

Laws of Local Application.

CHAPTER 60.

(BURLEIGH COUNTY—BRIDGES.)

AN ACT to attach the Counties of Walette and Mountraille to Burleigh County, for Certain Purposes.

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

§ 1. COUNTIES ATTACHED FOR BRIDGE PURPOSES.] That the counties of Walette and Montraille are hereby attached to Burleigh county for the purpose of bridge corporations, subject to all the provisions of the law in relation thereto. And the commissioners of Burleigh county shall have the same authority and control over all bridge corporations within said counties of Walette and Mountraille, the same as if they were a part of the said county of Burleigh. And said counties of Walette and Mountraille shall be attached as aforesaid for the purposes mentioned in this act, but for no other purpose.

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

Approved, February 10, 1879.

CHAPTER 61.

(CLAY COUNTY—LIQUOR LICENSE.)

AN ACT to authorize the County Commissioners of Clay County to Require the Payment of a License and the Giving of a Bond for the Sale of Intoxicating Liquors, as Provided by the General Laws of Dakota Territory.

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

§ 1. MAY REQUIRE PAYMENT OF LICENSE.] The county commissioners of the county of Clay are hereby authorized and empowered to require the payment of a license and the giving of a bond for the sale of intoxicating liquors in said county, anything in the charter of the city of Vermillion to the contrary notwithstanding. The intention being to allow both the county commissioners of said county and also the mayor and city council or other authorities of any town or city situated in said county, to require the payment of the license as herein provided, or as provided by the general laws of this Territory.

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

Approved, February 22, 1879.

CHAPTER 62.

(KINGSBURY COUNTY—ELECTION PURPOSES.)

AN ACT to attach the County of Kingsbury for Election Purposes.

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

§ 1. PART OF EIGHTH DISTRICT.] The county of Kingsbury shall be and hereby is attached to the eighth legislative district for election purposes.

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

Approved, February 22, 1879.

CHAPTER 63.

(LAKE COUNTY—BOUNDARIES.)

AN ACT to define the Boundaries of Lake County, Dakota Territory.

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

§ 1. BOUNDARIES DEFINED.] The county of Lake shall be bounded and described as follows: Beginning at the southwest corner of the county of Moody; thence north and along the west boundary of said county to the second standard

parallel; thence west and along said parallel to the northwest corner of township one hundred and eight, range fifty-four; thence south and along the range line between ranges fifty-four and fifty-five to the first standard parallel; thence east along said parallel to the place of beginning.

§ 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, February 22, 1879.

CHAPTER 64.

(LAWRENCE COUNTY—FIRE WARDEN.)

AN ACT authorizing the Appointment of Fire Warden in the Town of Deadwood, Lawrence County, and for other Purposes.

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

§ 1. COUNTY COMMISSIONERS MAY ESTABLISH FIRE LIMITS.] The county commissioners of Lawrence county may at any regular meeting, or at any special meeting thereof, called for the purpose, clearly and definitely designate and establish such an area or portion of the town of Deadwood, including South Deadwood, as they may deem proper, which area or portion of said town when so designated and established and entered in the journal or record of proceedings of said county commissioners shall be known as the fire limits of said town, and in which all buildings that now are or may be erected where fire is now or may be used shall be provided throughout with flues or chimneys by the owners thereof, constructed in a good and substantial manner, with good merchantable brick or other durable material, as said county commissioners may designate by resolution.

§ 2. FIRE WARDEN. HIS DUTIES.] The county commissioners of said county shall have power to appoint one fire warden for said town, whose duty it shall be to inspect all flues, chimneys, stovepipes and other things appertaining to and used in and about any building in said town for fire purposes, at least once in every three months, and as much oftener as necessity may seem to require, or when so directed by said board of county commissioners; he shall also cause the owner or owners or occupant of any such building to secure all stoves and stovepipes therein in accordance with the resolution of said board of county commissioners that may be adopted for the better securing of buildings against fire, and he shall perform such other duties as may be required of him by law or any legal order of said board of county commissioners.

