

## CHAPTER 28.

## AN ACT TO INCORPORATE THE CITY OF MOORHEAD, CLAY COUNTY, MINNESOTA.

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

## CHAPTER 1.

## LIMITS, BOUNDARY AND WARDS.

SECTION 1. All that part of Clay county, Minnesota, contained within the limits and boundaries hereinafter specified, shall be a city by the name of Moorhead; and the people now inhabiting or who shall hereafter inhabit the district of country herein described, shall continue to be a municipal corporation by the name of the city of Moorhead and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and 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; and take, hold, and purchase, lease and convey any and all such real and personal and mixed estate as the purposes of the corporation may require.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Moorhead, viz. Commencing at the northeast corner of section four (4), township one hundred and thirty-nine (139), range forty-eight (48); thence south two and one-half ( $2\frac{1}{2}$ ) miles to the quarter post between sections fifteen (15) and sixteen (16); thence west along said quarter ( $\frac{1}{4}$ ) section line to Red River of the North; thence down the channel of said Red River of the North to a point opposite the township line between township one hundred and thirty-nine (139) and one hundred and forty (140) where said point intersects said river; thence east to place of beginning; all in township one hundred and thirty-nine (139) and range number forty-eight (48.)

SEC. 3. Said city of Moorhead shall comprise and is hereby divided into three (3) wards as follows, to-wit: The first ward shall comprise all the territory within said city limits north of the main track of the Northern Pacific railroad and west of fifth (5th) street. Second ward shall comprise all territory south of said main track of the Northern Pacific railroad. And the third (3d) ward shall comprise all territory east of Fifth (5th) street north of said main track of the Northern Pacific railroad. *Provided*, that after the organization of said city, the council may from time to time make such re-division of the city into wards as may be required by the public interests; but no ward shall be created that shall contain less than one hundred (100) legal voters.

## CHAPTER 2.

## ELECTIONS.

SECTION 1. The annual election of the officers of said city shall be held on the third (3d) Tuesday of March in each year, at such place in each district in said city as the city council shall designate, and the polls shall be kept open from ten (10) o'clock A. M., until four (4) o'clock P. M., and ten (10) days previous notice shall be given by the city recorder of the time and place of holding such election, by posting notices thereof in three (3) public places in said city, and by publishing the same in the official paper of said city, which said notice shall contain the names of offices to be filled.

SEC. 2. The elective officers of said city shall be a mayor, recorder, treasurer, and two (2) justices of the peace, who shall be styled the city justices, all of which officers shall be residents within and qualified voters of said city. The elective officers of each ward shall be two (2) aldermen, who shall be owners of real estate and residents within and qualified voters of the ward for which they may be elected; and one (1) constable who shall be a resident within and a qualified voter of the ward for which they may be elected.

SEC. 3. The mayor, city recorder, and city treasurer thus elected shall hold their offices for one (1) year from the first (1st) Monday after their election, and until their successors are elected and qualified. At the first election held under this charter in said city, there shall be one (1) alderman elected for each ward, who shall hold his office for two (2) years; and one (1) alderman who shall hold his office for one (1) year; and thereafter there shall be one (1) alderman elected annually from each ward, who shall hold his office for two (2) years, and until their successors are elected and qualified. The city justices and the constables for each ward, shall hold their offices for two (2) years from the first (1st) Monday after their election and until their successors are elected and qualified, and shall, before entering upon the duties of their offices, execute a bond to the city to be approved by the city council, and take and subscribe the oath of office as prescribed by statute for other justices of the peace and constables; and said justices of the peace and constables when so elected and qualified, shall be possessed of all the powers, rights, and emoluments conferred upon justices of the peace and constables by the public statutes of this State. *Provided*, that said justices may keep their offices in any place in said city.

Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a new election, which shall be ordered and held within twelve (12) days after such vacancy shall occur. Any vacancy occurring in any other office shall be filled by the city council. Any person elected or appointed to fill a vacancy shall hold the office and discharge the duties thereof, for the unexpired term, with the same rights and subject to the same

liabilities as the person whose office he may be elected or appointed to fill.

SEC. 4. Every person appointed to any office by the city council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected; 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 city council shall fix a time and place for the trial of such officers, 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 to determine the case; and if such officer shall neglect to appear and answer the charges against him, the city council may declare the office vacant.

SEC. 5. 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 in said city, shall receive an equal number of votes for the same office, the election shall be determined by casting lots in the presence of the city council, at such time and in such manner as they may direct.

SEC. 6. All persons entitled to vote for county and state officers, who shall have resided in the ward in which they may offer to vote, ten (10) days next preceding the day of election, shall be entitled to vote for any officer to be elected under this act, and to hold any office hereby created.

SEC. 7. The elections in each ward of said city shall be held at such place therein as the city council shall designate, and be conducted by three (3) judges of election, to be appointed by said council, who shall take the oath or affirmation prescribed by the general laws of the State to be taken by judges or inspectors of elections. Said judges of election shall have power to appoint two (2) clerks and to administer to them the necessary oaths. Said election shall be conducted in the same manner and under the same penalties, and vacancies in the board of judges thereof filed as provided by the general statutes of the State regarding elections. *Provided*, that no candidate for office shall act as inspector at such election.

SEC. 8. When an election shall be closed, and the number of votes for each person or candidate voted for counted, the said judges and clerks shall make returns thereof, stating clearly the number of votes cast for each person for each and every office, and shall deliver, or cause to be delivered, to the city recorder such returns without delay; and the city council shall meet and canvass said returns, and declare the result as it appears from the same, within three (3) days thereafter. The recorder of the city council shall forthwith notify the officer or officers elected of their election, by written notices served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

SEC. 9. Special elections, ordered by the city council, shall be

held and conducted, and returns thereof made in the same manner as at annual elections.

