

legislature of this state, shall be restricted to the limits which they occupied prior to the passage of this act; nor shall this act in any way be construed to validate or invalidate any such rights, contracts or franchises, but they shall have the same legal status as if this act had not been passed. And this act shall not be deemed or construed to affect any right, contract entered into with, or franchise granted by, any municipal corporation existing or to exist in the territories described in sections two (2) and three (3) of this act, before actual annexation as provided by this act, but all such rights, contracts and franchises shall have the same force and effect in all respects as if this act had not been passed.

SEC. 7. The municipal court of the village of West Duluth, a municipal corporation existing in the territory described in section two (2) of this act, as the same shall be organized at the time of actual annexation of said territory as provided in this act, shall not be abolished, but the same shall continue and be a municipal court of the city of Duluth to the same extent and with the same powers as it then shall have in the said village of West Duluth.

SEC. 8. All acts or parts of acts inconsistent herewith are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved April 2, 1891.

CHAPTER 57.

[H. F. No. 997.]

AN ACT TO INCORPORATE THE CITY OF LAKESIDE, TO PROVIDE FOR ITS FUTURE ANNEXATION TO THE CITY OF DULUTH AND TO THE INDEPENDENT SCHOOL DISTRICT OF DULUTH.

Be it enacted by the Legislature of the State of Minnesota :

CHAPTER I.

SECTION 1. All that district of country contained within the limits and boundaries hereinafter described shall be a city by the name of Lakeside, and all the people now inhabiting, and those who shall hereafter inhabit, such district shall be and form a municipal corporation under the name of the city of Lakeside.

The said corporation shall have the power generally possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and the authorities thereof shall have perpetual succession. It shall be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law or equity; it shall have a corporate seal, which it may alter at pleasure, and it may purchase, lease, take and hold such real, personal and mixed property as may be required for city use or purposes, within or without the limits of the city, and may lease or sell and convey the same.

SEC. 2. The district of country constituting the city of Lakeside shall be the following described lands, situate in the county of St. Louis and state of Minnesota, to-wit: All of fractional township fifty (50) north of range thirteen (13) west, excepting lot numbered two (2) in said township; the southeast quarter (¼) of section thirty-three (33), the northwest quarter (¼) of the southwest quarter (¼) and lots three (3) and four (4) in section thirty-four (34), all in township fifty-one (51) north of range thirteen (13) west.

CHAPTER II.

OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, recorder, three (3) aldermen, treasurer, two (2) justices of the peace, one (1) assessor and one (1) constable.

SEC. 2. Said city shall constitute an election district or precinct for the holding of all elections provided for under the general laws of this state and also for all elections provided for in this act.

All officers shall be qualified electors of the district in which they shall be elected or appointed, and all elective officers shall hold their offices (except as hereinafter specially provided) for the term of one (1) year and until their successors are elected and qualified, except the city justices, who shall hold their offices for two (2) years and until their successors are elected and qualified.

SEC. 3. General elections after the first shall be held on the first (1st) Tuesday in February of each year. At least thirty (30) days before any general election the city council shall designate three (3) persons to act as judges or inspectors and two (2) persons to act as clerks for each elective precinct at such election. All elections shall be held and conducted in the same manner and under the same penalties as required by the general laws of the state regarding elections, and like notice shall be given. When any election shall be closed, the judges or inspectors shall make return thereof to the city recorder within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) day thereafter the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city recorder shall forthwith give notice to the persons elected of their respective elections, and they shall assume the duties of their respective offices on the first (1st) Monday following such election.

SEC. 4. The village officers of the present village of Lakeside, elected at the annual village election of said village held in March, eighteen hundred and ninety-one (1891), shall hold the corresponding offices in the city of Lakeside, herein provided for, until the annual election of said city of Lakeside in the year eighteen hundred and ninety-two (1892), and until their successors shall be elected and qualified; that is to say, the president of said village shall be mayor of said city, the trustees of said village shall be aldermen of said city, and the treasurer, recorder, justices of the peace and constable of said village shall be respectively treasurer, recorder, justices of the peace and constable of said city, until said annual election in the year

eighteen hundred and ninety-two (1892), and until their successors are elected and qualified; and the said city council shall appoint an assessor of said city, who shall hold office until said annual city election in the year eighteen hundred and ninety-two (1892), and until his successor is elected and qualified.

SEC. 5. Special elections in and for said city may be held at any time, for any proper purpose, upon the order of the city council. At least ten (10) days' notice of any such special elections shall be given as provided by law, and such notice shall state the object of such election.

SEC. 6. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office, and such ballots may be written or printed or partly written and partly printed. A plurality of votes shall constitute an election.

When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as the city council shall direct.

All persons entitled to vote for state or county officers, and who shall have resided in said city, or any election district thereof, for ten (10) days next preceding any general or special election, shall be entitled to vote thereat.

Any person removing from the city, or any person who shall refuse or neglect for ten (10) days after notice of his election or appointment to qualify and enter upon the duties of his office, shall be deemed to have vacated his office; and any officer having entered upon the duties of his office may resign by giving notice thereof to, or with the consent of, the city council, and it shall then be the duty of such council to declare the office vacant and to provide that the same shall be filled as hereinafter provided. Whenever a vacancy shall occur in any elective office by removal, resignation or otherwise, the city council shall have power to fill the same by appointment.

Every person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term of his predecessor, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

No person shall be eligible to, nor shall be elected or appointed to, any office in the city who is in any manner, either directly or indirectly, interested in any contract of the city, regardless as to whether said contract was made with the city council, or any officer or board or committee of such city, for the benefit of such city; and all contracts made by the said city council, or any officer, board or committee of said city, for the benefit of said city, with any officer, either directly or indirectly, shall be wholly void.

Every person elected or appointed to any office under the provisions of this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city recorder, and the treasurer, recorder and such other officers as the city council shall require, shall, severally, before they enter upon the duties of their respective offices, execute to the city of Lakeside bonds in such amounts and with such sureties and conditions as the city council shall prescribe and approve.

SEC. 7. Should there be a failure by the people to elect any person herein required to be elected, on the day designated, the city council may order a new election to be held, ten (10) days' notice of time and place being given.

CHAPTER III.

THE DUTIES OF OFFICERS.

SECTION 1. The mayor shall be chief executive officer of the city, and *ex-officio* president of the city council. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all the other officers of the city shall discharge their respective duties.

SEC. 2. The city recorder shall keep his office at the place of meeting of the city council, or at such other place convenient thereto as the city council may determine. He shall keep the corporate seal and all papers and records of the city, and keep a record of the proceedings of the city council. Copies of all papers filed in his office, and transcripts from all records of the council certified by him under the corporate seal, shall be evidence in all courts as if the originals were produced. He shall draw and countersign all orders upon the city treasury, in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose.

The city recorder shall have power to administer oaths and affirmations. It shall be his duty to report to the city council the financial condition of the city whenever the council shall require. He shall make and keep a list of the city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and shall recommend such action to the city council as will secure the payment of the interest on such bonds. On or about the first (1st) day of September, or before the time of the levy of taxes in each year, he shall estimate the expenses of the city and the revenue to be raised for the ensuing year. He shall countersign all contracts made in behalf of the city, and all certificates of work authorized by the city council, or by any city officer.

