

CHAPTER 70.

ROCKPORT.

AN ACT to vacate a portion of Foster's Addition to the Town of Rockport, Dakota Territory.

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

§ 1. DESCRIPTION OF TRACT VACATED.] That all that part of Foster's Addition to the town of Rockport, Hanson county, Dakota Territory, lying east of the Dakota river, in section six (6), town 101 of range 58, as platted and filed in the office of register of deeds of Hanson county, Dakota Territory, be and hereby is vacated.

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

Approved, February 17, 1881.

Wagon Bridges.

CHAPTER 71.

GRAND FORKS COUNTY.

AN ACT granting the right to Establish and Maintain a Bridge across the Red River, at the City of Grand Forks, County of Grand Forks and Territory of Dakota.

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

§ 1. AUTHORITY GIVEN TO ESTABLISH BRIDGE.] That Alexander Griggs, John McKelvey and Richard Bennett, their heirs, executors and assignees shall have the right for the period of ten (10) years from and after the passage of this act, for building and maintaining a wagon and foot bridge

across the Red River of the North, at the city of Grand Forks, in the county of Grand Forks and Territory of Dakota, at a point in said city limits where said persons or a majority of the same shall deem to the best interests to the traveling public: *Provided, however,* That the rights herein granted shall not exclude or prevent the city of Grand Forks, or the county of Grand Forks, at any time, from constructing or maintaining a free bridge across said river at the foot of De Mers' avenue, in said city, if the city council of said city, or the county commissioners of said county shall deem it to the best interests of the people.

§ 2. CHARACTER OF BRIDGE.] The said Alexander Griggs, John McKelvey and Richard Bennett, their heirs and assignees shall within two years after the passage of this act, construct and build across the said Red River, a good and sufficient bridge, as may be necessary for the passage of teams, horses, cattle, and foot passengers, across said river, and shall keep the same in good repair and safe condition while it shall be used.

§ 3. ARTICLES OF CORPORATION TO BE FILED.] The parties hereinbefore named shall within one year after the passage of this act, file in the office of the secretary of the Territory their articles of corporation as provided by the laws of Dakota Territory, and shall also file with the county register of deeds of said Grand Forks county a bond, with two sufficient sureties, to be approved by said register of deeds, in the penal sum of two thousand dollars, conditioned that they will faithfully fulfill all the duties imposed upon them by this act.

§ 4. RATE OF TOLLS.] The said Alexander Griggs, John McKelvey and Richard Bennett, their heirs and assigns shall have the right to charge and collect the following rates for crossing said bridge: for each foot passenger, five cents; for each horse or mule, with rider, ten cents; for each two horse, two mule or yoke of oxen with vehicle, with or without driver, twenty-five cents; for each single horse or mule with a vehicle of any kind, with or without a driver, fifteen cents; for each horse, mule or cow or other large animal not included above, five cents; for each swine or sheep or other small animal, except dog, three cents. The schedule adopted by the above mentioned parties, not in conflict with this section, shall be posted upon the bridge in a conspicuous place.

§ 5. PENALTY FOR EXCESSIVE CHARGES.] If the above parties, their heirs and assigns shall charge or exact any greater or higher rates than those above specified, they shall forfeit the sum of five dollars for each and every such offense, to be recovered by suit before any justice of the peace in the city of Grand Forks.

§ 6. FORFEIT.] If the aforementioned parties, their heirs or assigns fail to file within the time specified in the third section of this act, the bond therein required, or shall fail to build said bridge within two years from the passage of this act, they shall forfeit all the rights, privileges and benefits that might accrue to them from the passage thereof.

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

COUNCIL CHAMBER,
Yankton, D. T., Feb. 26, 1881. }

I hereby certify that on this day this bill was returned to the council, the house in which it originated, without the approval of his excellency, Governor N. G. Ordway, with his objections to this bill in writing. His objections were entered at large upon the journal of the council, and the council proceeded to reconsider the bill, and after such reconsideration, two-thirds of the council voted to pass the bill, the objections of the governor to the contrary notwithstanding.

Attest:
E. B. DAWSON,
Chief Clerk of the Council.

GEO. H. WALSH,
President of the Council.