SEC. 10. Any officer removing from the city, or from the ward for which he was elected; or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment, to qualify and enter upon the discharge of his duties, shall be deemed to have vacated his office, and the city council shall proceed to fill such vacancy as herein prescribed or provided by ordinance not in conflict with the provisions hereof.

SEC. 11. 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 (10) days notice of the time and place being given.

Upon opening the polls at any election, the judges shall cause proclamation thereof to be made; and thirty (30) minutes before closing the same, proclamation shall be made in like manner that the polls will be closed in half ( $\frac{1}{2}$ ) an hour.

### CHAPTER 3.

#### OFFICERS—THEIR POWERS AND DUTIES.

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 administering the same, with the city recorder. The treasurer and such other officers as the city council may direct, shall, severally, before entering upon their respective offices, execute to the city of Moorhead a bond, with at least two (2) sureties, to be approved by the city council, and said bond shall contain such conditions as the city council shall deem proper; and said city council may, from time to time, require, in their discretion, new or additional bonds, and may 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 in case of a tie vote shall decide the same by his vote; and shall take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall, by and with the advice of the city council, appoint such police officers and watchmen as may be deemed necessary, except when otherwise provided for, and any police officer or watchman appointed by the mayor, as aforesaid, may be discharged from office by him, with the approval of the city council, whenever, in their opinion, the welfare of the city demands it, or a reduction of their numbers renders it necessary. The mayor shall have power to execute all acts that may be re-

quired of him, by any ordinance made in pursuance of this act, and is hereby authorized and empowered to call upon every male inhabitant of said city, over the age of eighteen (18) years to aid in enforcing the laws and ordinances of said city, and any person who shall not obey such call shall forfeit to said city a fine not exceeding twenty-five dollars (\$25) and not less than five dollars (\$5). All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and such as he shall not approve he shall return to the city council, with his objections thereto, by depositing the same with the city recorder, to be by him presented to the city council at their first meeting thereafter; and upon the return of any ordinance or resolution by the mayor, the same vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the city council shall pass the same by a two-thirds ( $\frac{2}{3}$ ) vote of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the city recorder. If an ordinance or resolution shall not be returned by the mayor within five (5) days after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. In case the mayor shall be guilty of willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof shall pay a fine of not more than five hundred dollars (\$500), 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 of the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office the city council shall elect, by ballot, from their own number, an officer who shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 5. The city recorder shall keep the corporate seal of the city, and all papers and records of the city council. He shall draw all orders on the city treasurer in pursuance of any order or resolution of the city council authorizing the same, which shall be signed by the mayor or acting mayor for the time being, and countersigned by himself, and shall also impress thereon the corporate seal of the city, and shall keep a full and accurate account thereof, and note the cancellation thereof in books provided for that purpose, and shall keep such other books and records as shall be convenient for preserving the accounts of all transactions and business of the city or wards; and make a full and fair record of all the by-laws, resolutions and ordinances passed by said city council. The said recorder shall have power to administer oaths and affirmations, and copies or transcripts of all papers filed in his office, and transcripts from the records of the city council duly certified by him under the corporate seal of the city, shall be evidence in all courts of this

State in like manner as if the originals were produced. He shall report annually on or about the third (3d) Tuesday in March, to the city council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor; and the fiscal year of the city shall commence on the third (3d) Tuesday in March. Said city recorder shall countersign all contracts made in behalf of the city, and all certificates of work done by order of the city council. He shall negotiate such temporary loan or loans for the city as the city council shall direct, which shall be subject to the approval of the city council. He shall examine the report, books, papers, vouchers and accounts of the city treasurer, and shall perform such other duties as may be required of him by the city council. But he shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by or in behalf of the city.

SEC. 6. The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed accounts thereof, in such manner as the city council shall direct.

The treasurer shall exhibit to the city council, at least fifteen (15) days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the city recorder, and a copy of the same published in one or more of the city newspapers. He shall also report to the city council at such times and in such manner as they may require.

SEC. 7. The city council shall have power to elect a city attorney, surveyor, and street commissioner of said city, and define their respective duties, each of whom shall hold his office for the term of one (1) year, from the first (1st) Monday after the annual city election, and until his successor shall be elected and qualified.

SEC. 8. The city attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any or all subjects or questions submitted to him by the city council or any of its committees.

SEC. 9. It shall be the duty of the street commissioner of said city to render his personal services and perform labor in repairing the streets of said city, and to superintend all work and improvements, and to carry into effect all orders of the city council in relation to work and improvements upon the streets and public grounds of the city. He shall keep accurate accounts of all moneys received by him, and of all moneys expended in the discharge of his duties, and render monthly reports thereof to the city council, or oftener if required.

SEC. 10. The city surveyor shall hold his office during the pleasure of the city council, who shall prescribe his duties and fix the fees or compensation for any services performed by him. All surveys, profiles, plans, or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the

office of the city recorder, open to the inspection of parties interested.

SEC. 11. The justice of the peace for the city, styled city justices, shall possess all the authority, power, rights and jurisdiction of a justice of the peace for the county of Clay under the laws of this State; and shall have in addition thereto, jurisdiction to hear and try all complaints for violation of any provision or provisions of the charter, and any ordinance, by-law, rule or regulation made or adopted, or by virtue thereof; and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine or forfeiture or any penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offences committed against the same. In all prosecutions for assault, battery and affray, and for all other offences not indictable, and in all civil suits or proceedings before said city justice, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be held 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 city justices shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assault, battery and affray within said city, and in all cases of conviction under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months and in a sum not exceeding five hundred dollars (\$500).