The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates of indebtedness which have been redeemed and the amount of each outstanding; he shall countersign all bonds, orders or other evidences of indebtedness of the city, and keep accurate accounts thereof, stating to whom and for what purposes issued and the amount thereof; he shall keep accounts of all receipts and disbursements of the officers of the city, showing the amount they have received from the different sources of revenue and the amount they have disbursed under the direction of the city council.

The recorder shall examine all the reports, books, vouchers and accounts of the city treasurer, and from time to time perform such other duties as the city council may direct, and shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts with an index thereto. Such records shall be open to the inspection of all parties interested.

He shall perform all other services by law required of the clerks of cities or townships within said city, but when services are required of him by public law for which compensation is provided, such services shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid to him by the city.

He shall receive a compensation, to be fixed by the city council, and they may change, increase or diminish the same during the time for which such officer was elected or appointed.

SEC. 3. The city council shall cause to be transmitted to the county auditor, on or before the first (1st) day of October of each year, a statement of all taxes and assessments as levied by them, and such taxes and assessments shall be entered and collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

The county treasurer of St. Louis county shall pay over such taxes and assessments, together with all interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city of Lakeside.

Whenever, previous to any of the settlements provided for by the general law, there shall be a lack of funds in the city treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall, on application of said city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement with the city.

The city treasurer shall also, forthwith, after such receipts, and after such settlements, adjust and apportion the funds so advanced from the county treasury, and so received by him, among the several funds in his hands.

SEC. 4. The justices of peace of the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace for the county of St. Louis, under the laws of this state, and in addition thereto shall have exclusive jurisdiction to hear and try and determine, in a summary manner, without a jury, all complaints for the violation of any provision of the charter, or any ordinance, by-law, rule or regulation made or adopted pursuant thereto or by virtue thereof, and all cases cognizable before a justice of the peace in which the city is a party, and all writs, prosecutions and proceedings for the recovery of any fine or forfeiture or penalty under any by-law, ordinance or regulation of said city or its charter, and in all cases of offenses committed against the same.

All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation of said city, shall be brought in the name of the city of Lakeside, and the forms and proceedings shall be had and used therein, and in all civil suits or proceedings before said justices, except as are herein otherwise required, as are established to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgments and decisions of said justices of the peace shall be allowed as now are, or may hereafter be, provided by law for appeals from judgments or decisions rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances

of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500). All fines and penalties imposed by the city justices for offenses committed within the city limits for the violation of any ordinance, regulation or by-law of said city, shall belong to and be a part of the finances of said city; said justices shall receive the same fees and compensation for their services received by justices of the peace of the county for like services.

Said justices shall be at their offices for the transaction of business at such reasonable hours as the city council may prescribe, and complaints may be made to, and writs and process issued by, them at all times, in court or otherwise.

City justices shall receive for compensation such fees as justices of the peace of the county are allowed by law, and in criminal cases arising from violation of state laws such fees shall be paid by the county of St. Louis, and in cases arising under the ordinances of said city said fees shall be paid out of the treasury of said city.

The constable shall have the powers conferred on constables by the laws of this state, and, in addition thereto, all the powers of police officers of said city.

SEC. 5. The assessor of the city of Lakeside shall qualify and perform the duties pertaining to his office in accordance with the general laws of the state relative to assessors, and shall, at the time provided by the general laws of the state, be present at the office of the city recorder, or at such other place as the city council may require, with his assessment books for review. He shall be present during the review of such assessment, to advise, if needed, in regard to the same, and, upon completion of said review, within the time prescribed by the general laws, shall make a final return to the county auditor. He shall receive such compensation for his services as the city council shall direct.

SEC. 6. The city council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the city council or any of the committees.

SEC. 7. The city council may elect a city engineer, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the city council may prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, minutes of surveys, profiles, plans or estimates made by him for the city shall be the property of the city, and shall be filed and carefully preserved in the office of the recorder and be open to the inspection of all persons interested.

SEC. 8. The city council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein described, and not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties unless otherwise provided for; but no officer elected or appointed by the council shall

be elected or appointed for a longer term than until the next annual election of officers and until his successor is elected or appointed and qualified.

The city council shall have the power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act, which compensation shall be fixed by resolution, and the compensation so fixed shall not be changed, increased or diminished during the term for which such officer was elected or appointed, except as herein otherwise provided; *Provided*, that no member of the city council, except the recorder, shall receive compensation for his services as such officer in excess of ten dollars (\$10) in any one year.

SEC. 9. If any person having been an officer of said city shall not within ten (10) days after notification and request deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city or pertaining to the office he may have held, his successor may take possession of said books, papers and effects in the manner prescribed by the laws of this state, and such person shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding ninety (90) days.

SEC. 10. The mayor, chief of police, officers of the police next in rank to the chief, the sheriff of the county of St. Louis, or his deputy or deputies, the coroner, each alderman, the justices of the peace, police officers, constables and watchmen, shall be officers of the peace, may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of bystanders, and, if need be, of all the citizens. If any person shall refuse to aid in maintaining the peace when so required, he shall forfeit and pay a fine not to exceed fifty dollars (\$50), and in default of the payment thereof be imprisoned not to exceed thirty (30) days. In cases where the civil power may be required to suppress riots or disorderly behavior, a superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

CHAPTER IV.

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor, recorder and aldermen shall constitute the city council. The style of all ordinances shall be "The City Council of the City of Lakeside do ordain." A majority of the councilmen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

SEC. 2. The city council shall hold stated meetings on the Monday following the annual election, at eight (8) o'clock p. m., and other stated meetings shall be held as prescribed by the rules and resolutions of the council; and the mayor may call special meetings of the council by a written notice to each of the members, to be delivered personally, or left at their usual place of abode or business; which notice shall contain a statement of business for which said

meeting is called; and no other business shall be transacted at such special meeting except such as is designated in such notice.

SEC. 3. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for persons and papers. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members, in addition to the forfeiture provided for in this act.

At the first meeting of the city council in each year, the city council shall elect from their number a vice president, who shall preside at the meetings of the council in the absence of the mayor, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the said vice president shall exercise all the powers and discharge all the duties of the mayor.

SEC. 4. The city council shall have power to remove from office any officer of the city, whether appointed by the council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges against him, nor until such person shall have had reasonable opportunity to be heard in his own defense; continued absence from the meetings of the council, in case of the aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract with the city, shall be good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for persons and papers, and shall have power to compel the attendance of witnesses, and to hear and determine the case, and if such officer refuse or neglect to appear and defend himself, the council may declare the office vacant.

SEC. 5. The city council shall have the management and control (subject to the provisions of this act) of the finances and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government of the city, and to promote the good order of the same, for the suppression of vice and intemperance, for the benefit of the inhabitants thereof, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a city prison and workhouse for the imprisonment, custody and safe keeping of all persons arrested for, or charged with, any offense against any ordinance of the city or laws of the state cognizable by the justices of the peace for the city; to make rules and regulations for the government and management of said city prison and workhouse, and to appoint keepers and other officers of the same; to prescribe their duties and fix their compensation. The keepers of said prison and workhouse shall possess all the powers and authority of jailers at common law and by the laws of the state. The city council shall have full power and authority to declare and impose penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed or ordained by them, to the extent of a fine not exceeding one hundred dollars (\$100), together with costs of suit, or im-

prisonment in the city prison or county jail of St. Louis county for a period not exceeding ninety (90) days.

All such ordinances, rules and by-laws are hereby declared to have the force of law within the city; *Provided*, that they are not repugnant to the constitution or laws of the United States or of this state, and for these purposes said city council shall have authority by ordinances, rules or by-laws:

First—To license and regulate the exhibition of common showmen and shows of all kinds, the exhibition of circuses, concerts, theatrical performances, and also to license and regulate all auctioneers, billiard tables, bowling alleys, nine or ten pin alleys, butcher shops and butcher stalls and vendors of butcher meats, pawnbrokers, skating rinks, victualing houses, and all places of public amusement, and all dealers in second-hand goods, junk dealers and all keepers of intelligence offices and employment offices, all draymen and hackmen; *And provided further*, that the power to regulate above given shall extend to and be construed to include the power to define who shall be considered pawnbrokers, auctioneers, dealers in second-hand goods and junk dealers.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice and other games of chance for the purposes of gambling, within the city.

Third—To prevent any fighting, brawling, assault, battery, disorderly noise, riot or disorderly assemblage in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purposes of gambling.

Fourth—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, hide warehouse, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

Fifth—To direct the location and management of stock yards, slaughterhouses, markets, soap factories, glue factories and bone boiling establishments, and to regulate the storage, keeping and conveyance of gunpowder, dynamite or other explosive or combustible material, and to regulate the use thereof in the city.

Sixth—To prevent the incumbering or obstruction of streets, sidewalks, alleys, lanes and public grounds with carriages, railroad cars or locomotives, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs or any other material whatever.

Seventh—To direct and control the laying out and construction of railroad tracks, bridges, turnouts and switches in the streets and alleys, and the location of depot grounds in said city; to require that the railroad tracks, bridges, turnouts and switches shall be so constructed and laid out as to interfere as little as possible with the ordinary travel and use of the streets and alleys, and that sufficient space shall be left on each side of such track for the safe and convenient passage of teams and persons; to require railroad companies to keep in repair the streets through which their tracks may run, and to construct and keep in repair sidewalks, also suitable crossings at the in-

tersections of the streets and alleys, and sewers, ditches and culverts when the council shall deem necessary; to regulate the movement and speed of railway locomotives and cars; to require the maintenance of flagmen or the construction and maintenance of gates at the crossings of railway tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to regulate or prohibit the whistling of locomotive engines; to regulate or prohibit the unnecessary discharge of steam therefrom and the causing or permitting steam to escape therefrom unnecessarily, and to require the use thereon of such safety valves or other practical appliances as it may designate for the purpose of preventing or lessening the noise from the discharge or escape of steam; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing on the streets, and to require that all persons driving horses or mules attached to sleighs at a faster gate than a walk shall have a sufficient number of bells to give notice of their approach; and to regulate places of bathing and swimming in the water within the city limits.

Eighth—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same when at large contrary to the ordinance; and to impose penalties upon the owners of the same for a violation of such ordinance; *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals shall be deposited in the office of the treasurer of said city, for the use and benefit of the owners thereof, if called for by such owner within six (6) months from the date of such sale.

Ninth—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for and authorize the impounding and destruction, in a summary manner, of all dogs when at large contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing or leaving within the city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer at the expense of such person or persons, and to provide for the punishment of offenders.

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, avenues, alleys and public grounds of said city, and to provide for and control the erection and operation of water works by said city for the supply of water to said city and its inhabitants, and to grant the right of way to one (1) or more private companies or corporations to erect and operate water works to supply said city and the inhabitants thereof with water, and to authorize and empower said company or corporation to lay water pipes and mains into, through and under the streets, avenues, alleys and public grounds of the said city, and when necessary for properly carrying out the purpose of said company or corporation, to appropriate private property in the city of Lakeside to the use of said company or corporation, in the manner provided in their charter, and to control the erection and operation of such water works and the laying

of such pipes and mains in accordance with such terms and conditions as may be agreed upon with said company or corporation; to provide for and control the erection and operation of gas works, electric light works or other works or means for lighting streets, avenues, alleys and public grounds and buildings of said city, and supplying light and power to said city and to the inhabitants thereof, and to grant the right to erect, maintain and operate such works with all rights incident or appurtenant thereto to one (1) or more private companies or corporations, and to control the erection and operation of such works and the laying of pipes, mains and wires into, through and under the streets, avenues, alleys and public grounds of said city of Lakeside, and the erection of poles, masts and towers, and the running of wires thereon, over, in, upon and across the streets, avenues, alleys and public grounds of the city; to provide for and control the erection and operation of works for heating the public buildings of the city by steam, gas or other means, and supplying heat or power to the inhabitants of the city; to grant the right to erect such works and all incident rights to one (1) or more private companies or corporations, and to control the erection and operation of such works and the laying of pipes and mains into, through and under the streets, avenues, alleys and public grounds of the city; *Provided*, that every grant to a company or corporation to erect, maintain or operate any of said works shall provide that the city or its successor may purchase the same at any time after fifteen (15) years from the commencement of such grant, at a valuation to be agreed upon or determined in a manner to be prescribed in the grant.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, and for the registration of births and deaths and the return of bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Thirteenth—To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread offered for sale contrary thereto.

Fourteenth—To prevent any person from riding or driving any horse, ox, mule, cattle or other animal on any sidewalk in said city, or in any way doing damage to such sidewalks.

Fifteenth—To prevent the shooting of firearms or firecrackers, and to prevent any exhibition of fireworks in any situation which may be considered by the city council dangerous to the city or any property therein, or annoying to any citizen thereof.

Sixteenth—To prevent open drunkenness or obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth—To license and regulate porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, hotels, public houses or other establishments.

Eighteenth—To establish public markets and other public buildings, and make rules and regulations for the government and management of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butchers' stalls, shops and stands for the sale of game and fish, butter, poultry, butchers' meats and provisions, and also to license and regulate peddlers, hawkers and canvassers doing business within the city.

Twentieth—To regulate the place and manner of weighing and selling hay and straw and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first—To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners or occupants to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and, in his default, to authorize the removal or destruction thereof by some officer at the expense of the owners or occupants; also, to compel the owner or owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owner or owners, and to provide that such expense shall become a lien upon the lot or property so drained or filled.

Twenty-second—To regulate and prevent the landing of persons, from railroad cars or other conveyances, infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city.

Twenty-third—To regulate the time, manner and place of holding public auctions or vendues.

Twenty-fourth—To provide for watchmen and prescribe their number and duties, to regulate the same, and to create and establish the police of said city, and prescribe the number of police officers and their duties and to regulate the same, except as herein otherwise provided.

Twenty-fifth—To regulate the inspection of wood, hay, milk, grain, flour, pork, beef, mutton, veal and all kinds of meat, poultry, game, fish, salt, whiskey, and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold or offered for sale that are dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

Twenty-sixth—To appoint inspectors, weighers and gaugers, and to regulate their duties and prescribe their compensation.

Twenty-seventh—To purchase or acquire by gift, devise or condemnation, lands within the city limits, or to take and hold by lease such lands for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the streets, alleys, parks or public grounds and highways of said city, and to appoint a suitable person to inspect and take charge of the same, and to fix his compensation and prescribe his duties.

Twenty-eighth—To remove and abate any nuisance injurious to the public health or morals, and the city council shall have power to define what shall be considered nuisances, and to provide for the punishment of all persons who erect or maintain such nuisances.

Twenty-ninth—To remove and abate any nuisance, obstruction or encroachment upon any of the streets, alleys, or public grounds or highways of the city.

Thirtieth—To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city and the suppression of disease; to prevent the introduction

of contagious or infectious diseases into the city, and to make quarantine laws and enforce the same within the city.

Thirty-first—To restrain and punish vagrants, tramps, mendicants, street beggars and prostitutes.

Thirty-second—To license and regulate draymen, hackmen, expressmen and other persons engaged in the carrying of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of the city to regulate and direct the location of vehicles standing upon streets and public grounds in the city.

Thirty-third—To regulate the construction of all buildings more than two (2) stories in height, and to prescribe fire limits in the city, and to prohibit the erection of wooden buildings or of placing wooden sidewalks within such limits.

Thirty-fourth—To provide for and regulate the erection of hitching posts or rings, for the fastening of horses or other animals, or to prohibit the same in any portion of the city.

Thirty-fifth—To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city, and to compel proper guards about the same.

Thirty-sixth—To regulate the numbering of houses and lots, and to compel owners of houses and other buildings to have such numbers designated thereon.

Thirty-seventh—To require the owner or lessee of any building or structure now or hereafter erected in the city, or within any limits in the city designated by the city council, to place thereon such fire escapes, and such appliances for the protection against or extinguishment of fires, as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in the case of fire or accident; and to require the owner or occupant of any lot or parcel of land within the city to clear and keep clear the same of all deadwood or other combustible or inflammable rubbish or refuse likely to increase danger from fire or to facilitate the spread of fire, and to provide for the doing of such work upon the failure of the owner or occupant so to do, and to assess the cost thereof as a special tax upon the land so cleared, such tax to be returned and collected in the same manner as other city taxes.

Thirty-eighth—To regulate and control the quality and measurement of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas; to provide for the inspection of gas and gas meters; and to appoint an inspector and prescribe his duties; also to establish and maintain gas works within the city.

Thirty-ninth—To regulate the location, size and construction of such steam boilers as it may designate as being dangerous to life or property within the city, and to prohibit the location of such boilers at any place which the city council may deem dangerous to life or property.

Fortieth—To regulate and control or prohibit the placing of poles for the suspension of electric or other wires along or across any of the streets of the city or the suspension of such wires, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed and placed beneath the streets and sidewalks of the city, and to compel the proper insulation of all electric light wires [and other wires] in use within the city.

Forty-first — To regulate the penning, herding and treatment of all animals within the city.

Forty-second — To lay out, open, change, widen or extend streets, avenues, lands, alleys, parks, squares or other public grounds, and to grade, pave, improve, repair or discontinue the same, or any part thereof; to establish, open, maintain and repair drains, canals or sewers, or alter, widen or straighten water courses; to make, alter, widen or otherwise improve, keep in repair, vacate or discontinue, sidewalks and crosswalks.

SEC. 6. All ordinances shall be passed by an affirmative vote of a majority of the members of the city council, by yeas and nays, which shall be entered upon the records of the council and published once in the official paper of the city, signed by the mayor and recorder, and recorded by the recorder, in a book to be kept for that purpose, before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented, except by the unanimous consent of the members present, which shall be noted in the records; but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 7. A copy of the record of any ordinance passed, certified by the city recorder and attested by the seal of the city and any copy thereof published as aforesaid, or compilations of the ordinances made and published under the direction of the city council, shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relative to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions, prosecutions and proceedings of every kind before the city justices of the city, it shall not be necessary to plead or prove such ordinance in court.

SEC. 8. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which vote shall be taken by yeas and nays and entered among the proceedings of the council.

SEC. 9. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 10. The city council shall examine, audit and adjust the accounts of the treasurer and all other officers of the city at such times as they shall deem proper, and also at the end of each year and before the terms for which the officers of the city were elected or appointed shall have expired, and, if any officer shall refuse his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of the city council in the discharge of his duties in pursuance of this section, the city council shall declare his office vacant, and the city council shall institute suits and proceedings at law against any officer or agent of the city who may be found delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all settlements and adjustments.

SEC. 11. The city council shall have the management and control of the finances and of all the property of the city, both real, personal and mixed, and may provide for the sale of any city property in such manner as it shall consider for the best interests of the city.

SEC. 12. Any license issued by the authority of the city council may be revoked by the said council at any time for cause, and upon conviction before any court of any person holding a license for the violation of any provision of any ordinance relative to the exercise of any right granted by such license, the council may, and upon second conviction shall, revoke such license, in addition to the penalty provided by law or ordinance for any such violation. No license shall be granted for a longer period than one (1) year, and any license granted for a longer period than one (1) year shall be void from the beginning.

SEC. 13. The city council may also provide by ordinance that any person convicted of any offense before a city justice, subjecting such offender to imprisonment under the ordinances of the city, may be kept at hard labor in any workhouse established for such purpose, or, in case of a male offender, may be kept at hard labor during his term of imprisonment in such workhouse or upon public improvements of said city, or otherwise, or both, and may also provide by ordinance that anyone convicted of an offense before such city justice and committed for non-payment of fine imposed, may be kept at hard labor either in such workhouse or upon public improvements, or otherwise, or both, until such person shall work out the amount of such fine at such rate of compensation as said council may prescribe, not exceeding the time of such commitment, and the council shall have full power to establish by ordinance all needful regulations for the security of such person so employed and to prevent escape and secure proper discipline.

SEC. 14. The city council shall, at their first meeting after each annual election, or as soon thereafter as may be, advertise for proposals to do the city printing, giving notice of not less than one (1) week in such manner as the council may direct, that sealed bids will be received by the recorder to do such printing. The bid or bids shall be publicly opened and read by the recorder at such time and place as the council shall appoint, and the person or persons offering to do such printing at the lowest sum of money or price, in any newspaper printed and published in said city or in the adjoining city of Duluth, and who shall give satisfactory security for the performance of the work, shall be declared the city printer, and such newspaper the official newspaper of said city, for the ensuing year; *Provided*, that the city council shall have the right to reject any or all bids.

In the newspaper designated in the accepted bid or proposal shall be published all ordinances, by-laws and other proceedings and matters required by this act, or by the by-laws or ordinances of the city council, to be published in a public newspaper.

The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution.

CHAPTER V.

OF THE POLICE.

SECTION 1. The police force of the city shall consist of the mayor (who shall be the chief executive officer of the city), and who shall, at all times, have control and supervision of the police of the city, and such other policemen and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove, suspend or discharge any police officer summarily, whenever, in his opinion, the welfare of the city demand it, either for the appointment of other officers in their places, or for the reduction of the police force.

SEC. 2. The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, but such limited policemen shall not exercise any police authority, nor wear any official badge, outside the limits named in such appointment.

SEC. 3. The mayor shall, in case of riot or large public gatherings or disturbance, or when in his judgment the case requires it, appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue more than one (1) week without the consent of the council.

SEC. 4. The mayor shall, in his appointments, designate one (1) officer to be chief of police, and such other officers for special duties, and with such control over the other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of the state, serve and execute all warrants, processes, commitments and any writ whatsoever issued out of the court of a city justice of the city, and they shall have power, with the consent or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city, and such criminals are charged with offenses against the state law, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force and the powers and duties of the several officers thereof as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercises of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

SEC. 7. If any person shall, without authority, assume to act as a policeman, or pretend to have such power, or wear a badge of a policeman within the city, he shall be deemed to be guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding one hundred dollars (\$100) or imprisoned in the city or county jail not exceeding thirty (30) days.

CHAPTER VI.

FIRE DEPARTMENT.

SECTION 1. The city council shall have power to establish a fire department, to appoint officers and members thereof, and shall have supervision of such officers and members, and shall have power to fix their compensation and prescribe and regulate their duties; to provide protection from fire by the purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants of the city and all others present to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fire as shall be directed by them, or any two of them who may be at the fire, for the purpose of preventing its communication to other buildings; to establish fire limits or limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets, which shall be appurtenances to the realty and exempt from seizure and forced sale; and after reasonable notice to such owner or occupant, and refusal or neglect by him, to procure and deliver the same to him, and in default of payment therefor, to levy the cost thereof as a special tax upon such real estate, to be assessed and collected as other taxes in the city; to regulate the storage of gunpowder and other dangerous materials; to require the construction of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in safe condition; and generally to establish and enforce such measures for the prevention or extinguishment of fires as may be necessary and proper.

CHAPTER VII.

TAXATION AND BONDS.

SECTION 1. The city council shall have power to levy an annual tax upon all property in said city taxable under the laws of this state, but no such tax shall exceed two (2) per cent of the assessed valuation of such property. All taxes so levied and collected shall be paid into the city treasury and become part of the general fund.

SEC. 2. Taxes may be levied by resolution of the city council, to be entered on the record, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised.

SEC. 3. The city council shall cause to be transmitted to the county auditor of St. Louis county, on or before the first (1st) day of October of each year, a statement of all taxes as levied by them, and such

taxes shall be entered and collected and payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced, and the county treasurer of said St. Louis county shall pay over to the treasurer of the city any and all taxes collected by him or received by him for said city as provided by general law.

SEC. 4. The city council, or a majority of them, shall constitute a board of review, and shall meet and revise, alter and equalize the assessment roll of the assessor as they deem just and proper. The general laws of this state shall apply to said board of review, and said board shall be governed thereby.

SEC. 5. The city council shall have power, when so authorized by a majority of the legal voters present and voting at any general or special city election of which due notice as to time, place and object of the election has been given, to issue the bonds of the city, running not more than twenty (20) years, and bearing interest at a rate not to exceed eight (8) per cent per annum on bonds payable three (3) years or less, and not to exceed six (6) per cent per annum on bonds payable in more than three (3) years from date of issue, principal and interest payable at such times and places as may be fixed by the resolutions of the council. Such bonds shall be signed by the mayor, attested by the recorder and sealed with the seal of the city. Such bonds shall be sold at not less than par, and the proceeds from the sale thereof shall go into, and become a part of, the general fund of the city. Such bonded indebtedness of the city shall not at any time exceed five (5) per cent of the assessed valuation of taxable property in the city according to the then last assessment.

CHAPTER VIII.

CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE.

SECTION 1. The city of Lakeside is hereby authorized and empowered to condemn property, or any right, interest or easement therein, for any or all of the following purposes, to-wit: For water works, gas works, heating works and electric light and power works; for markets, parks, public grounds, public squares and sites for public buildings and for buildings for the fire departments; for the construction of slopes, embankments or cuts; for sewers, drains, ditches, reservoirs and cisterns; for the laying out, opening, altering, widening and extending, parking or otherwise improving of streets, avenues, parkways, lanes and alleys; for erecting poles and suspending wires thereon; for constructing and laying conduits, mains and pipes and branches and connections pertaining thereto, whether for gas, water, sewerage or wires, and for lowering, raising, changing the course of or diverting any stream of water, ditch, sewer or drain, and also for any and all other public purposes. Whenever it shall be deemed necessary to condemn private property for any of the aforesaid purposes, which necessity shall be determined by a majority vote of all the members elect of the city council, said city council shall proceed in the manner hereinafter provided; *Provided*, the city shall have no authority to widen London avenue.

SEC. 2. The city council, upon any improvement above mentioned to be made, shall appoint three (3) commissioners, and all of whom

shall be disinterested freeholders and qualified voters of said city, to view the premises and assess the damages which may be occasioned by the taking of private property for any of the purposes aforesaid. Said commissioners shall be notified as soon as practicable, by the recorder of said city, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars (\$50), and shall be liable to be prosecuted therefor before any city justice of said city, in the same manner as for a violation of any ordinance of said city, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of an absentee or absentees aforesaid and possessing the qualifications aforesaid. In all other cases of vacancy the city council shall fill such vacancy.

SEC. 3. The commissioners shall be sworn by the city recorder to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the city council.

SEC. 4. The said commissioners shall, with all reasonable speed, with the assistance of the city engineer of said city, cause a survey and plat of the proposed improvement or purchase to be made and filed with the city recorder, exhibiting, as far as practicable, the land or parcels of property required to be taken or which may be damaged thereby, and shall thereupon give notice, by publication in the official paper of said city, for at least ten (10) days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement.

SEC. 5. At the time and place, according to said notice, the said commissioners shall view the premises and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary, for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by said improvement, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also the advantages which will accrue to such property or any part thereof in making such improvement.

SEC. 6. If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as may be necessary, should be taken, and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

SEC. 7. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any interest in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by

the commissioners, less the benefit resulting to them from the improvement; but in no case shall the aggregate damages assessed to the owners, lessee, mortgagee or other persons having an interest therein exceed the value of the parcel of property sought to be taken.

SEC. 8. The said commissioners, having ascertained and assessed the damages aforesaid, shall make and file with the city recorder a written report to the city council of their action in the premises, embracing a schedule or assessment of the damages in each case, with the description of the land and names of the owners, if known to them, and also a statement of the costs of the proceedings.

SEC. 9. Upon such report being filed in the office of the city recorder, said city recorder shall give at least ten (10) days' notice in official newspaper of said city to the effect that such assessment has been returned and that the same will be confirmed by the city council at a meeting thereof, to be named in said notice, unless objections are made in writing by any person interested in any land required to be taken. Any person interested in buildings standing in whole or in part upon any land required to be taken for such improvement shall, on or before the time specified in such notice, notify the city council in writing of their election to remove such buildings according to the award of the commissioners. The city council, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or annul the assessment, giving due consideration to any objections interposed by persons interested.

SEC. 10. The damages assessed shall be paid out of the proper fund of the city, and shall be paid or tendered, or deposited and set apart, in the treasury of said city, to and for the use of the persons entitled thereto, within six (6) months from the confirmation of such assessment and report, and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof shall be paid or tendered to the owner or his agent or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited by order of the city council in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim to the same.

SEC. 11. In case any owner or owners of buildings aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case in the event of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be then taken and appropriated, sold or disposed of as the city council shall direct, and the same, or the proceeds thereof, shall belong to said city.

SEC. 12. When any known owner of lands or tenements affected by any proceeding under this act shall be an infant, or labor under legal disability, any judge of the district court of the county, or, in the absence of such judge, the judge of any court of record in said county, may, upon application of said city or of said commissioners, or such party or his next friend, appoint a suitable guardian for such person, and all notices required by this act shall be served upon such guardian.

SEC. 13. Any person feeling himself aggrieved by such assessment may by notice in writing, served upon the mayor or recorder of said city, a copy whereof, with affidavit of service, shall be filed in the office of the clerk of the district court of the county within twenty (20) days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party shall specify in the notice of appeal the grounds of objection to such assessment and shall not be entitled to have any other objections than those specified considered, and a transcript of such report, certified by the city recorder, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, and like bonds shall be given to the city of Lakeside by the person appealing as are required of appellant in such suits.

SEC. 14. Whenever any public ground, street or alley shall be laid out, altered, widened or enlarged under the provisions of this chapter, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the register of deeds of the county.

SEC. 15. It shall be the duty of the city recorder to keep in his office a record of all proceedings taken under this chapter, and after the confirmation of any report mentioned in section eight (8) of this chapter, said city recorder shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the city council, and the said record, or a certified transcript thereof, or the original papers, petitions, proofs of publication, orders or resolutions, on file in his office, shall be *prima facie* evidence of the facts therein contained in any court in this state.

CHAPTER IX.

LOCAL IMPROVEMENTS AND SPECIAL ASSESSMENTS.

SECTION 1. The municipal corporation of the city of Lakeside is hereby authorized to levy assessments for local improvements, upon the property fronting upon such improvements, or upon the property to be benefited by such improvements, without regard to cash valuation.

SEC. 2. Such assessments may be made by the said city of Lakeside for filling, grading, leveling, paving, curbing, railing, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, avenue, lane, alley or highway, and for keeping the same in repair; also, for filling, grading, protecting, improving or ornamenting any public park, square or grounds, now or hereafter laid out; also, for planting and protecting shade and ornamental trees in its public parks and along its streets and avenues; and, also, for constructing, laying and repairing crosswalks and sidewalks, retaining walls, gutters, sewers and private drains; *Provided*, that the city council may, when any contract is let for paving, include therein the expense of laying sewer pipes to the lot line, and cause the expense of the same to be assessed against the lot to which the sewer pipes are supplied, as a part of the cost of such paving.

SEC. 3. The expense of any improvement mentioned in the foregoing section may be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby, or by an assessment upon the real estate fronting thereon, in the discretion of the city council, to be levied in the manner hereinafter provided.

No assessment, however, to defray the cost of any improvement mentioned in section two (2) of this chapter shall be levied upon the property abutting upon such improvement or upon the property to be benefited thereby, unless a petition for such improvement, in writing, shall have been presented to said city council, signed by at least one-half ($\frac{1}{2}$) of the owners of property that would be liable to such assessment, or by the owners of at least one-half ($\frac{1}{2}$) of the property which would be so liable, except by an affirmative vote of at least four-fifths ($\frac{4}{5}$) of the city council elect, by yeas and nays, to be entered on the minutes.

SEC. 4. Before ordering any improvement mentioned in section two (2) of this chapter, the city council shall cause plans and specifications and an estimate of the cost of the proposed improvement to be made and filed in the office of the city recorder, and, when the same is to be done by contract, shall give at least ten (10) days' notice, in the official newspaper of the city, that at a time stated the city council will meet, at its usual place of meeting, and receive sealed bids for the performance of such work. Such sealed bids shall be accompanied by a certified check to the amount of ten (10) per cent of the estimated cost of such improvement, or by a bond with two (2) sufficient sureties to the like amount, conditioned that he will, within ten (10) days after notice that his bid has been accepted, enter into the contract, if awarded to him, to be provided by the city council, and furnish a bond, with sufficient sureties, in a penal sum of at least thirty (30) per cent of the estimated cost of the improvement, conditioned to fulfill the terms of the said contract; and if the contract shall be awarded to him and he shall fail to enter into the said contract within the time limited, and furnish the bond aforesaid, then the said bidder shall be liable to the said city of Lakeside for all damages and costs that the said city may sustain by reason thereof, and the measure of damages shall be the difference between the bid made which was accepted and the amount the city may finally be compelled to pay for making the improvement, and the same may be retained from the amount of the certified check, if said check shall be deposited as aforesaid, or recov-

ered by action on the bond in the name of the city of Lakeside in any court having jurisdiction of the amount. Whenever the city council shall award to any person upon his bid the contract for making any of the improvements herein mentioned, he shall at the time of the execution of said contract furnish to the city of Lakeside a bond, with sufficient sureties, to be approved by said council, for an amount at least thirty (30) per cent of the estimated cost of such improvement, conditioned that he will execute the work for the price mentioned in his bid and according to the plans and specifications; and said bond shall contain a further condition that he will pay for all labor done and material furnished for or on account of said improvement; and the contract to be executed shall also contain a covenant or agreement to pay for all labor done and materials furnished for or on account of said improvement. In case of default on his part to execute and fulfill the terms of the contract and perform the work, said bond may be sued upon and judgment recovered therein by the said city for all damages sustained in the premises, in any court having jurisdiction of the amount. No extension of the time for fulfilling any contract by the city council shall have the effect to release the sureties upon said bond. Said bids shall be opened by the council at the meeting specified in the published notice calling for bids, or such other time thereafter as said council may appoint. All contracts shall be let to the lowest responsible bidders who shall have complied with the above requisitions and who shall guarantee to the satisfaction of the council the performance of said work, except in case of paving streets with patent pavement or pavements; in such case notice for bids may call for wood, stone or other kinds of pavements, and when all the proposals therefor are in, the council may select the one which is relatively the lowest or most satisfactory, all things considered. If the pavement selected is patented, the council shall require a license from the patentee to lay and relay the same for all time thereafter free from all claims of royalty. A copy of said contract shall be filed in the office of the city recorder and registered by him in a book kept for that purpose. The said council shall reserve the right in their said contract, in case of improper construction, to suspend the work at any time and relet the same, or to order the entire reconstruction of said work if improperly done. In cases where the contractor shall proceed to properly perform and complete the said contract, said council may, from time to time, in their discretion, as the work progresses, grant to said contractor an estimate of the amount already earned, reserving fifteen (15) per cent therefrom, which shall entitle said contractor to receive the amount due thereon. When the whole work has been done by said contractor to the satisfaction of the city council, the amount or balance due him shall be audited and allowed by said council and shall be payable out of the moneys applicable to the payment of such work, except upon sewer contracts, when five (5) per cent may be retained for six (6) months to provide for the expense of backfilling and repairing streets.

SEC. 5. After the work shall have been placed under contract as herein provided, the council shall assess, upon the property fronting upon such improvement or upon the property to be benefited thereby, seventy-five (75) per cent of the estimated cost of such improvement, and in addition thereto ten (10) per cent of such estimated cost, which shall be added to the assessment to defray necessary expenses of mak-

ing surveys, plans, specifications and superintendence, in proportion to the frontage on such improvement, or in proportion to the benefits to be derived therefrom, as they shall decide. If the amount so assessed shall be insufficient to complete the work, the city council shall, after the completion of the work, make a final assessment in the same manner to pay the same.

SEC. 6. When in any case any portion of the improvements mentioned in this chapter shall, by virtue of any law or ordinance, or by virtue of any valid contract, be chargeable upon any railroad company, the amount so chargeable may be assessed upon such railroad company and collected by distress and sale of personal property in the manner provided for by the general laws of the state in the cases of taxes levied upon personal property, or by suit brought for that purpose; *Provided*, that any real estate belonging to said railroad company and being benefited by said improvement shall be assessed as in other cases.

SEC. 7. Upon making any assessment, the city council shall make, or cause to be made, an assessment roll, describing each lot or parcel of land, with reasonable certainty, liable to such assessment, the amount for which each lot or parcel is liable, and the names of the supposed owners thereof. Such assessment roll, with a notice in substantially the following form, shall be published in the official paper at least three (3) times before the same is confirmed, the first (1st) of which publications shall be at least ten (10) days before such confirmation.

Such notice and assessment roll shall be substantially as follows:

CITY OF LAKESIDE.

Notice is Hereby Given. That whereas a contract has been let for (here describe the nature and locality of the improvement) and the expense of such improvement to be assessed to each lot or tract of land fronting on such improvement (or to be benefited by such improvement) having been determined by the city council of said city;

Now, Therefore, Said city council of Lakeside will, at their council chamber in said city, at.....M.....ofthe.....day of.....18....., meet to review and confirm such assessment, at which time and place all persons interested may appear and make objections to the same.

It is proposed to issue bonds, chargeable to the abutting real estate (or the real estate to be benefited by such improvement), to pay such assessments, and such bonds will be issued covering all such assessments, except in cases where the owners of the property shall pay to the city treasurer, within thirty (30) days after the confirmation of such assessment, the amount thereof assessed against their property.

The following is a list of the supposed owners' names, a description of the property liable to such assessment, and the amounts assessed against the same, to-wit:

NAMES OF SUPPOSED OWNERS.	DESCRIPTION OF PROPERTY.	AMOUNT ASSESSED.

Dated.....

Mayor of City of Lakeside.

Attest:.....

City Recorder.

At the time and place mentioned in such notice, or at such time and place as they may adjourn to, such city council shall meet and review and confirm such assessment, which confirmation shall be final, except as hereinafter provided.

SEC. 8. After the expiration of said thirty (30) days the council shall issue improvement bonds covering all the assessments, except such as the owners shall have already paid, as provided in the preceding section. Such bonds shall be signed by the mayor and recorder, be sealed with the corporate seal of the city, and contain such recitals as may be necessary to show for the payment of which improvement they were issued and the number and amounts of such bonds. Said bonds shall be semi-annual interest coupon bonds, divided into five (5) equal series, payable respectively in one (1), two (2), three (3), four (4) and five (5) years from date, and shall draw interest at a rate not exceeding seven (7) per cent per annum, payable semi-annually. Such bonds shall be negotiable at not less than par.

The city recorder shall carefully prepare a statement of the special assessments on which the bonds are issued, and record the same, together with a copy of said bonds, in his office.

SEC. 9. In each year after the issuing of said bonds the city recorder shall certify to the county auditor, in the same manner and at the same time that other city taxes are certified to such auditor, one-fifth (1/5) of the special assessment on each parcel of property covered by said bonds, with eight (8) per cent interest on the amount of such special assessment then unpaid, as a special tax on said property, and the said auditor, upon receipt thereof, shall enter and carry out the same upon the proper tax lists, and they shall be collected the same as other taxes are collected, and when collected paid over to the city treasurer.

SEC. 10. No action shall be maintained to avoid any of the special assessments of taxes levied pursuant to the same, after bonds have been issued covering such special assessments, and said bonds shall be conclusive proof of all the proceedings on which the same are based.

SEC. 11. Any person paying his assessment within thirty (30) days of the date of the confirmation of the same shall be entitled to a deduction of the ten (10) per cent added for survey, plans, specifications and superintendence, and the city treasurer is hereby authorized to allow such deduction. Upon presentation to the city recorder of the treasurer's receipt, it shall be his duty to mark "canceled" the assessment on his books, opposite the description in said receipt.

SEC. 12. All deeds of conveyance of the land affected by any assessment mentioned in this chapter shall be subject to the lien of such assessment from and after the time such assessment has been confirmed by the city council; but nothing herein contained shall be so construed as to prevent the owner of any lot, piece or parcel of land affected by such assessment from, at any time after the bonds are issued as aforesaid, paying the full amount of his assessment, with interest thereon at the rate of eight (8) per cent per annum to the date of payment, and from and after that time the said lien shall cease.

SEC. 13. The city council may require the payment of all assessments within thirty (30) days after the date of the confirmation of the same, when the estimated cost of the improvement for which the assessment is levied does not exceed fifty (50) cents per front foot of the property to be assessed therefor, and may require the payment within such time of all assessments for the constructions of sidewalks. In such cases the notice published with the assessment roll shall state that payment must be made within such time.

SEC. 14. Any person feeling himself aggrieved by such assessment may, by notice in writing, served on the mayor or recorder of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of St. Louis county, within twenty (20) days of the confirmation of such assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other grounds than those specified considered, and a copy of the assessment roll in question, and of the resolution of the city council confirming the same, certified by the city recorder, or the originals thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and the judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, and like bonds shall be given to the city of Lakeside by the person appealing as are required of appellants in such suits.

CHAPTER X.

VACATION OF STREETS, AVENUES AND ALLEYS.

SECTION 1. The city council of the city of Lakeside shall have the sole and exclusive power to vacate or discontinue streets, avenues, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the city council, except upon the petition of a majority of the owners of the property on the line of such street, avenue, alley or highway or portion thereof proposed to be vacated resident within said city; such petition shall set forth the facts and reasons for such application, accompanied by a plat of such street, avenue, alley or highway or portion thereof proposed to be vacated, and shall be verified by the oath of at least two (2) of the petitioners.

The city council shall thereupon order the petition to be filed of record with the city recorder, who shall thereupon give notice, by publication in the official paper of the city for four (4) successive weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the city council, or a committee appointed by them, at a certain time and place therein specified, not less than ten (10) days from the expiration of such publication. The city council, or such committee as may be appointed by them for the

purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of the parties interested.

SEC. 2. The city council thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by resolution by a three-fourths ($\frac{3}{4}$) vote of all the members elect, declare such street, avenue, alley or highway or portion thereof vacated, which said resolution, before the same shall go into effect, shall be published as in the case of ordinances; and thereupon a transcript of such resolution, duly certified by the city recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county of St. Louis.

SEC. 3. Any person feeling himself aggrieved by any such vacation or discontinuance, or refusal so to do, may, within twenty (20) days after the publication of such resolution, or after such refusal, by notice in writing, served upon the mayor or recorder of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county of St. Louis, appeal to said court from such vacation or discontinuance or such refusal, when such appeal shall be tried by the court and jury as in ordinary cases, and the judgment of such court shall be final. It shall be the duty of said city recorder, as soon as such appeal is taken, to transmit to the proper court a certified copy of the records and files of all proceedings in the case, at the expense of the appellant. Such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from justices of the peace in civil suits, except that no pleadings shall be required; *Provided*, that proceedings for a vacation already instituted in the district court shall not be affected by this chapter.

CHAPTER XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The city of Lakeside is hereby declared to be the legal successor of the village of Lakeside, a municipal corporation heretofore existing under the general laws of this state. All the property of the said village of Lakeside shall hereafter belong to and be the property of the said city of Lakeside, and the rights of the creditors of such village of Lakeside shall not be prejudiced by anything contained herein, but the same are preserved to them and they shall have the same rights and remedies against said city as they would have had against said village of Lakeside if this act had not been passed.

SEC. 2. All recognizances, obligations and all other instruments entered into or executed to the village of Lakeside before this act goes into effect, and all fines, taxes, penalties and forfeitures due or owing to the said village of Lakeside, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue and remain unaffected by this act going into operation.

SEC. 3. All ordinances in force in the village of Lakeside at the time this act goes into effect, and not inconsistent herewith, shall remain in full force and effect, until altered or repealed by the city

council of the city of Lakeside, and all rights and contracts of the village of Lakeside shall continue the same as if this act had never been passed.

SEC. 4. This act is hereby declared to be a public act, and may be read in evidence in all the courts within this state without proof.

SEC. 5. All papers, files, plats and other public records to be kept, preserved or filed, unless otherwise provided for in this act, shall be placed on file and preserved in the office of the city recorder.

SEC. 6. No law of this state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be clearly set forth in such law.

SEC. 7. When any suit or action shall be commenced against said city, service of process therein shall be made by leaving a copy thereof by the proper officer with the mayor or recorder, and it shall be the duty of the mayor or recorder forthwith to inform the city council thereof and to take such other proceedings as by the ordinances or resolutions of the city council may have been in such case provided.

SEC. 8. The city of Lakeside shall not be liable in any case for the jail fees of any person committed to the common jail of St. Louis county by any officer of said city, or any magistrate of said city, for offenses punishable under the general laws of this state.

SEC. 9. The public property of said city shall be exempt from seizure or sale on execution and from taxation.

SEC. 10. No person shall be an incompetent judge, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

SEC. 11. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there are present as large a number of aldermen as were present when the vote was taken.

SEC. 12. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of two-thirds ($\frac{2}{3}$) of the city council elect.

SEC. 13. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the city by the mayor or acting mayor and the city recorder, sealed with the corporate seal, and in pursuance only of authority therefor from the city council.

SEC. 14. No license shall be granted for the sale of any spirituous, vinous, fermented or malt liquors, and it shall be unlawful for any person to sell, barter or otherwise dispose of any such spirituous, vinous, fermented or malt liquors within the limits of said city. Any person violating any of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than fifty (50) dollars, nor more than one hundred dollars (\$100), together with costs of suit, or by imprisonment for not less than thirty (30) days nor more than ninety (90) days; *Provided*, that the provisions of this section shall not be so construed as to prohibit any regularly licensed druggist from dispensing liquors in filling prescriptions made by any regular, reputable and duly licensed physician in the practice of his profession.

SEC. 15. Work done, or constructions made of any kind, by the said city of Lakeside, may be done by contract, awarded as hereinbefore provided, or the city council may, in its discretion, direct any such work or construction, or any part thereof, to be done by day's

work, under the direction of said council, or any officer of said city whom the city council may designate; *Provided*, that when any work or construction shall involve an expenditure of more than two hundred dollars (\$200), such work or construction shall be done by contract, let to the lowest responsible bidder, after due public notice shall have been given and proposals invited for the same, as hereinbefore provided.

CHAPTER XII.

SECTION 1. That on the thirty-first (31st) day of December of the year eighteen hundred and ninety-two (1892), the corporate and territorial limits of the city of Duluth shall be and are hereby extended to include all of the territory which is by this act constituted a part of the city of Lakeside. And the said territory shall then and thereafter become a part of the city of Duluth and subject to all theseveral laws of the state of Minnesota in reference to the said city of Duluth, excepting as herein provided.

SEC. 2. On or after the said thirty-first (31st) day of December, eighteen hundred and ninety-two (1892), when the territory hereinbefore described shall become a part of the city of Duluth as aforesaid, the common council of the said city of Duluth may constitute the said territory into one (1) or more wards of the said city of Duluth; and there shall be the same number of aldermen from each of said wards as in the other wards of the city of Duluth, who shall be appointed by the common council of the city of Duluth until the following general city election.

SEC. 3. Should the city of Duluth by its common council, at any time before the date herein fixed for the expiration of this charter, desire to extend a water pipe or main across the corporate limits of said city of Lakeside, to any point on the easterly side thereof, it shall have the right to lay and operate such water pipe or main in the usual manner of laying and operating such water pipes or mains, along any street to be designated by the city council of said city of Lakeside, such street to be suitable and convenient for such purpose.

SEC. 4. Any school district or part of the same included within the limits of the said city of Lakeside shall, upon its annexation as herein provided to the city of Duluth, become a part of the independent school district of the city of Duluth, and be and remain subject to the authority of the board of education of said city.

All school property, real and personal, situated within the limits of said city of Lakeside shall, upon such annexation, become the property of said independent school district of Duluth; and said independent school district of Duluth shall assume and pay such proportion of the indebtedness of the school district in which said city of Lakeside shall, previous to such annexation, be included, as the assessed valuation of the taxable property in said city of Lakeside shall bear to the assessed valuation of taxable property in the school district in which said city of Lakeside shall, previous to such annexation, be included.

SEC. 5. The common council of the city of Duluth is hereby prohibited from ever granting any license to sell or dispose of any wines, spirituous or malt liquors within the limits of the territory hereby constituted as the city of Lakeside, after the same shall have been an-

nexed to the said city of Duluth in accordance with the provisions of this act.

SEC. 6. All acts or parts of acts inconsistent with this act are hereby repealed.

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

Approved April 2, 1891.

CHAPTER 58.

[S. F. No. 609.]

AN ACT TO AMEND "AN ACT TO INCORPORATE THE CITY OF SOUTH ST. PAUL" AS AMENDED BY THE SEVERAL ACTS AMENDATORY THEREOF, AND TO AUTHORIZE SAID CITY TO ISSUE BONDS FOR VARIOUS PURPOSES.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section one (1) of chapter two (2) of said act, as amended by section five (5) of an act amendatory thereof, approved February eighth (8th) one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 1. An election for the elective offices and aldermen herein provided for shall be held in said city on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), and on the first (1st) Tuesday in June every two (2) years thereafter. Notice of the time and place of holding such election and of the officers to be elected shall be given in the manner and at the time prescribed by the general election law of the state; *Provided*, that for the election to be held on the first (1st) Tuesday in June, A. D. one thousand eight hundred and ninety-one (1891), the mayor of said city shall, at least twenty (20) days before the day of said election, designate the place in each election precinct of said city for holding said election, and shall give at least twenty (20) days previous notice of the time and place of holding such election and of the officers to be elected; said notice to be in the form and to be posted as provided in the general election law of the state; *And provided further*, that the judges of said election to be held on the first (1st) Tuesday of June, A. D. one thousand eight hundred and ninety-one (1891), shall be appointed by the mayor of said city.

SEC. 2. That section two (2) of chapter two (2) of said act as amended by section six (6) of an act amendatory thereof, approved February eighth (8th), one thousand eight hundred and eighty-nine (1889), which amendatory act was amended by section one (1) of an act amendatory thereof, approved April twenty-fourth (24th), one thousand eight hundred and eighty-nine (1889), be amended so as to read as follows:

Sec. 2. The elective officers of said city shall be a mayor, a city treasurer, a city recorder, a city justice and one (1) constable, all of which officers shall be residents within and qualified electors of said city.