AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving such plan and other information, and upon being satisfied that a bridge so built will conform to the requirements of this Act, to notify the company authorized to build the same that he approves of the same; and upon receiving such notification the said company may proceed to erect said bridge, conforming strictly to the approved plan and location, and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War. Notice of approval.

SEC. 5. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the street railways or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. Lawful structure and post route. *Post*, p. 716. Telegraph, etc., rights.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof, and the right to alter, amend, or repeal this Act is hereby expressly reserved. Time of construction. *Post*, p. 716. Amendment.

Approved, April 28, 1904.

CHAP. 1778.—An Act To amend and codify the laws relating to municipal corporations in the district of Alaska. April 28, 1904. [S. 3338.] [Public, No. 210.]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any community in the district of Alaska having three hundred or more permanent inhabitants may incorporate as a municipal corporation termed a town in the manner hereinafter provided. A petition praying for such incorporation shall first be presented to the judge of the United States district court presiding over the court in the judicial division in which the community seeking incorporation is located, which petition shall be signed by at least sixty male adults, bona fide residents of such community, and shall specify the boundaries and the number of inhabitants of the proposed corporation, and shall also specify the name by which it is to be known, and such other facts as may tend to show good grounds for such incorporation. The judge shall thereupon, by an order, fix the time and place for considering said petition, which time shall not be less than thirty days after the date of such order. A printed or typewritten copy of said order shall be posted in three of the most public places within the limits of the territory proposed to be incorporated at least thirty days prior to the time fixed for considering said petition. At the time and place fixed for considering said petition the judge shall give a reasonable hearing to those who are in favor of and to those who are opposed to the same; and if he is satisfied that it is for the best interest and welfare of the community to be incorporated as a town he shall, by an order, so adjudge; and he may, by the order, change or modify the proposed boundaries. He shall also, by said order, designate the name and the boundaries of the corporation, and the time and place when and where an election shall be held to determine whether the people of the community desire to be incorporated; and he shall also, by said order, appoint three quali- Alaska. Incorporation of towns in. Vol. 31, p. 520, amended. Petition. Order of the court. Hearing. Election.

Notice of election.

fied voters to act as judges of such election. A printed or typewritten copy of said order shall be posted at three of the most public places within the limit of the proposed corporation at least thirty days prior to the day of election, and such posting shall be deemed a sufficient notice of such election.

Qualified voters.

SEC. 2. That every male person twenty-one years of age who is a citizen of the United States or has declared his intention to become such, and who has resided continuously one year next preceding the election in the district of Alaska, and six months next preceding the election within the limits of the proposed corporation, shall be qualified to vote at said or any subsequent municipal election. Said election shall be by printed or written ballot in the following form, to wit:

Ballot.

"FOR INCORPORATION OF THE TOWN OF

(name of proposed corporation),"

or

"AGAINST INCORPORATION OF THE TOWN OF

(name of proposed corporation)."

Judges of election.

The qualified electors of the community proposed to be incorporated may also at said election by a separate ballot choose a common council of seven members who shall be qualified electors of the community. The said judges of election shall before entering upon the duties of their office take an oath in writing to faithfully and impartially discharge the duties of their trust, and they shall duly canvass and compile the vote cast and issue under their hands and seals a certificate in triplicate showing the number of votes cast in favor of incorporation and the number of votes cast against incorporation. One of said triplicate certificates, together with all the ballots cast and the oaths of the judges of elections, shall immediately be filed with the clerk of the district court in the division in which the community proposed to be incorporated is situate, another of said certificates shall be filed with the secretary of the district of Alaska, and the third of said certificates shall be filed with the commissioner of the precinct in which said community is located. If it shall appear from the said triplicate certificate of election filed with the clerk of the district court as aforesaid that two-thirds or more of the votes cast at said election were in favor of incorporation and that the provisions of law relating to incorporation have been substantially complied with then the district judge shall, by an order in writing entered in the records of the court, duly adjudge and declare that the community in which such election has been held is, and shall be deemed to be, a municipal corporation under the name of "The town of (here insert name) in the district of Alaska," and the same shall from thenceforth be deemed a municipal corporation possessed of the powers and privileges hereinafter prescribed, and such other powers as may be given by law.

