

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

Approved February 28, 1877.

CHAPTER 28.

AN ACT TO AMEND AN ACT, ENTITLED, "AN ACT TO INCORPORATE THE CITY OF DULUTH," APPROVED MARCH FIFTH (5TH), ONE THOUSAND EIGHT HUNDRED AND SEVENTY (1870).

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

SECTION 1. That section two (2) of chapter one (1) of the act, entitled, "An act to incorporate the city of Duluth," approved March fifth (5th), one thousand eight hundred and seventy (1870), as amended by section one (1) of chapter twenty-one (21) of the Special Laws of one thousand eight hundred and seventy-three (1873), and chapter twenty-one (21) of the Special Laws of one thousand eight hundred and seventy-four (1874), be amended so as to read as follows:

Sec. 21. The district of country aforesaid, constituting the city of Duluth, and the limits and boundaries thereof, shall be as follows: All of sections numbered twenty-two (22), twenty-three (23) fractional, sections twenty-four (24), twenty-seven (27), thirty-three (33), thirty-four (34), and the east half ($\frac{1}{2}$) of section twenty-eight (28), in town fifty (50), north of range fourteen (14) west, all of section four (4) in town forty-nine (49), north of range fourteen (14) west; lot number one (1), and the west half ($\frac{1}{2}$), and the north-east quarter ($\frac{1}{4}$) of the south-west quarter ($\frac{1}{4}$) of section thirteen (13), and lot number three (3) and the west half ($\frac{1}{2}$) and the north-east quarter ($\frac{1}{4}$) of said section thirteen (13), in township fifty (50), north of range fourteen (14) west, excepting such part of the above described territory as has been or may hereafter be detached from said city of Duluth, to be incorporated as or attached to the village of Duluth.

SEC. 2. That section three (3) of chapter one (1) of said act be amended so as to read as follows:

Sec. 3. That said city shall be divided into two (2) wards, limited as follows: All the district of [country] county east of Eighth avenue west, within said limits, shall constitute the first (1st) ward, and all the district of [country] county west of said avenue, within said limits, shall constitute the second (2d) ward.

SEC. 3. That section two (2) of chapter two (2) of said act be amended so as to read as follows :

Sec. 2. The elective officers of said city shall be a mayor, treasurer, city comptroller, city attorney, a justice of peace for the city, who shall be styled city justice, all of which officers shall be residents within and qualified voters of said city ; each ward shall elect annually, one (1) alderman, who shall hold his office for two (2) years, one (1) justice of the peace, and one (1) constable, who shall be residents in and qualified voters of the ward for which they may be elected, except that at the election for the year A. D. one thousand eight hundred and seventy-seven (1877), there shall be elected in addition to the one (1) alderman already prescribed, one (1) other alderman in each ward, who shall hold his office for one (1) year, and the terms of office of the mayor and all aldermen elected or appointed prior to the general city election for the year A. D. one thousand eight hundred and seventy-seven (1877), shall terminate on the second (2d) Tuesday in April, A. D. one thousand eight hundred and seventy-seven (1877).

SEC. 4. That section three (3) of chapter (2) of said act be amended so as to read as follows:

Sec. 3. The city treasurer, city justice, city comptroller, city assessor, overseer of highways, constables and ward justices shall hold their respective offices for two years, and until their successors are elected and qualified.

SEC. 5. That section five (5) of chapter two (2) of said act be amended so as to read as follows:

Sec. 5. Whenever a vacancy shall occur in any office, except that of mayor, or alderman, or city attorney, 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 same rights, and subject to the same liabilities as the person whose office he may be appointed to fulfill.

SEC. 6. That section eight (8) of chapter two (2) of said act be amended so as to read as follows:

Sec. 8. Any officer ceasing to be a resident of the city or ward for which he was elected or appointed, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office, or who shall tender his resignation, shall be deemed to have vacated his office.

SEC. 7. That section nine (9) of chapter two (2) of said act be amended so as to read as follows:

Sec. 9. The term of every officer elected under this law shall commence on the second Tuesday of April of the year of which he was elected.

SEC. 8. That section ten (10) of chapter two (2) of said act be amended so as to read as follows:

Sec. 10. The mayor of the city of Duluth is hereby designated as the officer on whom service of summons and process in suits

against the city of Duluth may be made, and service on any other officer shall not be valid against the city.

SEC. 9. That section three (3) of chapter three (3) of said act be amended so as to read as follows:

Sec. 3. At the first meeting of the common council of each year they shall elect by ballot from their number a president and vice president. It shall be the duty of the president to preside over all meetings of the common council, and during his absence the vice president shall act in his stead.

SEC. 10. That section twenty-two (22) of chapter three (3) of said act be amended so as to read as follows:

Sec. 22. Each ward of the city of Duluth shall constitute one road district, and the common council shall appoint an overseer of highways for each of said road districts, who shall have and exercise all the powers conferred upon overseers of highways by chapter five (5) of the General Laws of one thousand eight hundred and seventy-three (1873). And in case a vacancy shall occur in the office of overseer of highways in either of said districts, and shall continue for thirty (30) days without being filled by the common council, it shall be the duty of the county auditor of St. Louis county to fill such vacancy by appointment, and the person so appointed shall have and exercise all the powers pertaining to overseers of highways under the provisions of the act aforesaid.

SEC. 11. That section twenty-four (24) of chapter three (3) of said act be amended by striking therefrom the word "sole" and the word "exclusive," wherever the same occur in said section.

SEC. 12. That section four (4) of chapter four (4) of said act be amended so as to read as follows:

Sec. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council elect, by ayes and noes, and published before the same shall be in force, and shall be admitted as evidence in any court of the State without further proof, and shall be recorded by the city clerk in books to be provided for that purpose. No appropriation shall be made, or claim allowed, or tax levied by the common council without the affirmative vote of four aldermen in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 13. That section one (1) of chapter five (5) of said act be amended by striking from the first (1st) subdivision thereof the word "five," and inserting in its stead the word "two."

SEC. 14. That section four (4) of chapter five (5) of said act be amended so as to read as follows:

Sec. 4. All funds in the city treasury shall be under the control of the common council, and shall be paid out upon the order of the mayor or president of the council and the city clerk, countersigned by the city comptroller, duly authorized by a vote of the common council.

SEC. 15. Section seven (7) of chapter eight (8) of said act is hereby amended so as to read as follows:

Sec. 7. No officer, elected or appointed under the provisions of

this act, shall receive any compensation for their services, except the city clerk, city comptroller, and city treasurer, who shall each receive a salary of twenty-five dollars (\$25) per year, and the city assessor, who shall receive three dollars (\$3) per day for the time actually employed in the duties of his office; and except overseer of highways, constables, and justices of the peace, who shall receive the compensation provided by general law.

SEC. 16. Section eleven (11) of chapter eight (8) of said act is hereby amended so as to read as follows:

[Sec. 11] of an act entitled "An act to create the village of Duluth," is hereby incorporated into and made a part of the charter of the city of Duluth,—and taxes may be levied on property in the city of Duluth, and territory may be detached from said city and attached to the village, as provided in said section.

SEC. 17. That sections two (2), six (6), sixteen (16), seventeen (17), eighteen (18), and twenty-six (26), in chapter three (3); subdivisions twenty-two (22) and twenty-five (25) of section three (3) of chapter four (4), and the second sub-division of section one (1) of chapter five (5), the whole of chapter seven (7), and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved February 23, 1877.

CHAPTER 29.

AN ACT TO AMEND AN ACT CONSOLIDATING THE CITIES OF ST. ANTHONY AND MINNEAPOLIS.

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

SECTION 1. That an act to amend an act, entitled, "An act consolidating the cities of St. Anthony and Minneapolis," approved March fifth (5th), one thousand eight hundred and seventy-four (1874), be amended as follows: By striking out subdivision thirty-four (34) of section three (3), chapter four (4), and inserting in the place thereof the following, to-wit:

"*Thirty-fourth.*—Fines, penalties and punishments imposed by the city council for the breach of any ordinance, by-law, or regulation of the city, may extend to a fine, not exceeding one hundred dollars (\$100), and imprisonment in the city prison or county jail, not exceeding ninety (90) days, or both, and to be fed on