

# SPECIAL LAWS

OF

## MINNESOTA,

PASSED AND APPROVED AT THE TWENTY-FOURTH SESSION OF THE LEGISLATURE,  
COMMENCING JANUARY SIX, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE,  
AND TERMINATING MARCH SIX, ONE THOUSAND EIGHT HUNDRED AND EIGHTY-FIVE.

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### CHAPTER 1.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF  
CROOKSTON.

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

SECTION 1. The act entitled "an act to incorporate the city of Crookston, in Polk county," approved February fourteen (14), A. D. one thousand eight hundred and seventy-nine (1879), and the act amendatory thereof, approved February twenty-six (26), A. D. one thousand eight hundred and eighty-three (1883), are hereby amended and consolidated so that the same shall constitute the charter of the city of Crookston, which shall read as follows:

#### CHAPTER I.

##### CITY AND WARD BOUNDARIES—CREATION OF CORPORATION.

SECTION 1. All that district of country in the county of Polk contained within the limits and boundaries hereinafter described shall be a city by the name of "Crookston," and all the people now inhabiting, and those who shall hereafter inhabit the same district, shall be a municipal corporation by the name of "the city of Crookston," and by that name may sue and be sued, plead and be impleaded, in any

court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

#### CITY LIMITS.

SEC. 2. The district of country constituting the city of Crookston shall include sections thirty (30) and thirty-one (31), in township one hundred and fifty (150) north, of range forty-six (46), west of the fifth (5th) principal meridian; also, sections twenty-five (25) and lots one (1), eight (8) and so much of lots two (2) and seven (7) as are situate east of the main line of the St. Paul, Minneapolis & Manitoba railway, — all in section thirty-six (36), in township one hundred and fifty (150), north of range forty-seven (47), west of the fifth (5th) principal meridian; *Provided*, That nothing herein contained shall be deemed to exclude any portion of the city of Crookston from the limits of Polk county.

#### WARD BOUNDARIES.

SEC. 3. Thesaid city shall be divided into four (4) wards, which shall be bounded as follows: First (1st) Ward — All that part of said city lying south of the center line of Second street and west of the center line of Broadway and on the right bank of Red Lake river, including, also, that part of lots two (2) and seven (7), in section thirty-six (36) of said city, within the city limits, shall constitute the first (1st) ward of said city. Second (2d) Ward — All that part of said city lying north of the center line of Second (2d) street and west of a line commencing at the point of intersection of Broadway with Second (2d) street and running thence northerly along the center line of Broadway to its terminus; thence east to the northeast corner of the original townsite of Crookston; thence north to the northern limits of said city, including, also, Sampson's Woodland addition, shall constitute the Second (2d) ward of said city. Third (3d) Ward — All that part of said city lying east of the Second (2d) Ward and north of line commencing at a point where the center line of Broadway is intersected by the center line of Second (2d) street; thence easterly along the center line of said Second (2d) street to Ash street; thence northerly along the center line of Ash street to Third (3d) street; thence easterly along the center line of Third (3d) street to the section line between sections thirty (30) and thirty-one (31) of township one hundred and fifty (150), range forty-six (46); thence east to the Red Lake river; thence along the main channel of said river, and up-stream to the eastern limits of said city, shall constitute the Third (3d) ward of said city. Fourth (4th) Ward — All that part of said city lying east of the First (1st) ward and south of the Third (3d) ward shall constitute the Fourth (4th) ward of said city.

## CHAPTER II.

## OFFICERS AND ELECTIONS.

SECTION 1. The elective officers of said city shall be a mayor, city clerk, treasurer, two (2) aldermen from each ward of said city, one (1) alderman at large, and two (2) justices of the peace, who shall be styled city justices, two (2) constables, and assessor, all of whom shall be residents and qualified voters in said city; all ward aldermen to be residents of the ward of which they are elected to represent; of whom the mayor, city clerk, assessor, treasurer, alderman at large and constables shall hold their offices for the term of one (1) year, and the justices of the peace and aldermen from the wards shall hold their offices for two (2) years, or until their successors are elected and qualified; *Provided*, That there shall be but one (1) alderman elected for each ward in each year, except to fill vacancies. The term of office of every officer elected under the provisions of this act shall commence upon the second (2d) Tuesday of April of the year for which he shall be elected, and shall continue until his successor is elected and qualified. All other officers necessary for the proper management of the affairs of the city shall be appointed by the mayor, and all such appointments shall be confirmed by the council, which confirmations shall be by ballot, at a regular meeting of said council, and it shall require a concurrence of a majority of all the members of the city council present to confirm such appointments; and all appointed officers shall hold their offices for the term of one (1) year from the second (2d) Tuesday of April next preceding his appointment, and until his successor is appointed, confirmed and qualified. All persons now holding office in said city shall continue in office until the expiration of the term for which they shall have been elected or appointed, and until their successors are elected and qualified; *Provided, however*, That an assessor for said city shall be elected at the city election in one thousand eight hundred and eighty five (1885).

SEC. 2. The election for city officers and the aldermen of said city shall be held on the first (1st) Tuesday of April of every year, in each ward of said city, at such places as may be fixed by the city council of said city, which election shall be conducted by the aldermen of each ward, or such other persons as may be designated by the city council, at least ten (10) days before such election, who shall be inspectors of such election, and who shall take the oaths or affirmations prescribed by the general laws of the state to be taken by judges of election; and the city clerk shall designate some suitable person to act as clerk of such election in each ward, and in case of failure to so designate, or the absence of the person so designated, the said inspectors shall have full power to appoint all necessary clerks to conduct such election, and administer all necessary oaths to said clerks. Said election shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors shall be filled in the same manner as required by the general laws of the state regarding elections.

SEC. 3. All persons entitled to vote for state and county officers, and who shall have resided in the ward where they offer their vote for ten (10) days next preceding election, shall be entitled to vote for

any officer, or to be elected to any office hereby created; *Provided*, That no person shall be eligible to the office of mayor or alderman who shall not have resided within the city for at least one (1) year next preceding his election.

SEC. 4. When the election for aldermen or city officers shall be closed the judges or inspectors shall make return thereof to the city clerk, within twenty-four (24) hours after such election, in the same manner as provided by law for the return of state and county officers to the county auditor, and within one (1) week thereafter the city council shall meet and canvass the returns thereof and declare the result as appears from such returns, and the city clerk shall forthwith give notice to the persons elected of their respective elections. All elections by the people shall be by ballots, and a plurality of votes shall constitute an election; and when two or more persons shall receive an equal number of votes, the election shall be determined by casting of lots, in the presence of said city council, at such time and in manner as the said council shall direct.

SEC. 5. Any officer removing from the city or ward for which he was elected or appointed, or any person who shall refuse or neglect for ten (10) days after notice of his election or appointment to qualify and enter upon the duties of his office, shall be deemed to have vacated the office, and any officer, having entered upon the duties of his office, may resign by giving notice thereof to and with the consent of the city council. Upon the happening of either of the contingencies hereinbefore expressed; it shall be the duty of the city council to declare the office vacant and to provide that the same be filled as hereinafter provided.

SEC. 6. Whenever any vacancy shall occur in the office of mayor such vacancy shall be filled by a special election, to be held within twenty (20) days after such vacancy occurs. All other vacancies in any of the elective offices of the city shall be filled by appointment by the council; and all vacancies in any of the appointed offices shall be filled as hereinbefore provided for the appointment of such officers.

SEC. 7. No person shall be eligible to, or shall be elected or appointed to; any office in the city who is in any manner, either directly or indirectly, interested in any contract with the city, regardless as to whether said contract was made with the city council or any officer or board of said city for the benefit of said city; and all contracts made by the said city council or any officer or board of said city, for the benefit of said city, with any officer thereof, directly or indirectly, shall be wholly void.

SEC. 8. Every person elected or appointed to any office under the provisions of this act shall, before he enters upon the duties of his office; take and subscribe an oath of office, and file the same with the city clerk of the city; and the treasurer, clerk and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Crookston bonds in such amounts and with such sureties and conditions as the city council shall prescribe; and in the absence of special provisions, such officers shall give bonds in the amounts and upon conditions of the bonds of their predecessors in office. The bond of the city treasurer shall be executed by at least four (4) sureties, who shall justify in the aggregate amount of double the penal sum of

said bond, and shall be approved by the city council by resolution, approved and published. The bonds of the other city officers shall be approved by the city council or any proper authority thereof; and the said city council may require of any officer to execute new bonds or additional bonds when for any cause they may deem the bonds of said officer to be insufficient, and may remove any officer who refuses or neglects to furnish such new or additional bonds when required so to do by said city council.

### CHAPTER III.

#### OF THE DUTIES OF OFFICERS.

SECTION 1. The mayor shall be the chief executive officer of the city. He shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city shall discharge their respective duties. He shall, from time to time, give to the city council such information and recommend such measures as he may deem of advantage to the city. All ordinances and resolutions shall, before they take effect, be presented to the mayor for his approval, and if he approves the same he shall indorse his approval upon and 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 presented to the city council at the next stated meeting thereof, and upon the return of any ordinance or resolution without the approval of the mayor, to the city council, the vote by which the same was passed shall be reconsidered, and if after a reconsideration it shall be passed by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of said council it shall have the same effect as if approved by the mayor; any ordinance or resolution not returned by the mayor within five (5) days after it shall have been presented to him shall have the same effect as if approved by him.

SEC. 2. At the first stated meeting of the city council next after the election of city officers, in each year, they shall proceed to elect by ballot, from their number, a president and vice president. The president shall preside over the meetings of the city council and have the casting vote in case of a tie vote, and shall have a vote in all cases when the yeas and nays are called; and during the absence of the mayor from the city or 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. The vice president shall perform all the duties of the president in his absence or in case of his inability from any reason. The president or vice president, while performing the duties of mayor, shall be styled acting mayor, and acts performed by either of them while acting in the capacity of mayor shall have the same force and validity as if performed by the mayor. The mayor of the city shall have the right to administer oaths, take acknowledgments of deeds, and do and perform generally all acts which are done and performed by notaries public under the laws of this state.

SEC. 3. The city clerk shall keep the corporate seal of the city, and all papers and records of the city, and shall keep a record of all proceedings of the city council, at whose meetings it shall be his duty

to attend. Copies of all papers filed in his office, and transcripts from the records of his office, duly certified by him under the corporate seal of the city, shall be evidence in all courts of this state the same as if the original were produced. He shall draw and sign all orders on the treasurer and keep a full account thereof in books provided for that purpose. The city clerk shall have power to administer oaths and affirmations, to take acknowledgments of deeds, and shall perform all other services by law required of clerks of cities or towns within the city; but when services are required of him by public laws for which compensation is required by law to be made by the county or state, or other persons, such service shall not be regarded as services for the city, and he may retain such compensation in addition to the salary paid by the city. He shall receive from the city such salary as shall be fixed by the city council. The city clerk may appoint a deputy for whose acts he shall be responsible.

SEC. 4. The mayor shall appoint, to be confirmed by the city council at their first stated meeting after the city election in each year, an attorney for the city, whose compensation shall be fixed by the city council, who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the city council or any committee thereof. He shall advise with and counsel all the officers of the city in regard to their official duties, and attend the stated meetings of the city council and of such committees as may require his assistance.