Certificate of votes cast to be in triplicate.

Recording result of election.

Canvass of votes.

SEC. 3. That the said judges of election shall also canvass the votes given at said election for members of the common council, and shall declare the seven candidates who have received the greatest number of votes for such office duly elected and shall issue and deliver to them certificates of their election. In case the community in which said election has been held becomes incorporated as aforesaid, the members of the common council chosen as aforesaid, as well as the members of such council chosen at subsequent elections, shall, before entering upon the duties of their office, severally take an oath in writing to honestly and faithfully discharge the duties of their trust, which oaths shall be filed with the clerk of the town. An annual election shall be held each and every year, on the first Tuesday of April, in every incor-

Oath.

Annual election.

porated town in the district of Alaska for the election of members of the common council. The members of the council chosen at the first election shall hold their office until the next annual election and until their successors are elected and qualified, and the members of the council chosen at subsequent elections shall hold their office for the term of one year and until their successors are elected and qualified.

Terms of councilmen.

SEC. 4. That the said common council shall have and exercise the following powers:

Powers of town councilmen. Vol. 32, p. 945, amended.

First. To adopt rules and by-laws for their proceedings, and to elect one of their number president of the council, who shall also be ex officio mayor of the town and who when chosen shall continue to hold the position of president and ex officio mayor during the term for which the council was elected, and who shall take care that the ordinances and resolves of the council be faithfully executed.

Rules, etc.

Second. To appoint a clerk, a treasurer, an assessor, a municipal magistrate, a municipal attorney, a chief of police, and such other officials or employees as may be necessary, but none of such officers or employees shall be appointed for a longer term than one year.

Officers.

Third. To make suitable provision for municipal and other elections, and to appoint three judges and two clerks of election for each polling place in the town.

Municipal, etc., elections.

Fourth. To provide for the location, construction, and maintenance of the necessary streets, alleys, crossings, sidewalks, sewers, and wharves. If such street, alley, sidewalk, or sewer, or parts thereof, is located and constructed upon the petition of the owners of two-thirds in value of the property abutting upon and affected by such improvement, then two-thirds of the cost of the same may, in the discretion of the council, be collected by the assessment and levy of a tax against the abutting property, and such tax shall be a lien upon the same and may be collected as other real estate taxes are collected.

Streets, etc.

Fifth. To provide for the location and construction, for a limited distance and to a limited extent, of trails and wagon roads outside of the limits of the town, but leading to and from the same, where such roads and trails are necessary for promoting the welfare and prosperity of the town, but no money shall be expended for such purpose except upon the unanimous vote of the entire council unless the qualified voters of the town have at an annual election by ballot, by a two-thirds vote, voted in favor of such expenditure.

Trails and wagon roads.

Sixth. To provide for fire protection, water supply, lights, wharfage, public health, and police protection, and the relief of the destitute and indigent.

Fire protection, water supply, etc.

Seventh. To assess, levy, and collect a poll tax of not less than two dollars nor more than four dollars per year on all male residents over twenty-one and under fifty years of age who are not active members, serving without pay, of a volunteer fire company in the town. Such tax shall be a lien upon and may be collected from any real or personal property of the person against whom the tax is levied except wearing apparel and household furniture less than three hundred dollars in value.

Taxes.

Eighth. To levy a tax of not more than two dollars per year upon each dog against the person who keeps the same, and to provide for the impounding or killing of the dog in case the tax is not paid or in case the dog is vicious or dangerous to life or health.

Dog tax.

Ninth. To assess, levy, and collect a general tax for school and municipal purposes, not to exceed two per centum of the assessed valuation, upon all real and personal property, and to declare the same a lien upon such property and to enforce the collection of such lien by foreclosure, levy, distress, and sale: *Provided, however*, That all property belonging to the municipality, all property used exclusively for

School tax.

Provisos. Exemption.

religious, educational, and charitable purposes, and the household furniture of the head of a family or a householder not exceeding two hundred dollars in value, shall be exempt from such tax: *Provided further*, That the laws exempting certain property from levy and sale on execution shall not apply to said taxes or the collection of the same.

Exception.

Drunkenness, etc.

Tenth. To prohibit drunkenness, gambling, houses or places of ill-fame, disorderly conduct, or conduct endangering the public peace, public health, or public safety, to define such offenses, and to prescribe the punishment therefor, but such punishment shall not exceed in any case a fine of one hundred dollars or imprisonment in the municipal jail not exceeding ninety days, or both, in the discretion of the court, together with the costs of prosecution. The costs of such imprisonment shall be borne by the municipality and not by the United States. All fines and costs imposed and collected for violation of municipal ordinances shall belong to the municipality and be paid over to its treasurer. The municipal magistrate shall have jurisdiction of all actions for violation of municipal ordinances, and appeals shall lie from his judgments to the district court in the same manner as appeals from the judgments of ex officio justices of the peace.

Jail, etc.

Eleventh. To make due provision for the maintenance of a municipal jail and to provide the same with a keeper.

Schools, etc.

Twelfth. To establish one or more school districts, to provide the same with suitable schoolhouses, and to provide the necessary funds for the maintenance of schools, but such school districts and schools, when established, shall be under the supervision and control of a

School board.

school board of three members, consisting of a director, a treasurer, and a clerk, to be elected annually by the vote of all adults who are citizens of the United States or who have declared their intention to

Term.

become such and who are residents of the school district. The members of said board shall hold their office for the term of one year and until their successors are elected and qualified, and they shall each, before entering upon the duties of their office, take an oath, in writing, to honestly and faithfully discharge the duties of their trust. All money available for school purposes, except for the construction and equipment of schoolhouses and the acquisition of sites for the same, shall be transferred to the treasurer of said board, shall be expended under the direction of said board, and the treasurer of said board shall be the custodian of said money, and he shall, before

Treasurer's bond.

entering upon the duties of his office, give his bond, with sufficient sureties, to the school district, in such sum as the common council may direct and subject to its approval, but not less than twice the amount that may come into his hands as treasurer, conditioned that he will honestly and faithfully disburse and account for all money

Teachers.

that may come into his hands as such treasurer. The said board shall have the power to hire and employ the necessary teachers, to provide for heating and lighting the schoolhouse, and in general to do and perform everything necessary for the due maintenance of a proper school.

Sanitation.

Thirteenth. To take such action by ordinance, resolution, or otherwise, as may be necessary to protect and preserve the lives, the health, the safety, and the well-being of the people in the town and to publish all ordinances.

Majority vote.

SEC. 5. That the common council may exercise their powers by ordinance or resolution, but no ordinance or resolution shall be valid unless adopted by a vote of four members of the council, at a meeting

Bond issue, etc., prohibited.

where not less than five members are present. The council shall have no authority to issue bonds or incur any bonded indebtedness, nor shall they have authority to incur a greater indebtedness or liability of any kind in any year than the current revenues of the municipality for that year.

Duties of clerk.

SEC. 6. That the clerk appointed by the council shall attend its meetings, keep a full record of all its proceedings and of all disbursements of public money, and he shall also file and duly keep all the records and public papers of the town, and he shall to all intents and purposes be deemed to be the clerk and bookkeeper of the town and shall officiate as such. The treasurer appointed by the council shall be the custodian of all the moneys of the town: *Provided*, That said treasurer shall pay over to the treasurer of the school district all moneys available for the maintenance of schools. He shall keep an itemized, full, and correct account of all moneys received and disbursed, and he shall pay out no money except upon an order signed by the ex officio mayor and countersigned by the clerk and specifying the object and purpose of the payment, and no such order shall be issued except upon vote of four members of the council at a meeting in which five members are present. He shall before entering upon the duties of his office give his bond to the town, with sufficient sureties to be approved by the council, in such sum as the council may direct, not less, however, than twice the amount of the public money that may come into his hands as treasurer during his term, which bond shall be conditioned that he will faithfully and honestly collect, keep, and disburse all the moneys belonging to the town, which bond shall be filed with and kept by the clerk of the town. The assessor appointed by the council shall once each year, at such time as the council may direct, duly list and assess all the taxable property of the town at its just and fair value. He shall file such list and assessment as soon as completed with the clerk of the town, and shall serve a notice of the filing of the same upon each person residing in the town whose property has been assessed. The council may review and revise the assessment, and may, upon proper evidence and conformable to justice, increase or diminish the same in individual cases, and when so revised and reviewed, and finally approved by the council, the same shall be deemed to be the true basis for the levy and assessment of taxes. The municipal attorney shall be the legal adviser of the council and the other town officials in reference to their official duties, and he shall represent the town as attorney in all civil and criminal prosecutions in which the town is interested. All officers appointed by the council shall, before entering upon the duties of their office, severally take an oath, in writing, to honestly, faithfully, and impartially perform the duties of their office, which oath shall be filed with the clerk of the town. The council shall, at the beginning of the term of each officer appointed by them, by ordinance fix his compensation for the term, which compensation when so fixed shall be neither increased nor diminished during the term, nor shall said officers be entitled to receive, in any form or shape, any other or additional compensation. Any officer of the town, whether elective or appointive, may be removed from office for malfeasance, misfeasance, or nonfeasance in office, by the district court, in proceedings initiated upon the complaint of a taxpayer, and in which the officer complained of shall have full opportunity to appear and defend himself.

Treasurer.

Proviso.

Duties.

Assessor.

Attorney.

Oath.

Compensation.

Removal from office.

Use of license funds.

SEC. 7. That all license moneys collected by the clerk of the district court from any person for any business, trade, or occupation carried on within the limits of any incorporated town in the district of Alaska pursuant to the provisions of an Act entitled "An Act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," approved March third, eighteen hundred and ninety-nine, and all Acts or parts of Acts amendatory thereof, shall by said clerk be paid over to the treasurer of such town, to be used for school and municipal purposes within the town. The clerk shall take a receipt for such money in triplicate, one of which receipts shall be filed with the Secretary of the Treasury, one with the Attorney-General of the United States, and one shall be retained by the clerk.

Vol. 30, p. 1336; Vol. 32, p. 946.

Receipts.

Repeal.

SEC. 8. That all Acts and parts of Acts inconsistent with this Act are, to the extent of such inconsistency, hereby repealed; and the provisions of this Act shall apply to and govern all municipal corporations heretofore created in the district of Alaska.

Approved, April 28, 1904.

April 28, 1904.
[S. 3869.]

CHAP. 1779.—An Act For the extension of Albemarle street.

[Public, No. 211.]

District of Columbia.
Extension of Albemarle street.
Proceedings to condemn land for.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That inasmuch as over ninety-nine per centum of the ground required for the extension of Albemarle street, in the District of Columbia, from Connecticut avenue to Rock Creek Park, has been dedicated to the District of Columbia, the Commissioners of said District are hereby authorized and directed, within thirty days after the passage of this Act, to institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary to complete the extension of Albemarle street to a width of ninety feet between Connecticut avenue and Broad Branch road.

Assessment of damages and benefits.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Albemarle street as herein provided, such amount thereof shall be assessed by the jury hereinafter provided for as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said street as extended, and also on any or all pieces or parcels of land which will be benefited by the extension of said street, as said jury may find said pieces or parcels of land will be benefited, and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of said street as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury and all proceedings hereunder shall be null and void.

Proviso.
Rejection of awards, etc.

Notice of proceedings.
Advertisement.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

Personal service.

Marshal's jury.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor

Duties.