The said justices shall have the same power in cases of contempt as a justice of the peace under the laws of this State now in force. All fines and penalties imposed by the city justices for offences committed within the city limits or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 12. The city justices, each month or oftener as the city council may require, [shall] report to the city council all the proceedings instituted before him, in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by him belonging to said city, and said justices shall be entitled to receive from the county of Clay such fees in criminal cases, where the State is a party, as are allowed by statute to justices of the peace for similar services.

SEC. 13. In all suits brought on behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaint for assault, battery or affray or other misdemeanors or criminal offences not indictable, committed within said city, the said justice shall be authorized to tax, with the other legal costs, one dollar (\$1) for each trial, for the benefit of said city; and residence

in said city shall not deprive him of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace.

SEC. 14. The city council shall have power at any time to require other and further duties to be performed by any officers 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 the duties, unless otherwise provided for; but no officer elected or appointed by the city council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one (1) year until his successor is elected or appointed and duly qualified. The city 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 city council, and after the first year the compensation of officers shall be fixed for the fiscal year in the month of February 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 officers were 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 city is interested, made while such officer is holding office. *Provided*, that no mayor or alderman shall receive any compensation for his services.

SEC. 15. Any person having been an officer in said city, shall, within five (5) days after being notified of the election of his successor, upon request, deliver to him all property, books, papers, and effects of every description, in his possession appertaining to said office; and upon failure to do so he shall forfeit and pay to the use of the city one hundred dollars (\$100); also to the party injured all damages caused by his neglect or refusal so to deliver; and such officer so elected may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state, in case of unlawful detention of property.

SEC. 16. There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the city council; and said chief of police shall have all the powers of a constable under the laws of Minnesota, and shall perform such other duties as shall be prescribed by said city council for the preservation of the public peace. All police officers and watchmen of said city shall have authority to arrest and detain any person guilty of any breach of the peace or of the violation of any ordinance of said city, or of any law of the State of Minnesota. The mayor, chief of police, sheriff of the county of Clay, and each and every alderman, and justice of the peace, police officer, watchman, and



constable of said city, shall be officers of the peace, and may suppress in a summary manner, all disorderly behavior within the limits of the city, and for such purpose may command the assistance of any and all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, such person shall, upon conviction thereof, before either of the city justices of said city, pay a fine to said city not to exceed the sum of fifty dollars (\$50).

SEC. 17. The city council shall in the month of April each year, elect an assessor, who shall be styled the city assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, railroad, county and State taxes, and school district taxes, and upon completion of the assessment roll, he shall return the same to the city council, who may alter, revise and equalize the same, as they may deem it just and proper; said city assessor shall hold his office for one (1) year and until his successor is elected and qualified.

SEC. 18. The city council shall designate a newspaper printed in the city, in which shall be published all ordinances and other proceedings, and matters required to be published in a public newspaper, the publisher of which shall be termed the "city printer." The city printer shall, immediately after the publication of any notice, ordinance, resolution, or other matter which may be required to be published, file in the office of the city recorder, his affidavit, or the affidavit of his foreman, with a printed copy of such publication, cut from the columns of said paper, specifying the days on which the same was published.

#### CHAPTER 4.

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

SECTION 1. The mayor and aldermen shall constitute the city council, and the style of all ordinances shall be: "The council of the city of Moorhead do ordain." The annual meeting of the city council shall be on the first (1st) Monday after the annual election in each year, and a majority shall constitute a quorum. The city council shall determine the rule of its proceedings, and be the judges of the election and qualification of its members, and shall have the power to compel the attendance of absent members.

SEC. 2. The city council shall hold stated meetings and the mayor may call special meetings by notice to each of the members to be delivered personally or left at their usual place of abode.

SEC. 3. The city council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power 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

city, for the suppression of vice and intemperance, and for the prevention of crime as they shall deem expedient; they shall have power to establish and maintain a city prison for the imprisonment, custody and safe keeping of all persons arrested or charged with any offense whatever in any way cognizable before the city justice; to make all rules and regulations for the government and management of such prison; to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keeper of said prison shall have and possess all the authority of a jailor at common law, or by the laws of the State. The city council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons 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 the force of law; *provided*, that they be not repugnant to the constitution and laws of the United States or of the State of Minnesota, and for these purposes shall have authority by ordinance and resolution or by-laws:

*First.* To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibition of caravans, circuses, concerts and lectures, theatrical performances, billiard tables, pigeon-hole tables, nine or ten-pin alleys, bowling saloons; to grant licenses to and regulate auctions and auctioneers, pawnbrokers, peddlers and hawkers, insurance agencies and offices; to license tavern-keepers and victualing-house keepers, and all persons dealing in spirituous, vinous, fermented, mixed or intoxicating liquors and cider in said city.

*Second.* To restrain and 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 gambling and fraudulent devices and practices.

*Third.* To prevent any riots, noise or disturbances, disorderly assemblages in said city, and provide for the arrest of and punishment of any person or persons 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, inmates and frequenters thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth.* To regulate or prohibit the carrying or wearing concealed by any person, any dangerous or deadly weapon, and to provide for the confiscation thereof.

*Fifth.* To compel the owner or owners, keeper or keepers of any cellar, tallow-chandler shop, soap factory, tannery, stable, hog-pen or yard, barn, privy, sewer or other unwholesome structure 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 said city.