§ 3. WARDEN TO GIVE BOND. COMPENSATION.] Said fire warden shall hold his office for one year, or until the first Monday of January in each year, unless sooner removed by said board of county commissioners; and he shall, before acting as such warden, give bond to said county in such sum as may be fixed by said commissioners, not exceeding one thousand dollars, with not less than two sureties, to be approved by said county commissioners, conditioned that he will faithfully and impartially perform the duties of fire warden of said town as required by law, and for his services he shall be allowed such compensation as may be allowed by said board of county commissioners, not exceeding four dollars per day for each day actually and necessarily engaged in the performance of his duties, which shall be paid quarterly out of the "fire tax of Deadwood" by the treasurer of said county, on the order of said board of county commissioners, in the manner hereinafter specified.

§ 4. PENALTY FOR TRANSGRESSING FIRE LIMIT'S REGULATION.] Any person who shall so negligently keep and maintain any chimney, flue, stovepipe, fire, fireplace, forge, bake-oven, furnace or other appliance wherein is kept or used any fire, in or near any building or premises within the fire limits, when established as aforesaid, that the same shall be unsafe and in danger of communicating fire to said building or premises or to any other building or buildings, shall be guilty of main-

taining a public nuisance, and on conviction thereof shall be fined in any sum not less than five dollars and not exceeding one hundred dollars and costs, or imprisonment in the county jail not exceeding ten days, or by both such fine and imprisonment.

§ 5. PENALTY FOR REFUSING TO CONSTRUCT PROPER CHIMNEYS, ETC.] Any person owning any building within the limits aforesaid, who shall, after three days' notice given by said fire warden, neglect or refuse to build or construct therein such chimneys or flues and other safeguards against fire, and of such material and in such manner as may be required by law, or the order or resolution of said board of county commissioners, as specified in this act, shall be guilty of maintaining a public nuisance, and on conviction thereof shall be subject to the same fine or imprisonment, or both, as specified in the last preceding section; and any lessee of such property may make and pay for such necessary improvements and deduct the amount thereof out of rent due or that may become due from time to time, to such owner.

§ 6. PENALTY FOR EXPOSING COMBUSTIBLE MATERIAL.] Every person who shall within such fire limits place and keep large quantities of wood, hay, straw, powder, or other combustible or explosive materials of any kind so as to endanger the dwelling houses or other buildings in the neighborhood thereof from fire, shall be deemed guilty of establishing or keeping and maintaining a public nuisance; and if such person, after being notified by said fire warden to remove such combustible or explosive materials above mentioned, shall neglect or refuse to remove the same, such person shall, on conviction, be fined in any sum not exceeding one hundred dollars, and said board of county commissioners shall have power at any regular meeting thereof to curtail or extend said fire limits.

§ 7. OBSTRUCTIONS IN STREETS MAY BE REMOVED. PENALTY FOR REFUSING.] Said board of county commissioners may at any regular meeting thereof, by resolution adopted, provide for the removal of any wood, lumber, boxes or other material or obstructions in any street or alley in said town, or on any sidewalk; and after the adoption of such resolution, if any person, after three days' notice given by said fire warden, shall

neglect or refuse to remove any wood, lumber, boxes, or other material or obstructions from immediately in front of any building owned or occupied by him or her, shall be deemed guilty of maintaining a public nuisance, and upon conviction thereof may be fined in any sum not exceeding one hundred dollars for each offense, and in such cases said fire warden may remove such obstructions at the expense of the party chargeable therewith, and collect the same out of the property so removed or otherwise: *Provided*, That this section shall not apply to persons erecting buildings during the time of the construction thereof, but no longer; and such persons shall, on the completion of any building erected by them, remove all obstructions caused thereby, or be liable to punishment as aforesaid: *Provided further*, That no person shall at any time place any such material or obstruction in any street in such manner as to prevent the free passage of wagons or other vehicles.

