

AN ACT
TO INCORPORATE THE CITY OF
ALEXANDRIA

Approved March 13, 1885

An Act to incorporate the City of Alexandria. Be it enacted by the Legislative Assembly of the Territory of Dakota.

- Sec. 1. That all that part of the County of Hanson in the territory of Dakota, described as follows, to wit: The Southwest Quarter of Section Two (2) in Township 102 North of Range 58, West of the Fifth Principal Meridian, and the South Half of Section Three (3) in said Town and Range and the Southeast Quarter of Section Four (4) in said Town and Range, and the East Half of Section Nine (9) in said Town and Range, and Section Ten (10) (entire) in said Town and Range, and the West Half of Section Eleven (11) in said Town and Range, and the Northwest Quarter of Section Fourteen (14) in said Town and Range, and the North Half of Section Fifteen (15) in said Town and Range, and the Northeast Quarter of Section Sixteen (16) in said Town and Range if hereby declared to be a City, and the inhabitants thereof are constituted a body corporate and politic with perpetual succession under the name of the "The City of Alexandria", and by that name shall have power to sue and be sued, to make all contracts necessary to the exercise of its corporate powers to purchase, hold, lease, transfer, and convey real and personal property for the use of the City, to have and use a corporate seal and change the same at pleasure, and to exercise all rights and privileges pertaining to a municipal corporation provided, that the question of incorporation of said City shall be first submitted to a vote of the electors within the Territory and limits above described for said City, at an election to be conducted and the results thereof determined in precisely the same manner as at general elections, on due notice specifying fully the purpose of such election, which notice shall be as fully and similar to notice given of the annual town elections. The Ballots used at such elections shall have no reference to any other question, and shall express nothing but the will of the voter on the question of such incorporation, said ballots shall be of the form "for City Incorporation" or "Against City Incorporation". If a majority of the legal votes so cast shall be in favor of incorporation, such City shall become incorporated under this act; but if a majority of such votes shall be against incorporation, the said City shall not become incorporate. In case of failure of such majority to vote for incorporation another election may be in like manner called, and so on, from time to time, until an election be reached at which a majority of the voters at such election shall declare for such incorporation, provided further that said election shall not be held oftener than once in six months. The first election to determine the will of the voters upon said question of incorporation shall be held on the first Tuesday of April, 1885, any subsequent election to determine said wish of the voters upon said questions of incorporation as herein provided shall be called by the President and Trustees or a majority thereof of the Town of Alexandria, as determined at a regular meeting such election shall be so had at any time in the manner aforesaid.
- Sec. 2. The City of Alexandria is hereby divided into five wards as follows: All that portion of the City east of a line running through the middle of Main Street and continuing south to the City Limits

and lying south of the line running through the middle of Fourth Street and continuing east of the City Limits shall constitute the First Ward. All that portion lying east of a line running through the middle of Main Street, and north of the north line of the First Ward, and south of the line running through the middle of Fifth Street and continuing east to the City Limits shall constitute the Second Ward. All that portion of the City lying east of a line running through the middle of Main Street and continuing north to the City Limits and lying north of the north line of the Second Ward shall constitute the Third Ward. All that portion of the City lying west of the west boundary line of the Second and Third Wards, and north of a line running through the middle of Fourth Street and continuing west to the City Limits shall constitute the Fourth Ward. All that portion of the City lying west of the west boundary line of the First Ward and south of the south boundary line of the Fourth Ward shall constitute the Fifth Ward.

Sec. 3. The municipal government of the City shall be vested in a Mayor, and an alderman from each Ward, to be denominated the City Council, and in a Clerk, Assessor, Treasurer, Police Justice, Marshall, Street Commissioner and such other officers as the City Council may, by ordinance, create and establish on the first Tuesday in May next after this act takes affect there shall be elected in said City, by the qualified voters thereof, a Mayor, a Clerk, an Assessor, a Treasurer, a Police Justice, and one Alderman for each Ward for the term of one year, commencing on the first Monday succeeding said election, and until their successors are elected and qualified and annually thereafter on the first Tuesday in May there shall be elected in said City the successors of the aforesaid named officers, who shall hold their offices for the term of one year, and until their successors are elected and qualified. There shall be elected at the same time and place at the said first election, and annually thereafter a board of education in accordance with the provisions of the act of the legislative incorporating the board of Education of the City of Alexandria. The Marshall and Street Commissioner, and all such other officers, as the City Council may by ordinance provide for , shall be appointed by the City Council, and hold office for the term of their appointment, not to extend beyond ten days after the next annual election as required under this act.

