

## CHAPTER XXXV.

February 29,  
1872.

*An Act to Amend an act entitled "An Act to incorporate the City of Duluth Minnesota," approved March 4, A. D. 1870.*

- SECTION 1. Amendment to section 2 of chapter 2 of the city charter relating to the elective officers.
2. Amendment to section 5 of the same chapter, relating to vacancies.
  3. Amendment to subdivision 3 of section 3 of chapter 4, relating to constructing canal.
  4. Repeal of part of sections 7 and 8, relating to election of city attorney and comptroller.
  5. When act to take effect.

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

SECTION 1. That section two (2) of chapter two (2) of an act entitled an act to incorporate the City of Duluth, Minnesota, approved March 4 1870, be and the same is hereby amended so as to read as follows:

Election of officers. "SEC. 2. The elective officers in said city shall be a mayor, treasurer, city comptroller, city attorney, and justice of the peace for the city, who shall be styled city justice, all of which said officers shall be residents within and qualified voters of said city, each ward shall elect annually one alderman, one justice of the peace, one constable, who shall hold their offices for two years and who shall be residents in and qualified voters of the ward for which they may be elected, except that at the first election hereunder there shall be elected in addition to the one alderman already prescribed, one other alderman who shall hold his office for one year and until his successor is elected and qualified."

SEC. 2. That section five (5) of the same chapter of the said act, be and hereby is amended so as to read as follows:

Vacancies. "SEC. 5. Whenever a vacancy shall occur in any office such vacancy shall be filled by the common council. The person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the rights and subject to the same liabilities as the person whose office

he may be appointed to fill. Provided, that in the case of a vacancy occurring in the office of an alderman, said vacancy shall be filled by the electors of the ward in which the vacancy occurs, at the next general or city election, and it shall be the duty of the city clerk to give notice of the same in like manner as for other city or county officers. Provided further, that the common council may at their discretion fill said vacancy until next ensuing election.

Sec. 3. That the twenty second subdivision of section three (3) of chapter four (4) of the said act, be and the same is hereby amended so as to read as follows:

“Twenty second.—To construct or authorize any individual or corporation to construct canals connecting Lake Superior with Superior Bay, and dykes or dams across Superior Bay, connecting Minnesota Point with Rice’s Point, and to use, lease, sell, transfer or dispose of such dikes or dams to any railway company or otherwise as they shall deem to be for the best interest of said city, also to construct docks, piers, or wharves in the lake harbor or Bay of Superior within said city, and to have a general supervision over the same, so as to secure uniformity of construction and freedom of navigation. Provided, that no wharfage, duties, or tolls shall be allowed or chargeable to any boat, vessel or craft landing at any dock, pier or wharf within said city.

Amendment to  
subdivision 3.  
Relating to  
constructing  
canal.

Sec. 4. That so much of section seven (7) and eight (8) of chapter three of said act as authorizes the common council to appoint or elect the city attorney and comptroller, is hereby repealed.

Election of city  
attorney and  
comptroller.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved February 29, 1872.