

aforsaid, then they shall fix the license at not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved November 22, 1881.

CHAPTER 18.

AN ACT TO INCORPORATE THE CITY OF BRAINERD IN CROW WING COUNTY.

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

CHAPTER 1.

SECTION 1. All that part of the county of Crow Wing contained within the limits and boundaries hereinafter described shall be a city by the name of Brainerd, and the people now inhabiting and those who shall hereafter inhabit within the district of country hereinafter described shall be a municipal corporation by the name of Brainerd, 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 Brainerd, viz.: The west half of sections nineteen (19) and thirty (30) in township forty-five (45) of range thirty (30), and all of fractional township forty-five (45) of range thirty-one (31) west of the fifth principal meridian.

SEC. 3. The city shall be divided into three wards, to be called the First (1st), Second (2d) and Third (3d) wards, limited and described as follows: All the territory south of the main line of the Northern Pacific railroad and west of Broadway, and west of a line extending due south from the southern terminus of Broadway aforesaid (which said Broadway is one of the streets of the original town site of Brainerd, as are all other streets hereinafter referred to), shall constitute and be the First (1st) ward.

All the territory north of the Main line of the Northern Pacific railroad aforesaid, and west of Tenth street and west of a line ex-

tending due north from the northern terminus of said Tenth street, shall constitute and be the Second (2d) ward.

All the territory east of the First (1st) and Second (2d) wards shall be and constitute the Third (3d) ward.

Provided, The limits of said wards may be altered hereafter by ordinance of the city council of said city not oftener than once in three (3) years, as occasion may require, but each ward shall contain as nearly as practicable an equal number of voters.

CHAPTER 2.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first (1) Tuesday in March of each and every year, at such place in each ward as the council shall designate, and the polls shall be kept open from ten (10) o'clock in the forenoon until five (5) o'clock in the afternoon; and ten (10) days previous notice shall be given by the council of the time and places of holding such election and of the officers to be elected by posting notices thereof, in three public places in each ward and by publishing the same in at least one (1) of the papers published in the city, if one shall be published in said city.

SEC. 2. The elective officers of said city shall be a mayor, treasurer, clerk, one (1) justice of the peace who shall be styled police justice, and two aldermen in each ward, who shall be qualified voters in their respective wards. All other officers for said city shall be appointed by the city council, unless otherwise provided. The police justice and aldermen shall hold their offices for two years, and until their successors are elected and qualified; all other elective officers shall hold their offices for one year and until their successors are elected and qualified.

SEC. 3. Any officer of said city appointed by the council or elected by the people, may be removed from said office by a vote of two-thirds 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. The city council shall fix a time and place for the trial of such officer, (of which not less than ten (10) days notice shall be given to such officers and each alderman), and have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case, and if said officer shall neglect to appear and answer the charges against him, the city council may declare the office vacant.

SEC. 4. 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 for the unexpired term with the same rights and subject to the same liabilities as the person whose office he may be elected to fill.

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 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 it may direct.

SEC. 6. All persons entitled to vote for county and state officers and who shall have resided in the city for six months next preceding the election and fifteen days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected, or question to be voted upon under this act and to hold any office hereby created.

Provided, That no person shall be permitted to vote at any election under this act whose name shall not appear on the poll lists in his ward at least ten days prior to said election, and the city council shall by ordinance provide at least one day for registration of voters prior thereto; *and provided further*, That no person shall be eligible to the offices of mayor, alderman or clerk, who has not resided in the city for the period of one year next preceding the election, and who is not the owner of real estate therein.

SEC. 7. All elections in said city for city officers shall be held and conducted by three judges and two clerks of election in each ward to be appointed by the city council, said elections shall excepting as otherwise provided by this act, be conducted in the same manner and under the same penalties, said judges and clerks of election shall take the same oaths or affirmations, and vacancies in the boards thereof shall be filled as provided by the general statutes of this state regarding elections;

Provided, No candidate for office shall act as judge or clerk at such election; *and provided further*, that nothing in this act shall be construed to alter or change the election districts as now existing in Crow Wing county for all state and county elections, or the manner of holding and conducting such elections or canvassing the returns thereof.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained by said judges they shall make returns thereof forthwith, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns by one of their number to the city clerk within one day after the close of such election, and the city council shall meet and canvass said returns and declare the result as it appears from the same, within three days thereafter, which result shall be recorded by the city clerk among the proceedings of the city council, and the city clerk shall therewith notify the officers elected of their election, by written notice served upon such officers in person, or left at their usual place of abode with some person of suitable age and discretion.

SEC. 9. Any officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of office shall be deemed to have vacated his office and the city council shall proceed to fill the vacancy as herein prescribed.

SEC. 10. The term of every officer elected under this law shall commence on the second Tuesday of March of the year for which he was elected.

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 shall order a new election to be held, ten days notice of the time and place being given.

CHAPTER 3.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same; duly certified by the officer taking the same, with the city Clerk; and the Treasurer and Chief of Police and such other officers as the city Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city a bond, with at least two sureties, to be approved by the city Council, who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions and liabilities, and said bonds shall contain such penal sum and such conditions as the city Council may deem proper, and they may from time to time require new or additional bonds and remove any officer refusing or neglecting to give the same.

SEC. 2. The Mayor shall see that the laws of the State and the ordinances of the city are duly observed and enforced; and that all other 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 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 number renders it necessary. The Mayor 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 and empowered to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances of the said city; and any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five (\$25.00) dollars and not less than five (\$5.00) dollars. All ordinances and all resolutions, including all allowances for the payment of claims, 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 clerk, to be by him presented to the city council at their first meeting thereafter. And upon the return of any such 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 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 on the record by the city clerk. 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.

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 (\$500), and the court shall have power (upon the recommendation of the jury in the case) to add to the judgment of the fine that he be removed from office.

SEC. 3. At the first meeting of the city council in each year, after each annual election under this charter for officers of said city, the city council shall proceed to elect by ballot from their number, a president. The president shall preside over the meetings of the city council, and during the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent a president pro tempore may be elected from among their number by the aldermen present. The president of the council while performing the duties of mayor shall be styled the "acting mayor", and acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor.

SEC. 4. The city clerk 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 in books provided for that purpose, and make a full and fair record of all the by-laws, resolutions and ordinances passed by said city council. The said clerk 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 first (1) 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 first (1) Tuesday in March. Said city clerk shall countersign all contracts made in behalf of the city, and all certificates of work done by order 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. 5. The city council shall have the power to elect an attorney for the city, who 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. 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, and shall pay all orders legally drawn upon him. He 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 clerk, 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. 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 works 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. He shall also superintend the work of all prisoners of said city upon the streets or public works thereof.

SEC. 8. 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 clerk, open to the inspection of parties interested.

SEC. 9. The justice of the peace for the city, styled the police justice, shall possess all the authority, power and rights of a justice of the peace for the county of Crow Wing 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 all cases cognizable before a justice of the peace in which the city is a party, and all writs, prosecutions and proceedings in the recovery of any fine or forfeiture or penalty under any by-law or ordinance or regulation of the said city or its charter, and in all cases of offences committed against the same, and the said police justice shall have jurisdiction in cases of larceny, and may hear and try the same, when the amount claimed to have been stolen does not exceed the sum of twenty (\$20) dollars, and shall have original jurisdiction in all civil actions cognizable before a justice of the peace when the penalty or amount claimed or in controversy does not exceed the sum of two hundred and fifty (\$250) dollars.

In all prosecutions for assaults, batteries and affrays, and for all other offences not indictable and in all civil suits or proceedings before said Police Justice the same forms and proceedings shall be had and used when not otherwise directed as are established and required to be held in civil and criminal actions by the laws of the State before a Justice of the Peace, and appeals from the judgment and decision of said Police Justice shall be allowed as now provided by law for appeals from judgments rendered by Justices of the Peace, but no change of venue shall be had or allowed in any action or proceeding pending before said Police Justice, and no other Justice of the Peace in Crow Wing county shall have jurisdiction within the limits of said city.

Provided, That nothing herein 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 of the District or Supreme Courts of this State,

In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinance 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 Police Justice 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 months, and in a sum not exceeding five hundred dollars (\$500).