Sec. 4. The City shall constitute an election precinct, and the place of voting therein shall be determined by the City Council. The City Clerk shall give at least ten days notice of the time, and place, and object of every municipal election, and the office to be filled, including the offices of the Board of Education, by publishing the same in a newspaper published in said City, or by posting notice thereof in a public place in each Ward in said City. All elections shall be conducted by three judges appointed by the City Council, who shall receive two dollars each for their services, and two clerks appointed by the judges who shall receive their appointment shall be served upon said judges, by the City Clerk, at least three days before election. At all elections the polls shall open at the hour of eight o'clock in the forenoon and continue open until five o'clock of the same day, at which time they shall be closed. The manner of filling vacancies among election offices, the manner of conducting elections, the canvassing and returning of votes, except as otherwise provided in this act, shall be the same, so near as practicable, as now or hereafter provided for the election of County Officers under the Territorial Laws, but the returns of election shall be made to the City Clerk as soon as completed, and the ballot boxes deposited with him. The Mayor shall, as soon as the returns are received, and within five days after the day of election, assemble the members of the Council, and open the returns in their presence, and said Council shall thereupon canvas, decide and declare the result of the election, and their proceedings shall

be entered, by the Clerk, in the Records of the Council, and thereupon without delay certificates of election shall be issued by the Clerk to the persons elected and determined. A plurality of votes in all cases decide the result of the election, and in case of a tie it shall be decided by the parties, by lot, in the manner provided by law in similar cases for the Register of Deeds of Counties. Provided that for the first election, held under this act, the President and Trustees of the present town of Alexandria shall appoint the Judges of Election form and designate the place of voting, and the Clerk of said town shall give the notice of election and state therein the place of voting. And the returns of said election shall be made to said town Clerk, the returns canvassed by the President and Trustees of said town, who shall, as soon as the returns are received, assemble for the purpose; and certificates of election shall be issued by said town Clerk to the persons elected at such election.

Sec. 5. Every male person above the age of twenty one years who shall have been a resident of the Territory ninety days, sixty days in the county, and twenty days in the city, next preceding the election, being a citizen of the United States, or having declared upon oath his intention to become such, shall be entitled to vote at any city elections and all persons possessing the qualifications mentioned in this section, who have resided in the Territory nine months, ninety days in the City or Ward from which he is elected, shall be eligible to an elective office in said city; and if any person shall vote at any city election contrary to the provisions of this section as heretofore specified, he shall be liable upon conviction to a fine of not less than twenty-five (\$25.00) dollars, or to imprisonment for not less than thirty days, or both such fine and imprisonment, as the nature of the case requires as may appear from the evidence to be malicious and willful, or as mitigating circumstances may be shown in discretion of the Court, and the Police Justice shall have jurisdiction to hear and determine all offences arising under this section.

Sec. 6. Every city officer before entering upon the duties of his office, shall within ten days from the time of the declaration of his election of appointment as provided in this act, qualify by taking and subscribing an oath or affirmation to support the Constitution of the United States, and the organic act and laws of the Territory, and to faithfully and impartially perform the duties of his office; and whenever required by said act or by ordinance of the City Council by also giving his official bond to the City, as so required, duly approved by said Council, which oath and bond shall be filed with the City Clerk, except the oath and bond of the Clerk, which shall be filed with the City Treasurer, and the office of any such officer shall become vacant upon a failure to qualify within the time herein limited or on removal of his place of business from the city; and the office of an Alderman shall become vacant on removal of his residence from the Ward from which he is elected.

Sec. 7. Powers of the City Council. – The City Council shall have power to judge as to the election and qualifications of its members; to prescribe the time and places of its regular and special meetings; to establish rules and by-laws for the government of its proceedings; to compel the attendance of its members and to enact any and all ordinance necessary in carrying into effect the power herein granted, and such ordinance to later, modify, or repeal, and shall have power:

1. To provide for filling all vacancies that may occur in the elective offices of the City, by calling special elections for the purpose, or to fill such vacancies, except

in the office of Mayor, for the unexpired term by appointment as they may deem best.

2. To suspend or remove the Marshall, Street Commissioner, and all other officers holding by appointment from the City Council.
3. To require all officers and servants of the city to give bond or securities for the faithful performance of their duties in such sums as they may determine, except as otherwise provided in this act.
4. To establish and fix the salaries and compensation of all officers and servants of the city not provided for in this act.
5. To purchase, acquire by condemnation, hold and improve parks and public grounds within the city, and to provide for the protection and improvements of the same.
6. To locate, open, widen, extend, grade, pave, macadamize, bridge, curb, gutter, drain, improve, clean and keep in repair all sidewalks, streets, avenues, and alleys in the city, to prevent obstructions, excavations, holes and pitfalls in any of the same, and to repair the owners or occupants of lots or buildings at their own expense to remove from all sidewalks, streets, avenues, and alley opposite thereto snow, dirt, rubbish and all other obstructions including posts, signs, awnings and all over hanging obstacles.
7. To establish fire limits, within which no building over ten feet long, or over eight feet high shall be erected except the entire wall thereof be of brick or stone or mortar, iron or other non-combustible material or be veneered with bricks and mortar as the City Council may by ordinance provide and to provide for the removal at the expense of the owner or builder of any building erected in violation of such prohibition.
8. To organize and support fire companies, and hook and ladder companies, and provide them with engines and all apparatus for extinguishing fires. To regulate the manner of putting up chimneys, stoves and stovepipes. To direct the safe deposit of ashes. To prevent the use of firearms, and fireworks. To regulate the storage of gunpowder and other explosive and combustible substances. To appoint a fire warden and empower him to enter at reasonable times, and examine all dwellings, houses, building, and enclosures, as to their condition with reference to fires, fire escapes and means of exit, and cause such as are not in safe condition to be put in such condition at the expense of the owner or occupant. To compel the inhabitants of the city to aid in the extinguishment of fires. To require firemen, and those acting in aid of them, to pull down, raze, and destroy such building in the vicinity of a fire as may be reasonably necessary to prevent communication to other buildings, all damages to the owners of the buildings, so destroyed to be paid by the city. To construct and furnish reservoirs, well,

- cisterns, aqueducts, pumps and other apparatus for protection against fires, and to establish regulations for the prevention and extinguishing of fires.
9. To construct and maintain water works and all needful rules and regulate concerning the distribution and use of water supplied by such water works, to establish a system of sewage and drainage in the city, and regulate the use and purification of sewers, drains, and aqueducts.
 10. To name and rename streets, avenues, parks and public grounds, and number and renumber lots and buildings upon streets and avenues, and require the proper number to be placed upon such buildings at the expense of the owners.
 11. To provide for the lighting of streets and public grounds, the laying down of gas pipes and erection of lamp posts, lines for conveying electric light, telegraph and telephone lines and to regulate the distribution, use and sale of gas and illuminating fluids.
 12. To establish a board of health, make quarantine laws to prevent the introduction and extension on contagious and epidemic diseases, and to secure the general health of the city, to provide for the removal from the city of persons infected with small pox, and other contagious diseases and to provide grounds for the burial of the dead.
 13. To prevent cruel and inhuman treatment to minor children, and cruelty to animals.
 14. To prevent the running at large of dogs, hogs, cattle, horses, mules, sheep, geese, poultry, and other animals, and to authorize the restraining, impounding and sale of the same, and to also tax dogs and authorize the destruction of the same in a summary manner when found at large contrary to the ordinance.
 15. To prevent the exhibition of stallions, horseracing, and immoderate riding or driving within the city limits and to compel persons to fasten their teams, horses, and other animals attached to vehicles or under saddle while standing in the streets or other public places.
 16. To regulate, license or prohibit the sale of domestic animals, produce, goods, wares, or merchandise at public auction in the streets, alleys, or public grounds of the city.
 17. To regulate the weighing and measuring of hay, wood, coal, grain provisions, and other articles exposed for sale, sold or delivered within the city, and to provide for the inspection and correction of all weights and measures used in the city.
 18. To correct the location and management of slaughter houses, stock yards, and markets, and to compel the owner of any slaughter house, stock yard, market,

- grocery, tallow factory, soap factory, tannery, stables, privy, sewer, drain, cesspool or other unwholesome place to cleanse, remove or abate the same.
19. To erect, establish and regulate hospitals, work-houses, houses of correction and jail, and provide for the government of the same.
 20. To establish, regulate and support night watch and police and define the duties thereof.
 21. To establish, regulate and maintain public libraries and reading rooms, to purchase papers and books therefore, and to receive donations and bequests of money or property for the use of the same.
 22. To maintain and support common schools.
 23. To regulate the construction and management of railways, and streets, railroads, and the running of cars and engines within the city limits, and requires signals to be given of the approach or moving of trains, cars and engines at the crossing of streets and highways within said limits, as the City Council may provide.
 24. To appropriate private property for the use of the City.
 25. To levy and collect a license tax on hacks, omnibuses, carts, drays, wagons, and other vehicles used for pay, and to regulate the rates to be charged for the carriage of persons, and the cartage and porter age of property.
 26. To license, tax and regulate auctioneers, peddlers, pawnbrokers, showmen, canvassers, circuses, shows, and exhibitions for pay, billiard rooms, billiard tables, ball and ten pin alleys, shooting galleries and all kinds of games and amusements. Licenses may be granted to saloon keepers or liquor sellers or any other person or persons to sell intoxicating liquor in said city when the county aforesaid, or the officers thereof as provided by law, granted none; and any and all persons resident or within the said city shall be at all times amendable and subject to the general laws of the territory for the violation of liquor laws fully under the jurisdiction of the general laws for any infraction of said liquor laws of the Territory of Dakota, and said city shall be during the time, or at any time when the said County shall grant no license as aforesaid have the powers and jurisdiction within said City as are by law conferred upon the board of Commissioners or counties.
 27. To restrain, prohibit, and suppress all disturbances of the peace, fighting, riots, disorderly conduct, indecent language or behavior, drunkenness, vagrancy, gambling, swindling, false devices, fraudulent practices, gaming houses, rooms and places, houses of ill fame, liquor saloons and nuisances at common law.

28. To audit and allow all just claims against the city and direct the payment of such as are allowed.
29. To appropriate money and provide for the payment of the expenses, and indebtedness of the corporation.
30. To equalize all taxes, and correct any errors in the listing or valuation of property, and supply any omissions in the same, and shall have the same powers and duties therein as the county commissioners have in similar cases.
31. To levy and collect taxes not to exceed five mills on the dollar, for the purpose of providing a sinking fund with which to pay any further bonded indebtedness of the corporation and not to exceed five mills on the dollar for all municipal purposes in any one year on all the property, real and personal, within the city limits taxable according to the laws of the Territory, and to levy and collect special assessments for sidewalks and streets improvements as hereinafter provided, and the City Council is prohibited from incurring a greater indebtedness than five hundred (\$500.00) dollars in any one year and above the amount of tax levied unless directed so to do by the vote of the people at an election duly called and held for that purpose.
32. To borrow money, and for that purpose to issue the bonds of the city in such denominations and for such length of time not to exceed twenty years and bearing such rate of interest not to exceed seven per cent per annum as the City Council may deem best, said bonds to express upon their fact, under what authority and for what purpose they are issued, and may have interest coupons attached.
33. Provided that no bonds shall be issued by the City Council unless at an election after twenty days notice in a newspaper published in the City stating the purpose for which such bonds are to be issued, and the amount thereof; the legal voters of the city, by a majority shall determine in favor of issuing such bonds.
34. Provided further, that no bonds issued by the City Council, under this act, shall be sold for less than par value.

Sec. 8. The Mayor and three Aldermen shall constitute a quorum for the transaction of any business, but any two members of the City Council shall have power to compel the attendance of absent members, and require the Marshall upon a warrant signed by them, to arrest and bring before them such absent members if within the City, and shall have power to adjourn the Council from time to time until a quorum is secured. In the absence of the Mayor, the Aldermen present shall appoint one of their number, President pro-tem, who shall possess the power and perform the duties of Mayor only during such absence.

Sec. 9. The style of all ordinances passed by the City Council shall be the City Council of the City of Alexandria. Do ordain as follows: No ordinances, resolutions or laws of the City shall be passes, altered, amended or repealed by the Council, except by a vote of a

majority of the entire Council elect, to be taken by yeas and nays, and entered on their record; not to take effect until the same shall have been published at least two successive weeks in some newspaper published in the City, and the affidavit of the Printer, foreman of the Printer, or Publisher of said newspaper of the publications thereof shall be prima facie evidence of such publication and of the facts states therein. All ordinances passes shall be signed by the Mayor, and attested by the Clerk, and shall be recorded at length in a book kept for that purpose and in case any ordinance is passed over the Mayor's veto, or takes effect because it is not returned by the Mayor with his objections, as in this act provided, the Clerk shall certify the facts on the original roll as passed and recorded his certificate with the ordinance.

Copies of ordinances, and of all other papers and records in his office, certified by the Clerk under the seal of the corporation, or printed copies of ordinances and laws purporting of proved to have been published by authority of the City Council shall be admitted in all courts and tribunals as presumptuous evidence of the same.

Sec. 10. Summons, and other process against the city, shall be served by delivering a copy thereof to the Mayor or any Alderman or in such manner as may hereinafter be provided by the laws of the Territory in the case of an incorporated city.

Sec. 11. The several officers of the City, hereinafter named shall receive for their official services the following compensation and no more, to-wit: The Mayor shall receive one (\$1.00) dollar per annum, paid annually. The Aldermen shall receive compensation of one (\$1.00) dollar per annum paid annually. The Clerk shall receive such pay as may be provided by ordinance.

The Assessor shall receive three (\$3.00) dollars per diam during the time actually employed by him in performing the duties of his office, not to exceed thirty days in each year.

The Treasurer shall receive two per cent on all moneys received, and one per cent on all moneys paid out by him, except no fees shall be allowed on city bonds, issued for any purpose, or on the payment of said bonds.

The Police Justice shall receive the fees of his office by the same rule of taxation as is, or may be, allowed to Justices of the Peace, in similar cases by the laws of the Territory.

The Marshall and Street Commissioner shall each receive such compensation, as the City Council may, by ordinance, or the order of appointment allow; provided that at any time after the expiration of the first term of office under this act the City Council may by ordinance increase the compensation of the Clerk but not for any term of office then expired.

Sec. 12. The official bond required of the Treasurer before entering upon the duties of his office shall be in the sum of not less than double the amount of taxes to be collected in one year.

And of the Clerk, Assessor and Police Justice in a sum not less than one thousand (\$1,000.00) dollars; provided that at any time after the expiration of his first term of office, under this act, the City Council may by ordinance increase the amount of the Treasurer's bond as they may deem expedient, or if the proceeds of sales of bonds shall come into his control.

Sec. 13. Mayor. The Mayor is ex-office President of the City Council, but shall have no vote therein except a casting vote where there is a tie, he shall have power to approve or veto any ordinance or any resolution passed by the City Council. Any ordinance or resolution vetoed by the Mayor may be passed over the veto by a two-thirds vote of all of the Aldermen elected; and should the Mayor neglect or refuse to sign any ordinance or resolution, or return the same to the City Clerk with his objections in writing, within ten days after its passage, the same shall take effect without his signature.

In any ordinance appropriating money, the Mayor may veto any single item therein, and if such item be not passed over the veto, in the same manner as herein provided, such item shall be disallowed.

Sec. 14. He shall sign, and the Clerk shall countersign, and seal with corporate seal all appointments, commissions, licenses and permits granted by the City Council and all warrants and orders drawn on the Treasurer by order of said Council for the payment of money, and all bonds issued by authority of the City Council.

Sec. 15. He shall be the chief executive officer of the City and have the superintending control of its government and shall take care that the provisions of law and the ordinances of the City are faithfully enforced. The Mayor or any Alderman is authorized to call upon every male inhabitant of the City over the age of eighteen years, and under the age of fifty years to aid in all suppression of any riot, rebellion, or resistance to lawful authority and the enforcement of the laws and ordinances of the City; and any person who shall not obey such call shall be liable to a fine not exceeding one hundred (\$100.00) dollars.

Sec. 16. The Mayor shall have the power, with the consent of a majority of a quorum of the City Council to remit fines and grant reprieves and pardons for all offenses arising under the ordinances of the City.

Sec. 17. When any vacancy shall occur in the office of the Mayor by death, resignation, removal from City, refusal to qualify or otherwise, the City Council shall elect from their members a Mayor pro-tem, who shall exercise the office of Mayor until such office is filled by election, for which the person exercising such office shall forthwith cause a special election to be held.

Sec. 18. City Clerk. The City Clerk shall keep a record of all the meetings and proceedings of the City Council and have the custody of all city records, books, and papers belonging to the city, and corporate seal, and shall perform all such duties as are required by the provisions of this act; or by order of the City Council, and shall annually render to said

Council a complete and detailed statement of the financial condition of the City, on the first day of April, which shall be published with the proceedings of the Council.

Sec. 19. Treasurer. The City Treasurer shall receive and safely keep in separate funds all moneys and funds belonging to the City, and shall keep books of accounts subject always to inspection of the Mayor and any member of the Council, showing at all times the amount standing to the credit of each fund; he shall keep all moneys in his belonging to the City separate and distinct from his own money, and shall not use any such moneys or warrants, or funds of the City directly or indirectly for his own use or that of any other persons.

Sec. 20. He shall pay no money out of the treasury otherwise than upon warrants drawn upon him signed by the Mayor and countersigned by the Clerk, with the corporate seal affixed; all warrants shall be paid in the order in which they are presented, and the Treasurer shall note upon the back of each warrant, presented to him, the date of such presentation, and when payment was made, the date of such payment.

Sec. 21. He shall at the end of every month, and at such times as may be prescribed by ordinances render detailed account to the City Council showing the state of the treasury at the date of such account and the balance of money in the treasury; and accompany his accounts with all warrants paid and all orders taken by him, and the same shall be filed with the Clerk, and published with the proceedings of the City Council. He shall keep a register of all warrants paid by him describing such warrants, their number, date and amount, the fund from which paid, the person to whom paid, and the time of payment.

Sec. 22. All moneys received on any special payment shall be held by the treasurer as a special fund, to be applied in payment of the improvement for which the assessment was made and shall be used for no other purposes.

He shall also perform such duties as are required of him by the act incorporating the Board of Education of the City of Alexandria.

Sec. 23. A violation by the Treasurer, of any of the provisions of the four preceding sections will authorize the Council to declare the office vacant. And if any City Treasurer fraudulently appropriates or converts any money, funds of any other property in his hands belonging to the City to any use or purpose not in the due and lawful execution of this trust, he is guilty of embezzlement, and upon conviction thereof shall be punished as provided by the laws of the Territory.

Sec. 24. Police Justice. The Police Justice shall have exclusive jurisdiction over, and it shall be his duty to hear and determine all offenses against the ordinances of the City. He shall also have original and concurrent jurisdiction with Justice of the Peace, within said County in civil and criminal cases. And the said Police Justice shall have the same powers and jurisdiction, and shall perform the same duties in all respects as a Justice of the Peace, elected under the general laws of this Territory. And as such shall be entitled to a copy of the General Laws of the Territory.

Sec. 25. In cases arising under the ordinance of the City no change of venue shall be allowed and the shall be tried by the Police Justice without a jury, except in cases which imprisonment is by law made a part of the punishment and the defendant demands a trial by jury before the commencement of the trial; and when a demand in such case shall be made, the Police Justice shall write down the name of eighteen persons, residents of the City and having the qualifications of jurors in the District Court from which list of names each party, the City beginning, shall strike out three names alternately, or, in case the defendant refuses to strike out, the Justice shall strike out such names and the said Justice shall at once issue his venire to the Marshall, commanding him to summon the twelve persons whose names remain upon the list as jury men. Challenges shall be allowed in the same manner, and for the same causes, as in the District Court in cases of misdemeanor and in case any jurors summoned fails to attend, the Police Justice shall direct the Marshall to summon a sufficient number of tales men having the qualifications of jurors to complete the panel which shall in all cases consist of twelve jurors. All challenges must be tried in a summary manner by the Justice who may examine the jurors as other witnesses under oath.

Sec. 26. Within the jurisdiction conferred by this act and except as herein otherwise provided the power of said Court, as a committing magistrate and in the trial of cases shall be the same as Justice of the Peace and the process and proceedings of said Court shall be governed, so fat as applicable by the laws regulating the proceedings in Justice Court.

Sec. 27. In all cases arising under the ordinances of the City, tried in said Court by the Justice without a jury, where the judgment is for imprisonment or a fine exceeding twenty (\$20.00) dollars, an appeal may be taken by the defendant to the District Court for said County at any time within ten days after the rendition of the judgment by giving written notice to the Justice that he appeals to the said District Court, in which case the Justice must make an entry on his docket of the giving of such notice, which entry shall be taken as conclusive evidence of the giving of such notice, but no appeal shall be allowed unless an undertaking be filed with one or more sureties in a sum of not less than one hundred (\$100.00) dollars to be approved by said Justice that the appellant will appear at the next term of the District Court, and not depart without leave of the same, and will pay the costs of appeal, and when the judgment is for fine and costs, that the appellant will pay the amount of said judgment if the case be withdrawn or dismissed, or the amount of any judgment that may be rendered in the District Court and when the judgment is for imprisonment that the appellant will surrender himself in execution thereof, and of any judgment rendered in the District Court, and upon any such appeal; the District Court shall exercise the same powers and be governed by the same rules as in cases appealed from Justices Courts in criminal cases. In all civil and criminal cases arising under the laws of the Territory tried in said Court an appeal may be taken to the District Court for said County in the same manner and within the same time and upon the same conditions as provided by the laws of the Territory in cases of appeal from Justices of the Peace and on such appeal the District Court shall have the same powers as provided by said laws.

- Sec. 28. The Mayor may act as Police Justice and shall have the same jurisdiction and powers as the Police Justice and be entitled to the same fees.
- Sec. 29. Marshall. The Marshall is ex-official Chief of Police. He shall attend the meetings of the City Council whenever requested by any member thereof, and otherwise shall be subject to the orders of the City Council, the Mayor and the Police Justice only, and shall have and possess all the powers belonging to Constables elected under general laws of the Territory. He shall serve all warrants and other processes issued by the Police Justice and shall have power to serve the same by night as well as day, and shall also have power by day or night, without a warrant, to make and cause the arrest of any person for an offense against any ordinance of the City committed or attempted in his presences, or upon creditable information that such offense has been committed, and bring the person so offending to trial before the Police Justice. He shall also have the power and authority of a Peace Officer as to all offenses under the laws of the Territory, committed within the City.
- Sec. 30. The sale of intoxicating, vinous, spirituous malt, or fermented liquors within the limits of said City is hereby declared to be under the exclusive control of the City Council of the City, and all fines imposed for violation of any law or ordinances, regulating such traffic shall be paid into the treasury of the City for the use thereof, in whatever Court collected as well as all fees for licenses granted.
- Sec. 31. Street Commissioner. The Street Commissioner shall under the direction of the City Council, or its committees on streets, have charge and control of the sidewalks, streets, highways, bridges, and public grounds of the City and shall inspect, maintain, watch over, and keep the same in good condition and repair; superintend the work done upon the same for the City and cause to be removed there from all impediments and obstructions. He shall whenever requested by the City Council, furnish estimates for the probable costs of proposed improvements on sidewalks, streets, highways, bridges and public grounds, and at the end of each month, or oftener, if required by said Council, report to them the expenses incurred from time to time in such improvements.
- Sec. 32. All residents of the City shall be exempt from the payment of poll tax as required under the present law relating to roads and streets, but every male person between the ages of twenty-one years and fifty years residing within the City shall be liable to the City for a poll tax, which may be paid by two days of labor of eight hours each, in each year, on the streets or highways of the City, and shall be passed therefore; provided that such labor may be commuted by the payment to the Street Commissioner of the sum of one dollar and fifty cents (\$1.50) for such labor, and the street commissioner shall have power, and it is his duty to require each able-bodied person of the age aforesaid, resident within the City, to perform by himself, or substitute, in each year, under his direction, such labor. And in case any such resident, upon reasonable request by the Commissioners, neglects or refuses to perform such labor, or pay said money, in lieu thereof, the same may be collected by the said Commissioner by distress, in the same manner as County Treasurers are authorized to do in collecting general taxes, or by suit in the name of the City, in any

Court having jurisdiction in civil cases and no property shall be exempt from execution for the collection of the judgment and costs in such cases.

The receipt of said Commissioner, for any such labor, or money in lieu thereof, shall be received by the City Treasurer in payment of the poll tax due from the person named therein and not otherwise.

Sec. 33. Whenever the City Council shall deem it necessary to widen, alter, repair, or otherwise improve any sidewalk, heretofore built, whether on the established grades or otherwise, or wherever, in case of any new sidewalks, the owners of the one half of the abutting property shall petition the City Council to cause any sidewalk to be built and the City Council shall deem it necessary to build the same, the City Council may by resolution declare any such work necessary to be done, and determine the kind of sidewalk to be built or work to be done, and determine the kind of sidewalk to be built or work to be done and give in the resolution such specifications as will inform the owners as to be work required, and require such owners (without naming them) to perform said work, and such resolutions shall be published for at least two consecutive weeks in a newspaper published in the City. And in case such owners refuse or neglect to improve or build such sidewalk, as required within twenty days after the second publication of said resolution, the Street Commissioner may cause the same to be done at the expense of such owners and certify to the City Council the amount of the expense of such sidewalk opposite each lot or parcel of land, and upon such certificate the City Council shall have power to levy a special assessment upon said lots or parcels of land for the amount thereof and proceed in the collection thereof as hereinafter provided; or said amount may be collected in the name of the City, by suit, in any Court having jurisdiction in civil cases. And no property shall be exempt from execution for the collection of the judgment and costs in such cases.

Sec. 34. Taxes. The City Assessor shall within the time required of County Assessor by the laws of the Territory in each year cause to be listed and assessed, property, real and personal, within the limits of the City, taxable according to such laws, in the same form, so near as practicable, as is proved for the County Assessors, and have the same completed by the first Monday in July in each year, and for this purpose he shall have the same powers as a County Assessor. And he shall on or before the second Monday of July next ensuing or within such time as may be hereinafter required of County Assessors, prepare and deliver the assessment roll, verified and in form as provided in case of County Assessors to the City Clerk, with a duplicate thereof to the County Clerk, upon which the Board of County Commissioners shall levy the taxes for Territory and County purposes.