SEC. 5. The city treasurer shall receive all moneys belonging to the city, including all license moneys, fines and other revenues of the city, and keep an accurate and detailed account thereof in such manner as to show the exact financial condition of the city. He shall exhibit to the city council, at least fifteen (15) days before the annual election, and as often as the said city council, or the finance committee thereof, may require, a full and detailed account of all receipts and expenditures since the date of his last annual report, or for any required period, which annual exhibit shall be filed with the city clerk and be published in the official paper of the city. He shall give such bond as the council may require, conditioned to the faithful performance of all the duties imposed by this act. The treasurer shall receive such compensation as shall be fixed by the city council, and shall be paid in the same manner as other city officers. No funds of the city shall be loaned by the treasurer to any city officer, or to any other person, or otherwise disposed of, except in accordance with law. Any violation of this provision shall be a misdemeanor and punishable by imprisonment for a period not exceeding one (1) year, or by fine not exceeding one thousand (1,000) dollars, or both, in the discretion of the court.

SEC. 6. At the first (1st) stated meeting of the city council after the city election the mayor shall appoint a suitable person controller of the city, which appointment shall be confirmed by a majority of at least two-thirds ( $\frac{2}{3}$ ) of the members of the city council, who shall give bond in such sum as the city council shall require, and who shall receive such salary as the city council may fix. The city controller shall annually submit to the city council, at their first (1st) stated meeting in July, an itemized report of the financial condition of the city. He shall make a list of all outstanding city bonds, to

whom issued and for what purpose, and the rate of interest they bear, and shall recommend to the city council such actions as will secure the prompt payment of such bonds.

SEC. 7. He shall report annually, on or before the first (1st) meeting in October, to the city council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year.

SEC. 8. It shall be the duty of the controller to make, or cause to be made, estimates of the expenses of any work to be done by the city whenever directed by the council. He shall countersign all contracts made in behalf of the city and certificates of work by any committee of the council or by any city officer.

SEC. 9. He shall keep regular books of account, in which he shall enter all the indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders and other evidences of indebtedness issued by the city council; the amount of all bonds, orders, etc., which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders and other evidences of indebtedness of the city, and keep an exact account thereof, stating to whom and for what purpose issued; to keep an account with all the disbursing officers of the city, showing the amounts that they have received from all the different sources of revenue, and the amounts they have disbursed under the direction of the city council.

SEC. 10. If, on or before the first (1st) day of June of any year, the amount expended, or to be expended, chargeable to any special fund (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund) shall be equal to three-fourths ( $\frac{3}{4}$ ) of tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the city council, and he shall not countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained, and during the remainder of the fiscal year he shall not sign any contracts the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable, except as herein otherwise provided.

SEC. 11. He shall examine the reports, books, papers, vouchers, and accounts of the treasurer, and from time to time shall perform such other duties as the city council may direct.

SEC. 12. He shall at all times have access to the said reports, books, vouchers, papers, and accounts, and shall assist the treasurer in carrying out the provisions of chapter five (5) of this act. All claims and demands against the city, before they are allowed by the city council, shall be audited and adjusted by the controller, and all orders on the city treasurer shall be examined and countersigned by him before they are delivered by the city clerk.

SEC. 13. It shall be the duty of the city controller, in auditing and adjusting claims and accounts against the city, to designate and specify upon each claim, demand or account so audited or adjusted by him, the particular fund out of which the same shall be paid, and the same shall not be audited, adjusted or reported by him to the city council until there shall be sufficient funds to the credit of the particular fund out of which the same is payable to pay the same, as well

as all other claims before that time audited and allowed against such fund.

SEC. 14. The controller shall keep a record of all his acts and doings, and keep a book, in which he shall enter all contracts, with an index thereto, which records shall be open to the inspection of all parties interested. He shall not be, directly or indirectly, interested in any job or contract in which the city is a party. All contracts made in violation of this last provision shall be absolutely void.

SEC. 15. The mayor, sheriff of Polk county, each and every alderman, justice of the peace, policeman and constables shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for said purpose may call to their assistance all bystanders, and if any person so called upon shall refuse to aid in maintaining the peace, he shall, upon conviction thereof, be liable to a fine of not less than twenty-five (25) dollars, or more than fifty (50) dollars.

SEC. 16. The justices of the peace, assessor and constables of said city shall possess all the authority, rights and powers, and be liable to all the duties, and receive like compensation of justices of the peace, assessors and constables, under the general laws of the state, and in addition thereto the justices of the peace for said city shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, cognizable before a justice of the peace, and of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation. All prosecutions for assaults, batteries and affrays not indictable, committed within the city limits, and for a breach or violation of any by-laws, ordinance or regulation of said city shall be commenced in the name of the city of Crookston, and the same proceedings shall be had as are required by law of this state for criminal cases, triable in justice's court; *Provided*, That in the cases above mentioned no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed ten (10) dollars. In all cases of conviction for assaults, batteries and affrays, breaches of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping disorderly houses in said city, the said justices of the peace shall have power in addition thereto to compel such offenders to give security for their good behavior and to keep the peace for the term of not exceeding six (6) months in any sum not exceeding five hundred (500) dollars. All fines and penalties, imposed by said justices of the peace for offenses committed within the limits of said city, shall belong to and be part of the general revenue of the city. The city justices shall also have power when punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence the offender to hard labor in any workhouse established by the city for that purpose, or in case of male offenders to sentence them to labor on any public work or improvement. The city justices shall quarterly report to the city council a list of all proceedings instituted before them in behalf of the city and the disposition thereof, and shall at the same time account for and pay over to the city treasurer the amount of all penalties and costs which may by law accrue to the city.

SEC. 17. There shall be appointed a city engineer who shall be a

practical surveyor and civil engineer. He may, by and with the consent of the city council, employ such assistants as may be necessary. He shall keep his office in some convenient place in said city, and the city council shall prescribe his duties and fix his compensation and the compensation of the assistants employed by him.

SEC. 18. He shall have the supervision and general charge of all work done for the city, and of all work on any street, highway, alley or sewer of said city; may direct the manner of performing such work, and the construction of all sidewalks, street crossings, bridges, gutters, sewers, or other structures in, along or upon any of the streets, parks or public grounds of said city; may suspend any such work or construction as shall not conform to his instructions, or those of the city council, and take care that all contracts for any work or construction in behalf of the city are strictly complied with.

SEC. 19. All surveys, profiles, plats and estimates made by him or any of his assistants for the city shall be the property of the city, and shall be carefully preserved by him in his office, and shall be open to inspection of all parties interested.

SEC. 20. The city council shall have the power at any time to require other or further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to create such other offices, and prescribe the duties of such office, as may be necessary to carry into effect the provisions of this act.

SEC. 21. The city council shall have the power, by resolution, when the same is not herein fixed, to fix the compensation of any and all officers created by this act or by ordinance of the city council.

SEC. 22. The mayor, aldermen and all other city officers, and the men employed in the several departments of the city, while holding such, or engaged in such service for the city, shall be exempt from serving as jurors in any court of this state.

SEC. 23. Each alderman shall receive as a compensation for his services the sum of two (2) dollars for each stated meeting of the council actually attended; and the sum of three (3) dollars for each day's service actually rendered for the city; *Provided*, That for each stated meeting of the city council from which any alderman may be absent, unless such absence is caused by sickness of such alderman or his family, or absence of such alderman from the city, he shall forfeit and pay to the city the sum of three (3) dollars:

SEC. 24. The city council shall, at their first (1st) meeting after the city election in each year, designate one (1) newspaper printed in the city, in which shall be published all ordinances and other proceedings and matter required by this act, or any of the ordinances of the city to be published in a newspaper; and the city printer shall, immediately after the publication of any ordinance, resolution or other proceeding required to be published by him, file with the city clerk an affidavit of the foreman or other person in charge of his office, showing the length of time the same has been published, and such affidavit shall be conclusive proof that the publications shall have been made as therein stated, and the city controller shall not, in any case, audit or adjust any claim for city printing until such affidavit shall have been filed.

SEC. 25. If any person, having been an officer of said city, shall not, within ten (10) days after notification and request of his successor

in office, deliver to such successor all property, books, papers, and effects of every description belonging to the city, he shall forfeit and pay to the city the sum of five hundred (500) dollars, to be recovered off him or his official sureties, in a civil action, brought in the name of the city, upon his official bond, or by an action against him personally.

#### CHAPTER IV.

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

SECTION 1. The aldermen shall constitute the city council, and the style of all ordinances shall be, "The City Council of the City of Crookston do Ordain." A majority of the aldermen shall constitute a quorum, but a less number may meet at the time of any stated meeting and adjourn, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

SEC. 2. The city council shall hold stated meetings on the second (2d) Tuesday of each month, at such hour as they may designate by resolution, and the mayor may call special meetings of the city council by notice to each of the members, to be delivered personally or left at their usual places of abode, which said notice shall contain a statement of the business for which said meeting is called, and no other business shall be transacted in such special meeting except such as is designated in such notice.

SEC. 3. The city council shall be the judge of the election and qualification of its members, and in such cases shall have power to send for person and papers. It shall determine the rules and regulations of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members in addition to the forfeiture provided for in this act.

SEC. 4. The city council shall have power to remove from office any officer of said city, whether appointed or elected by the people; but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in his own defense. Continued absence from the meetings of the council in case of aldermen, and neglect of duty in case of other officers, unless for good reason, or being in any way interested in any contract with the city, shall be deemed good cause for removal. The city council shall fix a time and place for the trial of any officer against whom charges may be preferred, of which not less than ten (10) days' notice shall be given to the accused, and shall have power to send for person and papers, and shall have power to compel the attendance of witnesses and to hear and determine the case; and, if such officer shall refuse or neglect to appear and defend, the city council shall declare the office vacant.

SEC. 5. The city council shall have the management and control of the finances (subject to the provisions of this act) and all property of the city, and shall likewise, in addition to the power herein vested in them, have full power to make, enact, ordain, establish, publish, enforce, alter, modify, amend, and repeal all such ordinances, rules and by-laws for the government of the city and to promote the good order

of the same, 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 and workhouse for the imprisonment, custody and safe-keeping of all persons arrested for or charged with any offense against any ordinance of the city or laws of the state cognizable before the city justices of the city; to make rules and regulations for the government and management of such city prison and workhouse, and to appoint keepers and other officers of the same, to prescribe their duties and fix their compensation. The keepers of said prison and workhouse shall possess all the powers and authority of jailers at common law or by the laws of this state. The city council shall have full power and authority to declare and impose penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law; *Provided*, They be not inconsistent with the constitution and laws of the United States and of this state, and for these purposes shall have authority by ordinances, resolutions or by-law—

*First*—To license and regulate the exhibition of common showmen and shows of all kinds, the exhibition of caravans, circuses, concerts, theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons, butcher shops and butcher stalls and venders of butcher meats; pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, theatres, skating rinks, victualing houses, and all places of public amusements, and all persons vending or dealing in spirituous, vinous, fermented, or malt liquors, and all dealers in second hand goods, junk dealers, and all keepers of intelligence offices and employment offices, all draymen, hackmen, peddlers, and persons selling goods at retail by sample; *Provided*, That all licenses, except for exhibitions, caravans, circuses, menageries, concerts, and theatrical performances, shall extend to and expire on the first (1st) Monday of May next following the issue thereof. *And provided further*, That the power to regulate above given shall extend to, and be construed to include, among other powers, the power to define who shall be considered pawnbrokers, auctioneers, dealers in second hand goods and junk dealers and peddlers.

*Second*—To restrain and prohibit all description of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gambling within the city, and to restrain from vending or dealing in spirituous, vinous, fermented or malt liquors, unless duly licensed by the city council; *Provided*, That no license shall be granted to any person to deal in or vend within the city limits any spirituous, vinous, fermented or malt liquors for a less time than one year, which license shall not be transferable.