HOUSE OF REPRESENTATIVES,
Yankton, Feb. 26, 1881. }

I hereby certify that the within bill was received from the Council, together with the Governor's objections thereto, February 26; that the objections of the Governor were read at length, and the question stated by the Speaker "Shall the bill pass, notwithstanding the objections of the governor?" and that the bill did pass, more than two-thirds of the House voting in the affirmative.

Attest:
FRANK J. MEAD,
Chief Clerk of the House.

J. A. HARDING,
Speaker of the House.

CHAPTER 72.

MORTON COUNTY.

AN ACT granting the right to Establish and Maintain a Bridge across the Big Heart river, between Mandan and Fort A. Lincoln, D. T.

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

§ 1. PARTIES GIVEN AUTHORITY TO CONSTRUCT BRIDGE.] That Daniel W. Maratta, William Harmon and Frank J. Mead, their heirs, executors, administrators and assigns shall have the right for the period of ten years from and after the passage of this act, of building and maintaining a wagon bridge across the Big Heart river, between the village of Mandan and Fort A. Lincoln, D. T.: *Provided, however,* That the village of Mandan, or the county of Morton, may at any time during the ten years above mentioned have the right to purchase said bridge and convert the same into a free bridge, said purchase to be effected upon a fair valuation, such valuation to be decided by three appraisers, who shall be disinterested parties, one of which said appraisers shall be chosen by the persons named above, and the second of said appraisers to be named by the county commissioners of Morton county, or village trustees of the village of Mandan, and the third appraiser to be named by the two so chosen, and that the purchase price which shall be so agreed upon by said appraisers shall be paid by the county or village above named, and received in good faith by the said above corporators or their assigns.

§ 2. CHARACTER OF BRIDGE.] That said Daniel W. Maratta, William Harmon and Frank J. Mead, their heirs and assigns shall within two years after the passage of this act, construct and build across the said river a good and sufficient bridge as may be necessary for the passage of teams, horses, cattle and foot passengers across said river, and shall keep the same in good repair and safe condition while it shall be used.

§ 3. BOND.] The parties hereinbefore named shall within one year after the passage of this act, file with the county clerk of said Morton county a bond, with two sufficient sure-

ties, to be approved by the county treasurer, in the penal sum of two thousand dollars, conditioned that they will faithfully fulfill all the duties imposed upon them by this act.

§ 4. TOLLS.] The said Daniel W. Maratta, William Harmon and Frank J. Mead, their heirs and assigns shall have the right to charge and collect the following rates for crossing said bridge, to-wit: For each foot passenger, five cents; for each horse or mule, with rider, ten cents; for each two horse or two mule team or yoke of oxen with vehicle of any kind, with or without driver, twenty-five cents; for each single horse or mule with a vehicle, with or without driver, fifteen cents; for each horse, mule, ox or cow, not included in the above, five cents; for each sheep or swine, three cents.

§ 5. PENALTY FOR UNLAWFUL RATES.] If the above parties, their heirs or assigns shall charge or exact any greater or higher rate than those specified, they shall forfeit the sum of five dollars for each and every such act, to be recovered by suit before any justice of the peace in the village of Mandan or county of Morton.

§ 6. PENALTY FOR FAILURE TO FILE BOND.] If the above parties fail to file within the time specified in the third section of this act, the bond therein required, or shall fail to build said bridge within two years from the passage of this act, they shall forfeit all the rights, privileges and benefits that might accrue to them from the passage thereof.

§ 7. OTHER BRIDGES. REVENUE TO COUNTY.] Nothing in this act shall be construed to prevent the building of other bridges between the points named in this act. under the regulations herein prescribed: *And provided further*, That 10 per cent of the net income received from such bridge or bridges shall be paid into the county treasury of Morton county.

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

Approved, March 5, 1881.

CHAPTER 73.

MOODY COUNTY.

AN ACT providing for the Construction of four Wagon Bridges across the Big Sioux river, in Moody County, D. T.

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

§ 1. COMMISSIONERS TO CONSTRUCT FOUR BRIDGES.] That the board of county commissioners of Moody county are authorized and empowered and it is hereby made their duty under the provisions of this act to construct four bridges across the Big Sioux river, in Moody county, one of which bridges shall be located at Brookfield, and one at Flandreau, and one at a place known as the "Church Crossing," and one between ranges 48 and 49, as near as practicable, at the most suitable points, as the board of commissioners of said county of Moody may direct.