Sec. 35. The City Council shall on the first Monday in July of each year meet as a Board of Equalization. On the first Monday in September following or at their next meeting, by resolution, levy such sums of money as may be sufficient for the payment of the current expenses and debts of the corporation including the interest on bonds and the principal of all maturing bonds, which resolution shall specify the sums levied for the various purposes designed not to exceed the limits heretofore prescribed in this act.

Sec. 36. As soon as practicable after the taxes are so levied, the Clerk shall make out a tax list in the same form as nearly as practicable as is provided for County Clerks, and shall within the time required of County Clerks prepare a duplicate tax list, and duly certify and deliver the same to the City Treasurer with the warrant of the City council signed by the Clerk and under the corporate seal, in general terms requiring the Treasurer to collect the tax therein levied according to law, attached thereto, which shall be his warrant for the collection of all taxes therein contained.

Sec. 37. The Treasurer shall attend at his office to receive such taxes and shall continue charged with the collection of all personal property taxes as long as the same remain unpaid, and shall as far as practicable collect all personal property taxes remaining unpaid on the list of the former year or years. He shall have the same powers, by distress or otherwise to collect personal property taxes as County Treasurers have, under the laws of the Territory. He shall also be diligent in collecting all real estate taxes on his said tax list. No demand for taxes shall be necessary, but it shall be the duty of every person subject to taxation under this act to attend at his office and pay his taxes within the time limited by law for the payment of general taxes, and all city taxes remaining unpaid after that time, shall at once become delinquent, and have added thereto the same penalty, and draw interest at the same rate from the time of such delinquency as delinquent taxes under the laws of the Territory. Taxes levied by the City Council upon real estate shall be a perpetual lien thereon, from the time of levy, in favor of the City. In all cases where taxes are paid the Treasurer shall give a receipt to the person paying the same.

Sec. 38. Special Assessment. Wherever the owners of one half of the property on both sides abutting any street, highway or avenue in the City, shall petition the City Council to widen, extend, pave, macadamize, bridge, curb, gutter, drain, or otherwise improve the same, the City Council shall deem such improvements necessary to be done. The said Council shall, by resolution, declare such improvements necessary to be done, and such resolution shall be published at least two consecutive weeks in a newspaper published in the City, and upon complete publication thereof the City Council shall have power by ordinance, to levy such special tax or assessments upon all such abutting property as may be sufficient to pay the cost of such improvements, and to proceed to the collection thereof as herein provided.

Provided that in case of any such improvement the expense of grading such street, highway or avenue to the established grade, and of improving the same opposite cross streets, highways or alleys as required in such improvements shall be paid for by the City out of the general fund.

Sec. 39. When such special assessment is levied, or when any special assessment for the expense of building or improving any sidewalks, is levied as hereinbefore provided, it shall be the duty of the Mayor, Clerk and Assessor to determine the proportion and amount chargeable to each lot or parcel of land, liable to such assessment, and file with the Clerk the lots and parcels of land with the name of the owner if known opposite the same, and the total amount of the assessment charged upon the same, and from the time of filing the

said list, said assessment shall be a perpetual lien on said respective lots and parcels of land in favor of the City.

The Clerk shall, within thirty days thereafter, or within such time as the City may direct, prepare a duplicate assessment list, and duly certify and deliver the same to the City Treasurer with the warrant of the City Council, signed by the City Clerk and under the corporate seal in general terms requiring the Treasurer to collect the assessment therein levied according to law attached thereto, which shall be his warrant for the collection of all assessments therein contained.

It shall be sufficient in any proceedings for the levy and collection of any special assessment to describe any lot or parcel of land as the same is platted or recorded, although the same may belong to several persons, but in case any lot or parcel of land belongs to several persons, the owner of any part thereof may pay his proportion of the assessment on the same, to be determined by the Treasurer.

Sec. 40. The Treasurer shall within thirty days from the receipt of said warrants give notice in a newspaper published in the City to all persons concerned (without naming them) at least two successive weeks, in general terms that the assessment list for such improvement (naming it) is in his hands for collection, and that the assessments therein contained will become delinquent at the expiration of thirty days from the date of the notice. No demand of such assessment shall be necessary but it shall be the duty of every person whose property is assessed to attend at the Treasurer's office and pay his assessments within that time limited in such notice; and all assessments remaining unpaid after that time shall become delinquent, and have added thereto the same penalty, and drawn interest at the same rate from the date of such delinquency, as delinquent taxes under the laws of the Territory.

Sec. 41. Sale of Real Estate. Whenever in the collection of any city taxes, the Treasurer is not able to make the tax by sale and distress, personal property and real estate is to be sold for the same, or whenever any special assessment shall have remained delinquent and unpaid for sixty days, and the real estate, as assessed is to be sold for the same, it shall be the duty of the City Treasurer to send the delinquent list of such taxes, or assessments to the County Treasurer of the County, on or before the fifteenth day of July in each year, or within the time that may be hereafter limited by the laws of the Territory for so doing, and the County Treasurer shall receive such list for collection and sale of real estate and advertise the same at the same time he advertised the sale of real estate for the delinquent taxes, and may add the amount of such delinquent taxes against the sale, and at said sale sell such lands for the purpose of paying all such taxes and assessments then remaining unpaid, together with costs of sale and shall credit the City for the amount of tax and assessments so collected, whether before sale or by sale of such real estate, and account to the City Treasurer therefore, and retain only costs of sale.