*Third*—To prevent any noise, riot, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who may be guilty of the same; to suppress disorderly houses, and houses of ill-fame and gambling houses, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments and apparatus used for the purpose of gaming.

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

*Fifth*—To direct the location and management of stock yards, slaughter houses, markets, breweries, distilleries, soap factories, glue factories and bone boiling establishments, and to establish rates for and license venders of gunpowder and other explosives, and to regulate the storage, keeping and conveyance of gunpowder, dynamite, or other explosives or combustible material, and to regulate the use thereof in the city.

*Sixth*—To prevent the incumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, signs, or any other material whatever.

*Seventh*—To regulate the movement and speed of railroad locomotives and cars; to require the maintenance of flagmen, or the construction and maintenance of gates at the crossings of railway tracks over such streets and avenues of the city as the city council shall deem to require such precaution; to prevent and punish immoderate driving or riding in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing on the streets, and to regulate places of bathing and swimming in the waters within the city limits.

*Eighth*—To restrain the running at large of horses, mules, cattle, swine, sheep, poultry, and geese, and to authorize the distraining and sale of the same and to impose penalties on the owners of such animals for a violation of the ordinance.

*Ninth*—To prevent the running at large of dogs, and to require a license for keeping the same, and to provide for and authorize the destruction, in a summary manner, of all dogs when at large contrary to this ordinance.

*Tenth*—To prevent any person from bringing, depositing or leaving within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and, in default, to authorize the removal thereof by some competent officer at the expense of such person or persons, and to make the expenses of such removal a lien upon the premises from which such substances are removed.

*Eleventh*—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs; and to erect lamps, to provide for the lighting of the city, to contract for the erection of gas works for lighting the streets, public grounds and public buildings, or for the erection and maintenance of any and all systems of electric lights for like purposes; to create, extend and alter lamp districts, or to contract with other parties to furnish gas or electric lighting for such purposes.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and for the registration of births and deaths, and the return of lists of mortality, and to regulate and prevent the burial of the dead within the city limits.

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

*Fourteenth*—To prevent any person from riding or driving any ox, horse, mule, cattle or other animals on the sidewalks of the city, or in any way doing damage to such sidewalks.

*Fifteenth*—To prevent the shooting of firearms or firecrackers, and to prevent any exhibition of firearms or fireworks in any situation which may be considered by the city council dangerous to the city or any property therein, or annoying to the citizens thereof.

*Sixteenth*—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons guilty thereof.

*Seventeenth*—To restrain and regulate porters, hackmen, expressmen, and also runners, agents, solicitors for stages, cars, public houses, or other establishments.

*Eighteenth*—To establish public markets and other public buildings; to make rules and regulations for the government and management thereof; to appoint suitable officers for the management thereof, and to provide for the enforcement of all rules and regulations in regard to the same.

*Nineteenth*—To license and regulate butchers' stalls, shops and stands for the sale of game and fish, poultry, butter, butchers' meats, and provisions; and also to license and regulate all peddlers and persons selling goods at retail by sample within said city.

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

*Twenty-first*—To compel the owners or occupants of buildings or grounds to remove snow, dirt and rubbish from the sidewalk, street or alley opposite thereto, and to compel such owners 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 the owners or occupants; also, to compel the owners of low grounds, where water is liable to collect and become stagnant, to fill or drain such low places, and, in their default, to authorize such filling or draining at the expense of such owners, and to provide that such expense shall become a lien upon the lots or property so drained or filled.

*Twenty-second*—To regulate and prevent the landing of persons from boats, vessels or other conveyances infected with contagious or infectious diseases or disorders, and to make such disposition of such persons as may be necessary to preserve the health of the city.

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

*Twenty-fourth*—To provide for watchmen and prescribe their number and duties and to regulate the same, and to create and establish the police of said city, and prescribe the number of police officers and their duties and to regulate the same.

*Twenty-fifth*—To regulate the inspection of wood, hay, grain, flour, pork, beef, mutton, veal, and all kinds of meat, poultry, game, fish,

salt, whisky, and other liquors and provisions, and to authorize the seizure and destruction of any grossly impure or adulterated articles sold that are dangerous to the public health, and to provide for the punishment of the use of false weights and measures.

*Twenty-sixth*—To appoint inspectors, weighers and gaugers, and to regulate their duties and prescribe their compensation.

*Twenty-seventh*—To purchase, or acquire by gift or devise, lands within the city limits, or to take and hold by lease such lands, for the purpose of parks or public grounds, and to provide for the improvement of the same; and also to direct and regulate the planting and preservation of ornamental or shade trees in the streets, alleys, parks, or public grounds and highways of said city, and to appoint a suitable person to inspect and take charge of the same, and fix his compensation and prescribe his duties.

*Twenty-eighth*—To remove and abate any nuisance injurious to the public health or morals, and to provide for the punishment of all persons who may erect or maintain such nuisances.

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

*Thirtieth*—To do all acts and make all regulations which may be necessary and expedient to preserve the health of the inhabitants of the city, and the suppression of disease; to prevent the introduction of contagious diseases into the city, and to make quarantine laws and enforce the same within the city.

*Thirty-first*—To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

*Thirty-second*—To license and regulate draymen, hackmen, expressmen, and other persons engaged in the carrying of passengers, baggage or freight, and to regulate their charges therefor, and to authorize the mayor and chief of police of said city to regulate and direct the location of vehicles standing upon the streets and public grounds in said city.

*Thirty-third*—To regulate the construction of all buildings of more than two (2) stories in height, and prescribe fire limits in said city, and to prohibit the erection of wooden buildings or of placing wooden sidewalks within said limits.

*Thirty-fourth*—To provide for and regulate the erection of hitching posts or rings for the fastening of horses or other animals, or to prohibit the same in any portion of the city.

*Thirty-fifth*—To regulate the opening of hatchways and cellarways upon the streets or sidewalks of the city and to compel proper guards about the same.

*Thirty-sixth*—To regulate the numbering of houses and lots and to compel owners of houses and other buildings to have such numbers designated thereon.

*Thirty-seventh*—To require the owner or lessee of any building or structure now or hereafter erected in said city to place thereon such fire escapes and such appliances for the protection against or extinguishment of fires, as it may direct, and to do each and every other act which it may think necessary or advisable to lessen the danger to human life in case of fire or accident.

*Thirty-eighth*—To regulate and control the quality and measurement

of gas; to prescribe and enforce rules and regulations for the manufacture and sale of gas, to prescribe for the inspection of gas and water metres, and appoint an inspector and prescribe his duties.

*Thirty-ninth*—To regulate and prohibit the location and size and construction of steam boilers, as it may designate as being dangerous to life and property in the city, and to prohibit the location of such boilers at any place where the city council may deem dangerous to life and property.

*Fortieth*—To regulate and control or prohibit the placing of poles therefor, or the suspending electric light or other wires along or across any of the streets of said city, and to require any already placed or suspended, either in limited districts or throughout the entire city, to be removed or placed beneath the streets and sidewalks of the city, and to compel the proper insulation of all electric light wires and other wires in use within the city.

*Forty-first*—To regulate the penning, herding and treatment of all animals within the city.

*Forty-second*—To restrain, regulate and control the cutting of ice in the Rice Lake river, within the limits of the city.

SEC. 6. 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, which shall be entered upon the records of the council and published in the official paper of the city, approved by the mayor and recorded by the city clerk, before they shall take effect. No ordinance shall be passed at the same meeting at which it shall have been presented, except by unanimous consent of the members present, which shall be noted in the records, but this shall not preclude the passage of any ordinance reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting.

SEC. 7. A copy of the record of any ordinance heretofore passed and recorded, or which shall be hereafter passed, certified by the city clerk and attested by the seal of the city, and any copy thereof published in the official paper of the city, or compilations of the ordinances made and published under the direction of the council shall be *prima facie* evidence of the contents of such ordinance and of the regularity of all proceedings relating to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without further proof. In all actions or prosecutions and proceedings of every kind before either of the city justices such court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinances in said justice courts.

SEC. 8. No appropriation shall be made without a vote of the majority of all the members of the city council in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 9. 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 according to law.

SEC. 10. The city council shall examine, audit and adjust the accounts of the clerk, treasurer, controller and all other officers of the city at such times as they deem proper, and also at the end of each year, and before their term of office shall expire; and if any officer

shall refuse to exhibit his books, accounts and vouchers for examination and settlement, or shall refuse to comply with the orders of said council in the discharge of his duties, in pursuance of this section, the city council shall declare such office vacant, and the city council shall order suits and proceedings at law against any officer and agent of the city who may be found delinquent or defaulting in his accounts or the discharge of his official duties; and shall make a full record of all settlements and adjustments.

SEC. 11. The city council shall have the management and control of the finances, and all property of the city, both personal and real, and may provide for the sale of any such property in such manner as it shall consider for the best interests of the city.

SEC. 12. The city council shall have power to acquire by purchase, grant or condemnation such private property as may be necessary for sites for public buildings for the use of the city or any department thereof, and for all streets, alleys, parks, and public squares in said city, and to ascertain and determine the value of such private property taken for such uses and the amount of damages occasioned to any such private property by reason of any public works or structures, and for that purpose may appoint committees to appraise such values or damages, or to acquire information thereof in any other manner deemed advisable by said city council.

SEC. 13. Any license issued by the authority of the city council may be revoked by the mayor or city council at any time; and, upon conviction before any court of any person holding a license for the violation of any provision of any ordinance relating to the exercise of any right granted by such license, the court may, and upon a second conviction shall, revoke such license; in addition to the penalties provided by law or ordinance for any such violation.

## CHAPTER V.

### FINANCES.

SECTION 1. In all respects not herein expressly provided for, the city assessor shall, in making assessments, be governed by the rules both in respect to the property to be listed and assessed and the manner of listing and assessing the same which may be prescribed by the general laws of the state for the government of assessors in other parts of the state, and he may, with the consent and approval of the city council, appoint a deputy, whenever the same may be necessary to complete the assessment of the city within the time required by law.

SEC. 2. The standing committee on finance of the city council shall constitute a board of review, who shall be sworn according to law as such board, and meet in the council room of said city on the fourth (4th) Monday of June of each year, and shall perform such duties as are required of town boards of review under the general laws of the state. After the assessment rolls have been examined and corrected by the said board of review the same shall be approved by the council and returned to the county auditor of Polk county by the city assessor on or before the third (3d) Monday in July.

SEC. 3. The fiscal year of the city shall commence on the first (1st) day of April.

SEC. 4. The city controller shall, on or before the first (1st) Tuesday in September of each year, report to the city council an estimate of the current expenses of the city and the several wards thereof for the fiscal year commencing on the first (1st) day of April next ensuing, together with a statement of all revenues received by the city for the year ending September first (1st) from other sources than taxation. He shall also, as soon as may be after the state board of equalization shall have completed the adjustment of the assessment of the taxable property of said city, report to the city council a computation of the tax levy which, with the amount of revenue received by the city for the last year, as aforesaid, and applicable to the current expenses of the city, shall be sufficient to defray the current expenses of the city for the next fiscal year, according to the aforesaid estimate, and shall also, at the same time, submit a computation of the amount of tax levy on the several wards of the city necessary to defray the expenses of said wards according to said estimates.

SEC. 5. The revenues of said city derived from licenses, rents, fines — except such fines collected from keepers and inmates of houses of prostitution, as may be otherwise provided for — and all costs and judgments collected in favor of the city, shall be devoted to the current expenses of the city; and all receipts from the sales of property shall be made use of to pay any floating debt of the city, and any excess remaining after liquidating the said floating debt, if any exists, shall be applied to the permanent improvement fund.

SEC. 6. After the making of the reports of the city controller provided for in section four (4) of this chapter, the city council shall levy such tax on all the taxable property of said city as it deems necessary in addition to the other revenue of the city applicable thereto, to defray the current expenses of said [city] for the next fiscal year; but no such taxes for such current expenses shall in any year amount to more than eight (8) mills on the dollar of the assessed valuation.

SEC. 7. The city controller shall, as soon as may be after the first day [of] July of each year, make a report to the city council of the actual expenses of the city for the first quarter of the then fiscal year, the amount of taxes collected and outstanding, and of the revenue received from other sources, and if upon the making of such report it shall appear that the current expenses for such quarter have exceeded the estimates upon which the tax levy therefor was based, or that the revenues of the city are likely to fall short of their estimated amount at the time of making such levy, the city council shall forthwith proceed to reduce the current expenses of said city in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting the streets, reduce the force or number of men employed in the several departments of the city except the fire department; but in the discharge of such employes said city council shall, so far as may be, provide that such discharge shall be operative only during the summer months of the year, and when necessary for the proper reduction of such expenses may reduce the salaries or compensation of all officers and persons employed by the city, by a uniform rate, not to exceed ten (10) per cent. of such salaries or compensation. And in all contracts for lighting streets the right of the city to reduce the amount of service on account of deficiency of revenues shall be reserved.

SEC. 8. The city council shall also, at the time of making such levy for current expenses, and upon the recommendation of the aldermen of each of the several wards of the city, levy upon the taxable property of such wards such tax, not exceeding four (4) mills upon the dollar of the assessed valuation of such wards, as may be necessary to defray the expenses of such wards for the next fiscal year.

SEC. 9. The city council shall also, at the same time, levy upon all the taxable property in such city such taxes as shall be sufficient to pay the interest to become due during such next fiscal year upon all bonds or debt of the city, and an additional tax of not exceeding one (1) mill on the dollar of the assessed valuation of all such taxable property, to provide for the principal of said bonds and debts, when the same shall become due; and the amounts collected in pursuance of this provision shall not be applied to any other purpose than herein named, but restriction shall not prohibit the investment of the sinking fund hereafter provided for.

SEC. 10. The city council is hereby authorized to maintain a sinking fund, in order to provide for the payment of the bonds and debts of the city, and to provide by ordinance for the care and investment thereof in such manner as may be necessary or expedient, but shall have no power to abolish such sinking fund until all the debts of the city shall be fully paid, nor shall it divert said fund or any revenue or increase thereof to any other purpose. All amounts, if any, collected by the tax collector, to pay interest on the bonds and debts of the city, in excess of the amount of such interest, and the whole amount of the one (1) mill tax, provided for in this chapter for the payment of city bonds, shall be applied to the increase of such sinking fund. The city council shall by such ordinance provide for and appoint a board of sinking fund commissioners consisting of three persons, determine the time the said commissioners shall serve, and define such of their duties not enumerated herein. Such commissioners shall have charge of the sinking fund, and by and [with the] consent of the city council, invest the same in bonds of the said city, or such other bonds as are permitted, for investment of the permanent school fund of the state of Minnesota, or in bonds of any city in the state of Minnesota having a population of over five (5,000) thousand inhabitants, or in such county or school bonds in the state of Minnesota as may be approved; in case of investment in the bonds of said city the same shall not be canceled, but shall be held by said commissioners, and the interest thereon paid over and applied to increase the said sinking fund. Whenever the principal of any bonds of the city shall become due such commissioners shall, by and with the consent of the city council, dispose of such bonds belonging to such fund as, with the money on hand belonging to the same shall be necessary to pay such bonds. Whenever the amount of such sinking fund shall, with the interest and revenue thereof, computed to the time of maturity of the bonds and debts of the city, be sufficient to pay all bonds and debts at the maturity thereof, the levy of the one (1) mill tax may be omitted, but in case, by reason of decrease of interest or depreciation of investments, or other cause, said fund shall not be sufficient, the same shall be resumed. In case the city council, sinking fund commissioners, or other city officers, shall violate or neglect to perform any provisions of this act, any taxpayer of the city, or owner of any of the bonds of the city, shall have the

right to maintain, in any court of competent jurisdiction of this state, any appropriate action to enforce compliance therewith. The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds of said city is hereby declared to be part of the contract with the holder of any bonds of the city which may hereafter be issued, and shall be kept inviolate.

SEC. 11. Whenever the sinking fund provided for in section ten (10) of this chapter shall be insufficient to pay all bonds of the city that may at any time become due, the city council may issue the bonds of the city to run not exceeding thirty years, on such terms as to place of payment and rate of interest as may be deemed advisable, to such amount as may be necessary to meet such deficiency, but neither the city council, or any officer nor officers thereof, or of said city, shall otherwise, without special authority of law, have authority to issue any bonds, or to create any debt or liability against said city in excess of the amount of revenue actually levied and applicable to the payment of such liability.

SEC. 12. The proceeds of the sale of any property of the city not otherwise herein provided for shall be paid into the treasury of said city and kept distinct from other funds of the city, to be designated as a permanent improvement fund. The city council may provide for the payment out of said fund of the expense of any such improvement as may be assessed in whole or in part upon any special property to be benefited by such improvement in advance of the collection of such assessments. From such fund also shall be paid all such portions of the expense of such assessable improvements as shall devolve upon said city, and also the expense of all bridges, buildings, water works, and other permanent improvements not otherwise specifically provided for by law. No part of such fund shall ever be applied to the payment of the current expenses of the city, nor to any other purpose than such as herein designated. All sums collected upon special assessments where costs shall have been advanced out of such fund shall be returned to said fund. The city council shall annually, at the time of making other tax levies, levy a tax sufficient to replace all expenditures made from such fund, not provided for by special assessment; *Provided*, That the whole amount so levied in any one year shall not exceed one (1) mill on the dollar of the assessed valuation of the taxable property of said city.

SEC. 13. Whenever the amount contracted or appropriated to be expended out of such permanent improvement fund, or of any ward fund, shall equal the amount of such fund actually on hand and one-third ( $\frac{1}{3}$ ) of the amount of uncollected taxes levied for the current fiscal year, as aforesaid, and applicable to such fund, or when the amount called for by any proposed contract shall, together with the amounts previously appropriated or contracted for, exceed the amount of such fund on hand and one-third ( $\frac{1}{3}$ ) of the uncollected taxes, the city controller shall forthwith notify the city council of such fact, and he shall not countersign any contract payable out of such fund until the amount of such fund on hand, with the one-third ( $\frac{1}{3}$ ) of the amount of uncollected taxes aforesaid, shall be sufficient to meet the liabilities created by such contract, in addition to all liabilities previously contracted for; and he shall never countersign any contract payable out of the revenues of any other fiscal year than the one in which such

contract shall be performed. He shall countersign no order upon the treasury until there be money in the treasury belonging to the proper fund wherewith to pay the same, and all orders on the treasury shall be countersigned by him in the order in which the claims are allowed on each fund respectively.

SEC. 14. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same was levied; but in such case the surplus shall go into the fund to which such tax belongs, and may be applied to the further uses of such fund.

SEC. 15. The city council shall cause to be transmitted to the county auditor of Polk county, on or before first (1st) day of October of each year, a statement of all taxes by it 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.

SEC. 16. The county treasurer of Polk county shall pay over such taxes, together with all interest and penalties which shall be collected on account of the same when collected, to the treasurer of said city in the several settlements of the funds to be so paid over, as provided by general law. Said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by banks with whom funds of said county are deposited, as have accrued upon funds arising from city taxes and assessments so deposited with such county funds or parts thereof. Whenever, previous to any settlements provided for by law, there shall be a lack of funds in the city treasury for any purpose, and there shall be funds in the county treasury which shall have been collected on account of city taxes or assessments, the county treasurer shall, upon the application of the city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes or assessments, and such advances shall be accounted for and adjusted at the next regular settlement; and the city treasurer shall also, forthwith, after such settlements, adjust and apportion the funds so advanced among the several funds of the city.

SEC. 17. It shall be the duty of the county auditor of Polk county to make out and transmit to the city controller, on or before the first (1st) day of December of each year, a statement showing the exact amount of tax levied on account of the several funds of the city and each ward thereof, according to the tax lists made out by said auditor, and at the same time shall make out and transmit to said controller a statement of all abatements, corrections or additions to said tax list, and of all amounts of taxes canceled or uncollectible within the year next preceding, and the several amounts of such changes affecting each of said several funds; and a further statement of the amounts of taxes delinquent and outstanding applicable to said several funds, and in such statement, to be made on the first (1st) day of April, one thousand eight hundred and eighty-five (1885), he shall also state the amount so delinquent on the tax list for prior years. He shall also, at the time of making settlement with the county treasurer required by law, furnish said controller with a certified statement of the several amounts collected by said county treasurer on account of each of said several funds as shown by such settlement.

SEC. 18. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by vote of the city council, and this shall be drawn out only upon orders signed by the mayor and clerk, and countersigned by the controller, which orders shall specify the purpose for which they were drawn and the fund out of which payable, and the name of the person in whose favor they may be drawn, and be made payable to the order of such person.

SEC. 19. When any such order shall have been paid or received by the treasurer it shall not again be issued, but he shall immediately cancel the same and file it away in his office, keeping the order drawn upon each fund separate.

SEC. 20. The city council may provide for the examination from time to time of such canceled orders, and also of canceled bonds or other obligations in the hands of the city treasurer, and for their destruction, preserving such record or voucher thereof as the said council shall determine.

SEC. 21. Any bank in the county of Polk with a capital stock equal to or exceeding fifty thousand (50,000) dollars which desires to receive on deposit, as provided in this act, a portion of the funds in the hands of the city treasurer of said city shall, prior to the first (1st) day of April, one thousand eight hundred and eighty-five (1885), and of each year thereafter, file with the city clerk of said city an application for such deposits, stating that they will furnish good and sufficient bonds, payable to the city of Crookston, for double the amount likely to be received, and conditioned for the safe-keeping and payment of the funds so deposited, and interest thereon, and that they will pay interest on such deposits, as provided by this act. The application so filed shall be presented to the city council, who shall determine upon the amount of bonds which will be required of each bank, and the clerk shall notify the banks thereof. The banks shall then execute such bonds, with three or more sureties, who shall justify in the aggregate in the amount of the penal sum of said bonds, and present them to the city council for approval; and all banks which shall furnish bonds which shall be approved by the city council shall be designated by said council as depositories for the funds in the city treasury. After such designation shall have been made, all funds then in the hands of the city treasurer, or thereafter received by him, shall be deposited in the banks designated, in the name of the city of Crookston, subject to the order of the city treasurer, and the funds so deposited shall be distributed, as near as may be, in proportion to the paid-up capital of said banks.

SEC. 22. The banks receiving such deposits shall pay interest on the same at the rate of three (3) per cent per annum upon daily balances, which interest shall be computed at the end of each calendar month and placed to the credit of said city at that time; *Provided*, That if the city treasurer shall, at any time, receive or have in bank funds which will probably remain on deposit three (3) months or longer, instead of having said funds deposited in open account, he shall take certificates of deposit therefor, payable to his order on demand, bearing interest from date at a rate not less than four (4) per cent per annum, and at such higher rate as he may be able to negotiate for; *Provided further*, That the total amount deposited in any

bank shall not exceed at any time one-half (½) the amount of the bonds of said bank to the city, and the city treasurer shall make monthly reports of the amounts thus deposited to the city clerk, who shall present the same to the city council at its next stated meeting, and furnish a copy of the same to any newspaper of said city applying therefor for publication free of charge.

SEC. 23. When the funds in the hands of the city treasurer shall have been deposited, as hereinbefore provided, such treasurer or his bondsmen shall be exempt from all liability therefor by the reason of the loss of any such deposited funds from failure or bankruptcy, or any other acts of such bank or banks, to the extent and amount of such funds in the hands of such bank at the time of failure or bankruptcy.

SEC. 24. Whenever, from any change in the financial condition or ability of sureties; or from other causes, the city council shall deem the bonds of any bank insufficient, it may require new bonds, with sureties, to be approved by said city council; and if any such bank fail or neglect to promptly execute such bonds the city treasurer shall withdraw all deposits from such bank, and such bank shall cease to be a depository of the funds of said city until reinstated by a vote of the city council upon the execution and filing of such bonds approved by the city council. All bonds given by said banks under the provisions of this chapter shall remain in force so long as any of the funds of the city are in the hands of such banks. Said bonds shall be recorded in full by the city controller, and when so recorded shall be returned to and filed with the city treasurer, and a certified copy of such record shall be *prima facie* evidence of the contents and tenor of such bonds.

SEC. 25. The city council is hereby authorized to appropriate and set apart the whole or any portion of the fines, which may be collected from keepers and inmates of houses of ill-fame and prostitution and persons resorting thereto for the building or leasing and maintaining of a city hospital.

SEC. 26. All appropriations and expenses of the city, not otherwise specially provided for, shall be paid out of the general fund for the current expenses of said city.

SEC. 27. No limitation or restriction herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against the city, but in case of such judgment the city council, at the time of making the first annual tax after the rendition of such judgment, shall levy and assess a special tax upon all the property in the city, or such ward thereof as may be responsible for the payment of such judgment, sufficient to pay such judgment. In case of failure to collect taxes, or other cause, such levy shall prove insufficient to pay such judgment, new taxes shall be levied until the whole of such judgment shall be paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the current expense fund of the city, or the funds of the proper ward, as the case may be.

## CHAPTER VI.

## OF THE POLICE.

SECTION. 1. The police force of the city shall consist of the mayor, who shall be the chief executive officer of the city, and who shall at all times have control and supervision of the police of the city and such other policemen and watchmen as he shall, by and with the consent of the city council, appoint. He shall have the power to remove or discharge any police officer or watchman summarily, whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places, or for the reduction of the police force.

SEC. 2. The mayor may likewise, at the request of any person, firm, society or organization, appoint policemen or watchmen, who shall serve without expense to the city and have police powers to preserve the peace and protect the property within such limits and at such places as may be designated in such appointment, but such limited policemen shall not exercise any police authority, nor wear any official badge outside of the limits named in such appointment.

SEC. 3. The mayor shall, in case of riot or large public gatherings or disturbance, appoint such number of special policemen or temporary police officers as he may deem necessary, but such temporary appointments shall not continue more than one week without consent of the council.

SEC. 4. The mayor shall, in his appointments, designate one officer to be chief of police, and such other officers for special duties, and with such control over other officers or watchmen as he may deem necessary, and may designate the rank of such police officers by such proper title as he may select.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constables at common law under the laws of the state, and in addition thereto shall have power, and it shall be their duty, to serve and execute all warrants, processes, commitments, and any writs whatsoever, issued by the city justices, and they shall have power, with the consent of or by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the state. When they pursue criminals out of the city, and such criminals are charged with offenses against any state law, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as he may deem necessary. Such regulations may designate uniforms, badges, arms, discipline and drill exercise of the police force, as well as the conduct of the officers and men when on and off duty, and all other matters deemed necessary to promote the efficiency of the force.

SEC. 7. If any person shall, without authority, assume to act as policeman, or pretend to have such power, or wear a badge of a policeman within the city, he shall be deemed to be guilty of a misde-

meanor, and upon conviction before a city justice shall be fined in any sum not exceeding one hundred (100) dollars or imprisonment not exceeding thirty (30) days, or both, at the discretion of the court.

## CHAPTER VII.

### 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 buildings, or buildings of all other materials that shall not be considered fireproof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fireproof materials, or of such materials and with such precautions against fire as the city council shall by ordinance prescribe; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall be damaged to the extent of fifty (50) per cent, or more, of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages.

SEC. 2. The city council shall have power to prescribe in what manner and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets and highways; to compel the use of spark-arresters in all smokestacks connected with apparatus where light fuel is consumed; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fireworks and firearms; to regulate and prevent the sale, or keeping for sale or use, of any fireworks, Chinese crackers, rockets, torpedoes, or other explosive contrivances, and to provide for the seizure and destruction of the same. Also, to compel owners of buildings to have scuttles in roofs and stores and ladders to the same, and compel owners of buildings of three or more stories in height to maintain ladders or fire-escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them where they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire, or to prevent the spreading of fire, which the city council may deem proper.

SEC. 3. The city council shall have power to purchase, keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient; also, to erect and maintain fire-alarm telegraphs and boxes, and every other means for giving notice of fires.

SEC. 4. The city council shall have power and authority to make, by ordinance, all needful rules for the government of the fire department, and for the protection and use of all engine houses, telegraph lines and other property and apparatus pertaining thereto, and of the water works, mains, pipes, cisterns, and hydrants in said city, as used

in connection with said department, and by such ordinances provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by such ordinances make provision to keep away from the vicinity of any fire all idlers and suspected persons, and to compel all bystanders to aid in the preservation of property exposed to damage by such fire.

SEC. 5. The city council shall annually appoint a chief engineer of the fire department, and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective ranks and duties of such chief engineer and other officers and men, and their compensation.

SEC. 6. The city council may designate such officer of the fire department as it may select to act as fire marshal of the city, to see that the ordinances of the city relating to the building and care of chimneys, and respecting all other precautions against dangers from fires, are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven (7) o'clock in the morning and six (6) o'clock in the evening and examine all chimneys, stoves, furnaces, pipes, and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. It shall further be the duty of such fire marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same, and make report thereof to the council at the first regular meeting in every month.

SEC. 7. If any person shall, at any fire, refuse to obey the orders of the chief engineer of the fire department, or other officer vested with authority at such fires, such person may be arrested by the direction of the officer whose orders are so disobeyed, and upon complaint made before the city justice of said city, shall be punished by fine not exceeding fifty (50) dollars and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

SEC. 8. All expenses of the fire department, and all amounts paid for the purchase of fire apparatus, or any property for use of the fire department or the erection of any telegraph, shall be paid out of the funds devoted to payment of current expenses of the city. The construction of engine houses or other buildings for the use of such department may be paid for out of the permanent improvement fund of the city.

SEC. 9. The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of the city whenever it shall deem the safety of the city to require it.

## CHAPTER VIII.

### STREETS, SIDEWALKS AND BRIDGES.

SECTION 1. The city council shall have the care, supervision and control of all highways, streets, alleys, public squares, and grounds within the limits of the city, and may lay out any new streets and alleys, and extend, widen, straighten, and may build, maintain and re-

pair bridges across streams or railway tracks; may provide for the pavement of gutters or the road-beds of any street or alley.

SEC. 2. The city council shall have power to establish the grade of any street, when such grade has not been established, and may, by vote of two-thirds ( $\frac{2}{3}$ ) of the members of the council, change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made and kept in the office of the city engineer.

SEC. 3. The city council may also, by a vote of two-thirds ( $\frac{2}{3}$ ) of the members thereof, vacate any highway, street, lane, or alley, or portion of either; and such power of vacating highways, streets, lanes, and alleys within the city of Crookston is vested exclusively in said city council, and no court or other body or authority shall have any power to vacate any such highway, street, lane, or alley, nor any plat or portion of any plat of lands within said city.

SEC. 4. The city council shall have power to designate districts of portions of the streets and alleys of the city for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract on such terms as shall be deemed advisable.

SEC. 5. All work done or constructions made pursuant to the provisions of this chapter shall, so far as practicable, be done by contract; and of all contracts calling for the expenditure of one hundred (100) dollars or more public notice shall be given and proposals invited for the same in such manner as the council shall direct.

SEC. 6. The city council may, at its first (1st) meeting after each annual election, appoint one (1) street commissioner for the city, whose term of office shall be for one (1) year. The street commissioner of the city shall also act as health inspector for said city, and shall have the same authority as police officers in enforcing the ordinances of said city for the security of public health, and shall act under the directions of the health officer and board of health of said city. All work done by the street commissioner shall be subject to the approval of the aldermen of their respective wards and the city engineer. It shall be the duty of such street commissioner to see that all streets and sidewalks under their charge, which have been graded and opened for travel, are kept clear from obstruction and in such repairs as to be safe and passable; also, to superintend, subject to the directions of the city engineer, the grading of streets and laying of sidewalks, and to carry into effect all orders of the city council. The street commissioner shall not do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, and unless such work is specially ordered by the city council. The street commissioner shall keep accurate accounts of all his work and expenditures, and make detailed and itemized report thereof to the city council at least once in every two (2) months, and oftener if ordered by the council: and no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with full and itemized reports of all his work and expenditures up to the time of rendition of such bill.

SEC. 7. The street commissioner shall not be interested in any contract for any work to be done under his charge, nor be allowed compensation for any use of team owned by himself, or in which he shall have any interest, nor for any material or labor furnished by

him, except his personal services; nor shall he receive, directly or indirectly, any commission, gratuity, money or valuable things from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or the city engineer of the city.

SEC. 8. If the city engineer, street commissioner, or any other officer of the city shall have any interest in any contract work or construction done pursuant to this chapter, all such contracts shall be void, and all such work done, material furnished or applied for the use of the city shall be forfeited, and every such city engineer, street commissioner or other officer who shall accept any gift or gratuity, or any commission from any person having contracts with said city, or furnishing material or performing labor under the provisions of this chapter, which contract, material or labor shall be under the charge or supervision of such engineer, commissioner or other officer, or subject to acceptance by them, or either of them, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

SEC. 9. All bridges in said city crossing the Red Lake river, whatever the form or material used in the construction thereof, shall, together with the guards and embankments connected therewith, and the immediate approaches thereto, which form a necessary part of the same, and also all such bridges crossing railway tracks, canals, and the approaches thereto, or any portions thereof, as shall not be chargeable to any railway company, or the county of Polk, be built, maintained and kept in repair by the city, as a general city charge; all other expenses connected with the opening, grading, and keeping in repair streets, lanes, alleys, highways and thoroughfares, shall be paid from taxation upon the several wards wherein such work shall be done, except where other provisions are made therefor.

SEC. 10. Whenever the city council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist, or may hereafter exist, it may for such purposes purchase or condemn any real estate, or interest therein, which is private property, and provide for the payment of the value of such property as may be taken for such improvements, and all damages done to any private property by reason of such improvement, and the expense of making such improvement, by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole expense of such improvement shall exceed the benefits accruing therefrom to any specific property, the excess of such expense shall be made a general city charge, and be paid as current expenses of the city. Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place, and occupied for such purposes, without the consent of the owners of such ground.

SEC. 11. The city council is hereby authorized, in its discretion, to cause to be paved, repaved or macadamized, any street or alley, or any part thereof, in the city, or any gutter along any side of any

street or alley, or any portion thereof, in such manner as it may direct, and to collect the expense and cost of the same by special assessment upon the property fronting on such improvements on the same side of the street; but the expense of paying or otherwise improving the crossings of such streets, and of such improvements as shall be in front of property exempt from such assessments or belonging to the city, shall be paid from the permanent improvement fund of the city. No assessment shall be made for paving or macadamizing any ground occupied by railway tracks or lying between such tracks.

SEC. 12. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively as may have been heretofore constructed or as shall hereafter be constructed or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Crookston shall be constructed or reconstructed it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be constructed. The publication of such resolutions once in the official paper of the city shall be sufficient notice to the owners of the land along which such sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land, construct and fully complete such sidewalks within two weeks after the publication of such resolution, as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same, and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalks shall front. Such assessment shall be collected in the same way as in all things as is provided for the collection of special assessments under the provisions of chapter ten (10) of the charter, and the city council may, either before or after making such assessment, cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same, and all street crossings, to be built by the street commissioner or upon contract, or by any other person, as the council may determine.

SEC. 13. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten, or out of repair, it shall be the duty of the street commissioner to immediately repair the same in a good, substantial and thorough manner, and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the city clerk; and the city council shall, once in each year, at, or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land, fronting or abutting upon sidewalks which have been so repaired by the street commissioner, the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment or roll, and be collected as provided for in chapter ten (10) of this charter. In case any such sidewalks shall become so out of repair as to become dangerous, and cannot be made

safe without being rebuilt, and there are no funds to defray the expenses of such rebuilding, it shall be the duty of the street commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding, when the same shall be reconstructed, and collected with the assessment for such reconstruction.

SEC. 14. Moneys to build or repair sidewalks, when the same shall be done by the street commissioner under this act, or in case of building by a contractor, may be advanced from the permanent improvement fund, to be reimbursed by the special assessment, when collected; and the expense of constructing all street crossings of sidewalks shall be chargeable to the proper ward, and whenever any damages for injuries to any person, through or by means of defective sidewalks, shall be paid by the city, the money to pay the same shall be raised by taxation upon the ward wherein the injury happened.

SEC. 15. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground on which it is to be built to be properly graded.

SEC. 16. All persons who shall by means of any excavations in, or obstruction upon, any street of said city, not authorized by law or the ordinances of said city, render such streets unsafe for travel, or who shall, by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence; and no action shall be maintained against said city for such damages, unless such person, or persons, shall be joined as party defendants; and in case of judgment against the defendants in such action shall at first issue only against the defendant causing such insufficiency, and the city shall not be required to take steps to pay such judgment until such execution shall be returned unsatisfied; and if the city shall pay such judgment, it shall become the owner of the same, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

SEC. 17. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of summons in such actions may be made upon such defendant upon like evidence, and in the same manner as prescribed by general law for service by publication in other actions.

SEC. 18. No action shall be maintained against the city of Crookston, on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such actions shall be commenced within one year from the happening of the injury, nor unless notice shall have first been given, in writing, to the mayor of said city, or the city clerk thereof, within thirty (30) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall, in consequence thereof, be bereft of reason. Nor shall any such action be

maintained for any defect in any street until the same shall have been graded; nor for any insufficiency of the ground where sidewalks are usually constructed, when no sidewalk is built.

SEC. 19. No railway company, or street railway company, shall have any right, in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction, caused by such company or its servants, for all damages sustained; and in case any damages shall be recovered against the city for injuries caused by such obstructions, the city shall have the right to recover the same again from the company by whom the obstruction was caused.

SEC. 20. The acceptance of plats of additions of any grounds, either within or outside the limits of said city, shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such street, until the city council shall direct the same to be graded and open for travel.

## CHAPTER IX.

### WATER WORKS AND SEWERS.

SECTION 1. The city council shall have power to maintain the water works and sewers now established in said city, and to enlarge, extend, relay, and improve the same as it shall consider the public good shall require; *Provided*, That nothing in this act shall be construed to authorize said city council to convey, lease or dispose of the water works or franchises pertaining thereto now existing in said city, but the same shall remain the property of and be operated by the said city until otherwise prescribed by law.

SEC. 2. Whenever, in the enlargement or extension of water works or sewers, it shall, in the judgment of the city council, be necessary to take any private property, consisting of lands, buildings, water powers, or other private property, the city council shall have power to take and acquire the same by purchase or by condemnation in the manner provided for in chapter ten (10) of this act, and in cases of condemnation a full title in fee-simple to the property acquired shall vest in the city.

SEC. 3. Whenever water mains shall be laid, relaid, or extended through any of the streets, alleys or lanes of the city, or any portion thereof, the city council shall have power, and it shall be its duty, to levy and collect by special assessment such portion of the cost or expense thereof as shall not exceed the estimated cost of laying a six (6) inch main, including pipe, hydrants, valves, and all necessary specials by special assessment upon the property on both sides of such street, alley or lane fronting upon such improvement of an equal sum per front foot, without regard to the valuation of such property, as provided for in chapter ten (10) of this act.

SEC. 4. The city council may in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer through any street or alley and levy and assess and collect the cost thereof, not exceeding the estimated cost of a sewer two (2) feet in diameter, including all

necessary catch-basins, man-holes, dump-holes, and flushing valves by a special assessment upon the property on both sides of the street abutting upon such improvements of an equal sum per front foot. A sewer of two (2) feet in diameter is hereby declared to be an ordinary sewer within the meaning of this act for draining of abutting property.

SEC. 5. The cost not provided for by such assessment, including the cost of larger water mains and larger or main sewers, and constructing the same across streets and against property by law exempt from such assessment, shall be paid out of the permanent improvement fund, or any other fund provided for that purpose by the city council.

SEC. 6. The city council may at all times regulate and control the time and manner of laying and constructing by private parties branch pipes and sewers leading from main lines of water mains and sewers, and of making connections with main lines and branch lines, both public and private. The city council may, too, whenever it shall deem it necessary to lay or construct branch pipes or sewers in order in future [to] prevent tearing up of streets, or for any other reason, determine in the case of each main line or of any specified portion of a main line, the location, manner and construction of such branch lines, providing, in its discretion, one (1) or more for each lot or parcel of land, or one (1) for two (2) or more adjoining lots or parcels of land, may require the proper officer to make surveys, plats and profiles, showing the same, which, when approved and adopted, shall thereafter be preserved in the office of the city engineer, and may thereupon, whether such main line has been constructed or is in process of construction, forthwith lay and construct all such branch pipes and sewers not already constructed by private parties interested from a connection with the main line to the line of the street; and whenever the city council constructs such branch pipes and sewers it shall assess the whole cost of each upon the lot or parcel of land to which it runs, regardless of valuation or frontage. But in case one branch is to serve two (2) or more lots or parcels of land, then it shall assess the whole cost of the same upon all the lots or parcels of land to be served, at an equal sum per front foot, without regard to the value thereof. The cost of such branches may be assessed and collected in advance of their construction, as in case of other improvements, in which case the cost shall be estimated and fixed [in] manner substantially like the way pointed out by section eight (8) of chapter ten (10) of this act for improvements therein specified. The city council may, however, in case it constructs any branch at the same time that it constructs a main line, assess, in the manner above indicated, the whole cost thereof, and add the same to and include it with the assessment for the main line. The city council may, subject to such terms and under such regulations as it may fix, require of all persons using an area or any space within the lines of any street to permit to be laid within such area all necessary branch pipe for both water and gas, and back sewers, to a connection with other branches, and also to be laid therein, inclosed in tubes or otherwise sufficiently protected, any and all electric light wires at any time required to be laid beneath the surface of the street, and no permits for excavation or use of any area or space within the lines of a street shall be given, except upon condition that it may be used by others in the manner and for the purposes above named.

SEC. 7. All expense of keeping up and operating said water works, and of constructing, enlarging, altering, and keeping in repair pump houses, machinery, hydrants, and laying of water mains, and anything connected with said water works, shall, except so far as the cost of laying water mains, to be paid by special assessment upon abutting property, be paid from the current expense fund of the city, and any excess of special assessments shall belong to the said current expense fund.

SEC. 8. It shall be the duty of the city council from time to time to fix by ordinance rates for the use of water from the city water works, and provide for the collection of the same, and also to provide for the protection of such water works from injury or misuse or abuse. The owner of private property, which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Crookston for rents or rates of all water used upon such premises, which may be recovered by action against such owner, lessee or occupant or agent,—any or all of them.

## CHAPTER X.

### CONDEMNATION OF PRIVATE PROPERTY FOR PUBLIC USE AND ASSESSMENTS FOR LOCAL IMPROVEMENTS.

SECTION 1. Whenever the city council shall consider it necessary to procure grounds for any public building, public grounds, engine houses, markets, or for water works, or any water power for water works, the city council shall appoint a committee of not less than three of its own members, who, together with the city engineer, shall make examination, and propose to the city council a description of the land suitable for such public grounds, engine houses, markets or public buildings, or for water works, as the case may be, and the most convenient manner of taking and using the same, and present to the city council a plat of the land proposed to be taken; and their report shall show, as far as the committee may deem necessary, what canals, buildings, tunnels and structures can be used in the appropriation, and any other matter which the committee may deem proper; and such committee may present for consideration more than one plat or location.

SEC. 2. Such committee shall file their report with the city clerk of said city, who shall give notice by publication, twice in the official paper of said city, that such report is on file for the inspection of all persons interested, and that the same will be presented to the city council, for action thereon, at a meeting of the city council, to be named in said notice, which shall be a stated meeting of said council, which shall occur next after one week from the second publication of such notice. At the meeting named in such notice the city clerk shall, next after the reading of the minutes of previous meeting, present such report, and the matter may be acted upon by the council at the same, or any subsequent meeting. The council may, under such rules as it may prescribe, hear any person interested in the matter, or refer the matter to a committee to hear and report.

SEC. 3. Whenever the city council may determine upon the lands.

or other property to be taken and appropriated, it shall designate the same as nearly as may be convenient, and shall cause such plat or survey as may be necessary to show or explain the same, to be made and filed therewith with the city clerk, and the city council shall then, or afterwards, appoint three (3) commissioners, who shall be freeholders of said city, and no two (2) of whom shall reside in the same ward, to view the lands, water power, or other premises to be taken or appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken or appropriated. Two (2) or more of such commissioners shall constitute a quorum, and be competent to do any act required of such commissioners. They shall be notified by the city clerk, by notice served on them severally, either personally or through the mail, to attend at his office, on or before a day fixed by him, not less than two (2) days after the service or mailing of such notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Crookston the sum of fifty (50) dollars, to be recovered to the use of said city in a civil action; and in case a quorum of such commissioners shall not attend at the time and place designated in such notice, the mayor, or acting mayor, of said city may, in writing, appoint one or more commissioners to act in place of such absentees. The commissioners shall be sworn by the clerk, or some officer authorized to administer oaths, to discharge their duties as such commissioners with fidelity and impartiality, and make due return of their action to the city council. They shall give notice, by two (2) publications in the official paper of said city, that they will, on the day designated in such notice, (which shall be at least ten (10) days after the first publication of such notice), meet at a place designated in such notice, on or near the premises proposed to be taken and appropriated, and ascertain and award therefor compensation and damages; and that they will then and there hear such allegations and proofs as interested persons may offer. Such commissioners shall meet and view the premises, pursuant to such notice, and may adjourn from time to time; and, after having viewed the premises, may, for the purpose of hearing evidence or preparing the award, adjourn, or go to any other convenient place in said city; and such commissioners shall make a fair and impartial appraisement and award of compensation and damage, to be paid each person whose property is taken or injuriously affected, and report the same to the city council; and such award shall lie over to the next stated meeting of said council, which shall occur more than one (1) week after such report is returned, at which, or at any subsequent time, the council may act on any such award and hear any objections made thereto, or may refer the said report to a committee, to hear and report such objections to the city council. The council may affirm or annul such award, or any part thereof, and send the same back to the commissioners for further action thereon; and such commissioners may, upon two (2) days' notice by publication in the city paper, meet at a time and place named in such notice, and hear any further evidence that may be adduced by any interested party, and may adjourn from time to time for such purpose; and may correct mistakes in such award, and revise and alter the same, as may be just, and report the same again to the city council, who may confirm or annul the same. When any

such award shall have been confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereinafter provided.

