

## CHAPTER 24.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF RUSH CITY AND PROVIDE FOR ELECTION THEREIN; APPROVED MARCH EIGHTH (8TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873).

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

## CHAPTER I.

SECTION 1. That all that district of country contained within the limits and boundaries hereinafter described shall be a village by the name of the village of Rush City, and the people who now do, and who hereafter may reside therein, shall be a municipal corporation by the name of the village of Rush City, and by that name shall sue and be sued, and be impleaded in any court, make and use a common seal and alter it at pleasure, and take, hold and purchase lease and convey such real and personal or mixed estate, as the purposes of the corporation may require, within or without the limits. Shall be capable of contracting and being contracted with, and have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The following described territory shall be and constitute said village: The west half of section twenty-two (22), the whole of sections twenty-one (21), twenty (20), seventeen (17), sixteen (16) and the west half of section fifteen (15), all in the township number thirty-seven (37), north of range twenty-one (21) west, in the county of Chisago and state of Minnesota.

## CHAPTER II.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first (1st) Tuesday of April of each and every year, at such place in the village as the common council shall designate, and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, and ten (10) days previous notice shall be given by the common council of the time and place of holding such election, and of the officers to be elected, by posting notices thereof in three

(3) of the most public places in said village, and publishing the same in at least one (1) newspaper published in said village, if any there be for ten (10) days.

SEC. 2. The elective officers of said village shall be one (1) president, one (1) recorder, three (3) councilors, one (1) treasurer, and one (1) justice of the peace, and each shall, except the justice of the peace, hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The justice of the peace shall be styled village justice and shall hold his office for the term of two (2) years, and until his successor is elected and qualified.

SEC. 3. Every person appointed to any office by the common council or elected to any office by the people, may be removed from said office by a vote of two-thirds of the common council; but no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten (10) days notice shall be given, and have power to compel the attendance of witnesses, and the production of books and papers, and to hear and determine the case, and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of president, councilmen or recorder, by death, removal, resignation or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten (10) days after said vacancy is declared, and held within twenty (20) days after such declaration; and notice of such election shall be given, the same as of the general election of said village. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for.

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

SEC. 5. 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 written or printed thereon; and plurality of votes shall constitute an election. When two 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 common council, at such [time] and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for State or county officers, and who shall have resided in the county of Chisago for four (4) months next preceding the election, and ten (10) days in the village, shall be entitled to vote for any officer, or any matter to be voted upon under this law, and to hold any office hereby cre-

ated. The village shall be and constitute one election district for State and county as well as village elections; and the mode of conducting all State and county elections in said village shall be in the manner herein provided in reference to village elections, except that the returns thereof shall be made by the judges of election to the county auditor within the time and manner prescribed by law.

SEC. 7. The election in said village shall be held and conducted by any two members of the council who shall be the judges of the election, and the recorder shall act as clerk of election, and the judges of election may appoint one (1) additional clerk. The judges shall take the usual oath or affirmation as prescribed by the general laws of the State to be taken by the judges of election, and shall have power to administer oaths. Said election shall be held and conducted in the same manner and under the same penalties as required by the laws of the State regulating elections.

SEC. 8. When the village election shall be closed, and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the village recorder within three (3) days after any election, and the common council shall meet and canvas said returns and declare the result as it appears from the same within three (3) days thereafter. The recorder shall forthwith notify the officer or officers elected of their election by written notice served upon such officer in person or left at their usual place of abode with some person of suitable age and discretion. Special elections to fill vacancies or for any other purpose, shall be held and conducted in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

SEC. 9. Any officer removing from the village, or any officer who shall refuse or neglect for ten (10) days after notice of election or appointment to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed. The term of every officer elected under this law shall commence on the second (2d) Tuesday of April for the year for which he was elected, and shall unless otherwise provided, continue for one (1) year, and until his successor is elected and qualified.

### CHAPTER III.

#### DUTY OF OFFICERS.

SECTION 1. Every person elected or appointed to any office under this act shall before he enters upon the duties of his office, take and subscribe an oath of office and file the same duly certified by the officer taking the same, with the recorder of the village, and the treasurer and marshal and village justice, and such other

officers as the common council may direct, shall severally before entering upon the duties of their respective offices, execute to the village a bond, with at least two sureties, to be approved by the common council, who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions and liabilities, and such bond shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The president shall take care that the laws of the State and the ordinances of the village are duly observed and enforced, and that all other executive officers of the village discharge their duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the village. The president shall be the chief executive officer and head of the police of the village, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary police as he may deem necessary, and any police officer or watchmen appointed by the president as aforesaid, may be discharged by him whenever, in his opinion, the welfare of the village may demand it, or a reduction of their number renders it necessary. The president shall preside at all meetings of the common council and shall sign all ordinances, by-laws, rules or regulations passed by the common council; and in case of his absence the balance of the common council present (if there be a quorum) may appoint a temporary president, who shall act and preside instead of the president.

SEC. 3. There shall be a recorder of said village, styled the village recorder, who shall keep his office at the place of meeting of the common council, or at such other place convenient thereto as the council may determine; he shall keep the corporate seal and all the papers and records of the village, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend; copies of all papers filed in his office and transcripts from all records of the common council certified by him under the corporate seal, shall be evidence in all courts as if the original were produced; he shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in the books provided for that purpose. The village recorder shall have power to administer oaths and affirmations and take acknowledgements of deeds and other writings.

SEC. 4. It shall be the duty of the village recorder to report to the common council the financial condition of the village whenever the common council shall require; he shall make and keep a list of the outstanding village bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear; and recommend such action to the common council as will secure the punctual payment of the principal and

interest of such bonds; he shall report annually on or about the first (1st) day of April, to the common council, an estimate of the expenses of the village, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first (1st) day of April; he shall receive all moneys payable to said corporation and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor.