*Sixth.* To direct the location and management of slaughter houses and markets, breweries and distilleries, and to establish

rules for and licenses of venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

*Seventh.* To prevent the encumbering of streets, alleys, sidewalks and public grounds with vehicles of any kind, or with wood, stone, lumber, posts, awnings or any other material or structure.

*Eighth.* To prevent immoderate riding or driving in the streets, or obstructing streets, alleys or crossways, and to regulate the speed of cars and locomotives, and to prevent their obstructing streets, crossings and public walks for a time exceeding ten (10) minutes; to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing and swimming.

*Ninth.* To restrain the running at large of horses, cattle, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinance; *Provided*, that when a sale of such animals shall be made, the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals, shall be deposited in the office of the treasurer of said city for the use and benefit of the owners thereof, if called for by such owner within one (1) year from the day of such sale.

*Tenth.* To restrict and regulate the running at large of dogs, may grant licenses therefor, and impose fines upon the owners of vicious or dangerous dogs, and may authorize the destruction of any dog when at large contrary to ordinance in relation thereto.

*Eleventh.* To prevent any person from bringing, depositing or having in his possession within the city, any putrid carcass or putrid or unsound meat, flesh or fish, hides or skins of any kind, or other unwholesome substance, and to require the removal of the same, and on default thereof, to provide for its removal or destruction at the expense of such person or persons.

*Twelfth.* To establish and construct public pounds, pumps, wells, water cisterns, reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants; to erect lamps, and provide for the lighting of the city, 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 lamp districts, to regulate and license hacks, omnibuses, cabs, express wagons, drays and water carts, and to fix and determine the charges of hackmen, omnibus, cab drivers, draymen and cartmen.

*Thirteenth.* To restrain and regulate porters, runners, agents, and solicitors for boats, vessels, stages, cars and public houses or other establishments.

*Fourteenth.* To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits and to provide for the removal of any mortal remains now

interred within such limits to such cemetery as they may deem proper. *Provided*, no new cemetery or addition to any existing cemetery shall be laid out, established or used for burial of the dead, within one-fourth ( $\frac{1}{4}$ ) mile of any platted portion of said city and additions thereto, as the same are now platted.

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

*Sixteenth.* To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

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

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

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

*Twentieth.* To prevent the discharge of fire arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered, by the city council, as dangerous to the city, or any property therein, or annoying to any citizen thereof.

*Twenty-first.* To prevent damage to sidewalks by driving over or on the same, or in any other manner, or to any public property in said city.

*Twenty-second.* To compel the owner 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 as the board of health shall direct, and in his default, to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

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

*Twenty-fourth.* To regulate the time, manner and place of holding public auctions and vendues.

*Twenty-fifth.* To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and require all weights and measures to be sealed by the city sealer and to provide for the punishment of the use of false weights and measures.

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

*Twenty-seventh.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys and highways of the city.

*Twenty-eighth.* To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

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

*Thirtieth.* To regulate and control and prevent the landing of persons from boats, vessels 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 city.

*Thirty-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 city, and to prescribe the number of police officers and their duties, and to regulate the same.

*Thirty-second.* To restrain and punish vagrants, mendicants, street beggars, and prostitutes, and provide for the punishment of the same.

*Thirty-third.* Fines, penalties and punishments imposed by the city council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail not exceeding thirty (30) days, or both, and be fed on bread and water at the discretion of the city justice; and to provide that any male person convicted of any offense before the city justices, subjecting such person to imprisonment and fine, either or both, may be kept at hard labor in any workhouse established by the city council for that purpose or upon the public streets or other improvements of said city, or both, until such person shall work out the amount of such fine in conformity with any ordinance of said city.

SEC. 4. The city council shall have the care and control of the levees in said city, [and the right to improve the levees in said city;] the right to prevent the obstruction thereof, and to control the business thereon. *Provided,* that nothing herein contained shall be so construed as to authorize the levying or imposing of tax on said business.

SEC. 5. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the city council present, by ayes and noes, and be published in the official paper before 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 city recorder in books provided for that purpose. No appropriation shall be made without a majority of the council in its favor, which vote shall be taken by ayes and noes and entered among the proceedings of the council.

SEC. 6. 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.

SEC. 7. All funds in the city treasury shall be under the control of the city council, and shall be drawn out upon the order of the mayor and recorder duly authorized by vote of the city council, and all orders shall specify the purpose for which they are drawn, but the sum total of the amount of orders issued for any one year shall not exceed the anticipated revenue to meet the current expenses for that year. No moneys shall be appropriated except such as are especially authorized by this act. Whenever the amount expended or contracted, or appropriated to be expended, chargeable to the city fund, or to any ward fund, shall, together with estimated current expenses chargeable to such fund, equal the amount of such fund in the treasury, and one-third ( $\frac{1}{3}$ ) of the uncollected taxes levied for that year and applicable to the same fund, the recorder shall at once report the conditions of such fund to the city council, and shall not thereafter countersign any contract payable from such fund until the amount in the treasury appertaining to such fund shall be so increased that, together with one-third ( $\frac{1}{3}$ ) of the outstanding uncollected taxes levied for the same year, there shall be enough to meet the requirements of the proposed contract. He shall countersign no orders upon the treasury until there shall be money in the treasury belonging to the proper fund wherewith to pay the same, and all orders on the treasury shall be countersigned in the order in which the claims are allowed upon each fund respectively.

SEC. 8. The city council shall examine and adjust the accounts of all the city officers and agents of the city at such times as they may deem proper, and if such officer or agents refuse to comply with the order of said city council in discharge of their duties in pursuance of this section, the city 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 records of all such settlements and adjustments.