§ 2. ELECTION TO AUTHORIZE ISSUE OF BONDS.] Nothing herein contained shall be construed to authorize the issuing of such bonds unless a majority of all legal voters present and voting shall vote in favor thereof at a special, annual or general election of legal voters of said county as hereinafter provided. The county commissioners of said county of Moody are hereby authorized and have all the needful powers to call a special election of the legal voters of said Moody county, to be held in the several voting precincts of said county, at at any time after the taking effect of this law; but shall first give notice of such election in the same manner as now required by law for general elections, for the purpose of voting upon the question of issuing bonds. The voting at such election shall be by printed or written ballot, with words: "For issuing bridge bonds, yes;" "For issuing bridge bonds, no." Said election shall be governed in the same manner, so far as applicable, as provided by law for conducting general elections in this Territory, and the vote of said election shall be canvassed in the same manner as provided by law for canvassing votes for county officers; and if a majority of all votes cast shall be found to be for issuing bonds, such bonds shall be issued as herein provided.

§ 3. COST.] The cost of construction of said bridges when completed shall not exceed the sum of four thousand dollars.

§ 4. LETTING CONTRACTS.] The construction of said bridges shall be let by the board of county commissioners to the lowest responsible bidder, after advertisement for public proposals for not less than four weeks in each newspaper in said county. A sufficient bond shall be required by said board from the contractor or contractors, with not less than two responsible sureties, for the construction and completion of said bridges in accordance with the plan and specifications adopted by the board of commissioners.

§ 5. ISSUE OF BONDS.] For the purpose of providing funds to pay the cost of construction of said bridges, the board of county commissioners are hereby authorized and empowered and it is made their duty to prepare and issue bonds of said county, running for a term or period of ten years, bearing interest at the rate of eight per cent per annum, payable annually on the first day of February in each year, in denominations not to exceed fifty dollars each, for a sum sufficient to pay the cost of constructing said bridges, not exceeding the sum of four thousand dollars.

§ 6. TERMS OF PAYMENT.] The board of county commissioners shall have the power to provide in the contract for the terms of payment, and the withholding from time to time such percentage from the value of the work as it progresses as shall insure a prompt compliance by the contractor with the terms of said contract, and to provide such other matters and things as shall be usually necessary and requisite with reference to such contract: *Provided, however,* That the terms of payment from time to time shall be only so fast as the work progresses, with twenty per cent. deduction thereupon to insure the fulfilment of said contract, and such payments shall be in cash and the construction of said bridges shall be at all times under the supervision and control of said board, or any agent said board may elect for the purpose.

§ 7. REDEMPTION OF BONDS.] In issuing said bonds herein provided for, the terms thereof shall provide that after the expiration of five years from the date thereof it shall be optional with the said county, at any time before they shall

become due, to redeem the same at par, and accrued interest, at the date of redemption, at such times and in such amounts as the board of county commissioners or other lawful fiscal agents of said county shall from time to time determine, and under such rules and regulations, as to notice thereof, as they may prescribe.

§ 8. BOND TAX.] The board of county commissioners shall for the year 1881, and each year thereafter, levy and collect a tax sufficient to pay the interest on said bonds promptly as it shall become due and payable, and for the payment thereof at or before maturity, as in section seven provided; and after the expiration of five years they shall levy and collect a sinking fund tax for the payment of said bonds, sufficient to redeem the same within the period of their maturity, and as fast as such sinking fund shall become available they shall redeem such bonds under the provisions of said section 7, aforesaid.

§ 9. MONEYS COLLECTED ON BOND TAX TO BE USED FOR NO OTHER PURPOSE.] The moneys levied and collected for the payment of the interest or principal of said bonds shall not be used for any other purpose, but shall be held and appropriated solely for the payment of said principal and interest under the provisions of this act.

§ 10. PENALTY FOR VIOLATION OF THIS ACT.] Any willful violation of the provisions of this act shall be deemed a misdemeanor, and a misappropriation of any of the funds provided for under the provisions of this act, including such as are to be levied and collected by taxation, or their use for any other purpose except as herein specified, or of any portion thereof, shall be and it is hereby declared to be a felony and punishable by imprisonment in the penitentiary not exceeding five years, or by fine not exceeding double the amount of such misappropriation or use, or by both such fine and imprisonment.

§ 11. This act shall take effect and be in force from and after its passage and approval, and ratified by a majority vote of the legal voters of said county of Moody.

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

Approved, March 3, 1881.