SEC. 5. He shall make or cause to be made estimates of the expense of any work to be done by the village, countersign all contracts made in behalf of the village, and certificates of work authorized by any committee of the common council or by any village officer, and every contract made in behalf of the village, or to which the village is a party, shall be void, unless signed by the recorder. The recorder shall keep regular books of account in which he shall enter all indebtedness of the village, and which shall at all times show the precise financial condition of the village. The amount of bonds, orders, certificates, or other evidence of indebtedness issued by the common council, the amount of all bonds, orders, certificates, or other evidence of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders and other evidence of indebtedness of the village, and to keep accurate accounts thereof; to keep accounts with all receiving and disbursing officers of the village, showing the amounts they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall on the last day of March annually make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what account received, to whom paid and on what account expended, together with an accurate statement of the finances of the said village at the end of the fiscal year, including all debts and liabilities of every description, and the assets and other means to discharge the same, and shall present the same to the common council for their approval, and shall within ten (10) days thereafter have the same posted up at the common council rooms, and in two (2) other public places in said village, and published in some newspaper in said village, if there is one, for three (3) successive weeks. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council, of any special tax upon the property in the village or any part thereof, shall report to the common council a schedule of all lots, or parcels of land which may be subject to the proposed special tax or assessment; and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which such schedule shall be certified by the affidavit of the recorder, and shall be *prima facie* evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the pro-

visions of this act. If before the first (1st) day of January of any year, the amount expended chargeable to any village fund, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund), shall be equal to three-fourths of the tax authorized to be raised, or revenues estimated for such fund, he shall report at once the same to the common council, and he shall not countersign any contract chargeable to such fund, until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which the expenses are properly chargeable. All claims and demands against the village before they are allowed by the common council shall be audited and adjusted by the recorder. And he 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 record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the village is a party, or in which the village is interested, and any contract in which he may be interested shall be null and void.

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

SEC. 7. The treasurer shall be the depository of all moneys belonging to said corporation and shall receipt to the recorder therefor. The treasurer shall report to the common council at least fifteen (15) days before the annual election, a full and detailed account of all moneys received and paid out by him, after the date of the last annual report, which report shall be filed with the recorder; *Provided*, That no moneys shall be paid out by said treasurer, except on order from the village recorder, as provided by this act, and no order shall be paid by him unless first endorsed in writing thereon with the name of the payee therein, and the party receiving the money therefor.

SEC. 8. There shall be a marshal of said village, who shall be appointed by the president, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace; said marshal is hereby vested with all the powers of a sheriff or constable, in the service of writs as granted them by the laws of this State, and may pursue into any county in this State and take and bring back for trial any offender against the ordinances of the village, and when performing the duties of sheriff aforesaid he shall be entitled to like fees.

SEC. 9. The common council shall at the first meeting after the annual election, or an adjournment thereof, elect by ballot a street commissioner who shall hold his office for one (1) year and until his successor is elected and qualified; it shall be the duty of the street commissioner to superintend all work and improvements on

the streets, bridges and public grounds of the village, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the public streets, roads and bridges and public grounds of the village; and he shall be required to execute a bond with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity or belonging to the village.

SEC. 10. The common council shall in the month of April in each year, elect an assessor, who shall be styled the village assessor, who shall perform all duties in relation to the assessing of property for the purpose of levying of all village, school, county and State taxes, and upon completion of the assessment roll, he shall return the same to the common council, who may alter, revise or equalize the same as they may deem it just and proper; said village assessor shall hold his office for one (1) year and until his successor is elected and qualified.

SEC. 11. The justice of the peace of the village, styled village justice, shall possess all the power, authority and rights of justice of the peace of the county under the laws of this State, and shall have in addition thereto, exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the village charter or any ordinance, by-law, rule or regulation, made or adopted under or by virtue thereof; and all cases cognizable before a justice of the peace in which the village is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said village or its charter, and in all cases committed against the same; and the village justice shall have jurisdiction in cases of larcency and may hear and try the same where the amount claimed to have been stolen does not exceed the sum of twenty-five (\$25.00) dollars, and in all prosecutions as above and for all other offences not indictable, there shall be no appeal from the village justice and no change of venue.

All writs issued by the village justice shall run in the name of the village of Rush City, and be directed to the village marshal, sheriff or any constable of said county. In all civil suits or proceedings before said village justice, the same form and proceedings shall be had and used where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this State before a justice of the peace; and appeals from the judgment and decisions of said village justice shall be allowed in all civil suits, as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of conviction of assault, batteries or affrays within said village, and in all cases of conviction under any ordinance of the village 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 justice shall have power, in addition to the fine or penalty imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not ex-

ceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500). The said justice shall have the same power and authority in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the village justice for offenses committed within the village limits for the violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

SEC. 12. The village justice shall on the first (1st) day of each and every month report to the common council all the proceedings instituted before him in which the village is interested, and shall at the same time account for and pay over to the village recorder all fines and penalties collected or received by him belonging to said village; and said justice shall be entitled to receive from the county such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

SEC. 13. Said justice shall be in attendance at his office for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to and writs and process issued by him at all times, in court or otherwise.

SEC. 14. In all suits brought on behalf of said village for the recovery of any forfeiture, fine or penalty; in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said village, and on complaints for assault, battery or affray, or other misdemeanor or other criminal offense, not indictable, committed within said village, the said justice shall be authorized to tax, with the other legal costs, one dollar (\$1) for each trial, for the benefit of said village, and his residence in said village shall not deprive him of jurisdiction of actions brought in favor of or against said village, when said actions are otherwise within the jurisdiction of a justice of the peace. If the village justice is a party at interest, or is deprived of jurisdiction in any case under the laws of this State, then the president of the common council shall designate a justice of the peace of an adjoining election district; before whom the case shall be tried in the same manner as before a village justice.

