

SESSION LAWS

—OF—

WYOMING TERRITORY,

PASSED BY THE

EIGHTH LEGISLATIVE ASSEMBLY,

Convened at Cheyenne, January 8, 1884.

PUBLISHED BY AUTHORITY.

CHEYENNE, WYOMING:
DEMOCRATIC LEADER BOOK AND JOB PRINT.
1884.

Territory, the owner or agent in charge shall immediately report them to the inspector of the county entered, for inspection, and the inspector shall inspect them and report as provided in section two, and in case of failure from any cause of the owners or agents to report for inspection, a fine of not less than one hundred dollars, nor more than three hundred dollars, shall be imposed on said owner or agent for each offense, by any court of competent jurisdiction, which fine, when collected, shall be paid into the general fund of the county treasury, and any judgment for such fine shall be a lien on such sheep; said fine to be collected by suit brought in the name of the Territory.

Penalty for failure to report to inspector.

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

In force.

Approved March 7, 1884.

CHAPTER 85.

Sheridan—Incorporation of Town of.

AN ACT entitled "An Act to incorporate the town of Sheridan."

Be it enacted by the Council and House of Representatives of the Territory of Wyoming:

SECTION 1. That all that portion of the Territory of Wyoming situate between the Little Goose Creek and the Big Goose Creek at their confluence in the northeast quarter (N. E. $\frac{1}{4}$) of southeast quarter (S. E. $\frac{1}{4}$) of section number twenty-seven (27), in township number fifty-six (56), north of range eighty-four (84) west, in the county of Johnson, together with all the additions that may hereafter be made thereto according to law, is hereby declared to be a corporation by the name of the town of Sheridan.

Location and boundaries.

SEC. 2. The said town of Sheridan is hereby made a body corporate and politic, and invested with all the powers and attributes of a municipal corporation, and shall have power to sue and be sued; to purchase and hold real and personal property for the use of the town; to sell or convey any real or personal property and make such order respecting the same as may be conducive to the interests of the town; to make all contracts and do all other acts in relation to the property and affairs of the town necessary to the exercise of its corporate or

Corporate powers.

administrative powers ; to have and use a corporate seal, and alter the same at pleasure ; and to exercise such other and further powers as are or may be conferred by law.

Powers to be
exercised by
mayor and
council.

SEC. 3. The powers hereby granted shall be exercised by a mayor and council, consisting of three members, which number may be increased at any time hereafter to five members by an election of the electors of the town.

Number of
councilmen.
Elections of
officers and
terms of office.

SEC. 4. There shall be elected on the second Tuesday of March, A. D. 1884, a mayor and a board of trustees consisting of three members, the one receiving the highest number of votes to serve three years, the one receiving the next highest number to serve two years, and the one receiving the next highest number to serve one year, and an assessor ; and on the second Tuesday of March of each year thereafter there shall be elected a mayor of said town, who shall hold his office until his successor is duly elected and qualified ; one trustee, who shall hold his office for three years from the date of his election, and an assessor, who shall hold his office for one year from the date of his election. At the first election to be held under this act, in case such trustees or part thereof shall receive an equal number of votes, then the term that each so receiving an equal number of votes shall serve, shall be determined by lot.

Appointive
officers.

SEC. 5. So soon as the board of trustees can organize after the annual election is held, they shall proceed to appoint from their own number, or from the qualified electors of said town, a treasurer and a clerk and recorder. They shall also appoint a town marshal, a street supervisor and one or more policemen, as they may deem expedient ; all of which officers shall hold their office for one year, or until their successors are appointed and qualified, unless sooner removed for cause by the board of trustees ; and all except such policemen as may be appointed, shall give bonds as hereinafter provided and required, and shall receive such compensation, including policemen, as the board of trustees may determine upon : *Provided*, That said clerk shall receive for his services as salary a sum not exceeding one hundred and fifty dollars per annum. Said marshal shall receive for his salary a sum not exceeding one hundred dollars per month. Said policemen, if any be appointed, shall each receive a salary not exceeding seventy-five dollars per month.

Shall give
bonds.

Salaries.

Annual Tax.

SEC. 6. Said trustees shall have power to levy and collect an annual tax not exceeding five mills on the dol-

lar in any one year, which shall be devoted to the payment of the actual expenses of the town government for the current year.

SEC. 7. At the first meeting of the qualified voters, First election. as hereinafter provided, the polls shall be opened at nine o'clock in the forenoon of said day and remain open until four o'clock in the afternoon, when they shall be closed. The voters at such meeting shall first proceed to the selection of three inspectors from their number, who, after being duly selected and qualified and having elected one of their number clerk, shall, without delay, proclaim to the meeting that the polls is now open and that they are ready to receive the ballots of the voters. The three persons having received the greatest number Trustees. of votes shall be declared elected trustees as aforesaid, and it shall be the duty of such inspectors to make a certified statement over their own signatures of the persons selected as such board of trustees and file the same with the register of deeds of Johnson county, within six days of the day of such election. And no act or ordinance of any board of trustees chosen at such election shall be valid until the provisions of this section have been substantially complied with. And it shall be the duty of the register of deeds of Johnson county to make a record of such certified statement. At all elections for All elections. trustees the provisions of this section shall be substantially complied with.

SEC. 8. There shall be at least ten days' notice of all Notice of elections. regular elections, except the first one, held under the provisions of this act, given by the clerk of said town pursuant to order of such board of trustees, in a newspaper, if any be printed in said town, otherwise by posting up notices in three public places therein.

SEC. 9. In case of a vacancy occurring in the board Vacancy in board of trustees or office of mayor. of trustees or in the office of mayor, it shall be filled by appointment by the remaining members of such board of trustees at a special meeting of the trustees called as provided in section ten of this act, if the unexpired term for which such appointment be made does not exceed three months, otherwise by special election of the qualified electors of said town, called for that purpose as provided in section eleven of this act.

SEC. 10. The mayor and two trustees shall have power Special meetings of board of trustees. to call special meetings of the board of trustees, the object of which shall be submitted to the board of trus-

tees in writing, and the call and object, as well as the disposition thereof, shall be entered upon the journal by the clerk.

Special meetings and elections.

SEC. 11. Special meetings and elections of the qualified voters of said town may be called by the clerk by the order of the trustees of said town, by giving five days' notice thereof in a newspaper, if any be printed in said town, otherwise by posting up such notice in three public places therein; and such notice shall state the object for which such meeting or election is called.

Qualifications of voters.

SEC. 12. No person shall be deemed a qualified voter and entitled to vote at any election held under the provisions of this act who has not been a *bona fide* resident of said town three months immediately preceding the election at which he offers to vote, nor unless he or she possess all the other qualifications of a voter prescribed by the election law of this Territory, nor against whom there are any delinquent municipal taxes due and unpaid.

Time of opening and closing polls.

SEC. 13. At all municipal elections in said town the polls shall be opened at nine o'clock in the forenoon of said day and not closed until four o'clock in the afternoon of said day.

Inspectors of elections, how governed.

SEC. 14. The inspectors of the elections held under the provisions of this act, in the receiving and canvassing of votes shall be governed by the laws then existing, so far as they are applicable for the election of members of the Legislative Assembly.

Inspectors of elections, how appointed.

SEC. 15. At all elections held under the provisions of this act, except the first one, a board of three persons, appointed by the board of trustees out of their own number or from the qualified voters of said town, as they may deem proper, shall act as inspectors of such elections.

Meetings of board of trustees.

SEC. 16. Regular meetings of the board of trustees shall be held on the first Monday in each month, and such other meetings may be held from time to time as by adjournment or resolution they may direct.

All officers shall take oath of office.

SEC. 17. The mayor and all other officers elected or appointed under the provisions of this act, shall, within five days after such election or appointment, take and subscribe before some person authorized to administer the same, the usual oath or affirmation for the faithful performance of the duties of their respective offices.

Duties of

mayor. SEC. 18. The mayor shall preside at all meetings of the board of trustees, and in his absence a mayor *pro tem.* shall be selected from the board of trustees, who shall

preside at such meeting, and shall have a casting vote when there is a tie vote, and none other; and shall have the superintending control of all the officers and affairs of the town, and shall take care that the ordinances of the town and this act are complied with. The mayor shall commission all officers appointed or elected.

SEC. 19. The mayor shall sign all orders and drafts drawn upon the treasurer for money, and require the clerk to attest the same and affix thereto the seal of the town, and keep an accurate record thereof in a book to be provided for that purpose. Duties of mayor.

SEC. 20. The mayor shall have power to sign or veto any ordinance passed by the board of trustees: *Provided*, that any ordinance vetoed by him may be passed over his veto by a vote of three of the members of the board of trustees elected, or by a vote of two-thirds of the members of said board, if the number thereof shall at any time be increased to more than three, notwithstanding the veto, and should the mayor neglect or refuse to sign any ordinance or return the same with his objections in writing, at the next regular meeting of the board of trustees, the same shall become an ordinance without his signature. Power of mayor.
Veto.

