

Third—To provide for the publication in a newspaper of notices and ordinances.

Fourth—To direct and regulate the planting and preservation of ornamental trees in the streets, highways and public grounds.

Fifth—To provide compensation for the officers of said city, except the president and trustees who shall receive no fees or compensation for their services.

Sixth—To employ a competent surveyor to survey all streets, alleys, and highways in said city, and to make an accurate plat, which shall plainly indicate the grade of all such streets, alleys and highways, and the grade of sidewalks thereon, which plat shall be adopted by ordinance or resolution of the city council, and filed in the office of the recorder, and shall constitute the lawful grade of all such streets, alleys, highways and sidewalks until repealed, changed or modified by the city council.

SEC. 4. In all respects not herein provided for, said city shall be and continue a part of the township of Otis, and all taxes shall be levied and collected under the general laws of the State; *provided* that the city council shall have power to assess a poll tax upon each and every male inhabitant thereof of the age of twenty-one, and under the age of fifty years, of an amount not to exceed two days work, or three dollars in each year, which said poll tax, when paid, shall be in lieu of all poll taxes now authorized to be levied by town supervisors for road purposes, and the city council may expend not to exceed one-half of said poll tax upon any public roads and bridges within one mile of the limits of said corporation.

SEC. 5. A. M. Baker, K. E. Neste and C. E. Lathrop, are hereby designated as the persons who shall give notice of and for a meeting of the legal voters of said territory, to organize said city and elect officers pursuant to chapter one hundred and thirty-nine of the general laws of one thousand eight hundred and seventy-five.

SEC. 6. This act shall be a public act, and need not be pleaded nor proven in any court of this State,

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

Approved March 10, 1879.

CHAPTER XII.

AN ACT TO INCORPORATE THE CITY OF CROOKSTON IN POLK COUNTY.

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

CHAPTER I.

SECTION 1. All that part of the county of Polk contained within the limits and boundaries hereinafter described shall be a city by the name of Crookston, and the people now inhabiting and those

who shall hereafter inhabit within the district of country herein described shall be a municipal corporation by the name of the city of Crookston, and shall 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, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure.

SEC. 2. That the territory included within the following boundaries and limits shall constitute the City of Crookston, viz.: sections thirty and thirty-one in township one hundred and fifty of range forty-six, and sections twenty-five of township one hundred and fifty of range forty-seven: *provided*, That nothing herein contained shall be deemed to exclude any portion of the City of Crookston from the limits of Polk county.

CHAPTER II.

SECTION 1. The annual election of the city officers shall be held on the first Tuesday in April in each year, at such places within the city as the city council shall designate, and shall be conducted and governed in all respects in accordance with the General Laws of this state governing elections except as hereinafter provided, and notice of such elections shall be given by the city recorder in the same manner as notices of general elections are required by law to be given by county auditors.

SEC. 2. The elective officers of said city shall be a mayor, recorder, four councilmen, two justices of the peace, two constables and a treasurer. All other officers necessary for the proper management of the affairs of said city shall be appointed by the city council. The mayor, recorder and treasurer shall each hold their offices for one year and until their successors are elected and qualified. The justices of the peace and constable shall hold their offices for two years and until their successors are elected and qualified, and the councilmen shall hold their offices for two years, and until their successors are elected and qualified: *provided*, That the councilmen elected at the first annual election after the passage of this act shall be divided into two classes, the first two of which shall go out of office at the end of one year, the second two at the end of two years, and at each annual election thereafter two councilmen shall be elected: *and provided further*, That the city council shall have power for due cause to expel any of their own members and to remove from office at pleasure any officer or agent under the city government, due notice first being given to the officer complained of.

SEC. 3. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur. Any vacancy occurring in any other office shall be filled by the city council. The person elected or appointed to fill a

vacancy shall hold his office and discharge the duties thereof with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill, until the next annual election, when the vacancy shall be filled by the electors.

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Whenever 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 city council, at such time and in such manner as they may direct.

SEC. 5. All persons entitled to vote for county and state officers and who shall have resided in the city for four months next preceding the election shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created: *provided*, That no person shall be eligible to the offices of mayor, councilman or recorder who has not resided in said city for the period of six months next preceding the election.