SEC. 15. The common council at their first meeting in each year or as soon as may be thereafter, may elect a village surveyor, who shall be a practical surveyor and engineer; and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the village shall be carefully preserved in the office of the village recorder, open to the inspection of persons interested.

SEC. 16. The common council at their first meeting after each annual election may designate an official paper, published in said village, to do the village printing, by resolution entered upon their minutes, and the compensation for such printing shall not exceed the statute rates allowed; and in the newspaper designated, shall be published all ordinances, by-laws, rules and resolutions and other proceedings and matters required by this act or by the by-laws or ordinances of the common council, to be published in a



public newspaper. The village printer or printers, immediately after the publication of any notice or ordinance or resolution, which is required to be published, shall file with the village 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.

SEC. 17. If any person having been an officer of said village, 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 village or pertaining to the office he may have held, he shall forfeit and pay to the use of the village, not less than twenty-five (\$25.00) dollars, nor more than one hundred (\$100.00) dollars, besides all damages caused by his neglect or his refusal to so deliver; and said successor may receive possession of said books, papers and effects, in the manner prescribed by the laws of this State.

SEC. 18. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, 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 common council or appointed by the president, as hereinbefore provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three (3) months from the first organization and meeting of the common council. After the first (1st) year the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office; nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be a party to or interested in any contract in which the village is interested, made while such officer is holding office; *Provided*, That the president and councilmen shall receive no compensation for their services as such officers.

SEC. 19. The president, recorder and each councilman, village justice, marshal, police officers and watchmen shall be officers of the peace, with powers of constable at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the village, and for such purpose may command the assistance of the bystanders; and if need be of the citizens and military companies; and if any person, by-

stander, military officer or private shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty dollars (\$50), and in case where the civil powers may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The president, recorder and councilmen shall constitute the common council, and the style of all ordinances shall be, "The common council of the village of Rush City do ordain," &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the common council shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings, and the president may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the elections and qualifications of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

SEC. 3. The common council shall have control and the management of the finances of all the property of the village, and shall likewise, in addition to the powers herein vested in them, have full powers and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the village, and for the prevention of crime, and for the suppression of vice and intemperance as they shall deem expedient. They shall have power to establish and maintain a village prison; *Provided*, That until otherwise ordered by the common council the county jail of the county shall be used as a village prison, and it shall be the duty of the sheriff or jailor of the county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person who may violate any provisions of any ordinance or by-law passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to have all force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States, or of this State, and for these purposes shall have authority by ordinance, resolutions, or by-laws:

*First*. To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, pigeon

hole tables, nine or ten pin alleys, bowling saloons; to grant license to and regulate auctions and auctioneers, peddlers, tavern and hotel keepers, butcher shops and victualling house keepers, merchants and dealers in manufactured articles, druggists and apothecaries, and all persons manufacturing or dealing in spirituous, vinous, or fermented liquors. *Provided*, That all licenses for so dealing in or manufacturing spirituous, vinous or fermented liquors as a beverage, shall not be less than one hundred dollars (\$100) per year, and all licenses of whatever nature shall expire on the last day of April in each year.

*Second.* To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gambling in said village, and to restrain any person from selling, giving or dealing in spirituous or vinous or fermented liquors unless duly authorized by the common council.

*Third.* To prevent any riots or disorderly assemblages in said village, and to provide for the arrest and punishment of any person who shall be guilty of the same, to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all implements used for the purpose of gambling.

*Fourth.* To compel the owner or owners of any tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, slaughter house, or other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort or convenience of the inhabitants of said village.

*Fifth.* To direct the location and management of slaughter houses and markets, breweries, distilleries and to establish rates for and license venders of gunpower and regulate the storage, keeping and conveying of gunpower or other combustable material.

*Sixth.* To prevent the encumbering of the streets, sidewalks, lanes, alleys or public grounds, with carriages, wagons, carts, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings or any other materials or substance whatever.

*Seventh.* To prevent and punish immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said village, and to prevent their obstructing the streets of said village for more than ten (10) minutes, accidents excepted; and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets; and to regulate places for bathing or swimming in the waters within the limits of the village.

*Eighth.* To restrain the running at large of horses, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same and to impose penalties on the owners of said animals for violation of the ordinance; *Provided*. That when a sale of such animals shall be made the proceeds therefrom after deduct-

ing the expense of the distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasury of said village for the use and benefit of the owners thereof, if called for by such owners within one (1) year from the day of such sale.

*Ninth.* To prevent the running at large of dogs; and may impose a tax on the same in a summary manner when at large, contrary to the ordinance.

*Tenth.* To prevent any person from bringing, depositing, or having within said village, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or any putrid or unsound meat, flesh or fish or hides or skins of any kind, and to authorize the removal of the same at their expense.

*Eleventh.* To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps and provide for the lighting of the village, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend districts; to regulate and license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the village.

*Twelfth.* To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the return of bills of mortality; and to regulate or prevent, if deemed expedient, burials of the dead within the village limits.

*Thirteenth.* To prevent all persons riding or driving any horses, mules or ox or other animals on the sidewalks in said village, or in any way doing any damage to said sidewalks.

*Fourteenth.* To prevent the discharging of fire arms or crackers and to prevent the exhibition of any fire works in any situation which may be considered by the council as dangerous to the village or any property therein, or annoying any of the citizens thereof.

*Fifteenth.* To prevent open or notorious drunkenness, brawling or obscenity in the streets or public places of the village; and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth.* To establish public markets and fairs and public buildings for the same, and to make rules and regulations for the management of the same; to appoint suitable officers for overseeing and regulating such markets and fairs, and to restrain all persons from interfering with the due observance of such rules and regulations.