SEC. 4. Any person whose property is taken or injuriously affected under the provisions of this chapter, and who deems that there is any irregularity or injustice in the proceedings of the council or action of the commissioners, by reason of which such award of the commissioners ought not to be confirmed, may, at any time before the confirmation thereof by the city council, file with the city clerk, in writing, his objections to such confirmation, setting forth specifically such irregularity complained of, and if, notwithstanding such objections, the city council shall confirm the award, such person so objecting shall have the right to appeal from the order confirming such award to the district court of the county of Polk at any time within ten (10) days after such confirmation. Such appeal shall be made by serving a written notice of such appeal upon the city clerk, which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, and by also delivering to said clerk a bond to the city of Crookston, executed by the appellant, or by some one in his behalf, with two sureties, who shall justify in the penal sum of fifty (50) dollars, conditioned to pay all costs of such appeal which may be awarded against the appellant. Thereupon the clerk shall make out and transmit to the clerk of the district court a copy of the award of said commissioners, as confirmed by the city council, and of the order of the city council confirming the same, and of the objections filed by the appellant aforesaid; all certified by the clerk to be true copies, within ten (10) days after taking such appeal, the expense of which copies shall be paid in the first instance by the appellant. The cause shall be docketed by the clerk in the name of the person taking such appeal against the city of Crookston; as an appeal from assessments. The cause shall then be at issue in such court, and shall have the preference, in order of trial, over all other civil actions pending in said court. Such appeal shall be tried in the district court as all other civil causes, except no pleadings shall be required, and on the trial the only questions to be passed upon shall be whether the said commissioners had jurisdiction in said case, and whether the valuation of the property specified in the objections is a fair valuation, and the assessment of damages, so far as it affects said property, is fair and impartial. The judgment of said court shall be either to confirm or annul said assessment, in so far as the same affects the property appropriated aforesaid of said appellant, from which judgment no appeal or writ of error shall lie, and if the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge costs against said appellant in any sum not exceeding thirty-five (35) dollars; otherwise no costs shall be recovered by either party.

SEC. 5. Whenever an award of compensation and damages shall be confirmed by the city council and not appealed from, and whenever the same, when appealed from, shall not be set aside by the court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid from the permanent im-

provement fund of said city, or from such other fund as to which the same may be properly chargeable, to the owners of such property the amount awarded to each severally; but before the payment of such award the owner of such property shall furnish an abstract of title to such property, showing himself entitled to the compensation or damages claimed. In case such payment is not made within one (1) year after the confirmation of such award or determination of appeal thereupon, the proceedings shall be deemed to be abandoned. In case of neglect to furnish the abstract of title as aforesaid, or there shall be any doubts as to who is entitled to such compensation or damages, or any part of the same, the amount so awarded shall be appropriated and set apart in the city treasury for whoever shall be entitled thereto, and paid over whenever any person shall show clear title to the property and right to receive the same. The city council may, at its discretion, require of such claimant a bond, with good and sufficient sureties, conditioned to indemnify the city against all claims for such compensation or damages so awarded, or for the property for which the same was awarded, and all costs and expenses that may be incurred on account of such claims. Upon the payment of said award or appropriation, and upon setting apart in the city treasury of the money to pay the same as aforesaid, the city shall become vested with the title to the property so taken or condemned absolutely, for all the purposes for which the city shall or may ever have occasion to use the same, and may forthwith enter upon the use of the same. This section shall apply to all cases of appropriation of private property for public uses provided in this chapter.

SEC. 6. Whenever the city council shall vote to lay out, grade or open any new street or alley, or to straighten, widen, grade, or extend any street or alley that now or hereafter may exist, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, showing the course, character and extent of the same, and the property necessary to be taken or interfered with thereby, with the name of the owner of such property so far as known, and such statement as, in the opinion of the city engineer, may be proper to explain such plat or survey, and his estimate of the cost of such improvement; and the city council may cause said plat and survey to be amended, modified or changed, as it may deem proper, and shall estimate and fix upon the cost of making such improvement. When such plat and survey shall be finally adopted by the city council it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of such improvement actually agreed upon and ordered by said city council. Said plat shall also show the amount of land to be taken from each owner, so far as known, and the lands contiguous to and affected by such improvement. The city council shall then or afterwards appoint three (3) freeholders of said city, no two (2) of whom shall reside in the same ward, as commissioners to view the premises and ascertain and award the amount of damages and compensation to be paid the owners for property to be taken or injured by such improvements, and to assess the amount of such damages and compensation and the expense of the improvements upon the lands and property to be benefited by such improvement, and proportion the

benefits to be secured to each parcel of lands benefited thereby, without regard to cash valuation. Two (2) or more of such commissioners shall constitute a quorum and be competent to perform any duty required by such commissioners, and they shall be notified of their appointment, and vacancies in their number filled in the same manner, and shall take the same oath and be subject to the same penalties for refusal or neglect to perform their duties, as provided for commissioners appointed under section four (4) of this chapter. Such commissioners shall give such notice and proceed in the same manner to view, hear and determine the damages and compensation to be paid to the owners of such property, and report their award to the city council in the same manner as required by section four (4) of this chapter; *Provided, however,* That the said commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owners from such improvements in respect to the remainder of such property, and only award him the excess, if any, as compensation or damages. The commissioners shall then assess the amount of such compensation and damage so awarded, together with the costs of making such improvements upon the land and property benefited by such improvements in proportion to such benefits, but in no case shall the amount so assessed exceed the actual benefits to the lot or parcel of land so assessed, deducting therefrom the damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisalment and award; and if, in the judgment of such commissioners, the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list, containing their assessment of such compensation, damage and expense of such improvement, or so much thereof as shall not exceed the actual benefit to the property so assessed, the name of the owners thereof, if known, and the amount assessed as such compensation, damages and costs of such improvements aforesaid, which they shall return as unassessed. The city council shall proceed to consider, confirm or annul or recommit such reports, and provide for like proceeding upon such reports as are provided for in section four (4) of this chapter. Whenever the city council shall confirm any such award and assessment, such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as herein provided; and the city council shall proceed to levy such assessment upon the several parcels of land described in said assessment list reported by said commissioners in accordance with the assessment so confirmed, which said assessment shall become a prior lien upon such parcels of land, and cause to be made out and adopted an assessment roll of the same, which may be in the following form:

The city council of the city of Crookston doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is to defray the compensation and damages awarded for the taking and injury to private property and costs of improve-

ments on and about the....., as shown by the plat and survey of the same now on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to the benefits accruing from such improvements to accrue to the parcels, and not exceeding the benefits to the parcels so assessed.

OWNER'S NAME.	DESCRIPTION.	LOT.	BL'CK	AMOUNT.	
				DOLS.	CTS.

Done at a meeting of the city council this.....day of.....  
 A. D. 188...

Attest:

.....  
 [L. S.]                      *City Clerk.*                                      *President of Council.*

SEC. 7. Any person whose property is proposed to be taken, interfered with or assessed for benefits under the provisions of the preceding section, who deems himself aggrieved by such proceedings, may appeal to the district court in and for the county of Polk, as provided for in section four (4) of this act. All commissioners appointed under the provisions of this chapter shall receive compensation at the rate of three (3) dollars per day, to be paid out of the funds provided for the current expenses of the city.

SEC. 8. Whenever the city council shall determine to cause to be paved any street, lane or alley in said city, or any gutter or gutters along such street or alley, or to lay, relay or extend any sewers or water mains along such street or alley, or any portion thereof, it shall designate in a general way, as nearly as convenient, the characters and extent of such improvements and the materials to be used therein; and thereupon, it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvements, stating therein the proportion of such cost which shall be required to construct such improvements in front of abutting lands, which cost in case of sewers shall not exceed the cost of ordinary sewers in front of such abutting lands, or in case of water mains the cost of six-inch mains and the proportion thereof to construct the same across streets and alleys, and in front of lands not subject to assessment, and also a list of the several lots and parcels of lands fronting upon such proposed improvements, with the number of feet front of each extending along such improvements, and the name of the owners of the several

parcels as near as may be. A brief mention of the reception of such report shall be made and published in the records of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned, and such report shall lie over until the next stated meeting of such council occurring more than one week after such publication; but the city council, in its discretion, may direct the city engineer to advertise and receive bids in the meantime for doing the work and furnishing the material required to construct such improvements and report the same to the council at the meeting of the council to consider such reports, or to any subsequent meeting of the same; the city council may consider such estimates and, under such rules as it may adopt, hear and consider any objections to such improvements; and the city council may adhere to its resolution to make such improvements, or abandon, or alter, or modify it. If the city council shall determine to go on with such improvements, whether modified or not, it may, either before or after having contracted for the construction of such improvements, estimate and fix the cost of such improvements and the proportionate amount of such cost which is required to construct such improvements, not exceeding in case of sewers the costs of ordinary sewers and in case of water mains not exceeding a six-inch main, and when larger sewers or water mains are needed it may assess and levy such proportion or amount of such costs upon the same lots and parcels of land upon a basis of an equal sum per front foot of each lot or parcel of land running along the line of such improvements, and the city council shall cause to be made and adopt an assessment roll thereof which may be in the following form, and such assessment shall be a lien upon the lands so assessed:

The city of Crookston doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums set opposite each lot or parcel.

This assessment is levied to pay the expenses of the city of Crookston along.....and said lots and parcels of land are assessed upon the basis of an equal sum per front foot along the line of such improvements.

OWNER'S NAME.	DESCRIPTION.	LOT.	BLOCK.	AMOUNT.	
				DOLS.	CTS.

Done at a meeting of the city council this.....day of.....18...

Attest:

.....  
City Clerk.

.....  
President of Council.

SEC. 9. The city council may, in its discretion, in case where any lot, fronting on two streets, has been previously assessed, and the assessment paid, for laying sewer pipes or water mains upon a different street from the one through which the proposed improvement is to be extended, remit the assessment from such corner lot, such portions of the second assessment, not exceeding the amount of assessment for a frontage of fifty feet on such lot, as it may deem just; but the discretion of the city council in such matter shall be final; and the refusal or failure of said council to make such remittance shall not be ground for setting aside such assessment in any court or proceeding.

SEC. 10. Whenever the city council shall have ordered the construction of any sidewalk, and the owners of the land along such sidewalk shall refuse or neglect for the space of two weeks to construct the same according to the order of the city council, the city engineer shall report to the city council a description of each lot or parcel of land along which such sidewalk has not been built, and his estimate of the cost of building the same; such estimate shall not be binding upon the city council, but advisory merely, and the council may obtain other information as to such cost, and the council shall fix and designate the cost of building such sidewalk in front of each lot or parcel of land, and thereupon the city council shall assess and levy upon and against such lot and parcel of land so reported (after correcting mistakes, if any) along which said sidewalk has not been built, such sum as will cover the cost of building such sidewalk along such lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form:

The city council of the city of Crookston doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the costs of..... sidewalks along the.....side of.....from..... to....., in accordance with a resolution of the city council, passed the.....day of.....18..., and published in the official paper of said city on the.....day of..... 18...; the amount levied and assessed upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon such lot and parcel.

OWNER'S NAME.	DESCRIPTION.	LOT.	BLOCK.	AMOUNT.	
				DOLS.	CTS.

Done at a meeting of said city council this.....day of  
 .....18...

Attest:

.....  
*City Clerk.* *President of Council.*

SEC. 11. Assessments for repairs of sidewalks may be in the following form:

The city council of the city of Crookston doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel of land. The assessment is made to defray the cost of repair of sidewalks fronting upon each parcel or lot which the respective owners have neglected to make and which have been made by the street commissioners since the.....day of.....18...

The amount assessed against and levied upon each of said lots and parcels is the actual cost of the repairs of sidewalks abutting upon such lots or parcels so repaired by such commissioners.

OWNER'S NAME.	DESCRIPTION OF LOTS.	LOT.	BL'CK	AMOUNT.	
				DOLS.	CTS.

Done at the meeting of said council this.....  
 day of.....188...

Attest:

.....  
*City Clerk.* *President of Council.*

SEC. 12. The city clerk shall record all assessment rolls of special assessments in books kept by him for that purpose, and shall, on or before the first Monday in October of each year, deliver to the county auditor of Polk county all such assessment rolls theretofore recorded, and such county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced as any county and state taxes are collected and enforced, and such assessments shall be paid over by the county treasurer when collected to the city treasurer in like manner as other taxes.

SEC. 13. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same when the assessment roll has been adopted by

the city council and the assessment roll; and the record thereof, kept by the city clerk shall be competent and sufficient evidence that such assessment was duly levied, and that such assessment roll was duly made and adopted, and that all other proceedings were duly had, taken and performed as required by this charter, and no failure of the city clerk to record the said assessment roll or return the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing required of him shall in any way invalidate such assessment and no variance from the directions herein contained as to form or manner of proceedings shall be held material unless it can be clearly shown that the party objecting was materially injured thereby, unless such objections were taken at the time and in the manner prescribed in this chapter.

SEC. 14. In case any special assessment shall, in any suit wherein its validity shall be questioned, be adjudged invalid by the court, the city council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall be transmitted to him for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose or by taking up the previous proceedings at any point, and may make and levy a new assessment in place and stead of the assessment which shall have been adjudged invalid. The city clerk before delivering such new assessment to the county auditor shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessment, as to the lots and parcels on which payments were made to the extent of such payment. Such new assessments shall be collected in the same manner as the original special assessment.

SEC. 15. No special assessment shall be held to be invalid because the amount of such special assessment shall happen to be more or less than the amount of money actually required for the improvements for which such assessment was made. If the special assessment shall happen to be less than the amount required the balance shall be paid from the current funds of the city, except in case of sewers the balance shall be paid from the permanent improvement fund, and if there should happen to be a surplus of such assessment the surplus shall be credited to the same fund from which the deficiency would have been supplied, or be otherwise disposed of as the city council shall deem most just toward the person upon whom the special assessment was levied, and upon any assessment rolls or other papers being used upon any of the proceedings it shall not be necessary that words be written out in full, but abbreviations, letters, figures and other recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

SEC. 16. It shall require a two-thirds ( $\frac{2}{3}$ ) vote of all the members elected of the city council to determine in the first (1st) instance to make any improvements for which special assessments may be levied, except in respect to sidewalks, when a majority vote shall suffice; but this restriction shall not apply to any subsequent action of said city council touching such improvements, to provide means therefor.

SEC. 17. Any improvement, the means to make or construct which may be raised by special assessment, may be performed by contract, let in the ordinary way, or directly by the city, by the employment of labor and purchase of material, or in any other manner which the city council may deem proper in each particular case; and the city council may, in its discretion, in any case, instead of causing the special assessments to be made entirely upon estimates, as hereinbefore provided, wait until receiving bids for the contract before determining and fixing the cost of such improvement or appointing commissioners to make the assessment; but no bid shall be taken as a basis for an assessment which is not accompanied with a bond, with good and sufficient sureties, in a penal sum equal to half (½) the amount of the contract price bid, conditioned that, should the city council award the contract to such bidder, that he will accept and enter into such contract to do the work or furnish the material at the price bid.

SEC. 18. The city council may, at the time of ordering any improvement for which any assessment may be made, may determine whether to proceed at once with such improvement or await the collection of such assessment. In case it shall determine to proceed with such improvement, the money to defray the expenses thereof shall be advanced out of the permanent improvement fund of the city, or any other fund provided by law therefor. In such case there shall be added to the cost of such improvement interest at the rate of seven (7) per cent per annum from the time of making such improvements until the thirty-first (31st) day of May next ensuing, and such interest shall be included in such assessment, and be collected as part of the cost of such improvement.

SEC. 19. In case any assessment is collected before making of such improvement, the money so collected shall be kept separate from the funds of the city, and not be devoted to any other purpose than such improvements, and as soon as the majority of the assessments for such improvements are paid, the city council shall forthwith cause such improvements to be made.

SEC. 20. After any special assessment roll shall have been made and adopted by the city council, and before the same has been delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of the city, and upon the production of the city treasurer's receipt therefor to the city clerk he shall enter upon such assessment roll opposite the assessment so paid the words "paid to city treasurer," which entry shall cancel the assessment so paid. In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment shall be deducted therefrom.

SEC. 21. Nothing herein contained shall intercept or interfere with any assessments which have been heretofore made; but the collection thereof shall go on according to the provisions of the charter in force at the time of making such assessments.

SEC. 22. All assessments provided for under the provisions of this chapter shall become a lien upon the lots and parcels of land upon which such assessments are made, which said lien shall be a first lien upon such property from the time such assessment roll is adopted by the city council and recorded in the office of the city clerk, and no sale under execution, or other proceedings upon a judgment, decree, fore-

closure, or lien, and no transfer or mortgage of such property shall divest or affect the lien of such assessment for any tax or for improvements chargeable as assessment against such property under this charter, although confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

## CHAPTER XI.

### MISCELLANEOUS PROVISIONS.

SECTION 1. All ordinances and resolutions heretofore made and established by the city council of the city of Crookston, and not inconsistent with the provisions of this act, shall remain in force, except as altered, modified or repealed, and except as may be hereafter modified or repealed by the city council, and all books or pamphlets published, or that may hereafter be published, purporting upon their title page to be published by the authority of said city council and purporting to contain the ordinances of said city, standing rules of said city council, or either, are hereby declared to be competent *prima facie* evidence of the contents of such ordinances, standing rules and orders, or of any resolutions or other matters purporting to be the act of said city council which may be found printed thereon, and of due adoption, approval and publication thereof.

SEC. 2. The city council may from time to time provide for the compilation and publication of the ordinances of said city and such resolutions as may be designated, and for the distribution or sale of copies of such compilation, in its discretion, and may also provide for exchange of such printed copies with other cities.

SEC. 3. 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 said city is a party interested.

SEC. 4. The said city may lease, purchase and hold real estate sufficient for the convenience of the officers and inhabitants thereof, and may sell and convey the same, or any other property or franchises belonging to the said city, and the same shall be free from taxation while so held by the city; *Provided*, No real estate shall be sold without the concurrence of all the members of the city council.

SEC. 5. No law of the state contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such act.

SEC. 6. When any suit or action shall be commenced against the city service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor to forthwith inform the city council and the city attorney thereof, or to take such other proceedings as the council may direct by ordinance or resolution.

SEC. 7. All actions brought to recover any penalty or forfeiture under this act, or the ordinances or by-laws of the city, or police or health regulations of the city, shall be brought in the corporate name of said city.

SEC. 8. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Crookston, the first process shall be

by warrant. *Provided*, That no warrant shall be necessary in case of the arrest of any person while in the act of violating any of the ordinances of the city of Crookston, but the person or persons so arrested may be proceeded against, tried, convicted, punished or discharged, as if arrested by warrant; and in all cases of penalty of fine or the rendering of a judgment by a city justice, pursuant to any statute of the state of Minnesota, or the ordinances of the city of Crookston, as a punishment for the violation of such statute or ordinance the said offender shall be forthwith committed to the city prison, or, if there be no suitable city prison, then to the common jail of Polk county for a term not exceeding three (3) months, unless said fine be sooner paid; and from the time of the arrest of such person, for any offense whatever, until the trial of such person so arrested, they may be imprisoned in the said city prison, or, if there shall be no suitable city prison, then in the common jail of said Polk county.

SEC. 9. The city of Crookston shall not be liable in any case for the board or jail fees of any person who may be committed to the jail of Polk county under the laws of the state.

SEC. 10. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by vote of two-thirds of all the members of said city council; but nothing in this section shall be construed to prohibit any court from suspending the execution of sentence in its discretion.

SEC. 11. No city officer or employe of the city shall sell, dispose of, or convert to his own use any city property in his charge without special authority from the city council, and the said council shall by ordinance cause all officers having under their control any tools or other city property to make out a list of such tools or city property and file the same with the city clerk, and to account for such property from time to time as it in its discretion may think proper.

SEC. 12. The city council shall at its first meeting in April cause the city clerk to advertise in the official paper of the city proposals for publishing in some weekly newspaper, printed in said city, the proceedings of the council and all other matters required by the charter or ordinances of said city. Such proposals shall state the price per inch for the first and each additional insertion of all matter so published, and at the next stated meeting the said council shall open said bids and award the contract to the lowest responsible bidder, which said paper shall be designated the official paper of said city for the ensuing year, provided the proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required, and give bond in the sum of three hundred (300) dollars, with two sufficient sureties, to be approved by said city council, conditioned for the faithful performance of such contract. The weekly newspaper so designated shall continue to be the official paper of said city, and the contract and bond remain in full force until the city council shall designate another paper to be the official paper of said city.

SEC. 13. The publisher, or publishers of said official paper, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

SEC. 14. The city council shall, at its first annual meeting in each year, or as soon thereafter as practicable, cause its city clerk to advertise in the same manner as hereinbefore prescribed in section thirteen (13), for sealed proposals for doing the job printing of said city; said bids to state the price per 1,000 ems for composition, the price per pound for paper, and the price per token for press work; which said bids shall be marked "proposals for job printing," and addressed "to the city council of the city of Crookston," and opened at its next meeting, and the contract awarded to the lowest responsible bidder. *Provided*, That the city council may reject all such proposals and adopt such other method for printing such matter as it may in its discretion determine; due regard being had to the facilities of the bidder to satisfactorily perform the work. *Provided always*, That such lowest bidder shall enter into a written contract for the performance of such job printing, with like bonds and sureties as specified in section thirteen (13) of this chapter for the faithful performance of such contract.

SEC. 15. This city charter shall be a public act and need not be pleaded or proved in any case, or action, or proceeding, in any of the courts of this state.

SEC. 16. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect and be in force from and after its passage.

Approved March 9, 1885.

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## CHAPTER 2.

AN ACT TO AMEND THE CHARTER OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. [That the] an act entitled "An act to amend and consolidate the charter of the city of Minneapolis, approved March eighth (8th), one thousand eight hundred and eighty-one (1881)," the same being chapter seventy-six (76) of the special laws of one thousand eight hundred and eighty-one (1881), as amended by an act entitled "An act to amend the charter of the city of Minneapolis," approved February twenty-seventh (27th), one thousand eight hundred and eighty-three (1883), the same being chapter three (3) of the special laws of one thousand eight hundred and eighty-three (1883), and amended by an act entitled "An act to further amend the charter of the city of Minneapolis," approved February twenty-second (22d), one thousand eight hundred and eighty-three (1883), the same being