SEC. 6. The election in said city shall be held and conducted by the city councilmen, or any two of them, who shall be inspectors of election; and who shall take the oath or affirmation prescribed by the general laws of this state to be taken by the judges and inspectors of elections; and the recorder, or, in his absence, some person, to be appointed by the inspectors, shall be clerk, and the inspectors shall have power to appoint an assistant clerk. The inspectors shall have power, in the absence of the recorder, to appoint a clerk, and to administer the necessary oath. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled, as required by the general laws of this state regarding elections.

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said inspectors shall make return thereof, stating the number of votes for each person for each and every office, and shall deliver or cause to be delivered such return to the city recorder, who shall within three days, give notice to each of the parties so elected, of their respective elections.

SEC. 8. Special elections, to fill vacancies or for any other purpose, shall be held and conducted by the councilmen in the same manner as general or annual elections, and within such time as may be prescribed by ordinance or resolution.

SEC. 9. Any officer removing from the city, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to qualify or enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the city council may proceed to fill such vacancy, as herein prescribed or provided by ordinance not in conflict with the provisions hereof.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the city council may order a new election to be held; ten days' notice of the time and place of holding the same to be given as in general elections.

CHAPTER III.

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 officers taking the same, with the recorder of the city; and the treasurer, and such other officers as the city council may direct, shall, severally, before they enter upon the duties of their respective offices, execute to the city of Crookston, a bond with at least two sureties to be approved by the city council; and such bonds shall contain such conditions as the city 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 mayor shall, when present, preside over the meetings of the city council, and take care that the laws of the state and ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The mayor or any three councilmen may call special meetings of the city council. The mayor shall inspect the conduct of all subordinate officers, and cause negligence and persistent violations of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the city council and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and, in case of riot, to call out the militia to aid him in suppressing the same or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to said city a fine not exceeding twenty-five dollars, and not less than five dollars.

SEC. 3. In case the mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and, on conviction, shall pay a fine of not more than five hundred dollars; and the court shall have power (upon the recommendation of the jury in the case) to add to the judgment for the fine, that he be removed from office.

SEC. 4. In case the mayor shall be absent from any meeting of the city council they shall proceed to elect of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. In case of the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office the council shall elect, by ballot, from their own number, an officer who shall be styled acting mayor, and all actions performed by him shall have the same force and validity as if performed by the mayor.

SEC. 5. The recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council. He shall draw and countersign all orders on

the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose, and make a fair and full record of all the by-laws, rules or ordinances made or passed by said city council. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the city council certified to by him under the corporate seal shall be evidence in all courts in like manner as if the original were produced. He shall report annually on or about the fifteenth day of April to the council an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the fifteenth day of April. He shall make, or cause to be made, estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city or any committee of the city council. He shall negotiate between the first of May and the collection of taxes for the same year, such temporary loans for the city as the city council shall direct, anticipating the revenue for the current year, and such loans shall be subject to the approval of the city council. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the council shall direct. All claims against the city, before they are allowed by the city council, shall be audited and adjudged [adjusted] by the mayor. The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

SEC. 6. The city attorney shall perform all professional duties incident to his office, and when requested shall furnish written opinions upon any subject submitted to him by the city council, its committees or the mayor.

SEC. 7. The treasurer shall receive all moneys belonging to the city, keep an accurate and detailed account thereof in such manner as the city council shall from time to time direct. The treasurer shall exhibit to the city council at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed with the recorder.

SEC. 8. The marshal shall execute such orders as are made and prescribed by the city council for the collection of tolls, license-money and fines for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law and under the statutes of the State, and receive like fees.

SEC. 9. The city council shall have power, from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all

officers elected or appointed by them. *Provided*, Said mayor and councilmen shall not be entitled to pay, nor in any manner be paid for services rendered or duties performed as such mayor and councilmen. *And provided further*, That the compensation paid to the city recorder in any one year shall not exceed one hundred dollars, unless by the unanimous consent of the city council. The assessor, treasurer, justices of the peace and constables shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state, and the city attorney shall receive no more than the services rendered by him shall be reasonably worth, and that the aggregate amount of all fees, compensations and emoluments allowed or paid to any and all officers and committees by the city, and the gross amount of all expenses incurred by said city shall not exceed in any one year the tax, fines and licenses levied and collected during that year for the support and maintenance of the said city government.