SEC. 21. He shall from time to time communicate to the board of trustees such information and recommend such measures, as in his opinion may tend to the improvement of the finances of the town or the police, health, security, ornament, comfort and general prosperity of the town. Duties of mayor.

SEC. 22. The mayor shall have power, whenever he deems it necessary, to require any officer of the town to exhibit his accounts or other papers, and to make a report to the board of trustees in writing touching any subject or matter he may require pertaining to his office. Power of mayor.

SEC. 23. The mayor shall have exclusive jurisdiction to hear and determine all cases arising under the ordinances of said town, and the practice before such mayor in such cases shall conform as near as may be to the provisions of the justice's code concerning complaints, continuances, trial of causes and appeals. He shall be allowed such fees as are allowed to justices of the peace by the laws of the Territory, unless otherwise provided by ordinance. Jurisdiction of mayor.

SEC. 24. Any person convicted before such mayor shall be punished by such fine and imprisonment as may Power of mayor to fine or imprison.

be regulated by ordinance: *Provided*, no fine shall be greater for any one offense than one hundred dollars, recoverable with costs, and no imprisonment for a longer time than three months.

Power of may-
or to remit
fines. SEC. 25. The mayor shall have power to remit the whole or any part of fines and forfeitures imposed for offenses arising under the ordinances of the town.

Appeals from
judgment or
sentence of
mayor. SEC. 26. Appeals from judgment or sentence of the mayor may be taken to the district court in the same manner as is now provided by law for appeals from justice's courts in criminal cases, and shall be dealt with by the courts as criminal cases.

Power of may-
or to punish
for contempt. SEC. 27. The mayor shall have the same power to punish for contempt as justices of the peace have in like cases.

Power of town
of Sheridan
to enact or-
dinances. SEC. 28. Said town in its corporate capacity is authorized and empowered to enact ordinances not repugnant to the act organizing the Territory of Wyoming or the laws of said Territory, for the following purposes, in addition to the other powers granted by this act:

Fire
companies. *First*—To organize fire companies, hook and ladder companies; to regulate their government and the times and manner of their exercise; to provide all necessary apparatus for the extinguishment of fires; to compel owners of buildings to provide ladders and fire-buckets, which are hereby declared to be appurtenances to the real estate and exempt from execution, seizure or sale; to regulate the storage of gun-powder, kerosene and other dangerous material; to direct the construction of a place for the safe deposit of ashes, and may under an order by them entered upon the proper book of the board, visit or

Protection
from fire. appoint one or more fire wardens to visit and examine at all reasonable hours, dwelling houses, lots, yards, enclosures, and buildings of every description, discover if any of them are in a dangerous condition, and provide proper remedies for such dangers; to regulate the manner of putting up stoves and stove-pipes; to prevent out-fires and the use of fire works and the discharge of fire-arms within the limits of said town, or such parts thereof as they may deem proper; to compel the inhabitants of said town to aid in the extinguishment of fires, and prevent its communication to other buildings under such penalties as may be provided by ordinances adopted by said trustees; to construct and preserve reservoirs, wells, pumps and other water-works, and to regulate the

Fire wardens.

use thereof, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they may deem proper.

Second—To declare what shall constitute a nuisance, and to prevent, abate and remove the same and take such measures for the preservation of the public health as they may deem necessary. Nuisances.

Third—To regulate, restrain and prohibit the running at large of cattle, horses, hogs, mules, sheep, goats, dogs and other animals, within said town, and to cause such as may be running at large contrary to ordinance to be impounded and sold to discharge the costs and penalties provided for the violation of such prohibition or regulation, and the expense of impounding and keeping the same, and of such sale; to regulate and provide for taxing the owners of dogs found at large contrary to any ordinance regulating the same, and to provide for the extermination of all such dogs for which the tax shall not be paid; Animals running at large.

Fourth—To provide for the erection of all needful pens, pounds and buildings for the use of the town, within or without the town limits; to appoint and compensate keepers thereof, and to establish and enforce rules governing the same; Pounds.

Fifth—To restrain and prohibit gambling and other disorderly conduct; to suppress and prohibit the keeping of houses of ill-fame and other disorderly houses and practices within said town, or within one mile of the outer boundaries thereof; to license and regulate or forbid the sale of spiritous and intoxicating liquors within said town or within one mile of the outer boundaries thereof, and such license shall clearly state upon its face the conditions of such license. Gambling and disorderly houses.
Sale of liquors.

Sixth—To license, regulate or prevent auction establishments, traveling peddlers and public exhibitions within the corporation. Auctions, peddlers, &c.