SEC. 9. All the work of the city, when the amount thereof exceeds the sum of twenty dollars (\$20), except the highway taxes, shall be let by contract to the lowest responsible bidder, and the city council may require a bond, with sureties, to be approved by them, for the faithful performance of the work. In all cases for the letting of work by contract under this section, ten (10) days notice shall be given, in such manner as the council may prescribe, which notice shall state the time and manner for reception of all bids for such work.

## CHAPTER 5.

### INTOXICATING LIQUORS.

SECTION. 1. The city council shall have power to license and regulate persons dealing in spirituous, vinous, fermented and malt

liquors and cider within said city; and to regulate their places of business, and to authorize the peace officers of said city to inspect and search any building wherein is sold or kept for sale any spirituous, vinous, or fermented liquors or cider.

*Provided,* That a license for the sale of any such liquors shall not be less than one hundred dollars (\$100) per year, nor more than three hundred dollars (\$300). The city council may grant a license to any druggist for the sale of spirituous or vinous liquors for medicinal and mechanical purposes, for a sum of not less than thirty (30) nor more than one hundred dollars (\$100). Nor shall a license be granted for a less term than one (1) year, and licenses shall commence and end on the first (1st) day of May in each year.

*Provided further.* That any person paying a city license as aforesaid, shall not be required to pay a county license for the same.

SEC. 2. The sale of spirituous, vinous, fermented and malt liquors is prohibited in said city without a license for that purpose granted by the city council; which license when so granted, shall be signed by the mayor and countersigned by the recorder; and the sale of adulterated liquors to any person or persons, and the sale of spirituous, vinous, fermented and malt liquors to a minor person, or to an intemperate person, or an habitual drunkard, or to a person intoxicated, is prohibited whether a party has a license or not, and any person violating any of the provisions of this section shall be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for the first offense; and one hundred dollars (\$100) for each subsequent offense, and may be imprisoned until such fine is paid.

SEC. 3. All rules of evidence established by the legislature relative to the offense of selling liquors without a license under the general laws, and the presumptions arising from the having or finding of liquors on the premises of the accused under the general law, shall exist and be in force in all prosecutions under this law or the ordinance of said city, and the council are authorized to adopt by ordinance such rules of evidence as they shall deem fit in prosecutions under this law, or any ordinance of said city.

SEC. 4. The council may by resolution when it deems that the interests of said city demand it, revoke any license granted under the provisions of this law, or under the provisions of any law of this State.

## CHAPTER 6.

### TAXES.

SECTION 1. All property, real and personal, except such as may be exempt by the laws of this State or by ordinance of the city, shall be subject to taxation for the purpose of constructing, repairing and improvement of streets, roads and bridges and all other needful improvements, and for other purposes conducive of good

order, cleanliness and protection against crime, disease and fire, and for the support of the city government, and the payment of its debts and liabilities incurred on account of and for the purposes above mentioned, and the same shall be assessed, levied and collected in the manner provided by the laws of this State for the assessment and collection of county and State taxes. *Provided*, that said taxes shall in no one year exceed eight (8) mills on the dollar of the assessed valuation of the property of said city, and such property shall also be liable for such special taxes as the city council shall levy pursuant to law, and the city council may levy a tax upon the taxable property of said city, when authorized by a vote of two-thirds ( $\frac{2}{3}$ ) of those voting, not exceeding five (5) mills on every dollar of valuation for any one year, and used for such purposes as the voters of said city may direct.

SEC. 2. Every male inhabitant, between the ages of twenty-one (21) and fifty (50) years, in said city, shall annually pay a capitation or poll tax of two (2) days work upon streets, highways or other improvements within the ward of said city of which said inhabitant is a resident. All persons liable to pay such capitation or poll tax, may in lieu of work pay to the city treasurer one dollar and fifty cents (\$1.50) per day, and all moneys so received by the city treasurer shall be expended upon the streets, highways or other improvements within the ward where the person paying the same may reside. *Provided*, that the same shall be levied by the city council, and collected by the street commissioner in the manner provided by the laws of this State for the collection of highway labor taxes in towns, by overseers of highways, except the payment of money in lieu of work, as hereinbefore provided.

SEC. 3. The city council are hereby authorized and empowered to levy special assessments and taxes on any lot, piece or parcel of land in the city, without regard to the assessed valuation thereof, for grading, building of sidewalks, sewers or other improvements which may benefit such lot, piece or parcel of land, not to exceed the amount of such benefit. The amount of such benefit and the tax to be levied thereon shall be fixed and determined by three (3) disinterested persons to be appointed by the city council for that purpose, whose duties and compensation shall be fixed and provided for by said city council, and all such special assessments or taxes shall be a lien upon such lot, piece or parcel of land, and be levied and collected in the same manner as provided by the laws of this State for the levying and collection of other taxes.

SEC. 4. The city council shall cause to be transmitted to the county auditor of Clay county, on or before the first (1st) day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof enforced with and in like manner as State and county taxes are paid, and the payment thereof enforced, and the county treasurer of said Clay county shall pay such taxes over, as now provided by law in case of town taxes, to the treasurer of the city of Moorhead.

SEC. 5. No moneys shall be paid out of the city treasury unless



such payment be authorized by vote of the common council, and these shall be drawn out only on orders signed by the mayor and recorder of the city, 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 payable to the order of such person or to the bearer as the city council may determine.

☐SEC. 6. 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 by writing the word "redemed," and the name of the person to whom it is paid, across the face of the same, and signing his name and fixing the date thereto, and file the same away in his office, keeping the orders drawn upon each fund separate.