SEC. 10. Any person having been an officer in said city shall within ten days after notification and request, deliver to his successor in office all property, papers, books and effects of every description in his possession belonging to said city or pertaining to the office he may have held. If he fail so to do after such notification and request he shall forfeit and pay to the use of the city one hundred dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state in cases of unlawful detention of property.

SEC. 11. No member of the city council shall be party to or interested in any job or contract with the city, and a contract in which any member of the city council may be interested shall be null and void.

SEC. 12. The mayor, sheriff of Polk county, each and every councilman, justice of the peace, marshal, and recorder and constables shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city; and for said purpose may command the assistance of all bystanders and if any person so commanded shall refuse to aid in maintaining the peace every such person shall pay a fine of twenty-five dollars.

SEC. 13. The justices of the peace, assessors and constables of said city shall have and possess all the authorities, rights and powers of justices of the peace, assessors and constables under the general laws of this state, and in addition thereto the justices of the peace for said city shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city cognizable before a justice of the peace in which the city is a party and of all suits, prosecutions and proceedings for the recovery of any fine forfeiture or penalty under any by-law, ordinance or regulation. All prosecutions for assaults, batteries and affrays not indictable and for a breach or violation of any by-law, ordinance or regulation of said city shall be commenced in the name of the city of Crookston, and the same proceedings shall be had as are required by law in criminal cases

tried before justices of the peace; *provided*, That in the cases above-mentioned no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed ten dollars. In all cases of conviction for assaults, batteries and affrays, breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same and of keeping disorderly houses in said city, the said justices of the peace shall have power in addition to the fine or penalty imposed to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars; *provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of the district or supreme courts of this state.

SEC. 14. The justices of the peace shall quarterly report to the city council a list of all proceedings instituted before them in behalf of the city and the disposition thereof, and shall at the same time account and pay over the amount of all penalties and costs collected which may by law accrue to the city, and they shall be entitled to receive from the county of Polk such fees in criminal cases, prosecuted in the name of the State of Minnesota, as are allowed to other justices of the county for similar services; *provided*, That no costs shall be taxed against said city in any such case.

SEC. 15. All surveys, profiles, plans or estimates made for the city shall be the property of the city and shall be carefully preserved in the office of the recorder, open to the inspection of the parties interested.

CHAPTER IV.

SECTION 1. The mayor and councilmen shall constitute the council, and the style of all ordinances shall be "The City Council of the City of Crookston do ordain." The city council shall meet at such time and place as they shall direct and a majority shall constitute a quorum. The city council shall determine the rules of its proceedings and be the judges of the election and qualification of their own members and have the power to compel the attendance of absent members.

Sec. 2. The city council shall have the management and control of the city finances and of all the property of the city and the city council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances rules and by-laws for the government and good order of the city for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine, imprisonment or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, and for these purposes shall have authority by ordinance, resolution or by-laws; *provided*, That they be not repugnant to the constitution and laws of the United States or of this state.

First—To license and regulate the exhibition of common showmen or shows of any kind or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law or under this act, and to grant licenses, and to regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors: *provided*, That the license for so dealing in spirituous, vinous, fermented, mixed or intoxicating liquors shall be in lieu of any county tax or license, and be at least one hundred dollars a year and as much higher as the council shall direct, and that no license shall be granted for a less term than one year; *and provided further*, That no license shall be issued until the money is first paid; *and provided further*, That all licenses heretofore granted by the county commissioners of the said county of Polk shall be determined and at an end on the fifteenth day of April, 1879, and that a proportional amount of the moneys paid for such license to the county of Polk shall be returned by the commissioners of said county for such portion of said license as shall not have been earned to the persons owning and holding the same.

Second—To restrain and prohibit E. O., or roulette tables, faro or faro banks, and all gaming with cards and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fraudulent devices and practices and playing of cards, dice and other games of chance for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment.

