposed by the ordinances of the city, consistent with law.

Duty of mayor.

SEC. 12. 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.

Jurisdiction of mayor.

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.

Powers vested in the city council

Penalties for violation of ordinances.

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.

Fire companies, &c.

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

Sale of gunpowder.

SEC. 17. The city council shall have exclusive authority to provide for the licensing and prohibition of all exhibition, 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 other property, sold at auction within the limits of the city.

City council provide for licensing exhibitions.

City council shall be judge of qualification of its members.

SEC. 18. The city council shall be the judge of the qualification and election of its own members; 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.

Mayor shall preside at all meetings of city council.

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.

Members of council shall be ineligible to certain offices.

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 contracts, job, or work, or services to be performed for the city.

Ordinances shall be recorded.

SEC. 21. All ordinances passed by the city 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.

Clerk shall keep record of proceedings.

SEC. 22. It is the duty of 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.

Oath of officers.

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, or by any person duly authorized to administer oaths; and in the transaction of the business of the corporation, 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 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 here in 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.

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

Proviso.
What officers shall give bonds.

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

Treasurer and collector.

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.

Duty and powers of marshal.

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.

When council shall cause financial statement to be made.

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.

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

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.

Conflicting
acts repealed.

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

Take effect
when.

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

Approved, January 13, 1871.

JAIL—PEMBINA COUNTY.

CHAPTER 7.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF PEMBINA COUNTY TO RAISE MONEY FOR THE ERECTION OF A JAIL IN SAID COUNEY.

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

Commission-
ers of Pembina
county may
levy special
tax, &c.

SECTION 1. That the county commissioners of Pembina are hereby authorized to raise by special tax on all taxable property in the county for the year 1870-1, the sum of four thousand dollars, to be levied and collected in like manner as the general tax. And said county commissioners are hereby further authorized to raise by loan the sum of six thousand dollars. They shall also have power to raise the whole sum if they deem it advisable by taxation or by loan: *Provided*, That the provisions of an act to authorize the county commissioners of Yankton county to raise money for the erection of a jail, approved December 25th, 1868, not inconsistent with section first of this act shall apply, be in force, and considered part of this act.

Proviso.

To take effect
when.

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

Approved, January 12, 1871.