§ 8. TAX FOR SUPPORT OF FIRE DEPARTMENT.] The board of county commissioners of said Lawrence county are hereby authorized and empowered to levy a special tax for the year 1879, and each year thereafter, not exceeding in any one year the sum of one mill on each dollar of taxable property, both real and personal, in said town of Deadwood, including South Deadwood, for the support and maintenance of the fire department of said town and the payment of the per diem of the fire warden; said tax shall be paid in lawful money of the United States and shall be known as the "fire tax of Deadwood," and shall be levied and collected in the same manner and at the same time as are the general taxes of said county, and shall be kept by the treasurer of said county as a separate fund from all other taxes collected.

§ 9. FIRE TAX—FOR WHAT PURPOSES DEVOTED.] No warrant shall be drawn on said fire tax or fund by said board of county commissioners, except for per diem of said fire warden and for the purchase of and furnishing said department, or the several companies composing the same, with all necessary apparatus for better securing the efficiency of said fire companies and for making repairs to all such apparatus and such improvements as shall be actually necessary for the purposes aforesaid, and nothing in this act shall authorize or

shall be so construed as to make said county, in any manner, liable for any amount over and above the amounts of said tax collected in each year, including what other moneys may be collected and become part of said fire tax or fund; and said county treasurer shall pay no money out of said tax or fund, except on a warrant or warrants drawn thereon by said board of county commissioners, and said commissioners shall not issue warrants amounting in the aggregate in any one year to more than the amount of such fire tax for that year.

§ 10. COMMISSIONERS MAY MAKE CONTRACT FOR WATER SUPPLY.] Said board of county commissioners may at any time, after three months from and after the passage and approval of this act, have power to enter into a contract in writing with any person or persons, company or corporation, for furnishing an ample supply of good water for fire and other public purposes, including domestic purposes in said town, for any term of years not exceeding twenty, which contract when recorded in the register of deeds office of said Lawrence county, shall be binding on the contracting parties thereto, and said town of Deadwood, whether as an incorporated or unincorporated town, for and during the term specified in said contract: *Provided*, That the water to be so furnished shall have at least one hundred feet hydraulic pressure and as much over one hundred feet, as may be deemed necessary in the opinion of two competent and disinterested engineers, to secure or materially aid in the extinguishment of fires in said town, and shall be a constant and steady supply at all seasons of the year; and said board of county commissioners shall have power to grant the right of way through any of the streets and alleys of said town, for water mains and pipes, by specifying such grant and the terms thereof in such contract.

§ 11. QUESTION OF WATER SUPPLY TO BE SUBMITTED TO VOTERS.] Before any such contract shall be entered into, said board of county commissioners shall submit the question of "water contract" or "no water contract" to the legal voters of said town, and shall at the same time publish in some newspaper published therein, an accurate and short description of the terms of the proposed contract, and if a majority of the votes of said town shall be in favor of "water contract" then said

commissioners may make and enter into such contract, otherwise they shall have no such power.

§ 12. SAME.] Said board of county commissioners shall have power to negotiate for the purchase of or otherwise secure as trustees in trust for said town or the people thereof, any good and sufficient title to the permanent use and enjoyment of any water right or supply of water of the same capacity and quality in every respect as specified in section ten of this act, and which shall be reported upon favorably by two competent and disinterested engineers. Before any purchase shall be made under this section or any money shall be expended on the construction of any works on any such water right, said board of county commissioners shall submit the question of "water supply" or "no water supply" to the legal voters of said town, and if a majority thereof shall be in favor of "water supply" then said board of county commissioners may contract with the lowest responsible bidder for the construction and completion of all works necessary to make such water supply permanently available for the purposes aforesaid, provided that the sum to be expended shall not exceed the sum of six thousand dollars, the money for the payment of which shall be levied by said board of county commissioners on the taxable property, both real and personal, in said town, and shall be known as the "water tax;" said tax shall be collected at the same time and in the same manner as are the county taxes of said county, and paid out by the county treasurer thereof as in other cases: *Provided*, That if any warrants shall be issued on account of said contract of work, that the same shall be taken at par by the contractor or person to whom the same shall be issued, and no difference between cash and such warrants shall be allowed in awarding the contract.