*Seventeenth.* To regulate the place and manner of weighing and selling hay and measuring and selling of fire wood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

*Eighteenth.* To compel the owner of or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk,

street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances; and in his default to authorize the removal or destruction thereof by some officer, at the expense of such owner or occupant.

*Nineteenth.* To regulate, control and prevent the landing of persons from the cars or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the village.

*Twentieth.* To regulate the time, place and manner of holding public auctions and vendues and sales at public outcry.

*Twenty-first.* To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the [number] of police officers and their duties, and to regulate the same.

*Twenty-second.* To provide by ordinance for a standard of weights and measures, for appointment of a village sealer, and to provide for the punishment of false weights and measures.

*Twenty-third.* To regulate the inspection of flour, pork, beef, fish, salt, whiskey and other liquors and provisions; and to appoint inspectors, weighers, measurers and gaugers; to regulate duties and prescribe their compensation.

*Twenty-fourth.* To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the village.

*Twenty-fifth.* To remove and abate any nuisance injurious to the public health or safety, and to remove or require to be removed any building which, by reason of delapidation, defects in structure or other causes, may have or shall become imminently dangerous to life and property; and to provide for the punishment of all persons who shall cause or maintain such nuisances; and to charge and assess the expense of removing or abating the same upon the lot or lots upon which such nuisances or dangerous buildings may be maintained.

*Twenty-sixth.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of said village.

*Twenty-seventh.* To do all acts and make all regulations which may be necessary and expedient for the preservation of health or the suppression of disease; and to make regulations to prevent the introduction of contagious diseases into the village, and to make quarantine laws and enforce the same within the village.

*Twenty-eighth.* To restrain and punish vagrants, mendicants, street begging, and provide for the punishment of the same.

*Twenty-ninth.* Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine [not] exceeding one hundred dollars (\$100), or imprisonment in the village prison or county jail not exceeding thirty (30) days, or both, and to be fed on bread and water, at the discretion of the village justice; and offenders against the same may be required 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).

*Thirtieth.* To appropriate money and provide for the debts and expenses of the village, and to provide needful buildings for the use of the village, and for the erection thereof.

*Thirty-first.* To provide for the taking from time to time the enumeration of the inhabitants of the village.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present by ayes and noes, shall be published in the official paper or posted in three (3) public places in said village for three (3) weeks before the same shall be in force, and shall be admitted as evidence in any court in the State without further proof; they shall be recorded by the village recorder in books to be provided therefor. No appropriation shall be made without a vote of a majority of the members of the council present in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 5. The power conferred upon the common council to provide for the abatements of any nuisance shall not bar or hinder suits, prosecutions or proceedings in courts according to law. Depot houses or buildings of any kind within the limits of said village, wherein more than twenty-five (25) pounds of gunpowder, or more than five (5) barrels of thirty-six (36) gallons each (or such greater or less quantity as said common council may direct by ordinance) of petroleum, kerosene, naphtha or other inflammable or explosive oils or substances are deposited, stored or kept at any one time. Gambling houses, houses of ill-fame, disorderly taverns or saloons, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 6. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioner, village justice, and all other officers or agents of the village, at such times as they shall deem proper, and also at the end of each year, and before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to the council or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said village who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement or adjustment.

SEC. 7. The common council of the village shall have full power to borrow money to pay the outstanding indebtedness of the village, which indebtedness is due and payable on the first (1) day of April, one thousand eight hundred and seventy-eight (1878); and in order to pay such indebtedness, the village may issue village bonds therefor, bearing interest not to exceed ten (10) per cent. per annum, redeemable at any time within ten (10) years, at the discretion of the common council; *Provided*, That the common council shall each and every year levy a tax of one (1) mill on the dollar of the taxable property of the village, for each thousand (\$1000.00) dollars that may be funded as aforesaid by the said village into bonds to pay the interest on said bonds and create a sinking fund to pay the same when due.

## CHAPTER V.

### TAXES.

SECTION 1. The common council shall have power to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government; for the opening, maintaining and improvement of the public grounds, roads, and the construction of buildings and improvements of a general character. *Provided*, That such taxes shall in no year exceed one per cent. of the assessed valuation.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property of the village, or of the different road districts therein, for the purpose of [constructing, maintaining bridges and culverts and openings;] constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters and grading of streets, and for other purposes conducive of good order and cleanliness, and to protection against crimes, disease and fire. *Provided*, That such taxes shall in no year exceed one (1) per cent of the assessed valuation.

*And provided further*, That for the improvements in this section mentioned, the common council shall have the power to assess the tax to the person paying the same, upon the road district benefited by such improvements, in such manner and to such extent as the common council may think just and equitable; the tax shall be apportioned upon a cash valuation of the property which it shall [be] determined liable to assessment for such improvements. The common council shall also have the power to levy upon ever male inhabitant of said village, between the ages of twenty-one (21) and fifty (50) years, except idiots, lunatics, paupers, and such others as are exempt by law, a capitation or poll tax of not less than two (2) or more than four (4) days work upon the streets, highways or other public improvements within their respective road districts in said village, of which such inhabitant is a resident. All persons liable to pay such poll tax may in

lieu of work, pay the street commissioner one dollar and a half (\$1.50) per day for each day such person is assessed to work. All moneys so received shall be expended upon the streets, highways or other public improvements within the road district wherein the person paying the same may reside; said poll tax shall be levied by the common council at their first meeting after the annual election of each year, and shall be collected by the street commissioner in the manner prescribed by the laws of this State for the collection of highway labor taxes in towns by overseers of highways; *Provided*, Any person so assessed and duly notified, who does not commute as hereinbefore provided or who refuses and neglects to appear and perform such labor, shall thereupon become liable to pay the full amount of such assessment in money, at the same rate per day as prescribed in section eighteen (18) of chapter thirteen (13) of the general laws of this State.