#### CHAPTER 7.

##### STREETS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. The city council of the the city shall have the care, supervision and control of all the highways, bridges streets, alleys, public squares and grounds within the limits of the city, and shall have the power to build and keep in repair bridges, lay out, open, alter, and vacate public squares, highways, streets, lanes and alleys, and widen or straighten the same.

SEC. 2. The city council shall have power to order and contract for the opening, grading, repairing and cleansing, improving and adorning of the streets, alleys public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon, and all such improvements shall be superintended by the street commissioner.

SEC. 3. Whenever twenty (20) or more freeholders residing in said city shall, 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 squares, grounds, streets or alleys, or enlarging or widening the same, and the courses, distances, meters 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, are or shall be set forth in the petition, The city council shall therupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands or any portion of the same shall not be in actual occupation 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 of the city for three (3) weeks successively, once at least in each week.

SEC. 4. Such notice shall state that on a certain day therein named, not less than six (6) days from the day of service of such notice or the expiration of such publication, as the case may be, the city council will appoint three (3) commissioners to view said prem-

isis, and determine whether it is necessary to take the same for the purposes specified in said petition; and at the time so specified the said city council shall proceed and appoint three (3) reputable persons, residents and freeholders of said city, but not interested in the result of said petition, and shall enter an order in their proceedings requesting said commissioners to view said premises within ten (10) days, the time to be specified in said order, and to make a report thereof to the city council whether in their judgement it is necessary to take and appropriate said premises, or any part thereof, for the public use specified in the petition.

SEC. 5. The said commissioners, at such time as may be specified in said order, shall 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 (1) of their number, and either of said commissioners is authorized to administer oaths to witnesses.

SEC. 6. When the view and hearing aforesaid shall be concluded, if the commissioners aforesaid shall deem it necessary to take such premises, or any portion thereof, for such public use, they shall examine and report to the city council their estimate of the damages to be paid to the owner or owners of each parcel of property so proposed to be taken or used, or which may be damaged by the making of such improvements, and in so doing shall take into consideration the value of the property proposed to be taken, with such other damages as may be incidental thereto, and also the advantages and benefits which may accrue, to such owner or owners by the making of such improvements, and make a report in detail of their doings to said city council.

SEC. 7. If the land or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in fee, the injury done to said person or interest respectively, may be awarded to them respectively less the benefits resulting to them from the proposed appropriation to the public use.

SEC. 8. The awards and report of said commissioners shall be signed by them or a majority of them, together with the testimony so taken by them, 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 thus rendered, and the city council shall appoint new commissioners therefor.

SEC. 9. The land required to be taken for the purposes mentioned in this chapter, shall not be taken until the report of said commissioners shall be approved and confirmed by the city council and the damages thus awarded to the owners thereof for the taking of the same, shall be paid or tendered to the owner or his agent, or deposited for 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 be thereafter 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 dam-

age so assessed shall be paid or tendered or so deposited within one (1) month from the time of the confirmation of such assessment, and report by the said city council, when no appeal shall be claimed thereon, or within one (1) month from the time of the final confirmation thereof, on such appeal; and if not so paid, tendered or deposited, all the proceedings in such case shall be void.

SEC. 10. When the whole or any part of a tract of land or other premises under lease or contract, shall be taken by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting party or parties respecting the same, upon the confirmation of the commissioner's report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same consideration in relation to benefits received and damages sustained by any lessee, contractor or owner of any interest in any premises so taken, shall be observed and followed as in other cases of assessing damages.

SEC. 11. When any known owner of any lands or premises affected by any proceeding under this act, shall be an infant, or labor under any legal disability, the judge of probate of said county of Clay shall, upon the application of such person, his next friend, or said city council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

SEC. 12. Said commissioners shall each, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation in substance as follows: That they are not in any way interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them as such commissioners and file the same with the city recorder.

SEC. 13. Any person whose premises or any interest therein may be taken in the manner hereinbefore prescribed, may, within ten (10) days after the confirmation by the city council of the report, and return of said commissioners, appeal from such determination of damages to the district court, held in and for said Clay county, where such appeal shall be tried as in ordinary cases of appeal in said court.

SEC. 14. The city council may establish and determine the grade or grades of any street or alley in the city, and shall cause accurate profiles of all such grades to be made and certified by the city surveyor and when approved and established by the city council, to be certified by the mayor and city recorder and recorded in the book of profiles in the office of the city recorder.

SEC. 15. Whenever the city council shall deem it necessary to construct or repair any sidewalk in said city of Moorhead they shall require the street commissioner to notify all owners and occupants of any lot or parcels of land, adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a certain time designated by the publication in the official paper of said city, for not less than two (2) weeks, of a notice to said owners or occupants setting forth what work is to

be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

SEC. 16. If such work is not done, and the sidewalks not built or repaired in the manner and within the time prescribed, the city council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him, to the city council, and said assessment so made and returned, if approved by the city council, shall become a lien upon said lots and parcels of land as in case of city, county and state taxes.

SEC. 17. If said assessment be not paid to the street commissioner or the city treasurer on or before the twentieth (20th) day of August in any year, the city council shall cause a statement of the same to be transmitted, with the city taxes levied that year, to the auditor of the county of Clay, 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 city, county and state taxes are collected, and payment thereof enforced.

SEC. 18. The city council shall prescribe the width of sidewalks, and establish different widths in different locations, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

## CHAPTER 8.

### FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden or other buildings, the materials 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 city council, shall not be dangerous to 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 (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The city 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 city; and shall have the 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 to be taken down, removed by the police, or in such manner as the city council may see fit; and the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made and enacted to carry out the provisions thereof, by a fine not exceeding one hundred dollars (\$100), which may be imposed by the city justices upon the complaint of any citizen.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, stoves, stovepipes, 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 into the streets and alleys; to require the inhabitants to provide as many fire buckets, and in such manner and time as they shall require, and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to regulate and prevent the use of firearms and fireworks: to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of any fire, all idle and suspected persons, and to compel 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 city council may deem expedient.

SEC. 3. The city 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 to be 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 on juries, and from military duty during the continuance of such membership, and after five (5) years continuous service to be exempt from poll tax.

SEC. 4. The city council shall have power to appoint the chief engineer and two (2) assistant engineers of the fire department, and also one (1) fire warden in each ward, and to prescribe the duties of such officers.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire-warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order, to arrest or to direct orally any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officer or any of them, may direct or order 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 who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the city council may prescribe, not exceeding a fine of fifty dollars (\$50).

#### CHAPTER 9.

##### LIGHTING OF STREETS—SUPPLY OF WATER—STREET RAILWAYS.

SECTION 1. The city council shall have authority to contract with any person, persons or corporation for the lighting of such streets, or parts of streets, and public places as they shall deem proper for the convenience and safety of the inhabitants, and supplying the city with water.

SEC. 2. The city council may permit the laying of gas pipes in any and all the streets and alleys, highways and public grounds of the city, but in all cases the city council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers, or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed if the same shall be found to interfere with the proper and convenient location of common sewers, or water pipes and mains.

SEC. 3. The city council may permit any party or corporation to lay water mains and pipes in any and all streets and alleys, highways and public grounds of the city, and shall regulate the position of the same, so that they shall not obstruct or interfere with the common sewers or with the proper drainage of the city.

SEC. 4. The city council may permit the laying of street railway tracks in the streets of said city, and authorize and regulate the operation of street cars thereon.

#### CHAPTER 10.

##### FIRST ELECTION.

SECTION 1. The first election under this act shall be held on the third (3d) Tuesday in March, A. D. one thousand eight hundred and eighty-one (1881).

SEC. 2. At least ten (10) days prior to the third (3d) Tuesday in March, A. D. one thousand eight hundred and eighty-one (1881), the trustees of the present village of Moorhead shall designate a place in each ward for the holding of an election, and shall appoint three (3) legal voters in each ward as judges of election in their respective wards, and said judges shall appoint in their respective wards two (2) legal voters as clerks of election before the opening of the polls.

SEC. 3. The clerk of the present village of Moorhead shall, ten

(10) days prior to the third (3d) Tuesday in March, A. D. one thousand eight hundred and eighty-one (1881), cause notice of the time and place of holding said first election in the several wards to be posted in at least three (3) public places in each ward. Said notice shall have the names of the judges of election in their respective wards, and the time when and the place where the said judges will be in session for the preparation and revision of the voting lists of each ward.

SEC. 4. It shall be the duty of said judges of election, immediately upon their appointment, to prepare lists of the qualified voters in their respective wards, to be used at the first election, and copies of said lists of voters shall be posted up in not less than three (3) public places in each ward for at least six (6) days before the first election.

SEC. 5. It shall be the duty of said judges, in each of said wards, on the Saturday next preceding said election, and, if necessary, also on the Tuesday morning of said election, for two (2) hours next preceding the opening of the polls, to be present and at the place appointed for holding such election, for the purpose of making all necessary corrections of such lists. In all other respects, said first election shall be governed by the rules prescribed in this act, except that the returns of the first election shall be made to the clerk of the present village of Moorhead, within twenty-four (24) hours after the closing of the polls.

SEC. 6. On the Thursday following said election, the trustees of the present village of Moorhead shall canvass the returns, and make and file with the clerk of the said village of Moorhead, a statement announcing who appear to be elected, and the clerk shall immediately notify the mayor and aldermen and all other elective officers of their election.

SEC. 7. The mayor and aldermen elect shall hold their first meeting at the office of the clerk of the present village of Moorhead, or at some other place designated by said clerk, on the first (1st) Monday next following said election, when they shall qualify and proceed to organize the city council.

## CHAPTER 11.

### MISCELLANEOUS PROVISIONS.

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

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

SEC. 3. 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 city of Moorhead, 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 issued by the city justices for the violation of any ordinance or by-law of said city shall be directed to the chief of police or any police officer or constable of said city.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city, or, if there be no city prison, to the common jail of Clay county, and be there imprisoned for a term not exceeding three (3) months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; 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 city prison, or, in case there be no city prison, in the common jail of the county of Clay.

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

SEC. 6. All fines, penalties, judgments and moneys (except officers' and justice fees) that may be imposed, levied or collected by the city justices, or that may be collected by any other officer of the city for the violation of any ordinance or by-law of said city, and in the possession of any officer of said city, or any of the laws of the state of Minnesota, shall be vested in and be the sole and exclusive property of said city.

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

SEC. 8. The said city 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. 9. No law of the State concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such laws.

SEC. 10. The city of Moorhead shall not be liable in any case for the board or jail fees of any person who may be committed by an officer or magistrate of the city, to the jail of Clay county, under the State laws.

SEC. 11. The street commissioner shall collect the capitation or



poll tax, except in the case it is committed by the payment of money as hereinbefore provided, which may be levied by the city council, and said street commissioner shall have all the powers as possessed by road supervisors, as provided by the laws of this State, and shall report to the city council when required.

SEC. 12. From the time of the passage of this act, and until the organization of the city government, all village officers of the present village of Moorhead shall continue to act and perform the duties of their respective offices, and their authority and jurisdiction be in no wise impaired until said day of organization, when the same shall cease.

SEC. 13. All ordinances and regulations heretofore made by the trustees of the village of Moorhead not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the city council of said city after this act shall have gone into effect.