Seventh—To levy and collect a license tax on billiard tables, bowling alleys and other games and gaming tables, drays, hacks, carriages, omnibuses, carts, wagons and other vehicles used within said town for pay. License tax on games and vehicles.

Eighth—To prevent and restrain riots, routs, noises, disturbances or disorderly assemblies in any street, house or place in the town; to regulate, punish and prevent the discharge of fire-arms, rockets, powder, fire-works or any other dangerously combustible material, in the streets, Public peace.

- lots, grounds, alleys, or about or in the vicinity of any buildings; to regulate and punish the carrying of concealed weapons; to arrest, regulate, punish, fine or set to work all vagrants and persons found in said town without visible means of support or some legitimate business; to close all places of business on the Sabbath day, commonly called Sunday, and all desecrations thereof; to prevent all kinds of public indecencies, and to prohibit and suppress the sale of spirituous and intoxicating liquors on any day of municipal, county or Territorial election.

Public high-ways and im-provements.

Ninth—To lay out, open, widen, extend, grade or otherwise improve the streets, alleys, sewers, sidewalks and crossings, and to keep them in repair, and vacate the same. For making and repairing sidewalks the assessment shall be made on all lots and pieces of ground abutting on the improvement according to the front foot thereof. For the purpose of laying out, opening, widening, extending, grading and otherwise improving the streets, alleys, sewers and crossings, and keeping them in repair, the board of trustees shall have power to require by ordinance every able-bodied male citizen within the corporation over the age of twenty-one years of age and less than fifty years of age, to work, or furnish, two days' work upon said streets, alleys, sewers or crossings, or pay into the treasury of said town in lieu thereof a sum not exceeding four dollars.

Able bodied male citizens to furnish two days' work.

Regulation of public thoroughfares.

Tenth—To prevent and remove all encroachments into and upon all sidewalks, streets, avenues, alleys and other town property, and to prevent and punish horse racing, fast driving or riding in the streets, highways, alleys, bridges or other places in the town, and all games, practices or amusements therein likely to result in damage to any person or property; to regulate, prevent and punish the riding, driving or passing of horses, oxen, mules, cattle or other teams, or any vehicle drawn thereby, over, upon or across sidewalks or along any streets of the town;

Contagious diseases.

Quarantine.

Eleventh—To make regulations to prevent the introduction and spreading of contagious diseases within the town; to make quarantine laws for that purpose and enforce the same within two miles of the town.

Public charities.

Twelfth—To erect, establish and regulate hospitals, work-houses and poor-houses, and provide for the government and support of the same.

Health.

Water.

Insurance.

Thirteenth—To make regulations to secure the general health of the town and to provide the town with water.

Fourteenth—To insure the public property of said town.

Fifteenth—To plant trees upon the public grounds and ^{Trees on} along the streets of said town and provide for their cul-^{streets and} ture and preservation and to enclose any public square ^{public grounds.} or any public grounds within said town.

Sixteenth—To purchase, hold and pay for, in the ^{Real estate} manner herein provided, lands outside of the limits of ^{outside of town} said town, for the purpose of the burial of the dead, ^{for public pur-} and all necessary grounds for hospital grounds, and ^{poses.} water works, also for the storage and conducting of water.

Seventeenth—To survey, plat, map, grade, fence, orna-^{Cemeteries.} ment and otherwise improve all burial and cemetery grounds, and the avenues leading thereto, owned by such town; to construct walks therein, rear and protect ornamental shade trees therein, and to provide for paying the expenses thereof;

Eighteenth—To convey cemetery lots owned by such ^{Certificates of} town, by certificate, signed by the mayor and counter-^{conveyance of} signed by the clerk, under seal of the town, specifying ^{cemetery lots.} that the person to whom the same is issued is owner of the lot or lots described therein, by number, as laid down on such map or plat, for the purpose of interment, and such certificate shall vest in the proprietor, his or her heirs or assigns, a right in fee simple to such lot or lots for the sole purpose of interment, under the regulations of the board of trustees, and such certificate shall be ^{Certificates to} entitled to be recorded in the office of the register of ^{be recorded.} deeds of the proper county without further acknowledgment, and such description of lots shall be deemed and recognized as a sufficient description thereof;

Nineteenth—To limit the number of lots which shall ^{Rules for con-} be owned by the same person at the same time; to pre-^{trol of ceme-} scribe rules for enclosing and adorning and erecting mon-^{teries.} uments and tombstones on cemetery lots; to prohibit any diversion of the use of such lots, any improper adornment thereof, but no religious test shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or of such lots;