Third—To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.

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

Fifth—To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder and other combustible materials.

Sixth—To prevent the incumbering of streets, sidewalks, lanes or alleys, with carriages, carts, wagons, boxes, sleighs, fire-wood, lumber, or any other material or substance whatever.

Seventh—To prevent horse racing, immoderate riding or driving

in the streets, and to regulate the places of bathing and swimming in the water within the limits of said city.

Eighth—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the impounding, distraining and sale of the same.

Ninth—To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same when at large contrary to the ordinances.

Tenth—To prevent any person from bringing, depositing or having within the city any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or from any street, lane or alley, if he shall have thrown or put the same in any street, lane or alley, and on default to authorize the removal thereof by any competent officer at the expense of such persons or person.

Eleventh—To make and establish public pounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts and charges of hackmen, coachmen, draymen and cartmen in the city.

Twelfth—To establish and regulate boards of health, provide hospital and cemetery grounds; regulate the burial of the dead and the returns of the bills of mortality and to exempt burial grounds set apart for public use from taxation.

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

Fourteenth—To prevent all persons riding or driving any ox, cow, horse or mule or other animal on the sidewalks of the city or in any way doing any damages to such sidewalks.

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

Sixteenth—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places and to provide for arresting, removing and punishing any person who may be guilty of the same.

Seventeenth—To restrain and regulate runner and solicitors for boats, vessels, stages, public houses, railroads and other establishments and to regulate the police of the city.

Eighteenth—To establish public markets and to enforce rules and regulations for the government of the same.

Nineteenth—To regulate the place and manner of selling and provide for the inspection and weight of hay and stove coal, the measure of charcoal, firewood and other fuel and appoint suitable persons to inspect, superintend and conduct the same.

Twentieth—To compel the owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and on his default to authorize the

removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

Twenty-first—To regulate the construction of wharves, or grading of such wharves into the river within the corporate limits of the city, and to prescribe and control the prices for wharfage thereon.

Twenty-second—To regulate, control and prevent the landing of persons from boats or vessels and railway cars wherein are contagious or infectious diseases or disorders and to make other regulations as they shall deem proper to prevent the introduction of contagious diseases into the city, to prevent the bringing of paupers into said city, and to remove them to the place where they properly belong.

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

Twenty-fourth—To provide by ordinance for a standard of weights and measures and for the punishment of the use of false weights and measures.

Twenty-fifth—To appropriate money and provide for the payment of the debts and expenses of the city.

Twenty-sixth—To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair, streets, avenues, lanes and alleys.

Twenty-seventh—To establish, support and regulate night watches.

Twenty-eighth—To provide for the erection of all needful buildings for the use of the city.

Twenty-ninth—To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning the streets thereof with shade trees.

Thirtieth—To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawnbrokers and money changers.

Thirty-first—To license and regulate porters and fix the prices of portage.

Thirty-second—To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, butter and lard, and other provisions.

Thirty-third—To regulate and order parapet walls and other partition fences.

Thirty-fourth—To provide for taking from time to time the enumeration of the inhabitants of the city.

OF FIRES.

Thirty-fifth—To prescribe the limits within which wooden buildings or buildings of other materials that shall not be deemed fire proof shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials and to prohibit the repairing and rebuilding of wooden buildings within such limits where the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such value and damages.

Thirty-sixth—To prevent the dangerous construction, placing and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous, and to prevent the deposit of ashes in unsafe places and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits.