SEC. 3. The common council shall have power, and it shall be the duty of the common council to levy annually upon the taxable property of said village, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act. *Provided*, the same be authorized by a majority of the voters present, and voting at any election to be held for that purpose. The time, place, and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections, and no bonds for any purpose shall be issued by the common council for any purpose unless so authorized.

SEC. 4. Taxes may be issued by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying of the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied. But in such case the surplus shall if the tax be a general tax, go into the general fund of the village; if it be a bond or interest tax, it shall be kept and used for the further payment of principal or interest of the same class of bonds or the purchase thereof before due. If it be for improvements it shall be kept and used for future improvements of the same character.

SEC. 5. The common council shall cause to be transmitted to the county auditor of the county, on or before the first day of September of each year, a statement of all taxes by them levied; Such taxes shall be collected and the payment thereof enforced with, and in a like manner as State and county taxes are paid, and the payment enforced; and the county treasurer of said county shall pay such taxes over as fast as collected into the treasury of said village.

SEC. 6. No money shall be paid out of the village treasury unless such payment be authorized by a vote of the common coun-



cil, and these shall be drawn out only upon orders by the president and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the order drawn upon each fund separate.

## CHAPTER VI.

### OPENING AND VACATING STREETS, ALLEYS, &C.

SECTION 1. The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares, and grounds within the limits of said village, and shall cause all streets which may have been opened and graded to be kept open and in repair, and free from nuisances.

SEC. 2. The common council of said village, by a vote of not less than two thirds of all the members present and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same. *Provided*, That whenever it shall be required to take private property for the purpose above stated, they shall proceed in the manner hereinafter provided:

*First.* The common council upon ordering an improvement above mentioned, to be made, shall appoint three (3) commissioners who shall be disinterested freeholders and qualified voters of said village, to view the premises and assess the damage which may be occasioned by the taking of private property or otherwise, in making said improvement; said commissioners shall be notified as soon as practicable by the recorder of said village, to attend at his office, at a time to be fixed by him, for the purpose of qualifying and entering upon the discharge of 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 village not exceeding fifty (\$50.00) dollars, and shall be liable to be prosecuted therefor before the village justice of said village, as in case of fines imposed for the violation of an ordinance of said village, and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, who shall be eligible and qualified under the provisions of this section, to hold said office. In all other cases of vacancy the common council shall fill said vacancy.

*Second.* The commissioners shall be sworn by the village recorder to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make returns of their actions and doings to the common council.

*Third.* The said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the recorder a written report to the common council of their action in the premises embracing a schedule of the assessment of the damages in each case with a description of the land and the name of the owners if known to them, and also a statement of the cost of the proceedings.

*Fourth.* Upon such report being filed in the office of the recorder said recorder shall give at least ten (10) days notice by publication in the official paper of said village, to the effect that such assessment has been returned and that the same will be confirmed by the common council at a meeting thereof to be named in said notice unless objections are made in writing by persons interested in any land required to be taken. Any person interested in any building standing in whole or in part upon any land required to be taken for such improvement shall on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings according to the award of the commissioners. The common 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 any of the parties interested.

*Fifth.* The damages assessed shall be paid out of the general fund of the village, and shall be paid or tendered or deposited or set apart in the treasury of said village to and for the use of the parties 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 purpose 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 or set apart for his use as aforesaid, and in case the said village should be unable to determine to whom damages in any particular case, so awarded, should be paid or in case of [disputed] deposited claims in relation thereto, the damages in such case may be deposited by order of the common 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.

*Sixth.* In case any owner or owners of buildings, as aforesaid, shall have elected in the manner as aforesaid, to remove his or their building, he or they shall remove them within thirty (30) days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said village of the amount of damages awarded in such case, in case 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 shall be necessary, upon payment or depositing the damages awarded for such taking in manner aforesaid, may then be taken and appropriated, sold or disposed of as the common council shall direct, and the same or the proceeds thereof shall belong to said village.

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

*Eighth.* Any person feeling himself aggrieved by such assessment may, by notice in writing, served upon the president of said village, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court in 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, and 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 objections to such assessment, and shall not be entitled to have any other objection than those specified and considered, and a transcript of such report, certified by the 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 of law. The judgment of such court therein shall be final. Such appeals 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.

SEC. 3. Whenever any public grounds, street or alley shall be laid out, widened or enlarged under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the village recorder, and also filed in the office of the register of deeds of the county.

SEC. 4. No public grounds, streets, alleys or highways within said village shall be vacated or discontinued by the common council, except upon the petition of the majority of the owners of property or residents on the line of such public grounds, streets, alleys or highways, residents within the village. Such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the recorder, who shall give notice by publication in the official paper of said village for four (4) 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 common council or a committee appointed by them, on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication. The common council shall, or such committee as may be appointed by them for that 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. The common council thereupon after hearing the same, or upon the report of such committee in favor of granting such petition, may by a resolution passed by a two-thirds ( $\frac{2}{3}$ ) vote of all the members elect, declare such public grounds, streets, alleys or highways vacated, which said resolution, after 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 recorder, shall be filed for record and duly recorded in the office of the register of deeds of the county.

SEC. 5. Any person aggrieved thereby may within twenty days after the publication thereof, appeal to the district court of the county, under the same regulations as in the case of opening tresets and alleys, and the judgment of the court thereon shall be final.

SEC. 6. It shall be the duty of the 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 two or four of this chapter, said 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 publications thereof, and orders and resolutions of the council; and the said record or a certified transcript thereof, or the original papers, petitions, proofs of publications, 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 VII.

### FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials as in the judgment of the common council shall not be dangerous to the surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the

fire limits when the same shall have been damaged by fire or otherwise to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power by resolution to order any building, structure or materials thereof, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the village, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down or removed in such manner as the council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred (\$100) dollars which may be imposed by the village justice upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and conditions of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and the throwing of ashes in the streets or alleys; to prevent the deposit or piling of cordwood in close proximity to buildings or where it endangers any of the surrounding property and to cause its removal; to require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of the manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks; to compel owners or occupants of buildings to have scuttles in the roof and stairs or ladders to the same; to authorize the president or any member of the common council or other officers of the village, to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the preservation and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited and their apparatus to be given up. Every member of each company, which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving juries and from military duty during the continuance of such membership; and shall elect their

own officers and make their own by-laws, subject, however, to the approval of the common council.

SEC. 4. The common council shall have power to appoint one or more fire-wardens, whose duty it shall be to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition and to cause such as they may deem dangerous to be put in a safe condition.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden or member of the common council at any fire it shall be lawful for the officer giving such orders to arrest or direct orally any constable, the marshal, or any police officer, watchmen or any citizen, to arrest such person and confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them, may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or shall refuse to arrest or aid in arresting any person so refusing to obey shall be liable to such penalty as the common council may prescribe, not exceeding a fine of fifty (\$50.00) dollars.

## CHAPTER VIII.

### STREETS, GRADES AND SIDEWALKS.

SECTION. 1. The common council may cause to be established from time to time and as rapidly as the convenience of the inhabitants may require, under the direction of the village surveyor, the grade of all streets, sidewalks and alleys in said village, and it shall cause accurate profiles thereof to be made and kept in the office of the village recorder.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said village, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcel of land, adjoining the sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the publication in the official paper of said village, for not less than two weeks, of a notice to such owners or occupants setting forth what work is to be done, and the character of the same, by such owners and occupants, and the time within which they are to do the same.

SEC. 3. If such work is not done and the said sidewalk not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalk, and said expense shall be assessed upon such lots and parcels of land, so chargeable, by the street commissioner, in such manner that [each] such lot will be charged with the whole expense of the side walk adjoining thereto. After such assessment is made it shall be returned by the street commissioner to the

common council; and said assessment, so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of other taxes for state, county or village purposes.

SEC. 4. If said assessment be not paid to the street commissioner, or the recorder, on or before the twentieth (20th) day of August in any year, the common council shall cause a statement of the same, to be transmitted with the village taxes levied for that year, to the auditor of the county, on or before the first (1st) day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced, with and in like manner as village, county and state taxes are collected and payment thereof enforced.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different localities and determine the kind of material of which the same shall be constructed, having regard to the business and amount of travel in the vicinity of each.

SEC. 6. The expenses of constructing or repairing sidewalks in said village, shall include all stone work, excavations or fillings to make the same upon established grades.

SEC. 7. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land in pursuance of notice under this act, or without such notice shall be subject to the approval of the street commissioner of said village.

## CHAPTER IX.

### PUBLIC SCHOOLS.

SECTION 1. All that territory described in this act, being within the limits of the village of Rush City, shall be and constitute an independent school district, by the name and title of the Independent School District of the village of Rush City.

SEC. 2. There shall be chosen by ballot six (6) directors of the public schools of said village, two (2) of whom shall be elected each year and who shall serve for three (3) years and until their successors are elected and qualified. The election of such directors shall take place at the annual village election, held on the first (1st) Tuesday in April of each year, and in connection therewith and upon the same ballot with the village officers, and notice shall be given of the election of such directors the same as for village officers, stating in whose stead they are to be elected. The persons so elected shall within five (5) days after the notification of their election by the village recorder, file in the office of the clerk of said district their several oaths as required by law.

The votes for school directors shall be canvassed by the common council in the same manner and the recorder shall notify them of their election the same as village officers.

SEC. 3. Said directors and their successors in office shall be a body corporate by the name of the board of education of the village of Rush City, and as such and by such name shall have perpetual succession, and shall receive all moneys and other property belonging to or accruing to said district, or to said village or any part thereof for the use or benefit of the public schools therein, and succeed to all the rights and be subject to all the liabilities of the same, and the said board shall be capable of contracting and being contracted with, suing and being sued, and shall also be capable of receiving any gift, grant, bequest or devise made for the use of the public schools of said village under the laws of this State, for the use of the public schools therein, shall be paid to the board of education.

SEC. 4. The said board shall within ten days after their election as aforesaid, meet and organize by choosing a president, clerk and treasurer, who shall hold their offices as such for one year and until their successors are elected and qualified. The board of education shall also elect by ballot at their meeting for organization as aforesaid, a superintendent who shall hold his office during the pleasure of the board, and shall receive such compensation as shall be fixed by said board by resolution. The superintendent shall be *ex-officio* member of said board, but not entitled to vote therein. The board may for satisfactory reasons remove any member or officer of the board, and fill the vacancy; *Provided*, That no member shall be removed except by a concurrent vote of at least four members of the board, and at a meeting of whose object time and place he was duly notified.

SEC. 5. No other member of the board shall receive any compensation for his services except the clerk and treasurer, whose compensation shall be fixed by the board by resolution, and entered upon their minutes.

SEC. 6. Four members of the board shall constitute a quorum for the transaction of business at any meeting.

SEC. 7. In case of a vacancy, the board of education shall have power to fill the same by appointment until the next annual village election, when the electors of said village shall choose a suitable person to fill the vacancy for the remainder of such term. The clerk shall whenever a vacancy shall occur in such board, at once notify the village recorder of the same, designating the term for which such vacancy exists, and the village recorder shall specify the same in his notice of the next annual village election.

SEC. 8. The superintendent shall visit the schools of the village, and report their condition to the board as often as they shall require. He shall superintend the grading of the schols, and examination for promotion, and shall perform such other duties as the board of education may prescribe. He may examine teachers and give certificates for teaching the same as a county superintendent at schools. He shall possess the qualifications of a county



superintendent of schools. He shall also make to the State superintendent of public instructions, such report as may be required through the county superintendent of schools, or directly to the [State] department of education.