Twentieth—To pass rules and ordinances imposing ^{Protection and} fines and penalties not exceeding one hundred dollars, ^{regulation of} regulating, protecting and governing the cemetery, the ^{cemeteries} owners of lots therein, visitors thereof and trespassers ^{and other} therein, and to pass rules and ordinances for the protec-^{city property} tion of lands and ditches used for water purposes, hospitals and pest-houses outside of the city limits, and the officers of such town shall have as full jurisdiction and

- power in the enforcing of such rules and ordinances as though they related to the town itself.
- Taxes.** *Twenty-first*—To levy and collect taxes for general revenue purposes, not exceeding five mills on the dollar in any one year, on all real, personal and mixed property within the limits of said town, taxable under the laws of the Territory and the assessment; levy and collection of taxes shall be made as hereinafter provided or as may be further provided by ordinance.
- Police regulations.** *Twenty-second*—To regulate the police of the city, and to enact fines and penalties for violations of this act, or of any by-law or ordinance by them established, not exceeding one hundred dollars for any one offense, recoverable with costs, together with judgment of imprisonment until the amount of said judgment and costs shall be paid: *Provided*, That the fine assessed for the violation of any ordinance requiring a license shall not be less than the amount required for such license.
- Proviso.**
Licenses. *Twenty-third*—To require from all officers and servants elected or appointed, to give bonds and security for the faithful performance of their duties.
- Bonds of officers.**
- Water.** *Twenty-fourth*—To establish, make and regulate public wells, cisterns and reservoirs and aqueducts and to provide for filling the same.
- Finances.** *Twenty-fifth*—To appropriate money and provide for the payment of the debts and expenses of the town: *Provided*, That all moneys, however derived, belonging to such corporation, shall only be appropriated for such objects and defraying such expenses as accrue or necessarily arise in the exercise of powers granted by this act, and no appropriation shall be made without an order to that effect, entered upon a proper book kept for that purpose by such board of trustees: *And, provided, further*, That no appropriation shall be made unless there be money not otherwise appropriated in the treasury at the time of making such appropriation.
- Restriction of appropriations** *Twenty-sixth*—The board of trustees shall cause to be published, once in six months, a statement of the financial condition of the town, which statement shall be verified by the oath of the mayor, treasurer and clerk, and such publication shall be in a newspaper, if any be published in said town, otherwise by posting up the same in three public places within the town.
- Publication of statement of financial condition.** *Twenty-seventh*—To employ an attorney to draft ordinances and other legal documents relating to the affairs
- Town attorney.**

of the corporation and employ counsel in all cases by them deemed necessary, and pay for the same such reasonable amounts as may be agreed upon, and whenever, by them deemed necessary, appoint and employ a town attorney, whose duties and compensation shall be such as may be provided by ordinance.

SEC. 29. All by-laws and ordinances shall be passed pursuant to such rules and regulations as the board of trustees may provide, and shall, within a reasonable time after passage, be recorded in a book kept for that purpose, and shall be signed by the mayor and attested by the clerk. On the passage of any by-law, ordinance or resolution the ayes and nays shall be taken and entered on the journal.

By-laws and ordinances, how passed and recorded.

SEC. 30. The style of the ordinances shall be: "Be it ordained by the board of trustees of the town of Sheridan." Every by-law, ordinance or regulation, unless in case of emergency, shall be published in a newspaper in such town, if one be printed therein, or posted in three public places at least ten days before the same shall take effect.

Style of ordinances.

Publication.

To take effect.

SEC. 31. In actions brought to recover any penalty or fine incurred under this act, or under the by-laws or ordinances made in pursuance thereof, it shall not be necessary to file with the affidavit or complaint a copy of the ordinances or by-laws or section thereof charged to have been violated, but it shall be sufficient to recite in the affidavit or complaint the number of the section charged to have been violated, with the date of its adoption.

Procedure to recover fine or penalty.

SEC. 32. If the penalty or fine in which judgment is obtained is not paid or replevied, the defendant may be committed for any period not exceeding three months to the work-house of said town, or if said town have no work-house, then to the county jail or prison in which said town is situate, or in the town calaboose, or such other place of security as may be provided by the board of trustees, or in default of payment of such judgment and costs, the defendant may be adjudged and required to pay the same by manual labor in the work-house or prison or upon the streets or other public works of said town, under the control of the marshal of said town, for which labor the defendant shall be allowed on such judgment and costs one dollar per day. It shall be the duty of such marshal to work such defendant not less than

Disposition of defendant in default of payment of fine.

Duty of marshal