Thirty-seventh—The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of engine, hook and ladder and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and their apparatus delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of such company shall be exempt from poll tax, from serving on juries, and from military duty during the continuance of such membership.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the city council, and be signed by the mayor, and shall be published in the official paper of the city, or posted in three of the most public places in the city for ten days before the same shall be in force, and within twenty days thereafter they shall be recorded by the recorder in books to be provided for that purpose, but before any of the said laws, regulations or by-laws shall be recorded the posting of the same or the publication thereof as aforesaid respectively shall be provided by the affidavit of the foreman or publisher of such newspaper, or the certificate of the recorder of said posting, and the said affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication and posting. No appropriation shall be made without a majority of the city council voting in favor of it, and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 4. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or beer shops or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without a license required therefor, and all places in which under license spirituous, vinous, fermented, mixed or intoxicating liquors are or shall be sold or dealt in, to be drank upon the premises, and all places where card playing or games of chance of any sort are permitted or allowed in or upon the premises, or any premises adjacent under the control, direction or management of such licensed dealer not however embracing card playing for amusement only in private apartments, in hotels kept for the accommodation of the traveling public within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SEC. 5. The city council shall examine and adjust the accounts of the treasurer, marshal, recorder and all other officers and agents of the city at such times as they may deem proper; and at the end of each year, and before the term for which such officers were elected or appointed has expired. And the 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 public officer or agent shall refuse to comply with the order of said council in the discharge of their duties in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The council shall make full record of all such settlements and adjustments.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters, sidewalks and sewers, within said city and to direct and control the persons employed thereon; and all such improvements shall be superintended by a street commissioner, to be appointed by said city council and to be removed at pleasure.

SEC. 7. The cost of surveying, repairing and cleansing of streets, alleys, public grounds, reservoirs and gutters shall be paid out of the general funds of said city; and the costs of grading the streets and the erection of sidewalks of said city shall be paid by the owners of the lots fronting or abutting on said streets and sidewalks; and the city council shall have authority to provide for the collection of the same by ordinance, but no such improvement shall be ordered by the common council except by a vote of not less than two-thirds of the members present and constituting a quorum at any stated or special meeting, such vote to embrace a majority of all the members elect; and no street shall be graded or sidewalk erected except as ordered by the city council upon a two-thirds vote, and upon a petition signed by a majority of the property holders upon such street.

SEC. 8. That hereafter the amount of public improvements in said city specified in sections six and seven of this act and payable, out of the general funds of said city shall not exceed in the cost thereof in any one year three mills on the dollar on the taxable property in said city according to its assessed value taken from the assessment of the preceding year; the same to be levied and collected as other taxes for general purposes are now levied and collected.

CHAPTER V.

SECTION 1. The city council shall have power to lay out public squares, grounds, streets, lanes, alleys, and to widen and enlarge the same as follows: whenever twenty or more freeholders residing in said city by petition represent to the city council that it is necessary to take certain lands within the city for the purpose of laying out

public grounds, squares, streets or alleys, or the enlarging or widening of the same, the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition, the city council shall thereupon cause notice of said application to be given to the occupant or occupants of such lands; if there be any, and if such lands or any portion of them shall not be in the actual occupancy of any one, then the city council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official paper for three weeks successively, once at least in each week; and the publisher of such paper or his foreman shall make affidavit of such publication and deposit the same with the city recorder.

SEC. 2. Such notice shall state that on a certain day therein named not less than six days from the day of the service of such notice, or the expiration of such publication, as the case may be, the city council shall appoint three commissioners to review said premises, and determine whether it is necessary to take the same for the purposes specified in said petition; and at the time specified the said city council shall proceed and appoint three reputable freeholders residents of this city, but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises to be specified in said order, and to make return to the city council whether in their judgment it is necessary to take said premises for the public use for the purposes specified in the petition.

SEC. 3. The recorder shall within three days, notify the said commissioners of their appointment, embracing therein a copy of such order and if any of the said commissioners shall be disqualified from acting or shall at any time refuse to act the city council shall appoint others in their places whom the recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice.

SEC. 4. The said commissioners at such time as they may agree upon, within thirty days of the time of their appointment, shall proceed to view the premises in question and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number and either of the commissioners shall be authorized to administer the necessary oaths to witnesses.

SEC. 5. After viewing the premises and hearing such testimony as may be offered the commissioners shall make a report of their proceedings to the city council which shall be signed by them respectively and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said notice, report and testimony shall be returned to the city council within thirty days.

SEC. 6. Should the commissioners report that it is necessary to take such premises for the public use, the city council shall enter an order among their proceedings confirming said report and directing the said commissioners within twenty days thereafter to again view said premises for the purpose of ascertaining and determining

the amount of damages to be paid to the owner or owners, of the property proposed to be taken and also what lands or premises will be benefitted by such taking and to assess such damages and benefits, and to return the same to the city council within the time limited.

SEC. 7. Said commissioners, within the time limited, shall again examine and view the premises proposed to be taken and all such other premises as will in their judgment be injured or benefitted thereby. They shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the commissioners. They shall proceed to make their assessment and determine and appraise to the owner or other parties having an interest in the premises the value of the premises proposed to be taken and the injury arising to them respectively in consequence of the taking thereof, after making due allowance for any benefit that such owner or owners may respectively derive from the taking of such property for the public use. Such injury, after making such allowance, shall be awarded to such persons respectively as damages.

SEC. 8. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column so that the assessment shall show what amount is to be received or paid by such owner or owners, or persons interested respectively, and the difference only shall in any case be collected of them, or be payable to them.

SEC. 9. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, mortgage or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them by the commissioner, less the benefit resulting to them respectively, from the proposed appropriation to the public use.

SEC. 10. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said commissioners shall thereupon apportion and assess the same, together with the costs of the proceedings upon the real estate by them deemed benefitted in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall describe the real estate upon which this assessment may be made. The award of said commissioners shall be signed by them, together with the testimony taken and returned to the city council within the time limited in the order of appointment. Should they fail so to do they shall receive no compensation for their services and the city council shall appoint new commissioners unless further time is granted to the said first appointed commissioners, which further time the council may by order grant.

SEC. 11. The said assessment shall be inserted in the next annual tax roll and be collected in the same manner as other taxes upon real property.

SEC. 12. The land required to be taken for the purpose mentioned in this chapter shall not be taken till the damages awarded to the owner thereof for the taking of the same shall be paid or

tendered to the owner or his agent, or deposited to his use with the city treasurer in case said owner or his agent are unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds, heretofore opened or laid out, and the damages so assessed shall be paid or tendered, or so deposited within eight months of the confirmation of such assessment and report, and if not so paid, tendered, or deposited, all the proceedings in such case shall be void, the benefits so assessed shall be a lien upon the premises so assessed from the confirmation of such report.

SEC. 13. Where the whole of any tract of land or any other premises under lease or other contract, shall be taken by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties touching the same, or any part thereof upon the confirmation of the commissioners' report, shall respectively cease and be absolutely null and the parties discharged therefrom.

SEC. 14. When only a part of a tract of land or other premises so under lease or other contract shall be taken as aforesaid, all the covenants, contracts and agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable, and to be paid for or in respect to the same shall be so apportioned that the part thereof justly and equitably payable for such residue and no more shall be paid for or in respect to the same.

SEC. 15. When any known owner of any lands or premises affected by any proceedings under this act shall be an infant or labor under any other legal disability the judge of probate of Polk county shall, upon the application of the person laboring under such disability, his next friend, or the city council, appoint a guardian for such person upon whom shall be served all notices required by this act.

SEC. 16. The said commissioners, before entering upon the discharge of their duties, shall severally take an oath that they are freeholders of said city and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

SEC. 17. Any person whose property is taken, or against whom an assessment is made may, within ten days after the return of said commissioners to the city council, appeal from such determination of damages or benefits to the district court of Polk county where such appeal shall be tried as in ordinary cases of appeal in said court. The city council shall have the same right to appeal.

SEC. 18. Whenever any public grounds, street, or alley shall be laid out, widened, or enlarged under the provisions of this chapter, the city council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor.

CHAPTER VI.

SECTION 1. All property, real and personal, within the city, except such as may be exempt by the laws of the state, or by ordinance of the city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities; and the same shall be assessed in the manner provided for by the general laws of this state for the assessment of taxes for town purposes, but such assessment shall not exceed eight mills on the dollar of the real valuation; and qualified voters shall be liable to a poll tax not exceeding one dollar in any one year, to be levied by the city council.

SEC. 2. All funds in the city treasury shall be under the control of the city council, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable out of any funds in the city treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of this city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. No money shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

SEC. 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions for any violations of this act, or any of the by-laws, ordinances or regulations of said city shall be commenced by warrant upon complaint being made, as required by law in criminal cases, before justices of the peace. *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 of the city of Crookston, but in such cases a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto as to a warrant in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justice of the peace of said city for the violation of any ordinance or by-law of said city, shall directed to the marshal or any constable of said city. In all cases of the imposition of any fine or penalty by the justice of the peace of said city for the violation of any ordinance or by-law of said city, or appellate court, the offender shall be forthwith committed to the city prison of said city, or if there be no such prison, to the common jail of Polk county, and be there imprisoned for a term not exceeding ninety days, in the discretion of the justice or such appellate court, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person, for any offence whatever, until the time of his trial, he may be imprisoned in said city prison, or in case there be none, in the common jail of Polk county. The city of Crookston shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or any magistrate, to the jail of Polk county for any offense punishable by the state laws.

SEC. 4. No judgment recovered in favor of the city should be remitted or discharged except by vote of three-fifths of the city council.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror, or commissioner by reason of his being an inhabitant of the city, in any action or proceeding in which the city shall be a party in interest.

SEC. 6. The following property, now or at any time hereafter, belonging to said city, or any of the wards thereof, shall be exempt from levy and sale under and by virtue of any execution: All engine houses, hook and ladder houses, together with the ground and lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company, erected or used by the common council of said city; all market houses and the furniture thereof, city hall and furniture of common council rooms, pounds and the lots on which they are situated, and all school houses and the furniture thereof. *Provided*, that nothing herein contained shall exempt any of the aforesaid real and personal property from levy or sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any of such fire apparatus to or on the credit of the city; nor shall any real or personal property of any of the inhabitants of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, judgment, obligation or contract of said city.

SEC. 7. All work for the city shall be let by contract to the lowest responsible bidder therefor, and the city council may require of the bidder a bond with sureties for the faithful performance of the contract. Due notices should be given of the time and place of letting such contract except in cases where the value of the work to be done shall not exceed twenty-five dollars.

SEC. 8. If any election by the people for city officers for any cause shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending and absolving said corporation, but such election may be held upon any subsequent day, and if any of the duties enjoined by this act as the ordinances, by-laws, rules, or regulations of the city to be done by any officer at any specified time be not done or performed at that time, the city council may appoint another time at which the said acts may be done and performed.

SEC. 9. The city may lease, purchase and hold real, or personal estate sufficient for the convenience of the inhabitants and the due administration of the government of the city, and may sell and convey the same at pleasure, and the same shall be free from taxation.

SEC. 10. No general laws of this state contravening the provisions of this act shall be considered as repealing, amending, or modifying the same unless such purpose be expressly set forth in such law.

SEC. 11. Appeals and certioraris shall be allowed from decisions in all cases arising under the provisions of this act or any ordinances,

rules, by-laws, or regulations, passed in pursuance thereof, the same as in other cases arising under the general laws of this state.

SEC. 12. No township organization shall exist within the limits of said city of Crookston as hereby incorporated, and all powers and duties conferred by the laws of this state upon town supervisors are hereby conferred upon the common council of said city, and all powers and duties conferred upon town clerks shall be performed by the city recorder, *provided*, That said city council shall exercise only the power conferred upon town supervisors by the general laws of this state in altering, laying out, opening, building and repairing roads and bridges within the corporate limits of said city through or upon any land not platted and recorded as town or city lots until the same shall be so platted and recorded, *and provided further*, That said city council may use the general funds of said city for the laying out, opening, building, and repairing any such roads and bridges.

SEC. 13. 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. 14. The recorder of the said city of Crookston is hereby authorized and empowered to appoint a deputy at any time, and shall be responsible for all acts performed by him while in the discharge of his duties as such deputy.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 14, 1879.

CHAPTER XIII.

AN ACT TO INCORPORATE THE VILLAGE OF DUNDAS.

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

SECTION 1. All that part of the county of Rice, state of Minnesota, within the limits and boundaries hereinafter described, shall be a village by the name of Dundas, and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the village of Dundas, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all courts of laws and equity, and shall have a common seal, and may change and alter the same at pleasure;