

# SPECIAL LAWS

OF

# MINNESOTA,

1878

PASSED AND APPROVED AT THE TWENTIETH SESSION OF THE STATE LEGISLATURE, COMMENCING JANUARY EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT, AND TERMINATING MARCH EIGHTH, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-EIGHT.

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## CHAPTER 1.

AN ACT TO INCORPORATE THE CITY OF ALBERT LEA, FREEBORN COUNTY, MINNESOTA.

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

## CHAPTER I.

SECTION 1. That all that district of country in the county of Freeborn, State of Minnesota, contained within the following boundaries and limits shall constitute the city of Albert Lea, viz:

The south-east fourth (4th) of section number eight (8); all that part of the north-east fourth (4th) of section eight (8) lying south of Fountain Lake; all that part of the north-east quarter ( $\frac{1}{4}$ ) of the north-west fourth (4th) of section eight (8) lying south of Fountain Lake, and east half ( $\frac{1}{2}$ ) of south-east quarter ( $\frac{1}{4}$ ) of the north-west quarter ( $\frac{1}{4}$ ) of section eight (8); the south-west fourth (4th) of section number nine (9); the south half ( $\frac{1}{2}$ ) of the north-west fourth (4th) of section nine (9); the north half ( $\frac{1}{2}$ ) of the north-west of section sixteen (16); the north half ( $\frac{1}{2}$ ) of the north-east fourth (4th) of section seventeen (17); all in township num-

ber one hundred and two (102), of range number twenty-one (21) west of the fifth (5th) principal meridian; and the people now inhabiting and those who shall hereafter inhabit the said district of country, shall be a municipal corporation by the name of "The City of Albert Lea," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a seal and alter at pleasure, and take, hold and purchase, lease and convey any and all such real and personal and mixed estate as the purposes of the corporation may require within or without the limits aforesaid, and shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The city shall be divided into three (3) wards, to be called the First (1st), Second (2d) and Third (3d) wards, limited and described as follows: All the territory north of Clark street and the extension thereof west, and north of a line extending west from the west terminus thereof, and all territory north of a line extending due east from the east terminus of Clark street aforesaid (which said Clark street is one of the streets of the old townsite of Albert Lea, as are all other streets hereafter referred to) shall constitute and be the first (1st) ward.

All territory south of Clark street and west of Broadway, and the extension thereof, shall be and constitute the second (2d) ward.

All territory south of the first (1st) ward and east of Broadway, shall be and constitute the third (3d) ward.

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## CHAPTER II.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first (1st) Monday in May of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, and ten (10) days previous notice shall be given by the common council of the time and place of holding said election, and of the officers to be elected.

SEC. 2. The elective officers of said city shall be a mayor, treasurer and two justices of the peace for the city, who shall be styled the city justices, all of which said officers shall be residents within and qualified voters of said city; each ward shall elect two aldermen who shall be owners of real estate, and residents within and qualified voters of the ward for which they may be elected; all other officers necessary for the proper management of the affairs of the city shall be appointed by the common council, unless otherwise provided. At every annual election after the first election

of officers and the organization of the city government under this charter, there shall be elected for each ward one alderman who shall hold his office for two years, or until his successor is elected and qualified. The city justices shall hold their office for two years, and until their successors shall be elected and qualified. All other elective officers shall hold their respective offices for one year and until their successors are elected and qualified.

SEC. 3. Every person appointed to any office by the common council or elected to any office by the people, may be removed from said office by a vote of two thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a written statement of the charges against him, nor unless he shall have a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officer, of which not less than ten days notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case, and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after such vacancy shall be declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof, for the unexpired term, and with same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office; the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as the council shall direct.

SEC. 6. All persons entitled to vote for State or county officers, and who reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created, except as herein before provided. *Provided*, that their names shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of the election of State and county officers, and the different wards established by law, shall constitute election districts for State, county, as well as city elections, and the mode of conducting

all State and county elections in said city, shall be in the manner herein provided, in reference to city elections except that the returns thereof shall be made by the judges of election to the auditor of the county of Freeborn within the time, and in the manner prescribed by law.

SEC. 7. The elections in said city shall be held and conducted by the aldermen of each ward, together with one other elector to be appointed by them, who shall be the judges of elections in their respective wards, in all elections of State, county or city officers, and shall take the usual oaths or affirmations as prescribed by the General Laws of the State to be taken by judges of elections, and shall have power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties as provided for State and county elections, and vacancies among the judges thereof shall be filled as required by the laws of the State regarding elections. *Provided, That no alderman or other person shall be a judge of an election at which he is a candidate for any office.* In such case, the office of judge of election shall be considered vacant, and shall be filled as provided by law.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person, for each and every office, and shall deliver or cause to be delivered such returns to the clerk of the city within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter. The clerk of the city shall forthwith notify the officer, or officers so elected, of their election by written notice served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

SEC. 9. Special elections to fill vacancies, or for any other purpose shall be held and conducted by the aldermen of each ward in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution of the council.

SEC. 10. Any officer removing from the city, or ward for which he is elected, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

SEC. 11. The term of every officer elected under this law shall commence on the second Monday of May of the year for which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place being given.

## CHAPTER III.

## OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. 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, duly certified by the officer administering the oath, with the city clerk, and the treasurer's clerk, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Albert Lea, a bond with at least two (2) sureties, satisfactory to the common council; and such bonds shall contain such penal sum and such conditions as the common council may deem proper, and they may from time to time require new bonds and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall see that the laws of the State, and the ordinances of the city are duly observed and enforced and that all other executive officers of the city discharge their respective duties; he shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall, by and with the advice and consent of the common council, appoint such police officers and watchmen as may be necessary, except when otherwise provided for, and in case of a riot or other disturbance, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him whenever, in his opinion, the welfare of the city may demand it or a reduction of their numbers render it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign, he shall return to the common council with his objections thereto by depositing with the city clerk to be presented to the common council at their first meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and after such reconsideration the common council shall pass the same by a two-thirds vote of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the votes shall be by ayes and noes, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days, (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. At the first meeting of the common council, in each year, after each annual election under this charter for officers of said city, the common council shall proceed to elect by ballot from their number, a 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 from any cause to discharge the duties of his office, the president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent, a president, *pro tempore*, may be elected from among their number by the aldermen present. The president of the council, while performing the duties of mayor, shall be styled the "acting mayor," and acts performed by him while acting as mayor, as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and president of the common council shall have the right to administer oaths and affirmations; the president shall have no vote in the council except in case of tie when he shall have a casting vote.

SEC. 4. There shall be a clerk of said city, styled the city clerk who shall be elected by the common council, and keep his office at such place as the common council may determine. He 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 meeting it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council certified by him under the corporate seal shall be evidence in all courts as if the original were produced. He shall draw and countersign 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 city clerk shall have power to administer oaths and affirmations.

SEC. 5. The common council shall have power to elect an attorney for the city who shall perform all professional services incident to his office, and when required shall furnish opinions upon any subject submitted to him by the common council or its committees.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed accounts thereof in such manner as the common council shall direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the city clerk, and a copy of the same published in one or more of the city newspapers. He shall also report to the [common] city council at such times and in such manner as they may require.

SEC. 7. There may be a chief of police of said city, who may be appointed by the mayor and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers of said city shall possess the powers of constables at common law, or by the laws of this State, and it shall be their duty to execute and serve all warrants, process, commitments and all writs whatsoever, issued by the city justices for any violation of the laws of the State of Minnesota, or of the ordinances or by-laws of [the] said city, and also all writs and process whatsoever

issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice in any part of this State, and when performing the duties of constables as aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or any violation of the laws of this State, or of the ordinances or by-laws of the city, and for these purposes shall possess the powers of constables at common law while on duty.

SEC. 8. The common council may at their first meeting after the annual election, or an adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one year and until his successor is elected and qualified. It shall be the duty of the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city, to hire laborers and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges and public grounds of the city, or the town of Albert Lea, when thereto directed by the common council, and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him, in his official capacity, or belonging to the city, of all of which he shall keep a true and accurate account.

SEC. 9. The common council shall in the month of May in each year after the annual charter election, elect an assessor, who shall be styled the city assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, railroad, county and State taxes, and school district taxes, and upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper; said city assessor shall hold his office for one year and until his successor is elected and qualified.

SEC. 10. The justices of the peace for the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace of the county of Freeborn, under the laws of this State, and shall have, in addition thereto, sole and exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the charter, and any ordinance, by-law, rule or regulation, made or adopted, or by virtue thereof, and of all cases cognizable before a justice of the peace, in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine or forfeiture, or penalty, under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same, all prosecutions for assaults, batteries and affrays, not indictable; and for a breach or violation of this act or any by-law, ordinance or regulation of said city, shall be commenced in the name of the city of Albert Lea as plaintiff, and the same proceedings shall be had as are required by law in criminal cases before justices of the peace. *Provided*, that in the cases above referred to, no appeal shall be allowed

when the judgment or fine imposed, exclusive of costs, shall not exceed the sum of twenty-five dollars. *Provided further*, that the city shall have the same right to an appeal that the defendant has, and the affidavit for appeal and the giving of bail, etc., by the city, shall be regulated by city ordinance. In all prosecutions for larceny, assaults, batteries and affrays, and for all other offences not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of the State before a justice of the peace, and appeals from the judgment and decisions of said city justices, shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for larceny, assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, selling liquor without license, and of keeping and maintaining disorderly and ill-governed houses, the said justices shall have power in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior and to keep the peace for a period of not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power in cases of contempt as a justice of the peace under the laws now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law, or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 11. The city justice shall, as often as the common council may require, report to the common council all the proceedings instituted before him, in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by him belonging to said city, and said justices shall be entitled to receive from the county of Freeborn such fees in criminal cases where the State is a party, as are allowed by statutes to justices of the peace for similar services.