SEC. 14. All moneys in the hands of the treasurer of the village of Moorhead or the county treasurer of said county belonging to said village shall be appropriated and belong to said city, and all taxes levied on behalf of either the present village or town of Moorhead remaining unpaid or delinquent on the third (3d) Tuesday of March one thousand eight hundred and eighty-one (1881) on property within the limits of said city, shall belong to and on collection thereof; be paid to the treasurer of said city, and said city shall assume and be liable for all the indebtedness bonded or otherwise of said village of Moorhead, which shall remain unpaid at the date of the organization of the city; and succeed to the ownership to all property real and personal belonging to said village.

SEC. 15. All that part of the present town of Moorhead, not included in the city limits of the city of Moorhead, shall be and remain a town by the name of Moorhead, and shall continue to exercise the same powers under the general laws of this State as it has heretofore exercised, and be considered the same body corporate as has heretofore been known as the town of Moorhead. The town supervisors and other officers of the present town of Moorhead who may be elected on the second (2d) Tuesday of March, one thousand eight hundred and eighty-one (1881), or who hold over from a previous election, shall continue to hold their offices in said town and be the officers of the town of Moorhead as above proposed, except such of said supervisors so elected or holding over as may, when the city government is organized be residents of said city; in which case the offices of said town held by any such residents within said city shall be vacant, and be filled as provided by law. The first town meeting after the organization of the city government shall be held at such place as the supervisors of said town shall direct, and the place for its subsequent meetings shall be designated by the electors of said town as provided by law.

SEC. 16. All moneys in the hands of the treasurer of said present town of Moorhead, or of the county treasurer of said county of Clay, belonging to said town, shall be appropriated and divided be-

tween said new town of Moorhead and said city of Moorhead on the basis of the assessed valuation of the territory in said town and city respectively, and all taxes remaining unpaid or delinquent on the third (2d) Tuesday in March, one thousand eight hundred and eighty-one (1881) on property within the limits of said new town of Moorhead, and levied in behalf of said present town of Moorhead, shall belong to and on collection be paid to the treasurer of said new town of Moorhead.

*Provided*, that any indebtedness of the present town of Moorhead, other than its bonded indebtedness in existence and remaining unpaid on said third (3d) Tuesday of March, A. D. one thousand eight hundred and eighty-one (1881), shall, before the above provided division of moneys in the hands of its treasurer is made, be adjudged and paid.

SEC. 17. Neither the passage of this act, or anything herein contained, shall in anywise affect the validity of any bonded indebtedness of said town of Moorhead, or in any way affect or impair the liability of any portion of the territory included within said town when such bonded indebtedness was incurred to pay its proportionate share of the same, upon the basis of the assessed valuation of such territory. And it is hereby made the duty of the board of supervisors and clerk of the present town of Moorhead on the third Tuesday of March A. D., 1881, or as soon thereafter as may be, to make and file in the office of the county auditor of said county of Clay, a statement of the bonded indebtedness of said town of Moorhead, showing, in detail, all outstanding bonds of said town, the time when the same were voted, their amount, the rate of interest, and where and when both the principal and interest are payable. And said county auditor shall annually [thereafter] extend upon their list of taxable property contained, and taxable within the limits comprising the town of Moorhead, at the time such bonds were voted, a tax sufficient to meet the principal and interest of such bonds, as the same shall mature in the same manner that other taxes are extended for township purposes, and said taxes so extended shall be collected as other taxes are collected. The money collected by virtue of such tax shall be kept in a separate fund, and may be paid out by the county treasurer of said county as the same becomes due, and payable at the time and place where payable; and said treasurer shall receive the coupon upon said bonds as paid by him, and cancel the same, and shall thereafter, when required, deliver to the city council of said city of Moorhead, and the board of supervisors of the town of Moorhead, at a joint session of the same. Such coupon so paid and canceled, and when the principal of said bonds shall have been paid by said treasurer, he shall cancel said bonds, and dispose of the in the manner provided for said coupons.

SEC. 18. All chattel mortgages executed by parties residing in said city or on property therein, shall be filed with said city recorder in the same manner, and with like effect as if filed with the town clerk of said town; and the filing thereof with said city

recorder shall dispense with the necessity for filing with the town clerk of said town, and shall constitute constructive notice thereof to all persons in the same manner and to the same extent as mortgages filed in the above clerk's office under the laws of this state.

SEC. 19. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law in this State.

SEC. 20. This act shall take effect and be in force from and after its passage.

Approved February 24, 1881.

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## CHAPTER 29.

### AN ACT TO INCORPORATE THE VILLAGE OF MURDOCK.

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

SECTION 1. All that part of the township of Dublin, in the county of Swift and state of Minnesota, hereinafter described, shall be known as and constitute the village of Murdock, and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter granted, and by that name sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal alterable at pleasure, Every grant and devise of lands or right or transfer of property which has been or may be made for the benefit of its inhabitants, shall have the same effect as if made to the village by name.

SEC. 2. The territory included in said village of Murdock shall be all of the northeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section number eleven (11), and the south half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the southeast quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number two (2), and the west half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section number twelve (12), and the southwest quarter ( $\frac{1}{4}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section number one (1); all in township number one hundred and twenty (120) of range number thirty-eight (38), situate in the county of Swift and State of Minnesota, which shall be known as the village of Murdock in the county of Swift.

SEC. 3. The government of said corporation and the management of all its municipal concerns, shall be vested in one (1) president and three (3) trustees, one (1) treasurer, one (1) justice of the peace, one (1) assessor, one (1) constable, one (1) clerk, who shall