

SEC. 8. The assessor shall perform all duties in relation to the assessing of property for the purpose of levying of all borough, county and state taxes, and upon the completion of the assessment roll he shall return the same to the council, who may alter, revise and equalize the same, as they may deem it just and proper, and said assessment as revised and equalized by the council shall be final, subject only to the revision of the state board of equalization. The assessor shall receive such compensation for his services as the council by ordinance shall prescribe.

SEC. 9. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect and be in force from and after its passage.

Approved March 8, 1873.

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## CHAPTER XX.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FERGUS FALLS.

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

SECTION 1. That sections two (2) and three (3) of chapter one (1), of the act entitled "An act to incorporate the village of Fergus Falls," approved February twenty-ninth, A. D. one thousand eight hundred and seventy-two, be and the same are hereby amended to read as follows:

Sec. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor, and two justices of the peace, and shall each, except the justices of the peace, hold their respective offices for the term of one year, and until their successors are elected and qualified. The justices of the peace shall hold their offices for the term of two years and until their successors are elected and qualified. In addition to the above mentioned officers the council shall have power to appoint a marshal, a street commissioner and such other officers as to said council may seem necessary and to define the duties of such officers, and to remove such officers at pleasure.

Sec. 3. There shall be an annual election held in said village on the first Tuesday in April in each year, at which election the electors

residing within the limits of said village, qualified to vote at town elections, shall choose by ballot in the manner hereinafter provided for, which manner is hereby designated "the preference vote," the president, recorder, three trustees, treasurer, assessor and one justice of the peace. Any elector at such election, may, in voting for president, use a ballot with the name or names of one or more persons designated thereon as candidate or candidates for such office, one only of which names shall be designated as first choice. If but one person is named upon a ballot as candidate for said office, such person shall be considered the first and only choice of the elector casting such ballot, and if two or more persons are so named as candidates for said office upon a ballot, and the first choice of the elector be not otherwise designated, then in that case the first name upon such list of candidates shall be considered the first choice of the elector. In canvassing the votes for president at such election if it shall appear that the name of one person has been designated as first choice for said office upon a majority of all the ballots cast for president, such person shall be deemed to be elected. In case that no person has at said election been elected to said office under and by virtue of the foregoing provisions, then and in that case if any person shall have been named both as first choice and otherwise, upon a majority of all the ballots so cast for president, such person shall be deemed to be elected, and if more than one person shall have been so named upon a majority of all the ballots so cast for president, the one of such persons who shall have been named as first choice for said office, upon the largest number of said ballots so cast, shall be deemed and held to be elected; but if it shall appear that no person has been elected by and under either of the foregoing provisions, then and in that case the person who shall have been named upon the greatest number of ballots so cast both as first choice and otherwise for said office, shall be deemed to be elected, and of two such persons named on an equal number of said ballots, the one named upon the greater number thereof as first choice, shall be deemed to be elected. The recorder, treasurer, assessor, and justice of the peace, shall each be elected in like manner as the president. The ballots for trustees may be in manner and form as hereinbefore designated, but only one name so voted for shall be designated as first choice on each ballot. In canvassing the votes for trustees, if it shall appear that any person has been named as first choice on one-third or more of all the ballots so cast, such person shall be deemed and held to be elected, and in case that the whole number of trustees to be chosen at said election shall not have been elected under and by virtue of the foregoing provisions, then and in that case such person or persons as, having been named both as first choice and otherwise for trustees, upon a majority of all the ballots cast for trustees, shall

have been named as first choice for such office upon the largest number of said ballots, shall be held and declared to be elected to fill the remaining vacancies in said board of trustees, and if any vacancies still exist, then and in that case the person or persons whose name or names have been designated on the greatest number of ballots so cast, both as first choice and otherwise, shall be deemed and declared to be elected; and if two or more persons are so named on an equal number of such ballots, the one named upon the largest number thereof as first choice shall be deemed and declared to be elected, but no more than three trustees shall be elected at any such election. The name of no person shall appear twice on the same ballot for the same office, and ballots contrary to the provisions of this clause shall not be counted, but shall be destroyed by the inspectors or judges of election. All laws and parts of laws relating to elections and inconsistent with the provisions of this act, so far as the same may apply to the election hereinbefore provided for, of village officers in said village of Fergus Falls, on the first Tuesday of April in each year, shall be and the same are hereby repealed; but in so far as the laws of the state relating to town and general elections are not inconsistent with the provisions of this act, the same shall apply to the election hereinbefore provided for. The trustees shall give ten days' notice of the time and place of holding such election, by posting up written notices thereof in three public places in said village, or by causing such notice to be published in one or more newspapers printed and published in said village. The oath of a voter at said election shall be the same as at town meetings, and false swearing shall be perjury.

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

Approved March 4, 1873.

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## CHAPTER XXI.

AN ACT TO AMEND SECTION TWO OF CHAPTER ONE, SPECIAL LAWS OF EIGHTEEN HUNDRED AND SEVENTY, ENTITLED "AN ACT TO INCORPORATE THE CITY OF DULUTH."

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

SECTION 1. That section two of chapter one of the special laws