

fed voters of their respective wards; and they shall hold their offices for the term of two years and until their successors are elected and qualified.

Sec. 6. At the first municipal election held after the passage and approval of this act, and at all subsequent elections held in all cities of the second class now existing in this Territory, and all cities of the second class which may hereafter be incorporated or organized, there shall be elected the following named officers: A mayor, recorder, treasurer, marshal and an assessor and collector, who shall be elected by the qualified voters of their respective cities and shall reside therein, and ten councilmen and five justices of the peace; and they shall hold their offices for the term of two years and until their successors are elected and qualified. Two of such councilmen and one justice of the peace shall be elected from each municipal ward by the qualified voters of their respective wards, and shall reside therein. In case the mayor, recorder, treasurer, marshal, or assessor and collector shall move his residence outside of the corporate limits of the city, or in case any councilman or justice of the peace shall move his residence outside of the municipal ward, by and from which he was elected, his office shall at once become vacant, and shall be filled by the city council of any such city by appointment from the qualified electors of such city or ward in which the vacancy occurs, as the case may be, until the next ensuing municipal election. In case the vacancy occurs in the office of mayor, recorder, treasurer, marshal, or assessor and collector, the successor shall be appointed from the qualified electors of the city; and in case the vacancy occurs in the office of councilman or justice of the peace, the successor shall be appointed from the qualified electors of the municipal ward in which the vacancy occurs.

Sec. 7. The judicial power of all cities of the second class shall be vested in the justices of the peace of such cities. Such justices shall have exclusive original jurisdiction of cases arising under or by violation of any ordinance or by-law of said cities, and shall have the same jurisdiction as precinct justices of the peace in either civil or criminal cases. The rules of practice and mode of proceeding in said justices' courts shall be the same as are or may be prescribed by law for justices' courts in either civil or criminal cases. The jurisdiction of each of said justices shall be co-extensive with the corporate limits of the city.

From all final judgments of said justices' courts appeals shall be allowed to the district or other appellate courts provided by law, in the same manner and upon the same terms as provided by law for appeals from justices' courts.

CITIES OF THE THIRD CLASS.

Chapter III.

Sec. 1. That all cities now existing in this Territory, and all those hereafter incorporated, having less than five thousand inhabitants,

shall be known as cities of the third class; and all of the provisions of this chapter relating to cities of the third class are hereby made applicable to all cities having less than five thousand inhabitants now existing in this Territory, as well as to all such cities hereafter incorporated, and shall be so construed.

Sec. 2. The city council of any city now existing in this Territory, and of any city hereafter incorporated, are hereby authorized to appoint commissioners to take the census of such city, before any municipal election, for the purpose of ascertaining to which class any such city may belong; and whenever the city council of any city of the third class have reason to believe that the population of such city has increased so that the city belongs to the second class, it shall be the duty of the city council of such city to appoint such commissioners, and cause such census to be taken, verified and returned to them. If from the verified returns of said commissioners it shall be shown that any such city belongs to the second class, it shall be the duty of the mayor of such city to certify to the governor of the Territory, attested by the seal of the city, the number of inhabitants of such city; and the governor shall declare, by public proclamation, that such city belongs to the second class and is subject to the provisions of this act relating to cities of that class.

Sec. 3. The city council and officers of such city shall continue in authority from the date of such proclamation until the city council and officers provided for cities of the second class are elected for such city and qualified. And the city council of such city shall, after the date of such proclamation, and at least four months prior to the first ensuing municipal election thereafter, divide the city into five municipal wards and prescribe the boundaries thereof by ordinance. Such ward shall be as compact in form and equal in population as may be, and each ward shall constitute an election precinct for municipal elections. *Provided*, that if any ward shall contain five hundred legal voters the city council shall divide such ward into two or more election precincts and make the precincts as compact in form and equal in population as may be, so that there shall not be more than five hundred voters in any one precinct; but no election precinct shall be made out of parts of any two or more wards, nor shall the boundaries of any such election precinct be changed within two months prior to such municipal election. There shall be but one polling place in each election precinct and but one ballot box used at any election therein. And the voters shall vote in the precincts in which they reside.

Sec. 4. At the first ensuing municipal election after the proclamation by the governor that any city belongs to the second class, the qualified electors of such city shall vote for the officers provided by law for cities of the second class.

Sec. 5. Whenever there are more

than five hundred legal voters in any city of the third class, the city council of such city shall divide the city into two or more election precincts, for municipal elections, and make the precincts as compact in form and equal in population as may be, so that not more than five hundred voters shall reside in one election precinct; but the boundaries of no such election precinct shall be changed within one month prior to any municipal election. There shall be but one polling place in each election precinct and but one ballot box used at any election therein. And the voters shall vote in the precincts in which they reside.

Sec. 6. The government of all cities of the third class is hereby vested in a city council to consist of a mayor and seven councilmen, who shall have the qualifications of electors of the city, and they shall be elected by the qualified voters of the city, and hold their offices for the term of two years, and until their successors are elected and qualified.

Sec. 7. At the first municipal election held after the passage and approval of this act, and at all subsequent elections held in all cities of the third class now existing in this Territory, and in all cities of the third class which may hereafter be incorporated, there shall be elected the following named officers: A mayor, seven councilmen, a recorder, treasurer, marshal, an assessor and collector, and two justices of the peace, who shall be elected by the qualified voters of their respective cities.

Sec. 8. The judicial power of all cities of the third class shall be vested in the justices of the peace of such cities. Said justices shall have exclusive original jurisdiction of cases arising under or by reason of the violation of any ordinance or by-law of said cities, and shall have the same jurisdiction as precinct justices of the peace in either civil or criminal cases. The rules of practice and mode of proceeding in said justices' courts shall be the same as are or may be prescribed by law for justices' courts in either civil or criminal cases. The jurisdiction of such justices shall be co-extensive with the corporate limits of the city. From all final judgments of said justices' courts, appeals shall be allowed to the district or other appellate courts provided by law, in the same manner, and upon the same terms, as provided by law for appeals from justices' courts.

Sec. 9. Whenever it shall appear from the published returns of the United States census that any city has the requisite population to enable it to be a city of the first or second class, then the special census provided for in this act shall not be necessary and may be omitted by the Council.

Sec. 10. The provisions of this act are hereby made applicable to all incorporated cities now existing in this Territory except to the cities named in the next section, and shall be construed as supplemental to the charters of said cities.

Sec. 11. The provisions of this act