Provided, that from time to time any such delinquent list comes into the hands of the City Treasurer for collection, he annually shall collect the taxes of assessments therein

contained and shall continue charged with the collection thereof so long as the same remains unpaid.

Sec. 42. All such lands shall be sold, and return thereof made, and certification of sale given by the County Treasurer and may be redeemed in the same manner and within the same time as provided for lands sold for general taxes under the laws of the Territory, and if any such lands are not so redeemed the County Treasurer shall execute to the purchaser, his heir and assigns, a deed therefore, in the same form and with like effect as provided by the laws of this Territory.

Sec. 43. Condemnation. Whenever the City Council shall deem it necessary to appropriate any private property for establishing, changing, opening, widening, extending, or grading, any street, highway, or alley or for location or laying out any park or public grounds, or for the use of the City in any public improvement, the said Council shall, by resolution passed by two-thirds majority of all the members elect, declare such appropriation necessary to be made, and the District Judge shall after ten days notice, notice to the parties interested in such property by personal service, or by leaving a copy thereof at the dwelling house of the party or in case of non-residence in the Territory, or unknown parties, by publication as the Judge may order, shall appoint three disinterested free holders of the City, as Commissioners, who shall be duly sworn to perform the duties of their appointment impartially and justly, and shall thereupon assess the damages to the parties interested in the property taken by such appropriation and report to the City Council said assessment and if the same be confirmed by the Council by a two-thirds majority, the damages assessed shall be paid to the parties or deposited with the City Treasurer subject to their order and the property taken for the use of the City of the assessment be not confirmed in whole or in part, proceedings may be taken to assess the damage.

Sec. 44. Any parties whose property is thus appropriated may obtain a review of said report by the District Court, by filing certified copy with written exceptions thereto, in the office of the Clerk of said Court within thirty days after the confirmation of the same, or may obtain a trial by jury, in said Court, on the question of damages only, by filing such certified copies of said report with notice of appeal, in said Clerk's office within the sale time, in either case the certified copy of the decision of the District Court may be transmitted to and filed with the City Clerk; the powers of the District Court on any such review or appeal shall be the same as provided by the laws of the Territory in railroad condemnation cases; provided that no review or appeal shall delay or obstruct the appropriation of the property or the improvement sought to be made, if the City shall first deposit with the Clerk of the District Court, the amount of money assessed as damages by the Commission.

Sec. 45. In any ordinance of the City, the City Council may prescribe a fine not to exceed one hundred (\$100.00) dollars, or imprisonment in the jail or any City Jail, not to exceed one hundred days, or both such fine and imprisonment for a violation thereof. Actions for violations of said ordinance may be brought in the name of the corporation. In case of judgment of conviction the costs of the action may be taxes against the defendant and in

case of judgment imposing a fine, the Court may order the defendant to stand committed until the judgment and costs are paid. Provided that imprisonment, in such cases, shall satisfy the judgment and costs at the rate of one (\$1.00) dollar per day; and during imprisonment, in such cases the defendant may be required to work on the streets or elsewhere, under the direction of the Street Commissioner or Marshall under guard or weight and chain and while so working shall have credit on the judgment at the rate of one dollar and fifty cents (\$1.50) per day. All fines and penalties and forfeitures recovered or collected under the provisions of this act, or any city ordinances shall be paid to the City Treasurer for the use of the City.

Sec. 46. The Town of Alexandria as organized and existing under the general incorporation act, is hereby vacated and abolished, and all the property, real and personal, belonging to said town is hereby transferred to and vested in the City of Alexandria, and the entire indebtedness of said town, and all the obligations and liabilities are hereby assumed and shall be paid by said City. Provided that all taxes, levied by County and Town Officers, for the use of said town, before this act takes effect were not in force, and paid over to the City Treasurer for the use of said City, and all actions, rights, fines and penalties which have accrued to said Town shall survive to, and be vested in the City; and all ordinances now in force in said Town, no inconsistent with this act, shall remain in force under this act until altered, amended or repealed by said City Council.

Sec. 47. This act shall take effect from and after its passage and approval.

APPROVED MARCH 13, 1885

United States of America
Territory of Dakota

Secretary's Office

I, M. L. McCormack, Secretary of the Territory of Dakota do hereby certify that I have carefully compared the foregoing copy of "An Act to Incorporate the City of Alexandria" with the enrolled original now on file in this office, and that the same is a correct transcript therefrom, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the Territory of Dakota, at Bismark, this Third day of May, 1886.

M. L. McCormack
Secretary of Dakota Territory

(SEAL)

I hereby certify that the foregoing is a true and correct copy of the Charter of the City of Alexandria, Hanson Co., D.T., as approved March 18, 1885 and adopted.

Done this 18th day of March, A.D., 1887
C. W. McCrone
City Clerk

P.T. Wickhern
Mayor