§ 13. ESTIMATES FOR WATER SUPPLY SHALL BE MADE ON CASH BASIS.] The estimates for the construction and completion of such works shall be made on a cash basis, and no bid shall be entertained by said board of county commissioners that bears evidence of allowing for any difference between such estimates and such warrants at par; and said board of county commissioners shall have the right to reject any or all bids that may be presented under this act, and when said works

are completed, the same, together with the water right, secured as aforesaid, shall belong to and be the property of said town, and shall be held by said board of county commissioners in trust for said town or the people thereof, until such time as said town may be incorporated. The contractor shall give bond to said board of county commissioners and their successors in office as trustees as aforesaid, in double the amount of said contract, to secure the faithful performance of the terms or stipulations thereof, and the construction of the works aforesaid by such contractor shall be subject to the inspection and supervision of a competent civil engineer, to be selected by said board of county commissioners for that purpose.

§ 14. ELECTIONS—HOW HELD.] All elections held under this act shall be called, conducted, canvassed and result declared in the same manner as provided in the election laws of this Territory, so far as the same is applicable, and all fines and forfeitures collected under this act shall be paid to the county treasurer as in other cases, and shall belong to and be credited to said "fire tax" or "fund" by said treasurer.

§ 15. JURISDICTION OF JUSTICES.] The justice of the peace of the precinct in which said town is located, shall have and exercise jurisdiction of all cases arising under this act, and on complaint may hear, try and determine the same as in other cases where he has concurrent jurisdiction as such justice with the district court, and the like proceedings shall be had therein in every respect as in other cases where justices of the peace have such jurisdiction.

§ 16. PROVISIONS OF THIS ACT MAY APPLY TO ALL TOWNS IN THE COUNTY.] The provisions of this act may at any time be made to apply to any other town in said Lawrence county, so far as it can be done, whenever a majority of the citizens of such town shall petition said board of county commissioners to call an election for that purpose; and said board of county commissioners, upon receiving such petition, shall, at the next regular or special meeting thereof, (unless it is within sixty days of a general election in said county) call a special election in such town to determine whether the provisions of this act shall apply to said town or not, and if such petition shall be received within sixty days of any general election,

said board of county commissioners shall submit the question to the legal voters of such town at said general election.

§ 17. SAME.] If a majority of the legal voters of such town shall vote in favor of "fire warden law," then the provisions of this act shall apply and be in full force in such town from and after the date of publication of the result of said election, which said board of county commissioners shall cause to be published immediately after the result thereof is canvassed; but if a majority of said voters shall vote "against fire warden tax," then this act shall in no manner apply or be in force in such town.

§ 18. This act shall take effect and be in force from and after its passage.

Approved, February 20, 1879.

CHAPTER 65.

(UNION COUNTY—HIGHWAYS.)

AN ACT concerning Public Highways, Road Districts and Road Supervisors and their Duties and Compensation in Union County, and to cause the same to Conform to the General Laws.

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

§ 1. GENERAL LAWS RELATING TO ROAD MATTERS TO HAVE FULL FORCE IN UNION COUNTY.] From and after the passage and approval of this act the general laws of the Territory relating to highways, roads, road districts, road supervisors and other road officers and their duties and compensation, and all parts of the general laws, or acts amendatory thereof relating to

counties and townships and their officers, so far as the same apply to roads, road officers and road and bridge taxes and the levy, collection and payment of the same, shall apply to and have full force in the county of Union and all the civil townships which have been or may be organized therein; and all the proper officers shall be elected or appointed according to law to carry the same into effect; and no special or local laws concerning these subjects shall have any force against the provisions of this act and the laws herein referred to, except so far only as may be necessary to preserve any rights of property or use accrued to or vested in the said county or any township therein, or any individual or officer, or to execute, complete or pay consideration for any contract now in force under such local laws.

§ 2. ACTS REPEALED.] All acts and parts of acts so far as inconsistent with this act, and no farther, are hereby repealed; but this act shall not be construed to repeal or in any manner affect the force of chapter 9 of the special and private laws of 1872-3, approved January 9th, 1873, establishing commissioners districts in said Union county.

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

Approved, February 20, 1870.