SEC. 9. The president shall preside at all meetings of the board, but a president *pro tempore* may be chosen in his absence. He shall sign all orders drawn upon the treasurer for moneys voted to be paid by said board, and perform such other duties as the board prescribes.

SEC. 10. The clerk shall act as clerk of the district as well as of the board, and shall keep a record in which he shall enter all the proceedings, by-laws, rules, resolutions and regulations of the board, and shall also keep in books for that purpose, a record of all reports made to the village, county superintendent or other parties, and of all contracts entered into in which the school district is a party, and shall also keep an accurate account of all the expenses of the district, and a correct and full account of all the property of said district. He shall, on the last day of March, annually, make a full and accurate statement of the receipts and expenditures of the preceding year, which statement shall contain a full and correct description of each item, from whom and on what account received; to whom paid, and on what account expended, together with an accurate statement of the finances of said district at the end of the fiscal year, ending on the last day of March of each year, including all debts and liabilities of every description, and the assets and other means to discharge the same, and shall present the same to the school board of education for their approval, and shall within ten (10) days thereafter file a certified copy of the same with the village recorder, which such statement shall be published in connection with the annual fiscal statement of the village; but the payment of such publication shall be made out of the school funds of said village.

SEC. 11. The said board of education shall, previous to the first (1st) day of August in each year, make an estimate of the amount deemed necessary to be raised to defray all the incidental expenses of maintaining the schools in said district, and to build, keep in repair and preserve the buildings of said district and other property thereof, and to meet any indebtedness of the district becoming due during the year; and certify the same to the village council, with a recommendation that the amount be raised by a tax upon the property of the village. Such recommendation to be signed by the president and the clerk of said board and filed in the office of the recorder of the village.

SEC. 12. The clerk shall, upon the order of the board, draw and sign orders upon the treasurer of the district for the payment of money, stating in every such order the consideration for which it was drawn, and the name of the person rendering such consideration, and the particular fund upon which it was drawn, and shall take a receipt for every such order from the person to whom the same is delivered and preserve the same. He shall keep all records, books and papers belonging to his office, and deliver the

same to his successor. He shall on or before the tenth (10th) day of September in each year make and transmit to the county superintendent a report in writing, showing the amount of money apportioned to the district by the county auditor and received from the county treasurer, specifying the amount from each source of revenue, the amount received from special taxes and from any other sources, the several amounts disbursed within the year, and the object for which each amount was expended, the value of school sites and of school buildings, furniture and apparatus, and such other financial matters as may be required upon the blanks furnished by the state department of public instruction. Said clerk shall perform such other duties as may be specified by the board of education.

SEC. 13. The records of said board, signed by the president, or a transcript thereof, and all papers belonging to the office, or a transcript thereof, certified by the clerk, shall be *prima facie* evidence of the facts therein stated, and all records, books and papers belonging to said board, shall be subject to the inspection of any legal voter of said district.

SEC. 14. The treasurer before entering upon the duties of his office shall execute a bond to the board of education and their successors in office, in double the amount of money, as nearly as can be ascertained, which will come into his hands as treasurer within the year, with not less than two (2) sureties, freeholders of the district, to be approved by said board, and conditioned for the faithful discharge of his duties as treasurer; said bond shall be filed with the clerk of said board, and in case of any breach in the conditions thereof, the board shall cause an action to be commenced thereon in the name of the board of education, and the money recovered shall be applied to the use of the district; said board may require said treasurer to give additional security from time to time. Said treasurer shall receive and upon the order of the board, signed by the president and clerk, pay out all moneys belonging to the district, paying each order only out of the particular fund upon which it was drawn; and shall keep an accurate and detailed and separate account of each fund coming into his hands, in a book or books provided for that purpose. The treasurer shall within three (3) days preceding the last day of March, annually, file with the clerk of the board a report in writing, signed by him and containing a statement of all the moneys received by him within the year preceding and of all his disbursements; said report shall be examined by the board, before which the treasurer shall exhibit his vouchers and be approved or disapproved by resolution entered upon the records of said board; said treasurer shall make such report of the business of his office as may be called for by the board at any time; he shall keep all records, books and papers belonging to his office and deliver the same to his successor in office upon demand; he shall pay to his successor in office upon demand, after successor has given bonds as hereinbefore prescribed, all moneys in his hands belonging to said district, and perform such other duties as may be ordered by the board.

SEC. 15. Said board may hold stated meetings at such times and places in said district as they may appoint; special meetings thereof may be called by the president or by any two (2) members, on giving personal notice of the time and place of the same, and said board by resolution, shall direct the payment of all moneys that shall be paid out of the treasury and no money shall be paid except in pursuance of such resolution, and on the written order of the clerk signed by the president.

SEC. 16. The board of education shall have power and it shall be their duty:

*First.* To establish and organize such grades of schools, alter and discontinue the same in said district, as they may deem expedient.

*Secoud.* To provide necessary rooms or erect buildings and purchase sites and grounds for the same.

*Third.* To purchase, sell and exchange school apparatus, stoves and other appendages, furniture, etc., for school houses and to furnish fuel for the same.

*Fourth.* To take care of the property of the district, and procure insurance and to make repairs upon the same or any part thereof when deemed expedient.

*Fifth.* To contract with, employ and pay teachers who have received certificates as provided herein and to discharge the same.

*Sixth.* To defray the necessary expenses of the board; pay the compensation of the clerk, treasurer and superintendent, and for such printing, record books, stationery and other incidental matters as may be deemed proper and as are required by this act.

*Seventh.* To superintend and manage in all respects the schools of said district and from time to time to adopt, alter, modify and repeal, rules for the organization, government and instruction for keeping of registers, for the reception of pupils, resident and non-resident, within the district, their suspension, expulsion and transfer from one school house to another; to prescribe text-books and a course of study for the schools, and to visit each school in the district not less than once in three (3) months.

*Eighth.* To make rules and regulations respecting the protection, care and safe keeping of the property of the district, and to prescribe penalties for the breach thereof, to be recovered as penalties for the breach of ordinances, before the village justice, and to change and repeal the same.

*Ninth.* To make, change and repeal rules relating to the organization government, and business of said board, and the duties of its officers.

*Tenth.* To provide for the prompt payment at maturity, of the principal and interest of any indebtedness of the district, by recommending to the village council taxes upon the taxable property of said village, sufficient to meet the same, making allowances for delinquency in paying any part of such taxes.

*Eleventh.* To furnish the superintendent necessary blanks and stationery for the business of his office, and for all such grades of such certificates as the board of education may at any time order, which certificates shall severally contain the branches fixed for the several grades of certificates.

*Twelfth.* To make, execute and deliver, for and in behalf of said district, deeds, mortgages, releases and all other instruments relating to the real property thereof.

SEC. 17. The members of the board of education shall not personally be interested directly or indirectly in any contract for building or repairing any school building, or for the purchase of any school apparatus, furniture or fuel, or in any job in which the district is a party, and any contract in which any member may be interested as aforesaid, shall be void.

SEC. 18. The board shall let the contract for building or repairing any school building, furnishing fuel for the school district or any job to which the district is a party, to the extent of fifty dollars or over, to the lowest responsible bidder who will furnish sufficient bonds to be approved by the board, conditioned on the faithful performance of said contract.

SEC. 19. The said board of education shall keep said school in operation not less than six nor more than eleven (11) months in each year.

SEC. 10. The title to all real estate and personal property now or heretofore belonging to Independent school district of Rush City for school purposes or otherwise, shall be regarded in law as vested in the said board of education, and their successors in office, for the use of the common schools in said district hereby established, and the said board of education shall succeed to all the rights and liabilities of said independent school district of Rush City.

SEC. 21. The present members of the board of education of the Independent school district of Rush City, whose term of office will expire in the year one thousand eight hundred and seventy-eight, (1878) shall expire on the first (1st) Tuesday of April, one thousand eight hundred and seventy-eight, (1878) and the members of said board whose term of office will expire in one thousand eight hundred and seventy-nine, (1879) and one thousand eight hundred and eighty (1880) shall expire on the first (1st) Tuesday of April, in one thousand eight hundred and seventy-nine (1879) and one thousand eight hundred and eighty, (1880) respectively.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of the members of the common council as were present when the vote was taken.

SEC. 2. No penalty or judgment recovered in favor of said village shall be remitted or discharged except by the vote of two-thirds of the common council elect.

SEC. 3. The common council shall have power, in addition to levying taxes for village purposes, to levy, assess and collect a tax

for school purposes, not exceeding ten (10) mills on the dollar of the assessed valuation of the property, real, personal and mixed in the village, upon the recommendation of the board of education of the village of Rush City.

SEC. 4. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made.

*Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the village, but the person or persons so arrested, may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process, or writs by the village justice for the violation of any ordinance or by-law of the village, shall be directed to the marshal or any police officer of said village.

SEC. 5. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the village justice of said village, pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by-law of said village as a punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the village prison of said village, or if there be no village prison to the common jail of the county, and to be there imprisoned for a term not exceeding three (3) months, in the discretion of the village justice, unless the said fine or penalty be sooner paid or satisfied; and from the time of the arrest of any person or persons for any offense whatever until the time of trial, the person or persons so arrested may be imprisoned in the village prison, or in case there be no village prison, in the common jail of the county.

SEC. 6. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said village, in any proceeding or action in which the village shall be a party in interest.

SEC. 7. Such village may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same and the same shall be free from taxation.

SEC. 8. No law of the State concerning the provisions of this act, shall be considered as repealing, amendatory or modifying the same, unless such purpose is expressly set forth in such law.

SEC. 9. All and every process and notice whatever, affecting such village, shall be served upon the president of the common council, or in his absence upon the village recorder, and in the absence of both these officers by leaving a certified copy thereof at the office of the recorder.

SEC. 10. This act is hereby declared to be a public act and may be read in evidence in all courts of law in this State without proof.

SEC. 11. This act shall be published in a newspaper printed and published in said village of Rush City, under chapter one hundred

and ten (110) of the general laws of one thousand eight hundred and seventy-seven (1877).

SEC. 11. This act shall take effect and be in force from and after its passage and publication.

Approved March 6, 1878.

## CHAPTER 25.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS, AND INCORPORATING THE SAME INTO ONE CITY BY THE NAME OF MINNEAPOLIS," APPROVED FEBRUARY TWENTY-EIGHTH (28th), ONE THOUSAND EIGHT HUNDRED AND SEVENTY-TWO (1872) AS AMENDED BY SUBSEQUENT ACTS.

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

SECTION 1. That the act referred to in the title of this act, as amended by subsequent acts of the Legislature of the State of Minnesota, be and the same is hereby amended as is hereinafter set forth.

SEC. 2. That chapter one (1) of said act be and the same is hereby amended so as to read as follows:

### CHAPTER I.

#### CITY AND WARD BOUNDARIES.

SECTION 1. All that district of country in the county of Hennepin contained within the limits and boundaries hereinafter described, shall be a city by the name of Minneapolis, and the people now inhabiting and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Minneapolis," and by that name may sue and be sued, implead and be impleaded in any court, make and use a common seal, and alter it at pleasure, take and hold, lease and convey all such real, personal and mixed property and estate as the purposes of the corporation may require, or the transaction or exigencies of its business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted