

all of Zumbrota, are hereby designated as the persons to receive the notice and perform the acts required by section nine (9) of this said act, hereinbefore referred to, approved March fourth (4th), one thousand eight hundred and seventy-five (1875).

SEC. 6. In addition to the general powers conferred by the aforesaid act, the village council of said village shall also have power :

*First.*—To prescribe such additional duties for the officers of said village as they may by ordinance direct.

*Second.*—To appoint such additional special officers for said village as they may deem necessary therefor.

SEC. 7. This act is a public act, and need not be pleaded or proven in any court in this State.

SEC. 8. This act shall take effect and be in force from and after its passage.

Approved February 14, 1877.

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## CHAPTER 13.

### AN ACT TO INCORPORATE THE FIRE DEPARTMENT OF THE DISTRICT OF DULUTH.

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

SECTION 1. All the district of country in the county of Saint Louis, and State of Minnesota, contained within the limits and boundaries of the city of Duluth, as existing on the first (1st) day of January, A. D. one thousand eight hundred and seventy-seven (1877), and the people now inhabiting, and those who shall hereafter inhabit within the said district of country, shall be a corporation by the name of the Fire Department of the District of Duluth, by that name shall sue and be sued, complain and defend in any court, make and use a common seal, and take hold and purchase and lease such personal and real or mixed estate as the purposes of the corporation may require within the limits aforesaid, and shall be capable of contracting and being contracted with.

SEC. 2. The officers of said corporation shall consist of a marshal, who shall be *ex-officio* president of said board, a treasurer, and three (3) assistant marshals, and shall be known as the board of fire marshals of the district of Duluth.

SEC. 3. The board of fire engineers of the city of Duluth, as constituted on the first (1st) day of January, A. D. one thousand eight hundred and seventy-seven (1877), shall be and remain the

officers of the fire department district of Duluth, until the officers for said corporation shall be duly elected and qualified.

SEC. 4. Elections shall be held annually on the first (1st) Tuesday of April, at such place as the said board of fire marshals shall direct, upon public notice given at least ten (10) days prior thereto, and the polls shall be kept open from two (2) to four (4) o'clock in the afternoon, at which time a marshal or a treasurer shall be elected, who shall hold their offices for the term of two (2) years. *Provided*, that the treasurer elected at the election to be held in the year one thousand eight hundred and seventy-seven (1877), shall only hold his office for the term of one (1) year.

SEC. 5. The several fire companies now organized, or which may be organized in said district according to law, and approved by the board of fire marshals, shall, in the month of March, A. D. one thousand eight hundred and seventy-seven (1877), meet in joint convention, and vote for one (1) assistant marshal, who shall hold his office for the term of one (1) year; one (1) assistant marshal, who shall hold his office for the term of two (2) years; and one (1) assistant marshal, who shall hold his office for the term of three (3) years; and annually thereafter, shall meet and vote for one (1) assistant marshal, who shall hold his office for the term of three (3) years. And the said convention shall be presided over by the marshal and foreman of the several companies, who shall canvass and declare the result.

SEC. 6. Stated meetings of the board shall be held on the first (1st) Tuesdays of April, July, October, and January of each year; and upon the result of the annual election being declared, the board shall meet and elect one (1) of their number clerk, who shall hold his office for the term of one (1) year; and special meetings may be called by the clerk upon direction of the marshal, or, in case of his absence or inability to act, then by direction of the then ranking assistant marshal.

SEC. 7. The treasurer of said district shall give a bond for the faithful discharge of his duties, in a sum not less than the amount of tax levied by the board for the previous year, which bond shall be to the marshal, and the sureties thereon shall be freeholders and residents within the district, and together worth double the penalty of the bond, over and above all just liabilities and property exempt from execution.

SEC. 8. The board of fire marshals shall have the general care and control of all fire engines, hose, hose-carts, or other apparatus, and all buildings and cisterns now owned in said district, or hereafter to be purchased or built for the protection of said district from fire, and the supervision and direction of all fire companies now organized, or which may hereafter be organized in said district, in accordance with law and rules to be adopted by said board; and the care and control of the finances of said corporation, as hereinafter provided.

SEC. 9. It shall be the duty of said marshals, whenever a fire shall break out in the fire district, to repair forthwith to the place where the fire may be, to take proper measures that the several

engines and other apparatus be arranged in the most advantageous situation, and properly worked for the extinguishment of the fire, and to require and to compel assistance from all other persons, as well as members of the fire department, in extinguishing the fire, or moving apparatus, furniture, goods or merchandise from buildings on fire, or in danger thereof, and to appoint guards for the security of the same, and to require and compel assistance in pulling down and demolishing buildings, if necessary to prevent the spreading of such fire, and in suppressing all tumults and disorders. And any person or persons who shall refuse or neglect to obey any order or command of the marshals, or of the assistant marshals, at or during a fire, shall be deemed guilty of a misdemeanor and subject to arrest, and upon conviction before any justice of the peace in said St. Louis county, shall pay a fine of not less than five (5) nor more than twenty dollars (\$20) for the said district, together with the costs of the action, and shall be subject to such other action for damages, as the case may demand.

SEC. 10. The board of fire marshals shall annually, at their meeting in July, make a sworn estimate of the tax necessary to be raised for the purchase and repairs of apparatus, construction and repairs of fire cisterns, wages and salaries, oil and fuel, rent, repairs or purchase of buildings, and all other necessary expenses; which statement shall be filed with the auditor of said St. Louis county, which amount the said auditor shall cause to be levied upon all the taxable property in said district, and shall extend the same on the tax lists for said district; and the said tax shall be collected and paid over to the treasurer of said fire department of the district of Duluth, the same as other taxes are collected and paid over. *Provided*, that should the estimate of levies to be made by the board as above required, exceed the sum of two and one-half ( $2\frac{1}{2}$ ) mills upon the taxable property in said district, the said auditor shall only levy for said sum of two and one-half ( $2\frac{1}{2}$ ) mills.

SEC. 11. All funds in the district treasury shall be under the control of the board of engineers, and shall be paid out only upon the order of the marshal, or acting marshal, attested by the clerk, duly authorized by a vote of the board; and the members of said board shall be individually liable for any indebtedness incurred by his vote, in excess of the sum authorized to be raised for the expenses of the then current year.

SEC. 12. The active members, and all exempt members who have served actively for five years successively, in any fire company now organized, or which may hereafter be organized in said district, as provided herein, shall be exempt from duty upon any jury in said county, and from all poll tax which may be levied upon the inhabitants of said district, and the certificate of the foreman and secretary of any such company, approved by the marshal, and filed with the clerk of the district court, shall be evidence of such exemption.

Approved March 1, 1877.