SEC. 12. It shall be the duty of the city clerk to report to the common council the financial condition of the city whenever the common council shall require. He shall make and keep a list of outstanding city orders, and other evidences of city indebtedness, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such indebtedness. He shall report annually on or about the first of May to the common council, an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of May. He shall make or cause to be made estimates of any work to be done by the city, and countersign all contracts made on behalf of the city, and certifi-

cates of work authorized by any committee of the common council, or by any city officer, and every contract made in behalf of the city or to which the city is a party, shall be void unless signed by the clerk and mayor.

SEC. 13. The city clerk shall keep regular books of account, in which he shall enter all indebtedness of the city and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council.

SEC. 14. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property in the city or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land which said schedule shall be certified by the affidavit of the clerk and shall be *prima facie* evidence of the facts therein stated in all cases where the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

SEC. 15. The clerk shall examine all the reports, books, papers, vouchers and accounts of the city treasurer, and from time to time, shall perform such other duties as the common council may direct. All claims and demands against the city before they are allowed by the common council shall be audited and adjusted by the clerk; all orders on the treasurer shall be examined and countersigned by him, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto. Such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested, and any contract in which he may be interested is null and void, and it is hereby made the duty of the clerk to see that no fund is overdrawn beyond the appropriation.

SEC. 16. The common council, at their first (1st) meeting in each year, or as soon thereafter as may be, may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in said city, and the common council shall prescribe his duties and fix the fees and compen-

sation for any service performed by him. All surveys, plans, profiles or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or to the common council.

SEC. 17. The common council, at their first (1st) meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one (1) week, in such manner as the council may direct, that sealed bids shall be received by the clerk of the common council for doing said printing: The bid or bids received by the clerk to do said printing, shall be publicly opened and read by the clerk, at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper published in said city, and who shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws and other proceedings and matters required by this act, or by the laws or ordinances of the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution; *Provided*, That if no person will publish or offer to publish in any newspaper published in said city, such ordinances or other matter as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such other provision for publishing of its ordinances, by-laws and matters requiring publication, as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 18. If any person having been an officer of said city, shall wilfully neglect for ten (10) days after notification and request to 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 five hundred dollars (\$500), besides all damages caused by his neglect or refusal to deliver; and said successor may recover possession of such books, papers and effects in the manner prescribed by the laws of this State.

SEC. 19. The common council shall have power at any time to require other and further duties to be performed by any officers whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe the duties, un-

less otherwise provided for; but no officer elected, or appointed by the common council or appointed by the mayor, as heretofore provided, shall be appointed for a longer time than one (1) year and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three (3) months from the first organization and meeting of the common council, and the compensation so fixed shall not be changed previous to the annual city election in one thousand eight hundred and seventy-nine (1879), and after the present year the compensation of officers shall be fixed for the fiscal year in the month of May of each year, except for such offices as may hereafter be created in regard to which the compensation shall be fixed at the time of the creation of such office; nor shall the compensation of any officer after having been fixed be increased or diminished during the term for which such officer was elected or appointed; no officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That no mayor or alderman shall receive any compensation for his services.

SEC. 20. The mayor, or acting mayor, sheriff of the county of Freeborn or his deputy or deputies; coroner and each alderman, the city justices, police officers and watchmen shall be officers of the peace, and suppress in a summary manner all rioting and disorderly behavior within the limits of the city and for such purpose may command the assistance of the bystanders, and if need be, of all the citizens and military companies; and if any person, bystander, military officer or private, shall wilfully refuse to aid in maintaining the peace when so required, each person so refusing shall forfeit and pay a fine of fifty (50) dollars, and in cases where the civil power may be required to suppress riot or disorderly behavior the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

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## CHAPTER IV.

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

SEC. 1. The aldermen shall constitute the common council and the style of all ordinances shall be "the common council of the city of Albert Lea do ordain," &c. The common council shall meet at such time and place as they by resolution may direct, a majority of the aldermen shall constitute a quorum for the transaction of business.

SEC. 2. The common council shall hold stated meetings and the mayor may call special meetings by notice to each of the members to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers; and shall determine the rules of its own proceedings and have power to compel the attendance of absent members.

SEC. 3. The common council shall have the management and control of the finances and all the property of the city, and shall likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have power to establish and maintain a city prison and watch houses for the imprisonment, custody and safe keeping of all persons arrested or charged with any offense whatever in any way cognizable before the city justices; to make all rules and regulations for the government and management of such prison and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keeper of said prison and watch houses shall have and possess all the authority of a jailor at common law, or by the laws of the State. The common council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States or of the State of Minnesota, and for these purposes shall have authority by ordinance and resolution or by-laws,

*First.* To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloons; to grant licenses and regulate auctions and auctioneers, to license tavern keepers, and victualing house keepers.

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

*Third.* To prevent any riots or disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who may be guilty of the same, to suppress or restrain disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

*Fourth.* To compel the owner or keeper of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, or privy, sewer, or any other unwholesome structure or place, to cleanse, remove or abate the same from time to time, as often as it may deem necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifth.* To direct the location and management of slaughter houses and markets, breweries and distilleries, and to establish rates for and to license vendors of gunpowder, and to regulate the storage, keeping and conveying of gunpowder or other combustible materials.

*Sixth.* To prevent the encumbering of the streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings or other materials or substance whatever.

*Seventh.* 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 street, and to regulate places of bathing or swimming on the waters within the limits of said city or adjacent thereto.

*Eighth.* To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

*Ninth.* To prevent the running at large of dogs, and may impose a tax on the same and authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

*Tenth.* To prevent any person from bringing or depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon their premises any such substance or any putrid or unsound meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

*Eleventh.* To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants; to erect lamps and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and license hacks, carts, omnibuses and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth.* To establish and regulate boards of health, and provide for the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to provide for the removal of any mortal remains now interred within such limits to such cemetery as they may deem proper.

*Thirteenth.* To prevent all persons riding or driving any horse, mule or ox or any other animal on the sidewalks of said city, or in any way doing damage to said sidewalks.

*Fourteenth.* To prevent the discharge of fire-arms or crackers, and to prevent the exhibition of any fire-works in any situation

which may be considered by the common council as dangerous to the city or any property therein, or annoying to any citizen thereof.

*Fifteenth.* To prevent open and notorious drunkenness, disorderly conduct, obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

*Sixteenth.* To compel the owner or occupant of any buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the 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 at the expense of such owner or occupant.

*Seventeenth.* To regulate the time, manner and place of holding public auctions and vendues.

*Eighteenth.* To provide for watchmen and to prescribe their number and duties and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

*Nineteenth.* To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer and require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

*Twentieth.* To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

*Twenty-first.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys and highways of the city.

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

*Twenty-third.* To do all acts and make all regulations which may be necessary and expedient for the preservation of the public health or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city.

*Twenty-fourth.* To restrain and punish vagrants, tramps, mendicants, street beggars, and provide for the punishment of the same.

*Twenty-fifth.* Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding thirty days, or both, and be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars, and male prisoners may be put to work on the streets or any of the public works of the city.

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 present, by ayes and noes, and be published in the official paper one week before the same shall be in force, and shall be admitted as evidence in any court in the State without further proof; they shall be recorded by the city clerk in books provided for that purpose. No appropriation shall be made without a vote of a majority of the council in its favor, which vote shall be taken by ayes and noes, and entered upon the proceedings of the council.

SEC. 5. 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 courts according to law.

SEC. 6. The common council shall fix the fees, examine, audit and adjust the accounts of the clerk, treasurer, street commissioner, city justices, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the terms 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 and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to the 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 institute suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlement and adjustment.

SEC. 7. The common council may, during their fiscal year, by a vote of two-thirds of its members, issue the bonds of said city, bearing interest not exceeding ten per cent. per annum, and for a time not exceeding one year, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year. *Provided*, That the amount of such bonds outstanding shall not at any one time exceed one third of such taxes and revenues. *And Provided*, That said bonds or the proceeds thereof shall be applied to the same purposes as the taxes and revenues in anticipation whereof they have been issued.

## CHAPTER V.

SEC. 1. The common council shall have power to levy upon all the taxable property of said city taxes to provide for the current expenses of the city government and police, for the opening, *maintaining* and improvement of public grounds and the construction of buildings and improvements of a general character. *Provided*, That in no one year shall such tax exceed four mills on a dollar of the assessed valuation.

SEC. 2. The common council shall have power to levy a special tax which shall not exceed six mills to the dollar of the taxable property of the city any one year, for the purpose of constructing and maintaining roads, streets and alleys, for the construction of reservoirs, cisterns, drains and street gutters and for other purposes conducive to good order and cleanliness, and to protection against crime, disease and fire. *Provided*, That the council by resolution may direct the street commissioners of said city to expend such part of said sum as they shall direct, on the roads and bridges of the township of Albert Lea, and provided further, that no expenditures shall be made beyond the appropriation for that purpose. Taxes may be levied by resolution of the common council, and no tax 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 same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be for improvements, it shall be kept and used for future improvements of the same character, and for the purpose of encouraging the investment of capital in a flouring mill to be located in said city at or convenient to the two railroads located in the same, it is enacted, that the first mill erected and completed and so located, and of the cash value of not less than twenty thousand dollars, shall be exempt from taxation for city purposes for the period of ten years from the date of the approval of this act.

SEC. 3. The common council shall cause to be transmitted to the county auditor of Freeborn county, on or before the first day of September of each year, a statement of all taxes by them levied and such taxes shall be collected, and the payment thereof enforced with and in like manner as State and county taxes are paid, and the payment thereof enforced, and the county treasurer of said Freeborn county shall pay such taxes over as now provided by law in case of town taxes to the treasurer of the city of Albert Lea.

SEC. 4. No moneys shall be paid out of the city treasury unless such payment be authorized by vote of the common council, and these shall be drawn out only on orders signed by the mayor and clerk of the city, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be payable to the order of such person or to the bearer, as the common council may determine.

SEC. 5. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same by writing the word "redeemed" across the face of the same and signing his name and fixing the date thereto, and file the same away in his office, keeping the orders drawn upon each fund separate.

SEC. 6. It shall be lawful for the common council of said city at any time to levy a corporation poll tax upon every qualified voter in said city; *Provided*, That said tax shall not in any one (1) year exceed the sum of two dollars (\$2) on each person; and the common council shall have power, and it shall be lawful, to expend said tax, or such part thereof as is deemed expedient, on any of the public highways of the town of Albert Lea, the same to be expended only under the supervision of the street commissioner of said city.

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## CHAPTER VI.

### STREETS, BRIDGES AND PUBLIC GROUNDS.

SECTION 1. The common council of the city shall have the care, supervision and control of all the highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and shall have the power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and widen or straighten the same.

SEC. 2. The common council shall have power to order and contract for the opening, grading, repairing and cleansing of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon, and all such improvements shall be superintended by the street commissioner.

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## CHAPTER VII.

### FIRE DEPARTMENT.

SECTION 1. The common council for the purpose of guarding against the calamities of fire shall have power to prescribe the limits within which wooden or other buildings, the materials or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such man-

ner and of such materials as in the judgment of the common council shall not be dangerous to the surrounding property. The common council shall have power by resolution, to order any building, structure, or materials therefor, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building; and in case the same is not removed in pursuance of the notice given, to order the same to be taken down, removed by the police or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made and enacted to carry out the provisions thereof by a fine not exceeding one hundred dollars (\$100.00), which may be imposed by the city justice upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimney fire places, stoves, stove pipes, ovens, boilers and apparatus used in and about any building and to cause the same to be removed or placed in a safe or secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places and throwing of ashes into the streets and alleys; to require inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe and to regulate the use of them in time of fire; to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires; to regulate and prevent the use of fire arms and fire-works; to authorize the mayor, aldermen, fire wardens and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the proper support and regulation of the same and to order such companies to be disbanded; their public meetings to be prohibited and their apparatus to be given up; every member of each company which may be authorized to be formed, shall be exempt from highway work and poll tax, from serving on juries and from military duty during the continuance of such membership.

SEC. 4. The common council shall have power to appoint the chief engineer and two (2) assistant engineers of the fire department, and also one (1) fire warden for each ward and to prescribe the duties of such officers.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman at any fire, it shall be lawful for the officer giving such order to arrest or to

direct orally any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them may order or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such *penalty* as the common council may prescribe, not exceeding a fine of fifty dollars.

SEC. 6. The common council may hereafter by ordinance or resolution, establish such fire limits as to them shall seem proper; and after the same shall have been so established, the said limits shall not be reduced in extent, and any building of which the construction or materials or uses to which the same is put, shall expose neighboring buildings to great danger of fire, and which shall be hereafter erected within said limits, shall be deemed a nuisance, and may be dealt with as provided in the first section of this chapter, and any person who shall erect or commence to erect any such building within said fire limits, shall be deemed guilty of a misdemeanor, and punished by a fine imposed by the city justice, not exceeding fifty dollars.

SEC. 7. For the purpose of providing fire engines or other apparatus for the extinguishing of fires, of constructing engine houses, cisterns and reservoirs, the common council of said city by a majority vote of the members thereof, are hereby authorized to levy a tax on the taxable property of said city which shall not exceed in the aggregate for any one year the amount of five mills on the dollar of the taxable property of said city, which said tax may be levied and collected in the same manner as the other taxes of said city.

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## CHAPTER VIII.

### STREET GRADES AND SIDEWALKS.

SEC. 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

SEC. 2. Whenever the common council shall deem it necessary to [construct] contract or repair any sidewalk in said city of Albert Lea, they shall require the street commissioner to notify all owners and occupants of any lot or parcels of land adjoining such sidewalk to [construct] contract or repair the same at his or their own proper expense and charge, within a certain time designated by the publication in the official paper of said city, for not less

than two weeks of an notice to said owners or occupants, setting forth what work is to be done, and the character of the same by such owners or occupants, and the time within which they are required to do the same.

SEC. 3. If such work is not done and the sidewalks not built or repaired, in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable by the street commissioner, and returned by him to the common council, and said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land as in case of city, county and State taxes.

SEC. 4. If said assessment be not paid to the street commissioner or the city treasurer on or before the twentieth (20th) day of August in any year, the common council shall cause a statement of the same to be transmitted, with the city taxes levied that year, to the auditor of the county of Freeborn, on or before the first (1st) day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, enforced with and in like manner as city, county and State taxes are collected, and payment thereof enforced.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different locations, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

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## CHAPTER IX.

### LIGHTING OF STREETS—SUPPLY OF WATER.

SECTION 1. The common council shall have authority to contract with any person [or] persons or corporation for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

SEC. 2. The common council may permit the laying of gas pipes in any and all the streets and alleys, highways and public grounds of the city, but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed if the same shall be found to interfere with the proper and convenient location of common sewers or water pipes and mains.

SEC. 3. The common council may permit any party or corporation to lay water mains and pipes in any and all streets and alleys, highways and public grounds of the city, and shall regulate the position of the same, so that they shall not obstruct or interfere with the common sewers or with the proper drainage of the city.

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## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken

SEC. 2. No penalty or judgment recovered in favor of the city, shall be remitted or discharged except by the vote of two-thirds ( $\frac{2}{3}$ ) of the aldermen elect.

SEC. 3. In all prosecutions for any violations of this act, the first process shall be by warrant on complaint being made; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance or by-law of the city of Albert Lea; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged, in the same manner as if the arrest had been made by warrant. All warrants, process, or writs issued by the city justices for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the city justices of said city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the city of Albert Lea, as punishment for any offense, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city; or if there be no city prison, to the common jail of Freeborn county, and be there imprisoned for a term not exceeding three (3) months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Freeborn.

SEC. 5. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city in any proceeding or action in which the city shall be a party in interest.

SEC. 6. All ordinances and regulations heretofore made by the supervisors of the town of Albert Lea, not inconsistent with the

provisions of this act, shall be and remain in force until altered, modified or repealed by the common council of said city after this act shall have gone into effect.

SEC. 7. All fines, penalties, judgments and moneys (except officers' and justices' fees) that may be levied or collected by the city justices, or that may be collected by any other officer of the city for the violation of any ordinance or by-law of said city and in possession of any officer of said city, or any of the laws of the State of Minnesota shall be vested in and be the sole and exclusive property of said city.

SEC. 8. When any suit or action shall be commenced against said city, services of the process may be made by the proper officer by leaving a copy of such process with the mayor or acting mayor and it shall be the duty of the mayor forthwith to inform the council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 9. The said city may purchase and hold real and personal estate for public purposes sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

SEC. 10. No law of the State affecting the provisions of this act shall be considered as repealing, amendatory or modifying the same unless said purpose be expressly set forth in such laws.

SEC. 11. The city of Albert Lea shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Freeborn county under the State laws.

SEC. 12. The street commissioner shall collect the corporation or poll tax which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the State, and shall report to the common council when required.

SECTION 13. All that part of Congressional township number one hundred and two, (102) north of range number twenty-one, (21) west, not included in the city limits of the city of Albert Lea, shall, in case this act of incorporation is accepted and ratified by the electors as provided in this act, be and remain a town by the name of Albert Lea, and shall continue to exercise the same powers under the general laws of this State as it has heretofore exercised, and be considered the same body corporate as has heretofore been known as the town of Albert Lea. The town supervisors and other officers of the present town of Albert Lea who may be elected on the second Tuesday of March, 1878, or who hold over from a previous election, shall continue to hold their offices in said town, and the officers of the town of Albert Lea, as above proposed, except such of said officers so elected or holding over as may when the city government is organized be residents of said city. In which case the offices of said town held by any such residents within said city, shall be vacant, and any such vacancies shall be filled as provided by law. The first town meeting of said town after the organization of the city gov-

ernment shall be held at the court house hall in said city, and thereafter at such place as may be designated by the electors at said first town meeting.

SEC. 14. All moneys in the hands of the treasurer of the town of Albert Lea or the county treasurer of said county belonging to said town, shall be appropriated and divided between said new town of Albert Lea and said city of Albert Lea, on the basis of the ratio of the assessed valuation of the territory in said town and city respectively; each to have its *pro rata* share thereof, and all taxes remaining unpaid or delinquent on the second Monday of May, one thousand eight hundred and seventy-eight (1878), on property within the limits of said city, shall belong to and on collection thereof, be paid to the treasurer thereof, and all taxes remaining unpaid or delinquent within said new town of Albert Lea, shall belong to and on collection thereof, be paid to the treasurer of said town of Albert Lea.

*Provided*, however, that if there is any indebtedness of the town of Albert Lea, other than its bonded indebtedness, at the close of its official year, the township supervisors of said new town, and the city council of said city, shall within fifteen (15) days after the second Monday in May, one thousand eight hundred and seventy-eight (1878), at a time and place to be agreed upon, meet together and divide and apportion said indebtedness on the basis of the ratio of the assessed valuation of said town and city respectively, each to assume and pay its just proportion, and each to select the items it will assume and when done a duplicate tabulated statement thereof shall be made and one filed in the office of the town clerk of the town, and the other in the office of the city clerk of the city.

SEC. 15. All chattel mortgages executed by parties residing in said city or on property therein, shall be filed with said city clerk in the same manner and with like effect as if filed with the town clerk of said town; and the filing thereof with said city clerk, shall dispense with the necessity for filing with the town clerk of said town and shall constitute constructive notice thereof to all persons in the same manner and to the same extent as mortgages filed in the town clerk's office under the laws of this State.

## CHAPTER XI.

### FIRST ELECTION.

SECTION 1. The first election for officers under this act shall be held on the second Monday in May, A. D. one thousand eight hundred and seventy-eight (1878).

SEC. 2. The first election shall be held in the first ward of said city at the office of Wm. P. Sergeant, on Broadway. In the second ward of said city at the Webber House, corner of Broadway and Main

streets. In the third ward of said city at the Court House Hall. At said first election, William P. Sergeant, William Hazelton and P. T. Scotland shall be the judges of election for the first ward; H. H. Hanson, A. Carlson and J. W. Smith, shall be judges of election for the second ward; C. R. Ramsom, John H. Anderson and August Peterson, shall be judges of election for the third ward. The said judges, respectively, shall appoint two (2) clerks at each polling place, in case, however, any of said judges of election shall be absent or be candidates for office at said election, the remaining judges shall fill the vacancies; and in case no judges are present the voters present may appoint the judges to fill the vacancies.

SEC. 3. The judges of election of each ward shall on the evening of the second Monday of May, one thousand eight hundred and seventy-eight (1878), at seven (7) o'clock P. M., meet at the court house hall in the third ward and canvass the votes cast at said election in each ward, and on completion thereof, declare the result as to all officers voted for at said election, and those persons elected shall qualify within three (3) days thereafter and hold their offices until the annual election of one thousand eight hundred and seventy-nine (1879), excepting one (1) alderman from each ward who shall be elected for the long term who shall hold their offices until the annual election of one thousand eight hundred and eighty (1880).

SEC. 4. No informality in the manner of giving notice of said election nor the absence of any notice, nor shall any informality or omission at said election, or no comparing and canvassing the votes invalidate said election.

SEC. 5. The aldermen elect shall hold their first meeting within five days after their election, at the court house hall, when they shall qualify and proceed to organize the common council, and a clerk *pro tempore* shall be appointed from the common council to act until a clerk is elected.

SEC. 6. At the said first election there shall be elected in each ward two aldermen, one of whom shall hold said office until the second Monday in May, A. D., eighteen hundred and seventy-nine (1879), and one until the second Monday of May, A. D., eighteen hundred and eighty (1880). One shall be voted for, for the long and one for the short term.

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## CHAPTER XII.

### INTOXICATING LIQUORS

SEC. 1. The common council shall have power when authorized thereto by a majority vote of the electors of said city at any regular election for said city to license and regulate persons dealing in spirituous, vinous, fermented and malt liquors within said city,

and to regulate their places of business, and to authorize the peace officers of said city to inspect and search any building wherein is sold or kept for sale any spirituous, vinous or fermented liquors.

*Provided*, That a license for the sale of any such liquors shall not be less than one hundred dollars (\$100) per year, nor more than five hundred dollars (\$500), nor shall a license be granted for a less term than one year, and licenses shall commence and end on the second Monday of May, in each year, and unless the council are so authorized by a vote of the electors to grant licenses in said city, which can only be done as hereinafter set forth, then the sale of any spirituous, vinous, fermented or malt liquors within said city is prohibited, and any license issued except after such vote, shall be absolutely void.

SEC. 2. No vote shall be had upon the question of license, or no license in said city after the first election, except after due notice to be given by the clerk of at least ten days, and when notice has been duly given, the electors at any general election for said city may vote upon said question. Those in favor of license shall have written or printed on their ballots "for license," and those opposed shall have written or printed upon their ballots, "against license," and the result when declared shall be binding, and in force in said city until reversed at some future annual election for said city in the manner aforesaid. *Provided*, That the question of license or no license shall be voted upon at the first election in said city, without regard to notice, and the result shall be the same as if notice had been given thereof.

