

road purposes, shall be expended under the direction of the village council.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 17, 1881.

CHAPTER 37.

AN ACT TO AMEND THE CHARTER OF THE CITY OF ST. PAUL, IN RELATION TO THE FIRE DEPARTMENT OF SAID CITY.

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

SECTION 1. That chapter ten (10) of the charter of the city of St. Paul, in relation to the fire department, be and the same is hereby amended by adding thereto the following sections:

Sec. 8. There is hereby established a department of the municipal government of the city of St. Paul, which shall be known as "the board of fire commissioners," to be constituted and organized as hereinafter provided,

Sec. 9. The said board of fire commissioners shall consist of three (3) reputable freeholders and qualified electors of said city, none of whom shall be members of the common council of said city, or hold any other office under the charter or ordinances of said city.

The first board of fire commissioners shall consist of Frank Brewer, William B. Dean and Jeremiah C. Prendergast, who shall hold said office for the following terms, and until their successors are appointed and qualified, namely: Said Frank Brewer, until December thirty-first (31st), A. D. one thousand eight hundred and eighty-two (1882), said William B. Dean, until December thirty-first (31st), A. D. one thousand eight hundred and eighty-three (1883), and said Jeremiah C. Prendergast, until December thirty-first (31st), A. D. one thousand eight hundred and eighty-four (1884). The successors of the members of said board hereby appointed shall be appointed by the mayor of said city by and with the consent of the common council; one (1) on the last week day of December, A. D. one thousand eight hundred and eighty-three (1883), and one (1) annually thereafter, and the members so appointed shall hold their said office for the term of three (3) years, and until their successors are appointed and qualified, and in case the office of any member shall become vacant during his term, the said mayor, shall in like manner, as soon as practicable thereafter, appoint a person of like qualifications as aforesaid, to fill said vacancy during said unexpired term, and until a successor shall be appointed and qualified.

Sec. 10. Each person hereby or hereafter appointed a member of said board of fire commissioners, shall before entering upon the discharge of the duties of his office, take and subscribe an oath to the effect that he will faithfully and impartially perform the

duties of said office to the best of his ability; which oath shall be filed with the clerk of said city.

Sec. 11. Said board shall annually elect one (1) of their number a president, and shall have the power to establish by-laws, rules and regulations for their government.

Sec. 12. For the operation and management of the apparatus, property and appliances for the extinguishment of fires in said city, the said board of fire commissioners shall from time to time appoint one (1) chief engineer, and one (1) assistant engineer, to serve for two (2) years unless sooner removed for cause; and there shall be five (5) steam fire-engine companies, each with steam fire-engines, hose, hose carts and apparatus complete, to be drawn by horses provided for that purpose, said companies to be numbered respectively: One (1), two (2), three (3), four (4), and five (5), and to have a complement of men each, to be appointed by said board of fire commissioners, as follows: One (1) engineman, one (1) fireman and one (1) driver of engine, and one (1) driver of hose cart, one (1) foreman of hose, all to be constantly on duty, and four (5) hosemen, called minute men, to do duty when alarmed. There shall also be one (1) hook and ladder company with vehicles and apparatus complete, to be drawn by horses to be provided for that purpose, and to have a compliment of men to be appointed by said board of fire commissioners, as follows: One (1) driver, one (1) tillerman, one (1) foreman, to be constantly on duty, and seven ladder-men called minute men, to do duty when alarmed. There shall also be appointed by said board, a superintendent of the fire alarm telegraph of said city, who shall have charge and control of the system of fire alarms, and the apparatus appertaining to the same. The persons so to be appointed to the several posts of fire duty hereinbefore provided, including the chief and assistant engineers, and said superintendent of fire alarm telegraph, shall be known as the firemen of the city of St. Paul, and together with said board shall constitute the fire department of said city, and shall hold their respective places and appointments under said board during good behavior, and they shall not be removed or suspended except by order of said board. The common council of said city may from time to time by a two-thirds ($\frac{2}{3}$) vote of all the members thereof, direct the said board of fire commissioners to increase the number of companies hereinbefore provided for; and such additional companies shall in all respects be organized and maintained pursuant to the provisions of this act.

Sec. 13. The said board of fire commissioners shall have the control and management of the said fire department, its officers and men, and shall prescribe the rules for its discipline and government; and the said board of fire commissioners shall also have the control and management of the public property now pertaining to the fire department of said city, and that shall hereafter pertain to the department created by this act; and shall from time to time, in their sound discretion, add to, acquire, and subject to the approval of the common council, sell or dispose of said property, both real and personal, as the provisions of this act and the exigencies of the department, not inconsistent with this act, may require; and shall

pay over to the city treasurer all moneys that may come to their hands. The said board of fire commissioners are also hereby invested with all the discretionary powers necessary to the faithful execution of this act, including the proper selection and location of all needful buildings and offices, and the complete equipment of the several companies with horses, engines, vehicles and other apparatus, and by a two-thirds ($\frac{2}{3}$) vote of all the members of said board, shall prescribe, control and regulate the expenditures of every kind of the department created by this act; *Provided*, nevertheless, anything in this act to the contrary notwithstanding, that in case of any proposed expenditure, not including repairs and supplies for the ordinary current use of the department, the same shall first be presented by said board to the common council for their approval of the same; if said common council shall by a two-thirds ($\frac{2}{3}$) vote of all the members thereof, approve of the same, it shall be lawful for said board of fire commissioners to incur or contract such expenditure, otherwise it shall not be lawful for said board so to do.

SEC. 14. The comptroller of said city, shall audit all bills incurred by said board, and if found correct, allow the same, and when so audited and allowed the same shall be paid by the city treasurer upon the warrant of the president of said board, countersigned by said comptroller, and the moneys now applicable or which would otherwise be applicable to fire department purposes, shall be applied to the expenditures of said board, and the moneys required for said department shall be raised as heretofore, by tax, as a part of the current expense of said city.

Sec. 15. The said board of fire commissioners hereby appointed, shall immediately upon the passage of this act take the oath of office, and enter upon the discharge of their duties, and take possession of all the public property now pertaining to the fire department of said city, and in case any of said commissioners named, shall fail or decline to act, the mayor shall appoint a commissioner in his stead as in case of a vacancy, and all the officers and firemen of the present fire department of said city, shall be retained and continued in the fire department hereby created, subject to all the provisions of this act, *Provided*, That the term of office of the chief engineer, assistant engineer and superintendent of fire alarm telegraph of the present fire department, shall expire at the time for which they were elected or appointed.

Sec. 16. The compensation of said firemen under said board, shall be fixed by said board not exceeding the amounts now prescribed by law, except that the compensation of the superintendent of the fire alarm telegraph may be fixed at a sum not exceeding six hundred (\$600) dollars per annum, and said superintendent of fire alarm telegraph, shall not hold any other position in said fire department; and except that the compensation of the assistant engineer, may be fixed at a sum not exceeding one thousand (\$1000) dollars per annum, and said board may require him to devote his whole time to the duties of his office; and except that the compensation of the firemen and drivers of steamers, drivers of hose carts, and foremen of companies, may be fixed at a sum not exceeding seventy (\$70) dollars per month: and the compensation

of said board shall be the sum of one hundred (\$100) dollars per annum to each member, to be paid in the same manner as the other officers of said city.

Sec. 17. The said board of fire commissioners shall, when required by the common council, report to them the condition of the department, and, on or before the first (1st) day of January in each year, shall report in detail to said common council the receipts and expenditures of said department, with other matters pertaining thereto of public interest, including a complete inventory of all the property under their charge; and said report shall also exhibit a particular statement of all fire alarms and fires which have occurred in said city during the preceding year, together with the cause of all such fires as far as the same shall have been ascertained. It shall also exhibit a particular statement of all losses caused by such fires, and of all insurance thereon. It shall also show the amount of hose which shall have been used; the sources whence the supply of water was derived; the number and names of all companies under their direction; the names of all members and officers of such companies; the names of all persons in the employ of said board, and the compensation paid to them, and a statement of all expenses incurred under the direction of said board during the year, and shall set forth such other information relating to the fire department as to the board shall seem important.

Sec. 18. Causes of action upon contract or for damages arising out of, or pertaining or incident to, the official administration of the department created by this act, shall be brought directly by and against the city of St. Paul; and the said board of fire commissioners shall not be sued as such, except to compel or restrain the performance of acts proper to be compelled or restrained under and not within the discretion intended to be conferred by this act.

SEC. 2. All portions of said chapter ten (10) and the acts amendatory thereof, and of all other acts, inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved November 11, 1881.

CHAPTER 38.

AN ACT TO AMEND AN ACT ENTITLED: AN ACT TO INCORPORARE THE VILLAGE OF DULUTH, APPROVED MARCH EIGHT (8), ONE THOUSAND EIGHT HUNDRED AND EIGHTY-ONE (1881).

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

SECTION 1. That section nine (9), chapter four (4), of the special laws of one thousand eight hundred and eighty-one (1881), entitled: An act to incorporate the village of Duluth, St. Louis county, be and the same is hereby amended so as to read as follows, to-wit: