

Grove in said county of Dakota, viz: The south one-half ($\frac{1}{2}$) of sections twenty-eight (28), twenty-nine (29) and thirty (30), also sections thirty-one (31), thirty-two (32) and thirty-three (33) and that portions of sections thirty-four, (34), thirty-five (35) lying south of the south boundary line of Hause's, Kerst's, Wiseman's, Mathews and Lincoln park additions and the said south boundary line extended east to the middle thread of the Mississippi river; and the annual tax levy made by the common council of said city for said described territory, hereby set off to Inver Grove township for the year one thousand eight hundred and eighty-eight (1888) shall be collected by the treasurer of the county of Dakota and by him paid over to the treasurer of said township of Inver Grove, which said taxes shall be held strictly to the credit, and benefit of the property against which said tax levy was made; and shall not be expended for the general benefit of the whole of said township of Inver Grove.

SEC. 41. All laws of the state of Minnesota, whether general or special, conflicting with this act, in so far as they affect the city of South Saint Paul, are hereby appealed.

SEC. 42. This act shall take effect and be in force from and after its passage.

Approved February 8th, 1889.

CHAPTER 8.

[H. F. No. 710.]

AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE CITY OF LITTLE FALLS.

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

TITLE I.

CITY AND BOUNDARIES.

SECTION 1. All the district of country in the county of Morrison and state of Minnesota contained within the boundaries hereinafter described shall be a city by the name of "Little Falls" and the people now inhabiting and those who shall hereafter inhabit, within said territory, shall constitute a municipal corporation by the name of the city of Little Falls, and by that name shall sue and be sued, complain and defend, in any court, and may devise, make and use a common seal, and by ordinance duly passed and approved, alter it at pleasure, and acquire, hold by purchase, grant or lease, all such real, personal or mixed estate as may be necessary to the uses of such corporation, either within or without the boundaries of such corporation, and shall have full power to sell and convey all or any of the same

when the common council in its discretion shall determine the same to be no longer useful to said city, and shall be capable of contracting and being contracted with and shall be endowed with all the powers possessed by municipal corporations at common law, and in addition shall possess all the power herein or hereafter specifically granted, and the authorities shall have perpetual succession.

CORPORATE BOUNDARIES.

SEC. 2. The following described territory lying and being situate in the county of Morrison and state of Minnesota shall comprise the said city of Little Falls, to-wit: All of sections seven (7) and eight (8) and the west half ($w\frac{1}{2}$) of the northwest quarter ($nw\frac{1}{4}$) and the west half ($w\frac{1}{2}$) of the southwest quarter ($sw\frac{1}{4}$) in section nine (9), and the north half ($n\frac{1}{2}$) of section seventeen (17) and lots one (1) and two (2) and the southeast quarter ($se\frac{1}{4}$) of the northeast quarter ($ne\frac{1}{4}$) in section eighteen (18), all in township forty (40) range thirty-two (32), and the following described lands in township forty-one (41), range thirty-two (32); lot three (3) in section thirty-four (34), lots four (4) and the southwest quarter ($sw\frac{1}{4}$) of the southwest quarter ($sw\frac{1}{4}$) and the east half ($e\frac{1}{2}$) of the southwest quarter ($sw\frac{1}{4}$) in section thirty-five (35) and the following described tracts of land in township one hundred and twenty-nine (129), range twenty-nine (29); all of sections seventeen (17) and eighteen (18) and nineteen (19); and each and all of said territory above described is hereby detached from the townships of Belle Prairie, Pike Creek and Little Falls respectively, in which the same now lies for all purposes and constitute one separate assessment district and one separate election district for all elections whatever, subject to division into more than one election precinct as hereinafter provided.

ADDITIONS.

SEC. 3. Whenever any territory abutting upon the city of Little Falls or upon any addition thereto shall have been platted by the owners thereof into streets, alleys, blocks or lots, in proper shape for record and conforming to and corresponding with the adjacent city streets, alleys, blocks and lots, and a map thereof made showing also the adjoining blocks and lots in the city and connecting streets and alleys of the city and the detailed topography of the platted territory accompanied by a properly certified abstract of title, to the said territory showing the title to be in the party or parties represented to be owners of the land which it is desired to annex to the city, the common council may, upon the petition of the owners of not less than half of the property of said platted territory, by ordinance declare the same to be an addition to the city of Little Falls, and from thenceforth such territory shall be and become a part of said city and within the jurisdiction thereof as effectually as if the same had been annexed by act of the legislature, and the said common council may by ordinance divide the same into wards or annex the same to any ward or wards in said city which is hereby established by this act.

SEC. 4. All the territory above described, within which are now established or exists any municipal government under city or vill

age charter, or organization under the general laws of this state shall, from and after the passage and approval of this act and the same takes effect, cease, and the said city of Little Falls shall thereupon succeed to and become vested with, and owners of, all the property real, personal or mixed, rights, franchises, contracts, privileges and immunities which belong to or are owned by said village at the time when the same ceases to exist, and said city of Little Falls shall become and be liable and responsible for all legal debts, obligations and liabilities existing against said village for any cause or consideration whatsoever, in the same manner and to the same extent as if such debts, obligations or liabilities had been originally contracted or incurred by said city of Little Falls and all rights, privileges and franchises heretofore granted in said former village of Little Falls shall continue and be in force within the city of Little Falls with the same validity and force and for the same time and upon the same conditions as heretofore granted, as if granted by said city or its common council.

TITLE II.

ELECTION DISTRICTS.

SEC. 5. The first election of officers of said city under this charter shall be held on the second Tuesday in March, A. D. eighteen hundred and eighty-nine (1889), and for the purposes of said first election the said territory shall constitute one (1) election district and said election shall be conducted and held by the judges and clerks appointed by the village of Little Falls and the laws regulating the same, and subject to all the laws regulating such elections, and the result of such election shall be properly ascertained, certified and deposited with the recorder of the present village of Little Falls, and all elections held after said first (1st) election shall be held on the third (3rd) Tuesday in March of each year.

OFFICERS AND ELECTIONS.

SEC. 6. The elective officers of said city shall be a treasurer, two (2) justices of the peace and one (1) constable, each of whom shall hold their offices for two (2) years and until their successors are elected and qualified, and six (6) aldermen, who shall be elected at large at said first (1st) election, and one (1) clerk, and said aldermen and clerk shall constitute the common council of said city and each of whom shall hold his office for one (1) year and until his successor is elected and qualified, and a mayor, who shall hold his office for one (1) year and until his successor shall be elected and qualified.

SEC. 7. The term of office of every officer elected under this act shall commence on the first (1st) Tuesday of April of the year for which he shall be elected and shall continue until his successor is elected and qualified, and the present officers of the village of Little Falls shall hold their offices until the first (1st) Tuesday in April, A. D., eighteen hundred and eighty-nine (1889) as the officers of said city.

SEC. 8. The city attorney, and all other appointive officers except as otherwise provided in this act shall hold their offices for the term of one (1) year from and after their appointment and until their successors are appointed and qualified, except as hereinafter prescribed. The appointment of officers shall be determined by ballot of the council and shall require the concurrence of a majority of all the members of the common council elect. The common council unless otherwise provided in this act shall appoint said officers at their first regular meeting in April in each and every year or as soon thereafter as may be.

SEC. 9. Whenever a vacancy shall occur in the office of any elective officer of said city or alderman, such vacancy shall be filled by appointment by the common council of said city until the next annual election and the successor of such person so appointed to fill such vacancy aforesaid, shall be elected at the next annual election for the unexpired term.

SEC. 10. All the elections shall be by ballot and shall be conducted after the said first (1st) election, and held subject to, in the manner, and under all the laws regulating general elections in the state except as herein provided. The common council of said city, shall twenty (20) days before a general or municipal election, appoint three (3) qualified electors of each election precinct, of said city, who shall be the judges of election in their election precinct respectively; said judges shall be of opposite political parties if practicable; said judges shall appoint two (2) qualified electors of their election precinct as clerks of such election, to be of opposite political parties if possible. The election shall be held in each election precinct at the place where the last preceding election was held unless otherwise ordered by the common council.

And the common council at any time not less than sixty (60) days prior to any general or special election may divide the said city into two (2) or more election precincts having not less than two hundred (200) voters each, designating the boundaries thereof by ordinances duly passed and approved, due notice of the same being given by publication in the official newspaper, which precinct shall then constitute separate election precincts for all elections, the votes therein being canvassed and returned as herein prescribed.

SEC. 11. In all elections after said first election when the election of aldermen or city officers shall be closed, the judges of election shall forthwith canvass the votes and make return thereof to the city clerk within one day of such election in like manner provided by law, for the return of state and county officers, to the county auditor. Within one week after any city election, the common council shall meet and canvass the returns thereof, and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the officers elected of their respective elections.

SEC. 12. All persons qualified to vote for state officers who shall have resided in the election precinct for ten (10) days next preceding any election where they shall offer their vote shall be entitled to vote at any city election, and all qualified voters shall be eligible to any municipal office herein constituted.

SEC. 13. Any officer removing from the city or ward from which

he was elected or appointed, or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to qualify by taking the oath of office and giving the necessary bond, when a bond is required by this charter or the common council, shall be deemed to have vacated his office, and any officer having entered upon the duties of his office may resign the same by the consent of the common council. All vacancies except as herein provided shall be filled by the common council.

SEC. 14. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the city clerk; the treasurer, clerk and such other officers as the common council may require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Little Falls bonds with sufficient sureties in such an amount and upon such conditions as the common council may prescribe and be by them approved.

SEC. 15. No person who is directly or indirectly interested in any contract with the city or any department or institution thereof, or who shall have been convicted of malfeasance in office, bribery, or other corrupt practices or shall be under indictment therefor, shall be qualified to be elected to or shall hold the office of alderman or any elective or appointed office in said city.

MAYOR.

SEC. 16. The mayor of said city shall be the chief executive of said city, and it shall be his duty to cause to be enforced all the ordinances of said city and the laws of said state within said city, and to see that all officers of said city fully discharge all their official duties and to that end constitute and maintain an action of mandamus or other appropriate action to compel the discharge of such duty, and he shall from time to time by written message recommend to the council such measures as he shall deem necessary for the public good. All ordinances and resolutions adopted by the council shall be presented to the mayor for approval and if approved shall be returned by him to the council, with his approval duly attested, whereupon the same shall become valid ordinances or resolutions of the said city as the case may be, and if the mayor shall not thus sign he shall return the same to the common council with his objections thereto, by depositing the same with the city clerk, to be presented to the common council at their next regular meeting thereafter; upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall again be put upon passage of the same, notwithstanding the objections of the mayor; and if upon such vote the common council shall pass the same by a vote of two ($\frac{2}{3}$) thirds of the members of the council it shall have the same effect as if approved by the mayor; if any ordinance or resolution shall not be returned to the city by the mayor within five (5) days, Sundays excepted, after it shall be presented to him, the same shall have the same force and effect as if approved by the mayor.

It shall be the duty of the city clerk to endorse upon each ordinance and upon his records of the proceedings of the council the time

when such ordinance was delivered to the mayor, and the time when the same shall be returned into his office by the mayor.

SEC. 17. At the first meeting of the common council 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 common council, and during the absence of the mayor from the city or his inability for any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice-president shall discharge the duties of such president and act in his place. The president or temporary presiding officer, while performing the duties of mayor, shall be acting mayor, and acts performed by him when acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor.

CITY CLERK.

SEC. 18. The clerk of said city, styled the city clerk, shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common 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 the common council certified by him under the corporate seal shall be evidence in all courts, the same as if the originals were produced. He shall draw and sign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose; the clerk shall have power to administer oaths and affirmations; he shall perform all other services by law required by clerks or cities or townships within said state, but when services are required of him by public law for which *compensation is made from state or county treasury*, such services shall not be regarded as services for said city, and he may retain such compensation in addition to his salary. In case of the absence or inability of the city clerk to act the common council shall have power to appoint a city clerk pro tempore, and the common council shall have power to appoint at any time they shall deem it necessary an assistant city clerk who shall have authority in the absence or disability of the city clerk to perform all the duties of the city clerk that may be herein prescribed as well as to certify to copies of all files and transcripts of all the records of said office, which certificates shall have the same force and effect as if made by the city clerk.

CITY ATTORNEY.

SEC. 19. The common council shall appoint a city attorney who shall attend all regular meetings of the common council and all special meetings when requested by resolution to do so, and who shall appear in all actions civil or criminal wherein the city of Little Falls is interested, which may be conducted within the county of Morrison, and shall when requested advise and furnish opinions upon all legal matters submitted to him by the council and when requested by the mayor shall advise all officers of the village in relation to

their official duties and shall receive such salary as shall be fixed by the council at the time of his appointment.

BOARD OF HEALTH.

SEC. 20. The council shall at their first regular session elect a health officer and two members of the board of health who shall hold their offices for two (2) years, and two (2) members of the board of health who shall hold their offices for one (1) year, and thereafter each year shall elect such health officers and members to fill such vacancies created by the expiration of said term, each of whom thus elected shall hold office for two (2) years and shall constitute the board of health of said city and shall enforce all the ordinances of said city and the laws of the state enjoined upon boards of health.

CITY ENGINEER.

SEC. 21. The common council shall elect a city engineer who shall under the council regulate and supervise the regulation of grades of streets, sidewalks, alleys and sewers and all water works, and shall perform such other duties as may be prescribed, and who shall receive either a regular salary or a reasonable per diem compensation, as the council may elect, and shall, when requested by the council, guard that all contracts relative to public works shall be faithfully performed, and in his discretion suspend such performance until the next regular or special session of the council when such contracts are not faithfully performed as agreed.

SEC. 22. All surveys or profiles, plans and estimates made by the city engineer or under his direction for the use of the city shall be the property of the city and shall be carefully preserved in the office of the engineer open to the inspection of the parties interested, and the same together with all the books, records and appurtenances of said office shall be delivered to his successor in office, or to the common council.

THE TREASURER.

SEC. 23. The treasurer shall receive all money belonging to the city, and when received give receipt therefor including license money and fines and shall keep an accurate account thereof, in such manner as the common council shall from time to time direct. The treasurer shall as soon as may be after the close of each fiscal year, exhibit to the common council a full and detailed account of all receipts and disbursements for the last fiscal year and also the state of the treasury, which account shall be filed with the city clerk and a copy of the same shall be published in the official paper of said city. The treasurer shall receive such compensation as the council by ordinance shall determine.

TITLE III.

JUSTICES OF THE PEACE AND CONSTABLES AND TRIALS.

SEC. 24. The justices of the peace and constables of said city shall have and possess all the rights, powers and authority of justices of

the peace and constables under the general laws of the state, and in addition thereto the justices of the peace of said city shall have sole and exclusive jurisdiction of all suits, prosecutions, or proceedings for any violation of any ordinances, by-law or regulation of said city, or any police or health regulations of said city, or for the recovery of any fine, forfeiture or penalty under any such ordinance, by-law or regulation, and shall also have exclusive jurisdiction of all actions, suits or prosecutions for any violation of this act which are or may be within the jurisdiction of all justices of the peace.

All prosecutions for any violation of any such ordinance, by-law or regulation, or for the recovery of any such fine, penalty or forfeiture shall be commenced and prosecuted in the name of the "City of Little Falls," and the same proceedings shall be had as are or may be provided by law in civil or criminal cases tried before justices of the peace, except as herein otherwise provided.

All fines imposed or collected in such cases, for any such violation, and also all fines imposed or collected in any action, proceeding or prosecution tried before any such justice, for any violation of law committed within said city shall accrue to the benefit of said city and to be paid into the treasury thereof.

SEC. 25. The said justices of the peace shall upon complaint made, proceed to hear and dispense of in a summary manner, and without intervention of a jury, all suits, prosecutions and proceedings brought before them or either of them for any violation of an ordinance, by-law or regulation of said city, or the city council thereof.

SEC. 26. All prosecutions for any violation of this act, or for the violation of an ordinance, by-law or regulation of said city, or police or health regulation of said city, shall be commenced by warrant, upon complaint being made as required by law in criminal cases before justices of the peace—*provided*, that no warrant shall be required in any case of the arrest of any person, made while in the act of violating any law of the state of Minnesota, or ordinance, by-law or regulation of said city, but in such cases a complaint shall be made after such arrest, which the justice shall reduce to writing, and the party arrested shall be required to plead thereto, as to a warrant in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made upon a warrant.

SEC. 27. All process issued by any justice of the peace of said city for the violation of any ordinance, by-law or regulation of said city, of any police or health regulation of said city shall be in the name of the "city of Little Falls" and shall be directed to the chief of police or to any police officer of said city. In all cases of the imposition of any fine or penalty by any justice of the peace of said city for the violation of any ordinance, by-law or regulation of said city, if said fine or penalty be not paid the offender shall be forthwith committed to the city prison of said city or if there be no such prison to the common jail of Morrison county, and be there imprisoned for a term not exceeding three (3) months, in the discretion of the justice, unless said fine or penalty be sooner paid, and from the time of the arrest of any person for any offense whatever, until the time of his trial, he may be imprisoned in said city prison, or in case there be no such prison, then in the common jail of said Morrison county.

SEC. 28. The justices of the peace of said city shall be entitled to receive from the county of Morrison such fees in criminal cases prosecuted in the state of Minnesota, as are and may be allowed to other justices of the peace for similar services, and from the city of Little Falls for services rendered in cases prosecuted in the name of the "city of Little Falls," such fees as shall be allowed by law.

SEC. 29. In all actions, prosecutions or proceedings before any justice of the peace of said city for the violation of any ordinance, by-law or regulation of said city, or any police or health regulation of said city, commenced upon the complaint of any person other than some officer of said city, the complaining witness shall give security for costs, to the satisfaction of said justice, in a sum not less than ten (10) dollars, and the costs, taxed by the justice against the city in any such action, prosecution or proceeding, shall in no case exceed the sum of ten (10) dollars.

SEC. 30. Whenever the accused tried for the violation of any ordinance, by-law or regulation of said city or any police or health regulation of said city, shall be acquitted he shall be immediately discharged; and if the justice before whom the trial is had, certified in his docket that the complaint was wilful and malicious, and without probable cause, he shall enter judgment against the complainant for costs of such prosecution; and execution may issue therefor, or such complainant may be committed to jail until such costs are paid, or until otherwise released according to law, and in case he be so committed and be discharged, execution may issue and such judgment be collected, after such discharge.

Provided, that in no case shall any such judgment for costs be entered against any officer of said city who as such may make any such complaint.

SEC. 31. Whenever any person shall be convicted of any violation of this act, or of any ordinance, by-law or regulation of said city, or of any health or police regulation thereof, in addition to the penalty prescribed, he shall be adjudged to pay all of the costs and disbursements of prosecution, and in default of payment of such fine and costs and disbursements shall be imprisoned in the city jail or in the common jail of Morrison county not exceeding three (3) months, or he may be punished by both fine and imprisonment, in the discretion of the justice.

SEC. 32. The justices of the peace shall on the first (1st) Monday of each month report to the city council a list of all proceedings instituted before them in the name of the city or in which the city is in any manner interested, and shall at the same time account for and pay over to the city treasurer all fines, penalties and costs collected, which may by law accrue to said city, and also file with such report the receipts of said treasurer of the moneys paid to him.

SEC. 33. The constables of said city shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state.

TITLE IV.

SEC. 34. If any person having been an officer of said city shall not within ten (10) days after notification and request, deliver to his successor in office all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars (\$1000), besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of the state.

SEC. 35. No alderman or other officer elected or appointed shall be a party to or interested in any job or contract with the city, and any contract in which any alderman or other officer shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the amount so paid may be recovered by a joint or several action from the parties to such contract and the alderman or other officer interested in the same.

SEC. 36. The common council shall have power at any other time to require other or further duties to be performed by any other officer whose duties are herein prescribed not inconsistent with this act.

SEC. 37. The mayor and aldermen shall each be entitled to an annual salary not to exceed one (1) dollar per annum to be fixed by the council at its first (1st) annual session of each year.

SEC. 38. All officers whose compensation is not specifically fixed herein shall receive such reasonable salary as shall be designated by ordinance of the council and approved by the mayor.

SEC. 39. The number and salary of the police required by said city shall be determined by the council by resolution, and the police of said city shall be appointed by the mayor, one of whom shall be designated and act as chief of police. The members of the police force shall hold office during the pleasure of the mayor and shall be removed by him at discretion. The appointments and all removals shall be in writing and shall be filed with the clerk of said city.

And the mayor shall have power to appoint such number of special police from time to time as he shall determine, when the preservation of the public peace shall require; such police shall have such per diem compensation as the council shall allow, and shall not hold under any appointment at any one time for a longer period than two (2) days. Such police shall be duly sworn and shall have all the powers of other police during their term.

SEC. 40. No person shall be appointed upon the police force unless he shall be a citizen of the United States, a resident of the village of Little Falls or the city of Little Falls, solely or jointly, of not less than one (1) year next preceding his appointment and be able to read and write the English language, and all members of the police force shall have power to serve, execute and return all writs and process issued by the courts of the justice of the peace of said city or of the county of Morrison, within the limits of said city and shall be entitled to the same fees as are now received by constables for the same service.

TITLE V.

SOLE POWER VESTED IN COMMON COUNCIL TO VACATE STREETS, AVENUES
AND ALLEYS.

SEC. 41. The common council of the city of Little Falls shall have the sole and exclusive power to vacate or discontinue streets, avenues, alleys and highways within said city. No such vacation or discontinuance shall be granted or ordered by the common council except upon a petition of a majority of the owners of property on the line of such street, avenue, alley or highway, resident within said city.

Such petition shall set forth the facts and reasons for such application accompanied by a plat of such street, avenue, alley or highway proposed to be vacated and shall be verified by the oath of at least two (2) of the petitioners.

The common council shall thereupon order the petition to be filed of record with the city clerk who shall give notice by publication in the official paper of the city for four (4) weeks at least once in each week to the effect that such petition has been filed as aforesaid and stating in brief its object and that said petition will be heard and considered by the common council or a committee appointed by them on a certain day and place therein specified, not less than ten (10) days from the expiration of such publication; the common council or such committee as may be appointed by them for the purpose at the time and place appointed shall investigate and consider the said matter and shall hear the testimony and evidence on the part of the parties interested.

SEC. 42. The common council thereupon after hearing the same or upon the report of such committee in favor of granting such petition may by resolution by a three-fourths vote of all the members elect declare such street, avenue, alley or highway vacated, which said resolution after the same shall go into effect, shall be published as in the case of ordinances and thereupon a transcript of such resolution duly verified by the city clerk shall be filed on record and duly recorded in the office of the register of deeds of the county of Morrison.

SEC. 43. Any person feeling aggrieved by any such vacation or discontinuance or refusal so to do may within twenty (20) days after the publication thereof, by notice in writing served on the mayor of said city, a copy whereof with proof of service shall be filed in the office of the clerk of the district court of the county of Morrison, appeal to said court from such vacation or discontinuance, where such appeal shall be tried by the court and jury as in ordinary cases and the judgment of which court shall be final. It shall be the duty of said city clerk as soon as any appeal is taken, to transmit to the proper court a certified copy of the records of all proceedings in the case at the expense of the appellant; such appeal shall be entered and brought on for trial and be governed by the same rules in all other respects as appeals from the justices of the peace in civil suits except that no plead-

ings shall be required. *Provided*, that the proceedings for vacation already instituted in the district court shall not be affected by this chapter.

TITLE VI.

THE COMMON COUNCIL, ITS GENERAL POWERS AND DUTIES. QUORUM AND PRESIDING OFFICER.

SEC. 44. A majority of the council shall constitute a quorum. The president or vice-president of the common council, shall when present preside at all meetings. In their absence the common council may elect a president pro tem, who shall for such meeting have the same power as the president.

SEC. 45. The common council shall hold stated meetings and the mayor shall call special meetings by notice to each of the members to be delivered personally or left at their usual places of abode. At such special meetings no other business shall be transacted than such as is designated in the call. In case of the attendance of less than a quorum at any stated meeting, the members present may adjourn to any special time they may designate and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting. All adjourned meetings of any stated or special meeting shall be a part of the meeting adjourned, but the first and subsequent meeting of any stated or special meeting so adjourned shall be designated as sessions of said meetings.

SEC. 46. The common council shall be the judge of election of its own members and in such cases shall have the power to send for any person or papers. It shall determine the rules of its own proceedings and have power to compel the attendance of absent members and may provide for the punishment of such absent members.

SEC. 47. The common council shall have the power to remove from office any officer of said city appointed by the common council or by any officer under this chapter upon two-thirds ($\frac{2}{3}$) vote of all the aldermen elect. The common council shall fix a time and place for the trial of such officers of which not less than ten (10) days notice shall be given and shall have power to compel the attendance of witnesses and the production of papers and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge the common council may declare the office vacant.

SEC. 48. The common council shall have full power and authority to make, ordain, publish, enforce alter, amend, or appeal all such ordinances for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient, and in and by the same to declare and impose penalties and punishment and enforce the same against any person or persons who may violate the provisions of any ordinance passed and ordained by it; and all such ordinances are hereby declared to be and have the full force of law, provided they are not repugnant to the law of the United States or to this state; and for these purposes the said common council shall have authority by such ordinances:

First—To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, menageries, circuses, concerts, roller skating rinks and places of amusement, and museums, for which money is charged for entrance into the same, newsboys and bootblacks and theatrical performances; also to license and regulate all auctioneers, pawnbrokers, dealers in second-hand goods, junk-dealers, keepers of intelligence or employment offices, as well as all persons doing the business of seeking employment for others, or procuring or furnishing employees for others, billiard tables, pigeonhole tables, nine or ten pin alleys, bowling saloons, shooting galleries, taverns, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented or malt liquors; *Provided*, that the license for dealing in, vending or disposing of spirituous, vinous, fermented or malt liquors, shall not be less than five hundred (500) dollars per annum. *Provided*, further, that all licenses, except for exhibitions, caravans, menageries, circuses, concerts and theatrical performances, shall extend to and terminate one (1) year from the day upon which the same shall be issued, unless sooner revoked, and *provided*, further, that the power to regulate above given, shall be construed to include, among other powers, the power to define who shall be considered as auctioneers, pawnbrokers, dealers in second-hand goods, and junk-dealers, and compel each and every person, whether licensed or not, to keep, in such a manner as it may direct, open at all times for inspection, a record of all such property as it may designate, with the time when received and the name, residence and description of the person from whom the same was received, and to make daily reports thereof to the police department of said city, as it shall direct; and also, among other powers, the power to require all persons doing business of seeking employment for others, or procuring or furnishing employees for others, to keep, open at all times for inspection, such records of their business as it may designate, and to furnish to every one with whom they may deal, such written evidence of the transaction as it may designate, and to prescribe and punish all crimes or unfair dealings by such persons, in the course of their said business, and to establish such rules of legal evidence as it may see fit for the proof of such unfair dealings.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards or dice, or other games of chance for the purpose of gambling in said city and to restrain any person from vending or dealing in, spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third—To prevent any riots, noise, disturbances and disorderly assemblances in said city and to provide for the arrest and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gambling.

Fourth—To compel the owners or occupants of any grocerycellar, tallow-chandler shop, soap-factory, tannery, stable, barn, privy, sewer or other unwholesome nauseous 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 said city.

Fifth.—To direct the location and management of stock-yards slaughter-houses, and markets, breweries and distilleries, and to establish rates for and license owners of gunpowder, and regulate the storage, keeping and conveying of gunpowder, dynamite or other combustibles or explosive materials, and regulate the use thereof in blasting.

Sixth.—To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatsoever.

Seventh.—To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen, for the construction and maintenance of gates at the crossings of railroad tracks, over such streets or avenues when said common council shall deem it necessary to require such precautions; to regulate the use of locomotive engines, to direct and control the location of cable and other railroad tracks, and to require railroad companies to construct at their own expense such bridges, tunnels or other conveniences at public railroad crossings, as the common council may deem necessary, and to regulate the rate of speed of all railroad trains within the city limits and their stops at street crossings, to regulate or prohibit the whistling of locomotive engines, to regulate or prohibit the unnecessary discharging of the steam therefrom and the causing or permitting steam to escape therefrom unnecessarily and to require the use thereon of such safety valves or other practical appliances as it may designate for the purpose of preventing or lessening the noise from the discharge or escape of steam, and 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 in 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, cattle, swine, sheep, poultry and geese, and to authorize the restraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

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

Tenth.—To prevent any person from burying, depositing or having within the 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 on default to authorize the removal thereof by competent officer at the expense of such person or persons.

Eleventh.—To make and establish public pounds, pumps, wells, cisterns, hydrants, reservoirs and fountains, and to provide for and conduct water into and through the streets, avenues, alleys and public grounds of the city of Little Falls and to provide for and control the erection of water works by said city for the supply of water to said city and its inhabitants and to grant the right to one or more private companies or corporations to erect water works to supply said

city and its inhabitants thereof with water and to authorize and empower such company or corporation to lay a waterpipe and main into, through and under the streets, avenues and public grounds of the said city of Little Falls and when necessary for properly carrying out the purpose of said company or corporation to appropriate private property in the city of Little Falls to the use of said company or corporation in the manner provided in their charter and to control the erection and operation of such water works and the laying of such pipes and mains in accordance with such terms and conditions as may be agreed upon with said company or corporation, to provide for and control the erection and operation of gas works, electric lights or other works or means for lighting the streets, avenues, alleys and public grounds and buildings of said city and supplying light or power to the inhabitants thereof and to grant the right to erect, maintain and operate such works with all rights incident or appertaining thereto to one (1) or more private companies or corporations and to control the erection and operation of such works as the laying of pipes, mains and wires into, through and under the streets, avenues, alleys and public grounds of said city of Little Falls and erection of poles, masts and towers and the running of wires thereon, over, in, above and across the streets, avenues, alleys and public grounds, to provide for and control the erection and operation of work for heating the public buildings of said city by steam, gas or other means and supplying heat or power to the inhabitants of said city, to grant the right to erect such works and all incident right to one (1) or more private companies or corporations and to control the erection and operation of such works and the laying of pipes, mains into, through and under the streets, avenues, alleys and public grounds of said city of Little Falls. *Provided*, that every grant to a private company or corporation of the right to erect water works, gas works, electric works, or heating works as hereinbefore mentioned shall provide for the sale of such works to the said city or its successor at any time after fifteen (15) years from the commencement of such grant at a valuation to be agreed upon or determined in a manner to be prescribed in the grant.

Twelfth.—To provide hospitals and hospital grounds, the registration of births or deaths, and the return of the bills of mortality and regulate and prevent the burial of the dead within the city limits.

Thirteenth.—To regulate the size and weight of bread and to punish all cases where the same is baked contrary thereto.

Fourteenth.—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city or in any way doing damage to such sidewalks.

Fifteenth.—To prevent the shooting of fire arms or crackers and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the city or any property therein or annoying any citizen thereof.

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

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

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

Nineteenth.—To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butcher's meat, butter, fish and other provisions, and also license and regulate all peddlers doing business within said city.

Twentieth.—To regulate the place and manner of weighing hay and straw, and selling the same and the measuring and selling of fire-wood, 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 or rubbish from the side-walks streets or alleys opposite thereto, and compel such occupants or owners to remove from any 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 of the city at the expense of such owner or occupant, also to compel the owners of low ground 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 drainage at the expense of the owner or owners.

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

Twenty-third.—To provide for watchmen and to prescribe their number and duties and regulate the same.

Twenty-fourth.—To regulate the inspection of wood, hay, grain, flour, pork, beef, mutton, veal and all other kinds of meat, poultry, game, fish, salt, whiskey and other liquors and provisions.

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

Twenty-sixth.—To direct and regulate the planting and preservation of trees, in the streets, alleys, public grounds, and highways of the city, and to appoint a forester whose duty it shall be to inspect all the trees offered for sale for the purposes named, to superintend the planting and culture of the same, and to perform such other duties as the common council may prescribe.

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

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

Twenty-ninth.—To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city and to make quarantine laws, and enforce the same within the city and within three (3) miles of the city limits thereof.

Thirtieth.—To restrain and punish vagrants, mendicants, street-beggars and prostitutes.

Thirty-first.—To license and regulate hackmen, expressmen, and all other persons engaged in carrying passengers or freight and to regulate their charges therefor, to prescribe standing places or stations within the streets where such hacks, drays or other vehicles used for such carriage, may stand or remain while waiting for business orders, and to designate such standing or waiting places in the licenses of such draymen, hackmen or other persons, and to prohibit them from standing or waiting in any other place within such streets and to regulate and prescribe standing places for all vehicles going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of the same at such depot or station.

The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law; houses or buildings of any kind wherein more than fifty (50) pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or beer shops or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away or dealt in, without the license required therefor within the limits of said city, are hereby declared and deemed public or common nuisances.

Thirty-second.—To regulate the construction of all buildings of more than two stories in height within the fire limits of said city and by such regulations to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floors, beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulation to the height and size of the building to be erected, to regulate the construction and location of privies and vaults in such buildings, to prohibit the construction of buildings not conforming to such prescribed standards, either in the whole city or within such building limits as it may prescribe; to establish, alter or enlarge such building limits from time to time, to appoint an inspector or any city officer, to give such inspectors or others authority to enter upon, examine and inspect all buildings, in process of construction in said city or within such building limits, and to direct the suspension of any such building operations as shall not conform to such regulation.

Thirty-third.—To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city in its discretion.

Thirty-fourth.—To regulate the opening of hatchways and compel proper guards about the same.

Thirty-fifth.—To regulate the numbering of houses and lots, and to compel the owners of houses and other buildings to have the number of such houses or buildings designated thereon,

Thirty-sixth.—To require the owner or lessee of any building or structure more than two (2) stories high, now or hereafter built or constructed in said city, to place thereon such fire escapes and such

appliances for protection against and for the extinguishment of fire as it may direct, and also require such owner or lessee to contract, provide and furnish each and every other thing 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-seventh—To regulate or prohibit the location and use of such steam boilers in size and construction as it may designate as being dangerous to life or property, or to prohibit the location of any such steam boilers except when permission therefor is first given by the common council specifying the location and prescribing the regulations for its use.

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 provide for the inspection of gas and gas meters, and to appoint an inspector and other officers if needed for that purpose and prescribe their duties; also to establish and maintain gas works and water works in said city and to purchase any gas works already established within the said city limits and to conduct, control and maintain the same.

SEC. 49. The common council may impose punishment for the breach of an ordinance of the city to the extent of a fine not exceeding one hundred (\$100) dollars or imprisonment in the city prison or county jail not exceeding ninety (90) days and may provide that the offender during such imprisonment be fed on bread and water at the discretion of the judge of the municipal court, and offenders against such ordinances may be required to give security to keep the peace and for good behavior for a period not exceeding six (6) months and in a sum not exceeding five hundred (\$500) dollars.

SEC. 50. The common council may also provide by ordinance that any one convicted of an offense before the municipal court subjecting such offender to imprisonment under the ordinances of said city may be kept at hard labor in any work-house establishment for that purpose, or in any case of a male offender may be kept at hard labor during his term of punishment in such work-house or upon the public improvements or otherwise of said city or both, and may also provide by ordinance that anyone convicted of an offense before said municipal court and committed on non-payment of fine imposed, may be kept at hard labor either in such work-house or upon public improvements or otherwise or both until such person shall work out the amount of such fine, at such rate of compensation as said council may prescribe, for a time not exceeding such commitment, and the common council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed and to prevent escape, and secure proper discipline, and shall have power to establish a proper work-house in said city for the purpose aforesaid and under such regulations as said common council may prescribe. *Provided*, that the common council aforesaid is hereby authorized to use the Morrison county jail as the work-house of the city of Little Falls provided for in this act, the prisoners of the city to be as at present in the custody of the sheriff of Morrison county except while working on the improvements of said city, when they shall be under the control of the police force of said city; and *provided further*;

that the justice of the peace of said city shall have power for vagrancy to commit any person to the city prison or work-house or county jail or to order any such person to work on the public improvements or otherwise of said city, for a term not exceeding ninety (90) days.

SEC. 51. The style of all ordinances shall be "the common council of the city of Little Falls do ordain," the subject of every ordinance shall be expressed in its title, and no ordinance shall embrace more than one subject.

SEC. 52. All ordinances and resolutions of the common council shall be passed by an affirmative vote of a majority of all the members of the common council by yeas and nays, which shall be entered in the records of the council. No ordinance shall be passed at the same meeting of the council at which it shall have been presented except by the unanimous consent of all the members present which shall be noted in the records, but this shall not preclude the passage of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting; when enacted and approved they shall be recorded by the city clerk in books provided for that purpose, and before they shall be in force they shall be published in the official paper of the city.

SEC. 53. A copy of the record of any ordinance or resolution heretofore passed and recorded or that may hereafter be passed, certified by the clerk and verified by the seal of the city, any copy thereof published in the official paper of the city or printed in the books containing the official proceedings of the common council, or published in any compilation of ordinances made under the direction of the common council, shall be prima facie evidence of the contents of such ordinance and of the regularity and legality of all proceedings relating to the adoption and approval thereof, and shall be admitted as evidence in any court of this state without proof. In all actions, prosecutions and proceedings of every kind before the municipal court or the justices of the peace of the city of Little Falls, such court and justice shall take judicial notice of all ordinances of the said city and it shall not be necessary to plead or prove such ordinances in said municipal court.

SEC. 54. No appropriation shall be made without a vote of a majority of all the members of the common council in its favor, which shall be taken by ayes and nays, and entered among the proceedings of the council.

SEC. 55. The powers conferred upon the common council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

SEC. 56. The common council shall examine, audit and adjust the accounts of the clerk, treasurer and all other officers, boards and agents of the city at such time as they deem proper and also at the end of each year and before the term for which the officers of said city were elected or appointed shall have expired, and the common council shall require each and every such officer, board and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer, board or agent shall refuse to comply with the orders of said council in the discharge of his said duty in pursuance of this section or shall neglect or refuse to

render his accounts or present his books or vouchers to said council or a committee thereof it shall be the duty of the common council to declare the office of such person vacant and the common council shall order suit and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his official duties and shall make a record of all such settlements and adjustments.

SEC. 57. The common council shall have the management and control of the finances and all property of the city except as otherwise provided and may provide for the sale of any such property in such manner as it shall consider to the interest of said city.

SEC. 58. The common council shall have power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all structures connected with any department of the city and for all streets, alleys and public squares in the city, and to ascertain and determine the value of all such private property taken for such uses and the amount of all damages occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such values of damages or acquire information in the manner hereinbefore prescribed.

TITLE VI

LOCAL IMPROVEMENTS.

SEC. 59. The common council of the city of Little Falls is hereby authorized to levy assessments for local improvements upon property fronting such improvements, or the property benefited thereby without regard to the cash valuation of such property, that whenever an assessment shall be thus levied, it shall be based upon the estimates of the city engineer, and whenever the amount collected by virtue of an assessment shall exceed the actual cost of the improvement the surplus shall be retained as a special fund, to expend in repairs or otherwise upon the streets, alleys or sidewalks in front of the property assessed.

SEC. 60. Such assessments may be made for filling, opening, grading, leveling, paving, curbing, walling, bridging, graveling, macadamizing, planking, opening, extending, widening, contracting, altering or straightening any street, lane, alley or highway, and for keeping the same in repair; also for filling, grading, protecting, improving or ornamenting any public park, square or grounds, now or hereafter laid out; also for planting and protecting shade trees and ornamental trees, and also for constructing, laying, relaying and repairing sidewalks, area walls, gutters, sewers, and private drains.

SEC. 61. It shall be the duty of the city council before ordering the construction of any new sidewalk to cause the ground upon which it is to be built to be properly graded.

SEC. 62. 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 owner respectively as they have

been heretofore constructed, or 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 Little Falls 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 resolution twice in the official paper of the city shall be sufficient notice to the owner 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 sidewalk within two (2) weeks after the last 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 in all things as is provided for the collection of special assessments under the provisions of this 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 lands fronting on the same, and all street crossings, to be built by the proper street commissioner, or upon contract, or in any other manner as the council may determine.

SEC. 63. 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 proper 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 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 any street commissioner, the cost of making such repairs.

In each case such assessments for all such repairs within the city may be combined in one assessment roll and be collected as provided for in this act for the collection of other assessments.

In case any such sidewalk 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 expense of such rebuilding, it shall be the duty of the proper 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. 64. Money to rebuild 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 general fund or permanent improvement fund, to be reimbursed by the special assessment when collected.

SEC. 65. Whenever the owners of two-thirds of the amount of frontage, and of assessed values of lots or lands, and the buildings or improvements thereon fronting on any continuous portion of any street in this city, not less than one full block, shall petition the city council to provide for sprinkling such portion of said street, the city council may make a contract for sprinkling such portion of such street for any time not exceeding five (5) years, upon such terms and conditions, and for such portion of each year as shall be deemed advisable.

Water for such sprinkling shall be furnished from the city works, free of charge.

The supply of such water shall be deemed the proportion the city should bear for such sprinkling, for the street crossings and all parts of such streets fronting on land exempt from assessment.

The whole cost of sprinkling such portion of the street shall be levied and assessed upon the lots and lands fronting upon that part of the street so sprinkled and which are subject to assessment, and the buildings and the improvements thereon by an equal rate on the assessed value of such lots, lands, buildings and improvements without regard to the number of front feet. Such levy to be made annually at the time of making the general city tax levy.

SEC. 66. Whenever the city council shall have ordered the construction of any sidewalk, and the owners of the land along which such sidewalk is to be built shall refuse, or for the space of two (2) weeks neglect to construct the same according to the order of the city council, the street commissioner 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 such sidewalk along each of such lots and parcels of land, such estimates shall not be binding upon the city council, but advisory merely, and the council may obtain any other information as to such cost, and the council shall fix upon and designate the cost of building such sidewalk in front of each lot and 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 such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the city council may adopt:

The city council of the city of Little Falls 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 cost of a sidewalk along the side of from to in accordance with a resolution of the city council, passed day of A. D., 18 . . . and duly published in the official paper of said city on the day of A. D., 18 The amount assessed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.

Name of owner, if known.	Description of Land.	Lot	Bl'k	Amount	
				Dollars	Cents.

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

(Attest).....
 President of the Council.

.....
 City Clerk.

SEC. 67. Assessments for repairs of sidewalks, may be in the following form, or any other form which the city council may adopt:

The city council of the city of Little Falls 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 cost of repairs of sidewalk fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper street commissioners since the.....day of..... A. D., 18.... The amount assessed against and levied upon each of said lots and parcels of land is the actual cost of the repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioners:

Name of owner, if known	Description of Land	Lot	Bl'k	Amount	
				Dollars	Cents

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

(Attest).....
 President of the Council.

.....
 City Clerk.

SEC. 68. Assessments for sprinkling streets may be in the following form or any other form which the city council may adopt:

The city council of the city of Little Falls doth hereby assess and levy upon and against the several lots and parcels of land below described, and the buildings and improvements thereon, the respective sums of money set opposite each lot or parcel.

This assessment is levied to defray the expense of sprinkling the streets fronting the said lots and parcels of land from..... A. D., 18.... to..... A. D., 18.... according to a contract for sprinkling..... from..... to..... for the term of..... years from..... and the said lots and parcels of land, buildings and improvements assessed by an equal rate upon the assessed value of the lots, lands, buildings and improvements fronting the portion of the street so sprinkled.

Name of Owner if known.	Description of Land.	Lot.	Block.	Amount	
				Dollars.	Cents.

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

Attest.

President of the Council

.....
City Clerk.

TITLE VII.

CITY COUNCIL TO HAVE CONTROL OF STREETS, SIDEWALKS AND BRIDGES.

SECTION 69. The city council shall have the care, supervision and control of all highways, streets, alleys, wharves, levees, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys, and extend, widen and straighten the same and may build, maintain and repair bridges across streams, railway tracks and elsewhere, may provide for the pavement of gutters or the road-bed of any street or alley.

SEC. 70. 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 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 grade of all streets to be made and kept in the office of the city engineer.

SEC. 71. 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 any portion of either; and such power of vacating highways, streets, lanes and alleys within the city of Little Falls is vested 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. 72. All work done, or constructions made pursuant to the provisions of this chapter, may be done by the direct employment of labor and purchase of materials by said city, or the same may be let by contract to the lowest responsible bidder therefor, as the city council may in each case determine; if let by contract the city council shall require of the bidder a bond in such sum and with sureties, to be approved by said council for the faithful performance of the contract, to the satisfaction and acceptance of said council.

When the council determines to let any work by contract they shall advertise for bids for doing such work, by publication for two (2) weeks in the official paper of the city.

If in the opinion of said council no just, reasonable or sufficient bid shall have been received for any such work after advertising as aforesaid; or if the person to whom the same is let shall fail in any particular to duly perform the same, the city council may have such work or any part thereof done by the direct employment of labor and purchase of materials by said city, *provided*, that in all cases where practicable the said work or construction shall be let and performed by contract.

STREET COMMISSIONER.

SEC. 73. The city council may at its first meeting after each annual election appoint one or more street commissioners for the city.

It shall be the duty of such street commissioners to see that all streets and sidewalks under his charge which have been graded and opened for travel are kept clear of obstruction and in such repair as to be safe and passable; also to the direction of the city council, the grading of streets and laying of sidewalks; and to carry into effect all orders of the city council.

But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, unless such work is especially ordered by the city council.

The street commissioner shall keep accurate accounts of all his work and expenditures, and make detailed and itemized reports thereof to the city council at least once in two months, and oftener if ordered by the city 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 his work and expenditures up to the time of rendition of such bill. Said street commissioner shall be paid for his services such compensation as the council shall determine for the time actually by him given to such services to be paid upon bills thereof, audited as other claims against said city.

In all cases when any work or constructions shall have been let by contract, said street commissioner shall have the power to suspend any such work or constructions, as shall not conform to such contract or the requirements of the city council, and shall within twenty-four (24) hours after any suspension report the same with his reasons therefor to said council—and he shall in all cases take care that all contracts for any work or constructions on behalf of the city are fully complied with.

SEC. 74. No street commissioner shall be interested in any contract for any work 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 thing 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. 75. If any 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 such work done, material furnished or applied for the use of the city shall be forfeited, and every such 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 supervision 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 the acceptance by them, or either of them, or shall fail to account for any moneys or property coming into his hands or possession, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

SEC. 76. All public bridges crossing any river or water course in said city, or crossing any street or railroad track, whatever the form or material used in the construction thereof, shall, together with the guards and embankment connected therewith, and the immediate approaches thereto, which form a necessary part of the same, be built, maintained and kept in repair by the city as a general city charge, except where other provision is made therefor.

SEC. 78. Whenever the city council shall determine to cause to be graded, paved, repaved or macadamized any street, lane or alley in said city, or any gutters along any such street, lane or alley, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the 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 proportions of such estimated

cost which will be required to construct such improvements in front of abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys and in front of lands not subject to assessment, also a list of the several lots and parcels of lands fronting upon such proposed improvements, with number of feet front of each extending along such improvements, and the names of the owners of the several parcels, or nearly as the city engineer can readily ascertain the same; a brief minute of the reception of such report shall be recorded in the record of the proceedings of the city council and be published only in the official paper of said city, and which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council, which shall occur at least one (1) week after the reception of such report; but the city council in its discretion may direct the city engineer to advertise for and receive in the meantime bids for doing the work and furnishing materials required to construct and complete such improvement, and report the same to the council at the meeting of the city council to which such report is laid over, or at any subsequent meeting the city council may consider such estimate and list, and any further communications from the city engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements who may desire to be heard, and the council may adhere to its resolution of making such improvements, or may modify the character of the same, or abandon 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 upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring 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, or any other form which the city council may deem proper:

The city council of the City of Little Falls doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel.

The assessment is levied to defray the expenses of.....
in the city of Little Falls 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 improvement.

Name of Owner, if known.	Description of Land	Lot.	Block.	Amount	
				Dollars	Cents.

Dated at a meeting of the city council this.....day of....
A. D. 18.....

Attest,

.....
 President of the Council.

.....
 City Clerk.

TITLE VIII.

POWER TO CONDEMN PRIVATE PROPERTY AND AWARD DAMAGES THEREFOR.

SEC. 79. The city council shall have and possess the power to acquire and hold by purchase, gift or condemnation such private property as may be necessary for sites for public buildings, for the use of the city or any department thereof, for all structures connected with any department of the city for the water works of said city, for any sewer, for all streets, alleys, levees, or public grounds in the city, or for any other purpose required for the public use of said city or the inhabitants thereof, and to ascertain and determine the value of all such property taken for any such use, and the amount of all damage occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such value or damages, or acquire information thereof in any other manner it shall deem advisable.

SEC. 80. 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 improvement, 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 benefit 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 owner of such ground.

SEC. 81. Whenever the city council shall consider it necessary to procure grounds for any of the purposes mentioned in section one of

this chapter, it shall appoint a committee of not less than three of its members who, with the city engineer, if thereto directed by said council or committee, shall make examination and propose to the city council a location and description of land suitable or necessary for the required purpose, and the most convenient manner of taking and using the same, and present to the city a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the council, and such committee may present for the consideration of the council more than one location or plat.

SEC. 82. 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 in his office for inspection of all persons interested, and that the same will be presented to the city council for action thereof at a meeting of said council to be named in such notice, which shall be the regular meeting of said council which shall occur next after one week from the second publication of such notice.

At a meeting named in said notice, the city clerk shall next after the reading of the minutes of the previous meeting, present such report, and the matter may be acted upon by the council, at the same or any subsequent meeting.

The council, under such rules as it may prescribe, may hear any person interested in the matter, or refer the matter to a committee to hear such persons and report.

SEC. 83. Whenever the city council shall 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 commissioners who shall be freeholders of said city, and no two of whom shall reside in the same ward, after said city shall be divided into wards, to view the lands or other premises to be taken and appropriated, and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken and appropriated.

A majority 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 to be 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 Little Falls the sum of fifty dollars (\$50); to be recovered to the use of said city in a civil action before any justice of the peace of said city; and in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor or acting mayor of said city may, in writing, appoint one (1) or more commissioners in the stead of any such absentees.

The commissioners shall be sworn by the clerk or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter with fidelity and impartiality, and make the 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 a 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 view the property proposed to be taken and appropriated and ascertain and award therefor compensation and damages, and that they will there and then hear such allegations and proofs as interested persons may offer. Such commissioners shall meet and view the premises pursuant to such notice, and may from time to time, and after having viewed the premises, may adjourn for the hearing of evidence and preparation of their award, adjourn, or go to any other convenient place in said city, and such commissioners shall make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or appropriated, and report the same to the city council and such award shall lie over until the next regular meeting of the council, which shall occur at least one (1) week after the reception of such award, at which or any subsequent time the city council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objection and report thereon. The council may confirm such award or annul the same, or send the same back to the same or a new board of commissioners for further consideration, and such commissioners may in such case, again on giving notice, published once (1) in the official paper of said city, meet at a time and place to be designated in said notice, which shall be at least two (2) days after the publication of such notice, and hear any further evidence that may be adduced by interested persons and may adjourn from time to time and correct any mistakes in such award, and reverse and alter the same as they may deem just, and again report such award to the city council, who may confirm or annul the same.

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

SEC. 84. 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 and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid from the general or permanent improvement fund of said city to the owners of such property the amount awarded to each severally.

In case such payment is not made within one year after the confirmation of the award or determination of the appeal thereupon, the proceedings shall be deemed to be abandoned. Before payment of such award the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damages claimed.

In case of neglect to furnish such abstract, or if there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whosoever shall show clear right to receive the same.

The city council may in its discretion, require of such claimant a bond with good and sufficient sureties conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded, and all loss, costs or expenses on account of such claims.

Upon the payment of such award or appropriation, the setting apart of the money in the city treasury to pay the same as aforesaid, the city shall become vested with the title in fee simple absolute to the property taken and condemned and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use provided for in this chapter.

SEC. 85. Whenever the city council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now does 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, and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and further statement as may in the opinion of the engineer be proper to explain such plat and survey, and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, and the city council may cause such plat and survey to be modified, amended 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 the extent of the improvement actually agreed upon and ordered by the city council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the land contiguous to or affected by such improvement.

The city council shall then or afterwards appoint three (3) freeholders of said city, no two of whom shall reside in the same ward, if the city shall be subdivided into wards, as commissioners to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of the property which is to be taken or injured by such improvement, and at the same time determine what real estate will be benefited by such improvement; and assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation. A majority

of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners, and they shall be notified of their appointment and vacancies in their number filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section eighty-three (83) of this title. They shall give notice by two (2) publications in the official paper of said city that such survey and plat is on file in the office of the city clerk for the examination of all persons interested, and that they will on a 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 said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purpose of such improvements, and ascertain and award therefor compensation and damages and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage and cost of making the improvement, and that they will then and there hear such allegations and proof as interested persons may offer.

And 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 hearing of evidence and preparation of their award and assessment adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city.

After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvements; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, award him only the excess of the compensation or damages over and above such benefits. The said commissioners shall then assess the amount of such compensation and damages so awarded, together with the expense and cost of making the improvements, upon the land and property benefited by such proposed improvements and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any 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 appraisal and award, and if in the judgment of said 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.

If there shall be any building standing in whole or in part upon

any land to be taken, the said commissioners shall in such case determine and assess the amount of damage which should be paid to the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken, and shall determine and assess the amount of damages to be paid such owner or owners in case he or they should elect to remove such building, and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

If the land and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them by the commissioners, less the benefits resulting to them from the improvement. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and cost; or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or the names of the owners thereof, if known, and the amount assessed, of the excess of such compensation, damage and costs as aforesaid, which they shall return unassessed. Such assessment list shall contain a tabulated statement of the amount of such damages, benefits, amount assessed and amount unassessed, which may be in the following form or any other form the city council may adopt:

Name of Owner, if known,	Description.			Damages.		Benefit.		Amount assessed.		Amount unass'd.	
	Part of Lot	Lot	Bl'k	Dol's.	Cts.	Dol's.	Cts.	Dol's.	Cts.	Dol's.	Cts.

When completed said commissioners shall file their report in the office of the city clerk.

The city council shall at the next meeting thereof held after the filing of such report, give notice by two publications in the official paper of the city, to the effect that such assessment has been completed, and that at a time and place therein specified which shall be not less than ten (10) days after the last publication of such notice, the said council will meet for the purpose of hearing objections, and that all such objections must be filed in writing with said clerk at least one (1) day prior to the time specified for such meeting.

Any person interested in any building standing in whole or in part upon any land required to be taken shall, at least one (1) day prior to the time so specified, notify the city council in writing of his election to remove such building (if he so elect) according to the award of the commissioners at the time so specified—the city council may act upon such report and hear complaint touching such award or assessment or it may refer the matter to a committee of the council to hear such complaints and report thereon.

The council shall confirm such award and assessment, or either, or annul the same, or send the same back to the same commission for further consideration; and the commissioners may in such case again, upon giving notice published once (1) in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least ten (10) days after the first publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same.

Whenever the city council may confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting to levy such assessment upon the several parcels of lands described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopt an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

The city council of the city of Little Falls 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 compensation and damages awarded for the taking of any injury to private property and estimated cost of improvement, in and about the..... as shown in the plat and survey of the same 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 benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of owner, if known	Description of land	Lot	Bl'k	Amount	
				Dollars	Cents

Done at a meeting of the council this.....day of.....
A. D., 18....

(Attest).....

President of the Council.

.....
City Clerk.

In case any owner or owners of buildings as aforesaid shall have elected in manner as aforesaid, to remove his or their buildings, he or they shall so remove them within thirty (30) days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages, awarded in such case, in case of removal.

When such person or persons shall not have elected to remove such buildings or shall have neglected (after having been elected to remove) to remove the same, within the time prescribed, such buildings or so much thereof as may be necessary, upon the payment or depositing the damages awarded for such taking in manner aforesaid, may then be taken and appropriated, sold or disposed of as the city council shall direct, and the same or the proceeds thereof shall belong to said city.

SEC. 86. Any person, whose property is proposed to be taken, interfered with or assessed for benefits under any of the provisions of this title, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interfering with his property or the amount of the assessment for benefits to any property affected by such proceedings may at any time before such award or assessment shall be confirmed by the city council, file with the city clerk in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and containing a description of the property affected by such proceedings, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person so rejecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county of Morrison, at any time within ten (10) days after such order of confirmation.

Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which notice 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 city clerk a bond to the city of Little Falls, executed by the appellant or by some one on his behalf, with two (2) sureties, who shall justify in the penal sum of fifty (50) dollars, conditioned to pay all costs that may be awarded against the appellant.

Thereupon the city clerk, upon being paid his fees therefor, shall make out and transmit to the clerk of said district court a copy of the award of said commissioners as affirmed by the council, and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said city clerk to be

true copies, and shall so make and transmit the same within ten (10) days after taking such appeal.

If more than one appeal be taken from any award, it shall not be necessary that the clerk in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objection. Such appeal shall bring before the appellate court for its determination the following and no other questions whatever, to-wit:

First—Whether there was in the proceeding any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections, that as to him the award or assessment of the commissioners ought not to stand, and whether such commissioners had jurisdiction to take action in the premises, which question shall be determined by the court.

Second—The amount of damages awarded or assessment made for benefits if complained of by the appellant, which question shall be tried by the court or a jury, as in other civil cases.

There shall be no pleading on such appeal, but the court shall first determine the first of the above questions.

The case may be brought on for hearing on eight (8) days' notice, and the judgment of the court shall extend to and affect only the property of the appellant proposed to be taken, damaged or assessed for benefits, and as described in said written objection.

In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant.

SEC. 87. The city council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty (30) days after the final order of the court on any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

SEC. 88. All assessments made under the provisions of this chapter shall be returned and collected as hereinafter provided.

SEC. 89. Whenever any portion of any award made by commissioners and confirmed by the council under the provision of this title shall be annulled by the court upon appeal, as hereinbefore provided for, the city council may again appoint commissioners to view the property, which was affected by such appeal, and appraise and award the compensation and damages to be paid for the taking, or appropriation of the same, and the like proceedings shall be had, so far as applicable, as hereinbefore respectively provided, except that such commissioners shall make no new assessment of costs and expenses. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which in their judgment the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the city council, whereupon the same proceedings may be had, as far as applicable, as upon an original award, and if such award shall again upon appeal be annulled by the court still another commission may be appointed and award made in the same manner, and so on until a valid award shall be made, but no new assessment for benefits shall be made, merely by reason of any

change in the amount of the sum awarded for compensation or damages, and any sum which may be lacking to pay the awards, shall be paid from the permanent improvement, or general fund of the city, as the city council may direct.

SEC. 90. If any special assessment heretofore made by the city council or under its direction to defray the expenses of any local improvement has been or shall be either in whole or in part annulled, vacated or set aside by the judgment of any court, or if said council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the said council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the city council shall assess or hereafter compute and determine upon the cost of making such improvement in a gross amount upon such data as it shall deem sufficient, and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made, either upon the property fronting upon such improvements or upon the property benefited by such improvements according to the character of such improvements, following as near as may be the provisions of the city charter in force at the time of making such improvement in determining the property to be assessed and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such second assessment shall be annulled the city council may proceed to make other assessments until a valid assessment shall be made, but nothing in this section shall authorize any new assessment in cases where the court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment," which shall cancel such assessment on that parcel.

SEC. 91. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall on or before the first (1st) day of October of every year, deliver to the county auditor of said county of Morrison such assessment rolls, and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in the like manner as state, county and other taxes are collected and the payment thereof enforced, and such assessments when collected shall be paid over by the county treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to the city treasurer.

SEC. 92. No omission, informality or irregularity in proceedings in or preliminary to the making of any special assessment shall affect the validity of the same, where 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 that the assessment was duly levied and the assessment roll duly made and

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

SEC. 93. In case any special assessment shall in any suit where its validity shall be questioned, be adjudged invalid, the city council may, in its discretion, notify the county auditor and county treasurer to cease the collection of the same, if it shall have been 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 the place and stead of the assessment which shall have been adjudged invalid; and the city clerk, before delivering such new assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

SEC. 94. No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement of which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the general or permanent improvement fund of said city; and if there shall be any surplus from any such special assessment, the same shall be carried to the credit of the same fund, from which a deficiency would have been supplied or be otherwise disposed of, as to the city council shall seem most just towards the persons upon whom such special assessment has been levied; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and 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. 95. It shall require a two-thirds vote of the members elect of the city council to determine in the first instance, to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority vote shall suffice. But this restriction shall not apply to any subsequent act of the council touching such improvement, or the special assessment to provide means therefor.

SEC. 96. Any improvements, 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 in 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 assessment to be made entirely upon estimate, as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment.

SEC. 97. The city council may at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or await the collection of such assessment.

SEC. 98. In case any assessment for improvement is collected before making such improvement, the money so collected shall be kept separate from the funds of the city, and not devoted to any other purpose than such improvement, and as soon as a majority of the assessments of such improvement are paid, the city council shall forthwith cause such improvement to be made.

SEC. 99. After any special assessment roll shall have been adopted by the city council and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of said 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 the city treasurer," which entry shall cancel the assessment so paid. In case interest shall have been included in any 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. 100. Nothing herein shall interrupt or interfere with any assessments which have been heretofore made, but the collection thereof shall proceed according to the provisions of the charter of said city in force at the time of making such assessments.

SEC. 101. No sale under execution or other proceedings upon a judgment decree, foreclosure or lien, and no transfer or mortgage shall divert or affect the lien of any assessment for any tax or for any improvements chargeable to or assessed against the property under this charter, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

TITLE IX.

TAXES AND FINANCES.

SECTION 102. The council shall appoint an assessor who shall hold his office for one (1) year and in case of vacancy shall fill the same by appointment, and in the discretion of the council the assessor may be authorized to appointment of one (1) or more deputies subject to the approval of the council, said deputies to be discharged by the

assessor when he shall find their services no longer needed and said assessor and deputies shall receive such compensation as shall be prescribed by ordinance of the council.

SEC. 103. In all respects not herein expressly provided for, said assessors 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 are or may be prescribed by the general laws of the state for the government of assessors in other parts of the state, and shall return his assessments to the city clerk on or before the first Monday of July in each year.

SEC. 104. The mayor, clerk of city and president of the council shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the city council room in said city on the first (1st) Monday of July of each year, and revise, amend and equalize the assessments on the roll of said assessors.

It shall be the duty of the assessors to be present at all meetings of the said board of equalization, to present before the board all facts relating to the assessment.

Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization, under the general laws of the state so far as applicable but shall not be restricted by any limitation in respect to reducing aggregate sums of real or personal property as returned by the assessors.

SEC. 105. Such board of equalization may set from day to day or adjourn from time to time as it shall deem proper or until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the second Monday of July of every year and shall have power to employ such clerk or clerks as shall be necessary to complete the revision of such assessment rolls within said time.

Any person aggrieved by any assessment shall have the right to appear before such board and present his grievance for consideration. It shall be the duty of the city attorney to attend the hearing of such grievances before such board and whenever it appears upon the hearing of such grievances that any property is listed or assessed at less than its true value to call the attention of said board to such undervaluation and to make application on behalf of the city for the correction of such undervaluation.

SEC. 106. When the assessment roll shall have been revised by the board of equalization, they shall be returned to the city council who may confirm the same or return the same to said board for further revision to be again reported to the city council. When the city council shall have confirmed the assessment the city clerk shall enclose therein a memorandum of such confirmation and such rolls shall then be returned to the county auditor as other assessment rolls. In case said city council shall neglect to take final action on such rolls on or before the third Monday of July of every year, it shall be the duty of the city clerk to return them to the county auditor with a certificate of the fact and in such case the assessment rolls as revised or equalized by such board, shall have the same validity as if confirmed by said city council.

SEC. 107. The assessor shall be paid a stated salary to be fixed by resolution of the city council. All deputy assessors, clerks of assessors, or of the board of equalization shall be paid such reasonable compensation as shall be determined by the city council.

SEC. 108. The city treasurer shall on the first day of September of each year report to the city council the amount of all revenues received by the city for the year ending on the first day of September and in detail the source from which received. The finance committee shall on or before the first day of September in every year report to the council an estimate of the amount required by the city for all purposes for the then next ensuing fiscal year of said city.

SEC. 109. After the making of the reports provided for in section seven (7) hereof the city council shall levy such tax on all the taxable property in said city as it shall deem necessary in addition to the other revenue of the city, applicable thereto, to defray the current expenses of the city for the next fiscal year.

SEC. 110. The city clerk shall, as soon as may be after the first (1st) day of August in each year, make report to the city council of the actual expenses of the city for the first (1st) quarter of the then current fiscal year, the amount of taxes collected and outstanding, and of the revenues received from other sources; and if, upon the making of such reports, it shall appear that the current expenses for such quarter have exceeded the estimate upon which the tax levy therefor was based or that the revenues of said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city in such manner as may be deemed advisable.

In all future contracts for lighting the streets the right of the city to reduce the amount of service on account of deficiency of revenue shall be reserved

SEC. 111. The city council may also at the same time levy upon all the taxable property of said city such taxes as shall be sufficient to pay the interest to become due during such next fiscal year, upon all the bonds or debts of said city heretofore or hereafter issued or contracted and an additional tax of one (1) mill on the dollar of the assessed valuation of all such taxable property, to provide for the principal of said bonds or debt when the same shall become due; and the amount collected pursuant to this section shall not be applied to any other purpose than herein named, but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

SEC. 112. In order to provide for the certain payment of the bonds and debts of the city the city council is authorized to create and maintain a sinking fund. The mayor, the president of the city council and the chairman of the finance committee of said city council shall constitute and be known as "the commissioners of the sinking fund of the city of Little Falls."

The city council shall by ordinance or resolution define the duties of said board not herein enumerated.

SEC. 113. Any two of the officers above named are hereby authorized and required to discharge the trusts and duties vested in them in succeeding sections of this chapter, but shall not be entitled to receive any additional salary or compensation for such services.

SEC. 114. The said commissioners shall from time to time invest the money which shall constitute the sinking fund for the redemption of the city debt or any surplus of interest to the credit of the interest fund or as much as they can in the purchase of bonds issued by said city or bonds issued by Little Falls school district at the market value thereof and the said commissioners shall be authorized to invest the said moneys or such part thereof as they see fit either in the purchase of said bonds or in the bonds of the state of Minnesota or in United States bonds, notwithstanding the said state or United States bonds may be above the par value therefor, and deposit the same in a designated depository as hereinafter provided. *Provided*, that they shall at all times give the preference to the purchase of city bonds if the same can be secured at reasonable rates.

SEC. 115. In case said city bonds cannot be purchased at par value, and said commissioners shall deem it desirable, they may deposit a part or all of said sinking and interest fund in one or more designated national banks, savings banks, state or private banks, in the name of the city of Little Falls; such bank, banks or banker shall be designated by the said commissioners after advertising in one or more newspapers published in the city of Little Falls for at least one week for proposals, which proposals shall state what security will be given to said city for such funds as deposited and what interest will be paid on the amount so deposited, and said funds with the accrued interest shall be held subject to a draft and payment from and after time to be designated by said commissioners at the time of depositing said funds.

SEC. 116. Before any national, state, private or savings bank or banks shall be designated as such depository, each bank or banker shall deposit with the city clerk of the said city a bond payable to the said city of Little Falls and signed by not less than six freeholders of said city as sureties, which bond shall be approved by the city council of said city, and shall be in such amount as said council shall direct, which amount shall be at least double the amount of the funds to be deposited with such bank or banker; said council may at any time require from any such depository further or additional security and in case of the neglect or refusal to furnish such security to be approved by said council said commissioners shall withdraw the amount deposited in any such depository and such depository shall pay interest upon the amount so deposited up to the time of such withdrawal.

SEC. 117. Whenever the said commissioners shall have invested any part of said funds in the purchase of any of the several description of bonds mentioned in this act and shall at any time thereafter deem it for the best interest of said city that any part or all of the bonds of any description be sold and the proceeds invested in any other description of such bonds or such proceeds covered into the city treasury or deposited as hereinbefore provided they shall have power to sell any such bonds at not less than the market value thereof, and reinvest or deposit the proceeds thereof.

SEC. 118. Whenever any of the moneys constituting the sinking fund for the redemption of the city debt shall be required for any such purchase or investment deposit, or for the redemption of the city bonds at their maturity, the amount of money so required shall be paid by the city treasurer upon the warrant of said commissioners or

any two of them, the mayor being one; the city clerk shall attest said warrant and affix the seal of the city thereto.

SEC. 119. Whenever any of the moneys constituting said sinking fund is on deposit in a designated depository the same shall be paid by said depository upon the warrant of said commissioners or any two of them, the mayor being one; the city clerk shall also attest the said warrant and affix the seal of the city thereto.

SEC. 120. It shall be the duty of the city clerk to attend all of the meetings of said commissioners and to keep a correct journal of all their proceedings, which said journal shall be verified by at least two of said commissioners and attested by said clerk, and once in each year and oftener if required by the city council said commissioners shall render to the said city council a full and detailed report of the proceedings of said commissioners, and all investments or other acts of said commissioners shall be based upon resolutions duly entered in said journal.

SEC. 121. In the event of a vacancy in office or inability of any of said officers to attend to the trust hereby imposed, it shall be the duty of the city council by resolution to designate one or more of their number to supply the place of such commissioner for the time being. The said commissioners shall meet upon the call of any one of their number; the mayor or in his absence the president of the city council shall preside at all meetings of such commissioners.

SEC. 122. All bonds and securities purchased by said commissioners shall be held in safe keeping by the city treasurer.

Whenever city bonds are paid by the warrant of said commissioners a record thereof shall be made in the books of said commissioners, and the said bonds shall be carefully cancelled and burned by said commissioners in the presence of the city council.

SEC. 123. It shall be the duty of said commissioners to protect the credit of the city, and direct and superintend the transmission of funds for the payment of interest on the bonded indebtedness of the city to the place where such bonds or interest may be payable, and if at any time said commissioners shall find that the interest fund for the payment of the interest upon the bonded indebtedness of said city shall not be sufficient to meet and pay such interest, the commissioners may by resolution to be entered upon their records and signed by any two (2) of said commissioners, recommend to the city council that any surplus balance to the credit of the sinking fund, or so much thereof as may be necessary to meet and pay said interest, may be transferred to the credit of said interest fund, or in case of a surplus of the interest fund for any one (1) year, they may recommend in like manner that said surplus be transferred to the credit of the sinking fund.

Provided, that before the said resolution and recommendation shall become operative, the same shall be reported to the city council and shall be approved by a resolution thereof, and the said resolution shall be certified by the city clerk to the commissioners and entered upon the records of said commissioners, and the same shall authorize said commissioners to make said transfer.

Provided, further, that this section shall not be construed as to permit the transfer of funds from the interest or sinking fund to the

credit of any other funds of said city, and that any other transfer of said funds is hereby forbidden.

SEC. 124. All taxes shall be levied by resolution of the city council, and no taxes 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 sum is 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. 125. The city council shall cause to be transmitted to the county auditor of Morrison county, on or before the tenth (10th) day of October of every year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

SEC. 126. The county treasurer of Morrison 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, and in the several settlements of the funds to be paid over as provided for by the general law, said county treasurer shall account for and pay over to the city treasurer such portions of the interest paid by bankers 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 as parts thereof.

Whenever, previous to any of the 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, on the application of said city treasurer, advance and pay over such sums as shall be estimated to be the amount collected on account of such city taxes and assessments, and such advances shall be accounted for and adjusted at the next regular settlement of said city.

The city treasurer shall also forthwith, after such settlement, adjust and apportion the funds so advanced among the several city funds in his hands.

SEC. 127. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council, and shall then be drawn out only upon orders signed by the mayor and countersigned by the clerk, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and shall be made payable to the order of the person in whose name they are drawn.

SEC. 128. When any such order shall have been paid by or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separate.

SEC. 129. The city council may provide for the examination from time to time of such cancelled orders, and also of cancelled bonds or other obligations in the hands of the treasurer, and for their destruction, preserving such record or voucher thereof as the city council or any committee thereof may deem proper.

SEC. 130. All appropriations and expenses of the city not otherwise provided for, shall be paid out of the fund for the current expenses of the city.

SEC. 131. No limitation or restriction shall be construed to prohibit the levying of taxes to pay any final judgment that may at any time be recovered against said city, but in case of such judgment the city council shall at the time of making the next annual tax levy after the rendition of such judgment levy and assess a special tax upon all the property in the city sufficient to pay such judgment.

In case of failure to collect taxes or other cause such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is 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.

TITLE X.

FIRE DEPARTMENT.

SEC. 132. 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 any 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 and with such precaution against fire as the city council shall by ordinance prescribe, and to prohibit the rebuilding of wooden buildings within the fire limits and to prescribe the manner of obtaining the consent of the city council to make repairs in such fire limits, and to prevent the removal of any building not constructed of fireproof materials from any one place within to any other place within such fire limits.

SEC. 133. 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, stove pipes, ovens, boilers and apparatus used in and about any building, and 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, alleys or public grounds of said city; to compel the use of spark arresters in all smoke stacks connected with any apparatus where light fuel is consumed; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires and the storing of inflammable or explosive materials, and the use of fireworks and fire arms; to regulate the location and construction of smoke houses, and prohibit them when they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire or to prevent the spreading of fires, which the city council may deem proper.

SEC. 134. 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 or any other means for giving notice of fires.

SEC. 135. The city council shall at its first meeting in May in each year, appoint a chief engineer of said fire department, who shall hold his office for the term of one year and until his successor is appointed, and said council shall by ordinance or resolution provide for such other officers and men as may be deemed necessary for the fire department of said city, and define the respective rank and duties of such engineers and other officers and men and their compensation.

TITLE XI.

OFFICIAL NEWSPAPER.

SECTION 136. The city council shall at its first meeting in April of each year, or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city, for one week, for sealed proposals for publishing in some newspaper, which shall be qualified under the general laws of the state, all the ordinances and other matters required in the charter or ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the price per folio for the first insertion and for each additional insertion of all matter so to be published; said proposals to be marked "proposals for advertising," and addressed to the city council, which proposals shall be opened at the next stated meeting of the council and the contract for such publishing awarded to such newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city. *Provided*, That in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof as a medium for advertising and placing before the tax-payers of said city the matters herein provided to be advertised. And in case any two bids are the same, the council may by vote select one (1) of such papers. *Provided further*, that the proprietor or proprietors of such papers shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of one thousand five hundred (\$1,500) dollars with two (2) satisfactory sureties, to be approved by the council, conditioned for the faithful performance of such contract. The newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall remain in force for the time designated and until the city council shall designate another paper as the official paper of the city, provided that the council may at its option reject any and all bids.

SEC. 137. The publisher or publishers of said official paper shall immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, 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. 138. The council shall at the close of each fiscal year prepare and cause to be published a complete and detailed statement of the receipts and disbursements of that year of the city, together with a summary of the indebtedness of the city.

TITLE XII.

GENERAL PROVISIONS.

SECTION 139. No penalty or judgment recovered in favor of said city shall be remitted or discharged, except by a vote of two-thirds of the members of the city council.

SEC. 140. No city officer or employee 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.

SEC. 141. 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 set forth in such law.

SEC. 142. All ordinances, by-laws, rules, regulations and resolutions heretofore made and established by the village of Little Falls, not inconsistent with this act are hereby adopted as the ordinances, resolutions, by-laws and regulations of the city of Little Falls, and shall be and remain in full force and effect until the same shall be altered, amended, modified or repealed.

SEC. 143. This act is hereby declared to be a public act, and may be read in evidence in all courts in this state and need not be pleaded or proven.

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

Approved March 11th, 1889.