SEC. 3. The clerk when requested in writing by twenty legal voters, of said city shall give notice that the question of license or no license will be submitted at the next annual election for said city, and a neglect or refusal on the part of said clerk to do so, shall constitute a misdemeanor in office, and be punished as provided by law.

SEC. 4. The sale of spirituous, vinous, fermented and malt liquors is prohibited in said city without a license for that purpose granted by the city council, after being authorized thereto as hereinbefore set forth, which license when so granted, shall be signed by the mayor and countersigned by the clerk; and the sale to a minor person or to an intemperate person, or an habitual drunkard, or to a person intoxicated, is prohibited whether a party has license or not, and any person violating any of the provisions of this section, shall be punished by a fine of not less than fifty dollars (\$50) nor more than one hundred dollars (\$100) for the first offense, and one hundred dollars (\$100) for each subsequent offense, and may be imprisoned until such fine is paid.

SEC. 5. All rules of evidence established by the Legislature relative to the offense of selling liquor without a license under the General Laws and the presumptions arising from the having or finding of liquors on the premises of the accused under the general law, shall exist and be in force in all prosecutions under this law or the ordinances of said city, and the council are authorized to adopt by ordinance such rules of evidence as they shall deem fit in prosecutions under this law, or any ordinance of said city.

SEC. 6. The council may by resolution when it deems that the interests of said city demand it, revoke any license granted under the provisions of this law, or under the provisions of any law of this State.

## CHAPTER XIII.

### ACCEPTANCE OF CHARTER.

SECTION 1. An election shall be held at the court house hall in Albert Lea on the first (1st) Monday of April, one thousand eight hundred and seventy-eight (1878), at which the electors as qualified by this chapter, residing within the city limits as fixed by this act, may vote upon the question of accepting this act of incorporation, and the organization of the city government.

SEC. 2. Messrs. A. C. Wedge, B. H. Skang and A. E. Johnson shall be the judges of said election.

The judges shall appoint two clerks of said election, and when so organized the board shall qualify according to the laws governing State and county elections. *Provided, however,* Should any of said judges be absent at the time of opening the polls of said election, the judge or judges present shall fill such vacancy by appointment, and in case none of the above named judges are present, then the voters present shall appoint the judges of said election.

SEC. 3. The polls of said election shall be opened at ten (10) o'clock, A. M., and be kept open until five (5) o'clock, P. M., of said day.

SEC. 4. All legal voters of the town of Albert Lea, and who have resided within the limits of the city as fixed by this act at least thirty days immediately preceding said election, shall be entitled to vote at said election, and all questions in relation to the right to vote at said election shall be determined by the judges, under the laws relating to State and county elections, except as to residence as herein provided, and except as to registration of voters.

SEC. 5. The voters voting at said election to accept this act of incorporation and organizing of the city government, shall have written or printed, or partly written and partly printed upon their ballots the following words: "Organizing city government, yes," and the ballots used at said election by those voting against accepting and organizing shall have printed or written, or partly printed and partly written the following words: "Organize city government, no."

SEC. 6. Upon closing the polls of said election, the judges shall proceed to canvass the votes and declare the result. If a majority of the ballots so cast shall contain the word "yes," then the first election for city officers shall be held as provided in this act,

and the city government organized. If a majority of said ballots shall contain the word "no," then said first election shall not be held and the city government shall not be organized.

SEC. 7. If upon canvassing the vote as provided for in section six (6) of this chapter, the result shall show a majority against the organization of the city government, then the judges shall file the returns of said election with the town clerk of Albert Lea. If the result shows a majority for the organization of said government, then the judges shall prepare duplicate copies of the returns of said election, and shall file one copy with the town clerk aforesaid, and shall deposit one copy with one of their number, whose duty it shall be, as soon as the common council is organized as provided in this act, to file said copy with the clerk of said council. In case this act shall not be accepted at the election herein provided, then there shall be no change in the territory of the township of Albert Lea, but the township shall be and remain as now prescribed by law and governed accordingly.

#### CHAPTER XIV.

SECTION 1. This act shall be deemed a public act, and need not be pleaded nor proven in any court in this State.

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

Approved March 11th, 1878.

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#### CHAPTER 2.

AN ACT TO INCORPORATE THE CITY OF ANOKA IN THE COUNTY OF ANOKA, AND STATE OF MINNESOTA.

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

#### CHAPTER I.

SECTION 1. All that part of the county of Anoka, Minnesota, contained within the limits and boundaries hereinafter specified, shall be a city by the name of Anoka; and the people now inhabiting, or who shall hereafter inhabit the district of country herein described, shall continue to be a municipal corporation by the name of the City of Anoka, and shall have the general powers possessed by municipal corporations at common law; and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal, and may change and