

this act, shall receive any compensation for their services, except the city clerk, city comptroller, and city treasurer, who shall each receive a salary of twenty-five dollars (\$25) per year, and the city assessor, who shall receive three dollars (\$3) per day for the time actually employed in the duties of his office; and except overseer of highways, constables, and justices of the peace, who shall receive the compensation provided by general law.

SEC. 16. Section eleven (11) of chapter eight (8) of said act is hereby amended so as to read as follows:

[Sec. 11] of an act entitled "An act to create the village of Duluth," is hereby incorporated into and made a part of the charter of the city of Duluth,—and taxes may be levied on property in the city of Duluth, and territory may be detached from said city and attached to the village, as provided in said section.

SEC. 17. That sections two (2), six (6), sixteen (16), seventeen (17), eighteen (18), and twenty-six (26), in chapter three (3); subdivisions twenty-two (22) and twenty-five (25) of section three (3) of chapter four (4), and the second sub-division of section one (1) of chapter five (5), the whole of chapter seven (7), and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

CHAPTER 29.

AN ACT TO AMEND AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS.

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

SECTION 1. That an act to amend an act, entitled, "An act consolidating the cities of St. Anthony and Minneapolis," approved March fifth (5th), one thousand eight hundred and seventy-four (1874), be amended as follows: By striking out subdivision thirty-four (34) of section three (3), chapter four (4), and inserting in the place thereof the following, to-wit:

"*Thirty-fourth.*—Fines, penalties and punishments imposed by the city council for the breach of any ordinance, by-law, or regulation of the city, may extend to a fine, not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail, not exceeding ninety (90) days, or both, and to be fed on

bread and water, at the discretion of the judge of the municipal court; and offenders against the same may be required to give security to keep the peace, and for their good behavior, for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500):”

And also by adding at the end of said section another subdivision, as follows, viz.:

“*Thirty-fifth.*—The city council of said city may provide by ordinance, that any one convicted of an offense before the municipal court, subjecting such offender to imprisonment, under the charter and ordinances of said city, may be kept at hard labor in any workhouse established for that purpose; or in case of a male offender, may be kept at hard labor, during his term of imprisonment, in such workhouse, or upon the public improvements of said city, or both; and may also provide by ordinance, that any one convicted of an offense before the said municipal court, and committed upon non-payment of fine imposed may be kept at hard labor in any workhouse of said city aforesaid, or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said council may prescribe, for a time not exceeding the term of said commitment; and the city council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and to prevent escape, and secure proper discipline, and shall have power to establish a proper workhouse in said city, for the purpose aforesaid, and under such regulations as said city council may prescribe; *Provided*, that the city council aforesaid, is hereby authorized to use the Hennepin county jail as the workhouse of the city of Minneapolis, provided for in this act, the prisoners of the city to be, as at present, in the custody of the sheriff of Hennepin county, except while working on the improvements of said city, when they shall be under the control of the police force of said city. *And provided further*, that the judge of the municipal court of said city shall have power, for vagrancy, to commit any person to the city prison, or workhouse, or county jail, or to order any such person to work on the public improvements of said city, for a term not exceeding ninety (90) days.”

SEC. 2. That section seven (7) of chapter four (4) of said act be stricken out, and in place thereof the following [to] be inserted, to-wit:

Sec. 7. “The city council may, during any fiscal year, by a vote of two-thirds of the members of the city council, issue the bonds of said city, bearing interest not exceeding ten (10) per cent. per annum, and for a time not exceeding one (1) year, in such amounts, and under such regulations as the city council may prescribe, in anticipation of the taxes and revenues of such fiscal year. *Provided*, that the amount of such bonds outstanding shall not at any one (1) time exceed one-third of such taxes and revenues; *And provided*, that such bonds or the proceeds

thereof shall be applied to the same purposes as the taxes and revenues in anticipation of which they may be issued."

SEC. 3. And by striking out section eight (8) of chapter five (5) of said act, and inserting in lieu thereof the following :

Sec. 8. The city council shall have power, each and every year, at any meeting, to levy a corporation poll-tax upon every male inhabitant above the age of twenty-one (21) and under the age of fifty (50) years, excepting paupers, idiots, lunatics, and such others as are exempt by law, and provide by ordinance for the enforcement of the collection thereof by civil action and by summary proceedings, and levy or distress, or either or both. *Provided*, that said tax shall not exceed the sum of two dollars in any one year on each person so taxed.