The said justice 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 police justice 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. 10. Said police justice shall monthly report, or oftener if required, to the city council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over all penalties, fines and costs collected by him belonging to said city; and said justice shall be entitled to receive from the county of Crow Wing such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

Said police justice shall give bonds to the city for the faithful performance of his duties in the sum of \$1,000, to be approved by the city council, and shall be an attorney, regularly admitted to practice in all the courts in this State.

SEC. 11. The city council may 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 or resolution, or other matter which may require to be published, file in the office of the city clerk, his affidavit or affidavits 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.

SEC. 12. The city council shall have power to require other and further duties of 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 said city council; *Provided*, such compensation shall not exceed the compensation fixed by statute for similar services, and *provided* the mayor and aldermen shall receive no compensation for any services from said city.

SEC. 13. No member of the city council, or other city or ward officer shall be a party to or interested in any contract or job of work wherein the city may be one of the contracting parties.

SEC. 14. 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, 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. 15. 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 any person guilty of any breach of the peace or a 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 Crow Wing, 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 persons so commanded shall refuse to aid in maintaining the peace, such person shall, upon conviction thereof before the police justice of said city, pay a fine to said city, not to exceed the sum of fifty (\$50.00) dollars.

SEC. 16. The city council shall annually, in the month of April, elect an Assessor who shall have the same powers and authority, and perform the same duties as are or may be required by the laws of this State of town Assessors, and shall qualify in the same manner.

CHAPTER 4.

SECTION 1. The aldermen shall constitute the city council, and the style of all ordinances shall be, "The Council of the City of

Brainerd do ordain." The annual meeting of the city council shall be on the first 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 or two aldermen may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode.

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, 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 offence whatever in any way cognizable before the police 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 exhibitions of caravans, circuses, concerts or theatrical performances, to grant licenses to and regulate auctions and auctioneers and all persons dealing in spirituous, vinous, fermented, mixed or intoxicating liquors in said city, which license and the tax or taxes therefor shall not be in lieu of, but additional to any tax or license required by, or in pursuance of any State law.

Second. To prohibit and restrain 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, 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 thereof, and to

authorize the seizure and destruction of all instruments used for the purpose of gambling.

Fourth. To compel the owner and owners of any cellar, tallow chandler's shop, soap factory, tannery, stable, 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.

Fifth. To direct the location and management of slaughter houses and markets, breweries and distilleries, and to establish rates for and license of gunpowder, and regulate the storage, keeping and conveying of gunpowder or other combustible materials.

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

Seventh. To prevent immoderate driving or riding in the streets, or obstructing streets, alleys or crossings, and to regulate the speed of cars and locomotives, and to prevent them obstructing streets and public walks, to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing.

Eighth. To restrain the running at large of horses, cattle, swine, sheep, goats, or other animals, and 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 ordinances.

Provided, That where 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 owner thereof if called for by said owner within one year from the day of such sale.

Ninth. 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.

Tenth. To prevent any person from bringing, depositing, or having in his possession within the city, any putrid carcass or other unwholesome substance, and to require the removal of the same, and on default thereof to provide for the removal of the same at the expense of such person or persons.

Eleventh. To make and establish public pounds, pumps, water cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants, to erect lamps or to provide other means whereby to light the city, to regulate and license hacks, omnibuses, express wagons, drays and carts, and to fix and determine the charges of hackmen, omnibus drivers, draymen and cartmen.

Twelfth. To regulate the width and surface line of sidewalks and to prevent damage thereto.

Thirteenth. 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.

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

Fifteenth. To prevent the discharge of fire-arms or crackers and to prevent the exhibition of any fire-works 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.

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

Seventeenth. To prevent open and notorious drunkenness obscenity in the streets or public places in the city, and to provide for the arrest and punishment of all persons who shall be guilty of 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 license and regulate butchers' shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twentieth. To regulate, control and prevent the landing or settling within said city limits, of any pauper or person liable to become a charge upon said city, whose place of residence is not legally in said city.

Twenty-first. To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, 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-second. 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.

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

Twenty-fourth. 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.

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

Twenty-sixth. 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-seventh. 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.

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

Twenty-ninth. 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 (\$100) dollars, and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both (and be fed on bread and water), at the discretion of the police justice; and to provide that any male person convicted of any offence before the police justice, 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. 3. 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 nays, and be published in one issue of the official paper before the same shall be in force, and shall be admitted as evidence in any court in the State without further proof; they shall be recorded by the city clerk 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. 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.

SEC. 5. All funds in the city treasury shall be under the control of the mayor and clerk duly authorized by vote of the city council, and all orders shall specify the purpose for which they are drawn. No moneys shall be appropriated except such as are especially authorized by this act.

SEC. 6. The city council shall examine and adjust the accounts of all city officers and agents of the city at such times as they may deem proper; and if such officer or agent shall refuse to comply with the order of said city council in 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 records of all such settlements and adjustments.

SEC. 7. The city council shall have power to order and contract for the making, opening, grading, repairing, cleansing, im-

proving 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.

CHAPTER 5.

SEC. 1. All property, real and personal, except such as may be exempt by the laws of this state, or by ordinances of the city, shall be subject to taxation for the purpose of constructing, repairing and improving 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 four (4) mills on the dollar of the assessed valuation of the property in said city.

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 days' work upon the 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 (\$1.00) dollar 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 persons 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 herein before 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.

CHAPTER 6.

SECTION 1. The city council shall have power to lay out public squares, grounds, streets and alleys, and to widen and enlarge the

same as follows: 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, 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, are or shall be set forth in the petition. The city council shall thereupon 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 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 of the city for three (3) weeks successively, once at least in each week; the publisher of such paper or his foreman shall make affidavit of such publication and file the same with the city clerk.

SEC. 2. Such notice shall state that on a day certain 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 commissioners to view said premises 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 the 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 judgment it is necessary to take and appropriate said premises or any part thereof for the public use specified in the petition.

SEC. 3. 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 of their number, and either of said commissioners are authorized to administer the necessary oaths to witnesses.

SEC. 4. 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. 5. 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 res-

pectively, may be awarded to them respectively, less the benefits resulting to them from the proposed appropriation to the public use.

SEC. 6. 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. 7. 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 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, and the damages 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 an 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. 8. 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 commissioners report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same considerations 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. 9. When any known owner of any lands or premises affected by any proceeding under this act shall be an infant or labor under any other legal disability, the judge of probate of said county of Crow Wing shall upon the application of such person, his next friend or the said city council appoint a guardian for such person, upon whom shall be served all notices required by this act.

SEC. 10. 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 clerk.

SEC. 11. Any person whose premises or any interest therein may be taken in the manner herein before 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 Crow Wing county, where such appeal shall be tried as in ordinary cases of appeal in said court.

SEC. 12. 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 clerk and recorded in the book of profiles in the office of the city clerk.

CHAPTER 7.

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 of construction of which shall be regarded as dangerous to surrounding property shall not hereafter be erected, placed or repaired, and to direct that all or 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 damage. The city council shall have power by resolution to order any building, structure or materials therefor hereinafter erected or in process of erection of which the construction or materials may be dangerous to surrounding property, to be taken down and 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 ordinances made and enacted to carry out the provisions thereof, by a fine not exceeding one hundred (\$100) dollars which may be imposed by the police justice, upon the complaint of any citizen.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes 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 fire-arms and fire-works; 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 all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat; and generally to establish such regulations for the preservation and extinguishment of fires as the city council may deem expedient.

SEC. 3. The city council shall have power to purchase fire-extinguishers 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 or such membership.

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 officers or any of them; may direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order or who shall refuse to arrest or aid in arresting such person so refusing shall be liable to such penalty as the city council may prescribe, not exceeding a fine of fifty dollars (\$50).

SEC. 6. The city council may hereafter by ordinance or resolution establish such fire limits as to them shall seem proper; and after the same shall have been so established the said limits shall not be reduced in extent, and any building of which the construction or materials or uses to which the same is put shall expose neighboring buildings to great danger of fire, and which shall hereafter be erected within said limits shall be deemed a nuisance and may be dealt with as provided in the first section of this chapter; and any person who shall erect or commence to erect any such building within said fire limits shall be deemed guilty of a misdemeanor and punished by a fine imposed by the police justice not exceeding fifty dollars (\$50).

SEC. 7. For the purpose of providing fire-engines, or other apparatus for the extinguishment of fires, of constructing engine houses, cisterns and reservoirs, the city council of said city by a majority vote of the members thereof, are hereby authorized to issue bonds of said city to an amount necessary, but not exceeding five thousand dollars (\$5,000), at a rate of interest not exceeding ten (10) per cent. per annum and payable in not less than one (1) year nor more than ten (10) years, the interest to be paid annually or

semi-annually as the city council may determine, and said bonds may be of such denominations as said council may determine.

Provided, The issuing of such bonds and the procuring of fire-engines or other apparatus provided for in this section shall be submitted to a vote of the electors of said city by the city council and be approved by a majority of said electors voting thereon.

CHAPTER 8.

SECTION 1. No vote of the city council shall be reconsidered or rescinded at a subsequent meeting, unless at such 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 the vote of two-thirds ($\frac{2}{3}$) of the aldermen elect.

SEC. 3. In all prosecutions for 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 Brainerd, but the person or persons so arrested may be prosecuted 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 police justice for the violation of any ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

SEC. 4. In all cases of the imposition of any fine or penalty or of the rendering of any judgment by the police justice of said city, pursuant to any statute of the State of Minnesota or pursuant to any ordinance or by-laws as aforesaid, the defendant shall be forthwith committed to the city prison of said city, or if there be no city prison to the common jail of Crow Wing county, and be there imprisoned for a term not exceeding three (3) months in the discretion of the police justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence 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 Crow Wing.

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 justices' fees) that may be imposed, levied or collected by the police justice 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 ordinance 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 its convenience.

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 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 Crow Wing county under the State laws.

SEC. 11. The street commissioner shall collect the capitation or poll tax, except in case it is commuted by the payment of money as herein before 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 town officers of the town of Brainerd, shall continue to act and perform the duties of their respective offices, and their authority and jurisdiction be in no wise impaired, until the said day of organization when the same shall cease, except such officers as hold their offices under or by virtue of some provision of the constitution.

SEC. 13. The said city of Brainerd shall be liable for the principal and interest of all indebtedness now outstanding, or which has been voted or incurred by the town of Brainerd for any purpose whatever, prior to the time when this act shall take effect and be in force, and all moneys in the hands of the treasurer of the town of Brainerd, all taxes levied and uncollected or in the hands of the county treasurer of Crow Wing county, which are or may be payable to the town of Brainerd, shall be paid to the treasurer of the city of Brainerd, and all taxes levied and collected and to be collected for the year one thousand eight hundred and eighty-one (1881) and prior years, arising from property within the corporate limits of the city of Brainerd as fixed by this act, as town or city taxes on said property, shall be paid to the treasurer of the city of Brainerd, and all the property real, personal and mixed of every kind and description of the town of Brainerd shall become and be the property of the city of Brainerd. The treasurer of the town of Brainerd shall deliver all the books, papers, documents and evidences of debts or claims due the said town which may be in his possession or under his control as treasurer, to the treasurer of the city of Brainerd. The clerk of the town of Brainerd, shall deliver to the city clerk of the city of Brainerd all books, documents, papers and other property belonging to the town of Brainerd and in his possession or under his control and all other property, books, papers, documents, maps,

plats, profiles, surveys and reports relating to the affairs of the said town of Brainerd, in possession of any officer of the said town or of any other person, shall be delivered to said city clerk, to be deposited in the proper department of the government of said city.

SEC. 14. All chattel mortgages executed by parties residing in said city or on property therein, shall be filed with said city clerk 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 clerk 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 town clerk's office under the laws of this State.

SEC. 15. The city council shall cause to be transmitted to the county Auditor of Crow Wing county, on or before the first 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 Crow Wing county shall pay such taxes over as now provided by law in case of town taxes, to the treasurer of the city of Brainerd.

SEC. 16. No informality in the manner of giving notice of any general election under this act, nor the absence of any notice nor shall any informality or omission at said election, or no comparing and canvassing the votes invalidate said election.

CHAPTER 10.

SECTION 1. The first election under this act shall be held on the second Tuesday in January, A. D., one thousand eight hundred and eighty-two (1882).

SEC. 2. At least fifteen (15) days prior to the second (2d) Tuesday in January, A. D., one thousand eight hundred and eighty-two (1882), the supervisors of the present town of Brainerd shall designate a place in each ward for the holding of an election, and shall appoint three legal voters in each ward as judges of election in their respective wards, and said judges shall appoint in their respective wards two legal voters as clerks of election before the opening of the polls.

SEC. 3. The clerk of the present town of Brainerd shall fifteen (15) days prior to said second (2d) Tuesday in January, A. D., one thousand eight hundred and eighty-two (1882) cause notice of the time and place of holding said first election in the several wards to be posted in at least two (2) 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 said 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 fifteen (15) days before said election.

SEC. 5. It shall be the duty of said judges in each of said wards at least ten (10) days next preceding said election to be present and at the place appointed for holding such election as may be directed by the board of supervisors of the town of Brainerd at least one day, 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 town of Brainerd, within twenty-four (24) hours after closing of the polls.

SEC. 6. On the Thursday following said election the supervisors of the present town of Brainerd shall canvass the returns and make and file with the clerk of the said town of Brainerd 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 town of Brainerd, or at some other convenient place designated by the mayor elect, on the first (1st) Monday next following said election when they shall qualify and proceed to organize the city council.

SEC. 8. The mayor, treasurer and clerk and one alderman in each ward elected at said first (1st) election shall hold their respective offices until the first (1st) annual election of said city, which said first (1st) annual election shall be held on the first (1st) Tuesday in March, A. D., one thousand eight hundred and eighty-three (1883), and until their successors are elected and qualified; and the police justice and one alderman in each ward shall hold their respective offices until the second (2d) annual election of said city and until their successors are elected and qualified, and thereafter there shall be one alderman elected in each ward at each annual election, and the electors at said first annual election, shall designate upon their ballots, which of said aldermen shall hold for the long term and which for the short term.

CHAPTER 13.

SEC. 1. An election shall be held at the town clerk's office, or some suitable place to be designated by the town board of supervisors, on the first Tuesday of December, one thousand eight hundred and eighty-one, at which the electors, as qualified by this chapter, residing within the city limits as fixed by this act, may vote upon the question of accepting this act of incorporation and the organization of the city government.

SEC. 2. The town board of supervisors of the town of Brainerd, shall be the judges of said election. The judges shall appoint two clerks of said election, and when so organized, the board shall qualify according to the laws governing State and county elections; *Provided, however,* should any of said judges be absent at the time of opening the polls of said election, the judge or judges present shall fill such vacancy by appointment; and in case none of the above

named judges are present, then the voters present shall appoint the judges of said election.

SEC. 3. The polls of said election shall be open at ten(10) o'clock a. m., and be kept open until five (5) o'clock p. m. of said day.

SEC. 4. All legal voters of the town of Brainerd, and who have resided within the limits of the city, as fixed by this act, at least six months immediately preceding said election, shall be entitled to vote at said election; and all questions in relation to the right to vote at said election, shall be determined by the judges under the laws relating to State and county elections, except as to residence, as herein provided, and except as to registration of voters, as provided by this act.

SEC. 5. The voters voting at said election to accept this act of incorporation and organizing the city government, shall have written or printed or partly written and partly printed upon their ballots the following words: "Organizing City Government—Yes." And the ballots used at said election by those voting against accepting and organizing, shall have printed or written or partly printed and partly written, the following words: "Organizing City Government—No."

SEC. 6. Upon closing the polls of said election the judges shall proceed to canvass the votes and declare the result. If a majority of the ballots so cast shall contain the word "yes," then the first election for city officers shall be held as provided in this act, and the city government organized. If a majority of said ballots shall contain the word "no," then said first election shall not be held, and the city government shall not be organized.

SEC. 7. If upon canvassing the vote as provided for in section six (6) of this chapter, the result shall show a majority against the organization of the city government, then the judges shall file the returns of said election with the town clerk of Brainerd. If the result shows a majority for the organization of said government, then the judges shall prepare duplicate copies of the returns of said election, and shall file one copy with the town clerk aforesaid and shall deposit one copy with one of their number whose duty it shall be, as soon as the common council is organized as provided in this act; to file said copy with the clerk of said council.

In case this act shall not be accepted at the election herein provided, then there shall be no change in the territory of the town of Brainerd, but the town shall be and remain as now prescribed by law and governed accordingly.

CHAPTER 14.

SECTION 1. This act shall be deemed a public act, and need not be pleaded nor proven in any court in this State.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved November 19, 1881.