SEC. 4. And by adding to section five (5) of chapter six (6) of said act, in the tenth (10th) line thereof, after the words "public squares," and before the words "wharfs and markets," the word "parks."

SEC. 5. And by adding at the end of section six (6) of said chapter six (6) of said act, the following words: "And also for the purpose of drainage, to divert, lower, or raise any stream running within the limits of said city, excepting the Mississippi river, and to construct sewers through any private property, when the public necessity may so require, paying such parties as may be damaged by the diversion, lowering or raising of streams, or by the construction of sewers through their property as aforesaid; the damages by them incurred to be ascertained, assessed and paid in the manner provided in the next [ensuing] section."

SEC. 6. And by adding at the end of section two (2) in chapter seven (7) of said act, the following words, to-wit: "And the city council shall have power to authorize the erection and maintenance of fire alarm telegraphs and boxes in said city, and to provide for the punishment of any person or persons unlawfully injuring, or in any manner interfering with the same."

SEC. 7. That section three (3) of chapter seven (7) of said act be amended by adding to the end thereof the following, to-wit: "And said city shall have power and authority to make all needful rules and regulations for the organization and government of the departments of said division, and to provide compensation for such officers and members of the same as may seem to it proper; and also to prescribe rules and penalties for the protection of all fire apparatus and property pertaining to said departments, or either of them; and also for the protection of the water works, cisterns, pipes, and hydrants of either division of said city, and to prescribe punishment for the violation of such rules and regulations."

SEC. 8. And that section eight (8) of chapter eight (8) of said act be amended by adding to said section, in the twenty-first (21st) line thereof, after the words "in the year one thousand eight hundred and seventy-three (1873)," and before the words "is hereby declared," the following words, to-wit: "And all future compilations and revisions of said charter, ordinances, standing rules, and orders of the city council of said city, purporting upon the

title page thereof to be published by the order or direction of said council."

SEC. 9. And that section one (1) of chapter ten (10) of said act be amended by adding to the end thereof the following words, to-wit: "And such assessments may be made by ordinance, resolution, or order."

SEC. 10. That section nineteen (19) of chapter eight (8) of said act be amended by striking out the same, and inserting in the place thereof the following, viz.:

Sec. 19. Whenever the city council shall deem it necessary to construct or re-construct any sidewalk in said city of Minneapolis, they shall require the street commissioner of the ward in which said improvement is proposed, to notify the owner or owners, or occupant of any lot or lots adjoining said sidewalk to build or rebuild the same at his or their own proper cost and charge, within a certain time designated by the publication in the official paper of the city for two weeks, at least once each week, of a notice setting forth what work is required to be done by such owner or owners or occupant, and the time within which he or they are required to do the same. If such work is not done in the manner and within time prescribed, the cost of doing the same along each and every adjoining lot shall be estimated and returned to the city council by the city engineer, and the same shall thereupon become chargeable upon such lot, with interest from the date of such return; and said assessment list so prepared shall be handed to the city clerk, who shall issue his warrant therefor, and the same shall be collected in the manner and subject to the conditions provided in the chapter known as chapter ten (10) of the act to which this act is amendatory. And the city council shall provide for the doing of the same by the street commissioner of the proper ward, or by contracting with other parties at a price not exceeding the estimated cost, as it deems best; and the city engineer shall prepare an assessment list embracing each lot or parcel of land, the amount assessed thereon for the improvement aforesaid, and the name of the owner or owners, if the same can be ascertained. And in case of any sidewalk in said city becoming defective or out of repair, the street commissioner of the ward in which the said sidewalk may be, shall proceed immediately to repair the same, and report such repairs and the cost thereof to the city engineer; and the said city engineer shall compute the amount of said cost pertaining to each piece of property and report the same to the council. The said council may thereupon confirm or amend said report, and order the amounts so confirmed or as amended to be assessed upon the said respective lots or properties abutting upon said sidewalk or portion thereof so repaired. The said assessment so ordered shall form an assessment list, and the city clerk shall issue his warrant of collection therefor, and the same shall be collected in the same manner as assessments above mentioned for construction of sidewalks. And it shall be competent both for the city engineer in his report, and the said council in its assessment, to combine assessments for any number of sidewalks that may have been constructed or repaired

in accordance with the above provisions. And it is hereby declared to be the duty of all owners of lots or properties abutting upon any constructed sidewalk in said city to keep the same in good and proper repair, and such owners shall be held liable for any and all damages arising from or suffered by reason of any defect in any sidewalk in front of their lot or property, where such defect occurred from the fault or evident neglect of such owner or owners. And in case of any action being brought against the city on account of damages resulting from any defect in any sidewalk, or in any action which has been brought for any damages or injury resulting from the act, fault or negligence of any party other than said city, the said city may, by its attorney, serve notice upon the plaintiff in any such action, or his attorney therein, stating the name or names of the owner or owners of the lot or property abutting upon the portion of sidewalk where the alleged injury occurred, or the name of the person or persons through whose act or negligence the alleged damage may have been done, and demanding that such party or parties may be made [co-defendant or] co-defendants in said action. And the said plaintiff shall thereupon join said owner or owners, party or parties as joint defendant or defendants in said action with said city, and serve upon him, her or them a summons in said action, in the manner required by law for the service of summons in this State. And after service of such notice and demand upon the plaintiff or his attorney, the said action shall not proceed against the said city until the said summons shall have been served upon the said owner or owners of said land abutting upon such defective sidewalk, or upon the party or parties through whose act or negligence the said damage or injury complained of may have occurred, and the time for answering by said owner or owners, party or parties expired. And in case of judgment being obtained against the said joint defendants, and of the said city paying said judgment, the said judgment shall only be satisfied as to said city, and remain as to said co-defendant or co-defendants the property of said city. And the said city, upon filing its release or evidence of payment with the clerk of the court in which said action is brought, shall be considered the owner of said judgment as against said co-defendant or co-defendants, and entitled to execution against them thereon.

SEC. 11. That section twenty-seven (27) of chapter three (3) of said act, as amended by section two (2) of chapter two (2) of the Special Laws of one thousand eight hundred and seventy-four (1874), and by section one (1) of chapter twenty-nine (29) of the Special Laws of one thousand eight hundred and seventy-six (1876), be and the same is hereby amended so as to read as follows:

Sec. 27. The city council at their first meeting in each year, or as soon thereafter as may be, shall cause the city clerk to advertise in the official paper of the city for one week for sealed proposals for the publishing in some daily newspaper, receiving by telegraph and printing the daily morning or evening telegraphic reports of the Western Associated Press, printed, published, and of general circulation in said city, of the ordinances, official proceedings of

the council, and other matters required by this act or the by-laws and ordinances of the city to be published in a public newspaper, bids to state the price per inch for the first insertion, and the price per inch for each additional insertion of all matter so to be published; said bids to be marked "proposals for advertising," and addressed to the city council of the city of Minneapolis, which bids shall be opened at the next meeting of the city council, and the contract for such publishing awarded to such daily newspaper bidding the lowest thereof, which said paper shall be declared the official paper of the city. *Provided, always,* that the proprietor or proprietors of such paper shall first enter into a written contract for the performance of the duties required by this and the next succeeding section, and give bond in the sum of twenty-five hundred dollars (\$2,500), with two satisfactory sureties, to be approved by the city council, conditioned for the faithful performance of such contract; and said daily newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall be and remain in force for one (1) year, and until said city council shall designate another paper as the official paper of said city in place thereof. But, if each and every of the bids so as aforesaid received shall fix a price exceeding thirty cents per inch for any first or additional insertion of any such matter, then the city council may reject any or all [of] such bids, and adopt, in the discretion of the council, any other method of publishing such ordinances and official proceedings. *Provided,* that if any two or more of such bids shall be the same, the city council may proceed to select and appoint by vote one (1) of such papers as such official paper, the proprietors of which shall enter into contract and give bond as aforesaid.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 16, 1877.

CHAPTER 30.

AN ACT TO AMEND AN ACT, ENTITLED, "AN ACT TO INCORPORATE THE VILLAGE OF FARMINGTON."

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

SECTION 1. That section two (2) of chapter twenty-six (26) of the Special Laws of one thousand eight hundred and seventy-two (1872), be amended so as to read as follows: