

ified in the notice set forth in the preceeding section, it shall be the duty of the said council to order the same to be done and the expenses of constructing or repairing said sidewalk (as the case may be) shall be assessed against such lot, lots or parcels of land by resolution of said council, and shall become a lien upon the said property as in the case of city, county and state taxes.

SEC. 4. If the said assessment is not paid before the first (1st) day of September, it shall be the duty of the city treasurer to report such fact to the city council and it shall be the duty of the city council to cause a statement of the same to be transmitted to the auditor of the county of Dakota within twenty (20) days thereafter and the said auditor shall insert the same with other taxes in the statement of taxes transmitted to the county treasurer for collection, and payment of the said assessments shall be enforced with and in like manner as the city, county and state taxes are enforced, and in such collection and enforcement shall be treated as if they were a part of the same.

SEC. 5. The common council shall have power to fully prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed.

SEC. 6. All laws inconsistent with the foregoing enactment are hereby repealed, such repeal however only modifying such portion of the charter of said city as relates to collection and making of assessments for the construction and repair of sidewalks.

Approved March 3, 1887.

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## CHAPTER 45.

[H. F. No. 664.]

AN ACT TO INCORPORATE THE CITY OF EAST GRAND FORKS IN POLK COUNTY.

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

### CHAPTER I.

SECTION 1. All that part of the county of Polk contained within the limits and boundaries hereinafter described, shall be a city by the name of "East Grand Forks," and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described, shall be a municipal corporation by the name of the city of East Grand Forks, 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, 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 alter and change the same at pleasure.

SEC. 2. That the territory included within the following boundaries and limits shall constitute the city of East Grand Forks; viz.: Section one (1), lots one (1), two (2), three (3), four (4), five (5), and six (6), and the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of section two (2), and the north half (N $\frac{1}{2}$ ) of section twelve (12), all in township one hundred and fifty-one (151) north, of range fifty (50) west; *Provided*, That nothing herein contained shall be construed as excluding any portion of the city of East Grand Forks from the limits of Polk county.

## CHAPTER II.

SECTION 1. The annual elections of the city officers shall be held on the first (1st) Tuesday in April in each year, at such place within the city limits as the city council shall designate, and shall be governed and conducted in all respects in accordance with the general laws of this state governing elections, except as hereinafter provided, and notice of such elections shall be given by the city recorder in the same manner as notices of general elections are required by law to be given by county auditors.

SEC. 2. The elective officers of said city shall be a mayor, recorder, three (3) councilmen, an assessor, treasurer, two (2) justices of the peace, and a constable. All other officers necessary for the proper management of the city affairs shall be appointed by the city council.

The mayor, recorder, councilmen, treasurer, assessor, and constable shall each hold their offices for one (1) year and until their successors are elected and qualified.

The justices of the peace shall each hold their offices for two (2) years, and until their successors are elected and qualified; and the appointed officers shall hold from the time of their appointment until the time of the next annual city election, unless sooner removed by the council.

SEC. 3. Whenever a vacancy shall occur in the office of mayor, such vacancy shall be filled by new election, which shall be ordered within twelve (12) days after such vacancy shall occur.

Any vacancy occurring in any other office shall be filled by the city council.

SEC. 4. All elections shall be by ballot, and a plurality of votes shall be sufficient to elect, and whenever two (2) or more candidates 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 city council, at such time and in such manner as they may direct.

SEC. 5. All persons entitled to vote for county and state officers, and who shall have resided in the city for four (4) months next preceding the election, shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created.

SEC. 6. All elections in said city shall be held and conducted by

the city councilmen, or any two (2) of them, who shall be inspectors of election, and they shall take the oath or affirmation prescribed by the general laws of this state to be taken by judges and inspectors of elections.

The recorder, or some person in his absence to be appointed by the inspectors shall be clerk, and the inspectors shall have power to appoint an assistant clerk.

Such elections shall be held and conducted in the same manner, under the same penalties, and vacancies in the board of inspectors thereof, filled, as required by the general laws of this state regarding elections.

SEC. 7. When an election shall be closed, and the number of votes for each person voted for, counted and ascertained, the said inspectors shall make return thereof, stating the number of votes for each person voted for, for each and every office, and shall deliver, or cause to be delivered, such return to the city recorder, who shall within three (3) days give notice to each of the parties so elected of their respective elections.

SEC. 8. Any officer removing from the city, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment, to qualify or enter upon the discharge of his duties, shall be deemed to have vacated his office, and such vacancy may be filled as herein provided, or as prescribed by ordinance not in conflict with the provisions hereof.

### CHAPTER III.

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 with the city recorder, and the treasurer, and such other officers as the city council may direct, shall, severally, before they enter upon the discharge of the duties of their respective offices, execute to the city of East Grand Forks, a bond with at least two [2] sureties, to be approved by the city council, for such sum as the city council may direct, and such bonds shall contain such conditions as the city council may deem proper, and they may at any time require new or additional bonds from any officer, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall, when present, preside over the meetings of the city council, and it shall be his duty to see that the laws of the state and the ordinances of the city are strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties.

The mayor or any two [2] councilmen may call special meetings of the city council. The mayor shall inspect the conduct of all subordinate officers, and cause negligence and persistent violations of his duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall, from time to time, communicate to the city coun-

cil, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen [18] years, to aid in enforcing the laws and ordinances, and, in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance.

Any person who shall not obey such call shall forfeit to said city a fine not exceeding twenty-five dollars [\$25], and not less than five dollars [\$5].

SEC. 3. In case the mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and, on conviction, shall pay a fine of not more than five hundred dollars [\$500]; and the court shall have power, upon the recommendation of the jury in the case, to add to the judgment for the fine, that he may be removed from office.

SEC. 4. In case the mayor shall be absent from any meeting of the city council, they shall proceed to elect one (1) of their own number as temporary presiding officer, who, for the time being, shall discharge all the duties of the mayor. In case of the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the council shall elect, by ballot, from their own number, an officer who shall be styled "acting mayor", and all actions performed by him shall have the same force and validity as if performed by the mayor.

SEC. 5. The recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose, and make a fair and full record of all the by-laws, rules, or ordinances, made or passed by said city council. The recorder shall have power to administer oaths and affirmations, and copies of all papers filed in his office, and transcripts from the records of the city council, certified to by him under the corporate seal, shall be evidence in all courts, in like manner as if the original were produced. He shall report annually on or about the fifteenth (15th) day of April, to the council, an estimate of the expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the fifteenth (15th) day of April.

He shall make, or cause to be made, estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city or any committee of the city council.

He shall negotiate, between the first (1st) day of May and the date of the collection of taxes for the same year, such temporary loans for the city as the council may direct, anticipating the revenue for the current year, and such loans shall be subject to the approval of the city council.

He shall examine the reports, books, papers, vouchers, and accounts

of the treasurer, and from time to time shall perform such other duties as the council may direct.

All claims against the city, before they are allowed by the city council, shall be audited and adjusted by the mayor.

The recorder shall keep a record of all his acts and doings, which record shall at all times be open to the inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan negotiated by the city.

SEC. 6. The city attorney shall perform all professional duties incident to his office, and, when requested, shall furnish written opinions upon any subject submitted to him by the city council, its committee, or the mayor.

SEC. 7. The treasurer shall receive all moneys belonging to the city, keep an accurate and detailed account thereof in such manner as the city council may from time to time direct.

The treasurer shall exhibit to the council, at least fifteen (15) days before the annual election, or sooner, if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury; which account shall be filed with the recorder.

SEC. 8. The marshal shall execute such orders as are made and prescribed by thy city council for the collection of tolls, licenses, moneys, and fines for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law and under the statutes of this state, and receive like fees.

SEC. 9. The city council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and to fix the compensation of all officers elected or appointed by them.

*Provided*, Said mayor or councilmen shall not be entitled to pay, nor in any manner be paid for services rendered or duties performed as such mayor and councilmen.

*And provided further*, That the compensation paid to the city recorder in any one (1) year, shall not exceed one hundred (100) dollars, unless by the unanimous consent of the city council.

The assessor, treasurer, justices of the peace, and constables shall be entitled to the same fees as like officers in towns receive for similar services under the laws of this state; and the city attorney shall receive no more than the services rendered by him shall be reasonably worth, and that the aggregate amount of all fees, compensations, and emoluments allowed or paid to any and all officers and committees by the city, and the gross amount of all expenses incurred by said city, shall not exceed in any one year the tax, fines and licenses levied and collected during that year for the support and maintenance of the said city government.

SEC. 10. Any person, having been an officer in said city, shall,

within ten (10) days after notification and request, deliver to his successor in office all papers, property, books and effects of every description in his possession, belonging to said city or pertaining to the office he may have held. If he fail so to do after such notification and request, he shall forfeit and pay to the use of the city one hundred (100) dollars, besides all damages caused by his neglect or refusal to so deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this state in cases of unlawful detention of property.

SEC. 11. No member of the city council shall be party to, or interested in any job or contract with the city, and a contract in which any member of the city council may be interested shall be null and void.

SEC. 12. The mayor, sheriff of Polk county, each and every councilman, justice of the peace, marshal, recorder and constables, shall be officers of the peace, and may command the peace and separate in a summary manner, all riotous and disorderly behavior within the limits of the city, and for said purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five (25) dollars to said city.

SEC. 13. The justices of the peace, assessors and constables of said city shall have and possess all the authorities, rights and powers of justices of the peace, assessors and constables under the general laws of this state, and in addition thereto, the justices of the peace for said city shall have sole and exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases arising within the city, cognizable before a justice of the peace, in which the city is a party, and of all suits, prosecutions and proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said city.

All prosecutions for assaults, batteries, and affrays, not indictable, and for a breach of violation of any by-law, ordinance or regulation of said city, shall be commenced in the name of "The City of East Grand Forks," and the same proceedings shall be had as are required by law in criminal cases tried before justices of the peace.

*Provided*, That in the cases above mentioned no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, shall not exceed ten (10) dollars.

In all cases of conviction for assaults, batteries and affrays, breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping disorderly houses, in said city, the said justices of the peace shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period of not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars; *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of the district or supreme courts of this state.

SEC. 14. The justices of the peace shall quarterly report to the city council a list of all proceedings instituted before them in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over the amount of all penalties and costs which may by law accrue to the city, and they shall be entitled to receive from the county of Polk such fees in criminal cases, prosecuted in the name of the state of Minnesota as are allowed to other justices of the county for similar services; *Provided*, That no costs shall be taxed against said city in any such case.

SEC. 15. All surveys, profiles, plans or estimates made for the city, shall be the property of the city and shall be carefully preserved in the office of the recorder, open to the inspection of the parties interested.

#### CHAPTER IV.

SECTION 1. The mayor and common councilmen shall constitute the council, and the style of all ordinances shall be "The City Council of the city of East Grand Forks do ordain."

The city council shall meet at such time and place as they shall direct, and a majority of the members of said council shall constitute a quorum.

The city council shall determine the rules of its proceedings and be the judges of the election and qualification of their own members, and shall have the power to compel the attendance of absent members.

SEC. 2. The city council shall have the management and control of the city finances, and of all the property of the city; and the city council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws, for the government and good order of the city, and for the suppression of vice, as they may deem expedient; and to declare and impose penalties by fine, imprisonment, or both; and to enforce the same against any person or persons who may violate any of the provisions of any such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force of laws, and for these purposes shall have authority by ordinance, resolution, or by-laws, *Provided*, That they be not repugnant to the constitution and laws of the United States or of this state—

*First*—To license and regulate the exhibition of common shows, or shows of any kind, or the exhibition of caravans, circuses or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law, or under this act, and to grant licenses and to regulate groceries, taverns, victualing houses and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; provided, that the license for so dealing in spirituous, vinous, fermented, mixed or intoxicating liquors, shall be in lieu of any county tax or license, and be at least five hundred (500) dollars

per year, and as much higher as the council shall direct, and that no license shall be granted for a less term than one year; and provided further, that no license shall be issued until the money therefor is first paid to said city; and provided further, that all licenses heretofore granted by the county commissioners of said county of Polk shall be determined and at an end on the first (1st) day of May, one thousand eight hundred and eighty-seven (1887), and that a proportional amount of the moneys paid for such licenses to the county of Polk shall be returned by the commissioners of said county for such portion of said license as shall not have been earned, to the persons owing and holding the same.

*Second*—To restrain and prohibit E. O., or roulette tables, faro or faro banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gaming, and fraudulent devices and practices, and playing of cards, dice and other games of chance for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and to impose such restrictions or prohibitions by fine or imprisonment, or by both fine and imprisonment.

*Third*—To prevent any riots, noise, disturbances, disorderly assemblages suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for gambling, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city.

*Fourth*—To compel the owner or occupant of any grocery, cellar, tallow-chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

*Fifth*—To direct the location and management of slaughter-houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder and other combustible materials.

*Sixth*—To prevent the encumbering of streets, sidewalks, lanes or alleys with carts, carriages, wagons, boxes, sleighs, firewood, lumber, or any other material or substance whatever.

*Seventh*—To prevent horse-racing, immoderate driving or riding, in the streets, and to regulate the places of bathing and swimming in the water within the limits of said city.

*Eighth*—To restrain the running at large of cattle, horses, swine, sheep, poultry and geese, and to authorize the impounding, restraining and sale of the same.

*Ninth*—To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same when at large contrary to the ordinances of said city.

*Tenth*—To prevent any person from bringing, depositing or having



within the city, any putrid carcasses, or other unwholesome substance, and to require the removal of the same by any person who shall have the same upon his premises, or from any street, lane or alley, if he shall have thrown or put the same in any such street, lane or alley; and, on default of such removal by such person, to authorize the removal thereof by any competent officer, at the expense of such person or persons.

*Eleventh*—To make and establish grounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water works for the supply of water to the inhabitants of said city; to erect lamps or other means whereby to light the city; to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen in said city.

*Twelfth*—To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead and the return of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

*Thirteenth*—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary to such regulation.

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

*Fifteenth*—To prevent the shooting of firearms, crackers, rockets, or other projectiles, and to prevent the exhibition of any fireworks in any situation which may be deemed by the council dangerous to the city or any property therein, or annoying to any citizen thereof.

*Sixteenth*—To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity, in the streets or public places, and to provide for arresting, removing, and punishing any person who may be guilty of the same.

*Seventeenth*—To restrain and regulate runners, and solicitors for boats, vessels, stages, public houses, railroads and other establishments, and to regulate the police of the city.

*Eighteenth*—To establish public markets and to enforce rules and regulations for the government of the same.

*Nineteenth*—To regulate the place and manner of selling, and provide for the inspection and weight of hay and stove-coal, the measure of charcoal, firewood, and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

*Twentieth*—To compel owners and occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, streets, or alleys opposite thereto, and in default of such removal to authorize the removal or destruction thereof by some officer of the city at the expense of such owner or occupant.

*Twenty-first*—To regulate the construction of wharves, or the grading of wharves into any river within the corporate limits of said city, and to prescribe and control the prices for wharfage thereon.

*Twenty-second*—To regulate, control and prevent the landing of persons from boats or vessels and railway cars wherein are infectious

or contagious disorder or diseases, and to make other regulations as they shall deem proper to prevent the bringing of paupers into said city, and to remove them to the places where they properly belong.

*Twenty-third*—To regulate the time, place and manner of holding public auctions or vendue.

*Twenty-fourth*—To provide by ordinance for a standard of weights and measures, and for the punishment for the use of false weights and measures.

*Twenty-fifth*—To appropriate money, and provide for the payment of the debts and expenses of the city.

*Twenty-sixth*—To alter, abolish, open, widen, extend, establish, grade, repair, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

*Twenty-seventh*—To establish, support and regulate night watches.

*Twenty-eighth*—To provide for the erection of all needful buildings for the use of the city.

*Twenty-ninth*—To provide for the inclosing, improving and regulating of all public grounds belonging to the city, and for adorning the streets thereof with shade trees.

*Thirtieth*—To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawnbrokers and money changers.

*Thirty-first*—To license and regulate porters and fix the price of portorage.

*Thirty-second*—To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, butter and lard and other provisions.

*Thirty-third*—To regulate and order parapet walls and other partition fences.

*Thirty-fourth*—To, provide for taking, from time to time, the enumeration of the inhabitants of the city.

*Thirty-fifth*—To prescribe the limits within which wooden buildings or buildings of other materials that shall not be deemed fire-proof shall not be erected, placed or repaired, and to direct that all or any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing and rebuilding of wooden buildings within such limits, where the same have been damaged to the extent of fifty (50) per cent of the value thereof, and to prescribe the manner of ascertaining such value and damages.

*Thirty-sixth*—To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves and stovepipes, ovens, boilers and appurtenances, used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires, within the city limits.

*Thirty-seventh*—The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of engine, hook and ladder and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and their apparatus delivered up.

Each company shall not have to exceed seventy-five (75) members, and shall be formed by voluntary enlistment, and each member of said company shall be exempt from poll tax, from serving on juries and from military duty during the continuance of such membership.

SEC. 3. All laws, ordinances, regulations and by-laws shall be passed by an affirmative vote of a majority of the city council, and be signed by the mayor, and shall be published in the official paper, or posted in three (3) of the most public places in the city for ten (10) days before the same shall be in force, and within twenty (20) days thereafter they shall be recorded by the recorder in books to be provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the posting of the same or the publication thereof as aforesaid respectively, shall be provided by the affidavit of the foreman or the publisher of such newspaper, or the certificate of the recorder of said posting, and the said affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication and posting. No appropriation shall be made without a majority of the city council voting in favor of it, and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 4. The powers conferred upon the city council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Houses or buildings of any kind wherein more than twenty (20) pounds of gun-powder are deposited, stored or kept at any time, gambling-houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented or intoxicating liquors are or shall be sold or dealt in, to be drunk upon the premises, and all places where card playing or games of chance of any sort are permitted or allowed in or upon the premises, or any premises adjacent, under the control, direction or management of such license dealer, not, however, embracing card-playing for amusement only in private apartments, in hotels kept for the accommodation of the traveling public, within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

SEC. 5. The city council shall examine and adjust the accounts of the city treasurer, marshal, recorder, and all other officers and agents of the city at such time as they may deem proper; and at the end of each year, and before the term for which such officers were elected and appointed has expired. And the 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 public officer or agent shall refuse to comply with the order of said council in the discharge of their duties in pursuance with this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The council shall make full records of all such settlements and adjustments.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters, sidewalks and sewers, within said city, and to direct and control the persons employed thereon; and all such improvements shall be superintended by a street commissioner, to be appointed by said city council, and to be removed at pleasure.

SEC. 7. The cost of surveying, repairing and cleansing of streets, alleys, public grounds, reservoirs and gutters shall be paid out of the general funds of said city, and the cost of grading the streets and the erection of sidewalks of said city shall be paid by the owners of the lots fronting or abutting on said streets and sidewalks; and the city council shall have authority to provide for the collection of the same by ordinance, but no such improvement shall be ordered by the common council except by a vote of not less than two-thirds ( $\frac{2}{3}$ ) of the members present and constituting a quorum at any stated or special meeting; such vote to embrace a majority of all the members elect; and no street shall be graded nor sidewalk be erected except as ordered by the council by a two-thirds ( $\frac{2}{3}$ ) vote, and upon a petition signed by a majority of the property-holders upon such street.

SEC. 8. That hereafter the amount of public improvements in said city, specified in section six (6) and seven (7) of this act, and payable out of the general funds of said city, shall not exceed in the cost thereof in any one (1) year, three (3) mills on the dollar on the taxable property in said city according to its assessed value, taken from the assessment of the preceding year; the same to be levied and collected as other taxes for general purposes are now levied and collected.

SEC. 9. The city council shall have power to lay out public squares, grounds, streets, lanes, alleys, and to widen and enlarge the same, and in all proceedings to lay out, widen and enlarge the same, the city council shall be governed by the provisions of title six (6) of chapter ten (10) of the general statutes of one thousand eight hundred and seventy-eight (1878) of the state of Minnesota.

## CHAPTER V.

SECTION 1. All property, real and personal, within said city, except such as may be exempt by the laws of the state, or by ordinance of the city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities; and the same shall be assessed in the manner provided for by the general laws of this state for the assessment of taxes for town purposes, but such assessment shall not exceed eight (8) mills on the dollar of the real valuation; and qualified voters shall be liable to a poll tax not exceeding one dollar (\$1) in any one year, to be levied by the city council.

SEC. 2. All funds in the city treasury shall be under the control of the city council, and all orders drawn upon the treasurer shall specify the purpose for which they are drawn, and shall be payable to the order of the person in whose favor they may be drawn and shall be transferable by indorsement. No money shall be appropriated for any purpose whatever except such as are expressly authorized by this act.

SEC. 3. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city. All prosecutions for any violations of this act, or any of the by-laws, ordinances or regulations of said city, shall be commenced by warrant, upon complaint being made, as required by law in criminal cases before justices of the peace; *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 of the city of East Grand Forks, but in such cases a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto as to a warrant in other cases, and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justices of the peace of said city for the violation of any ordinance or by-law of said city, shall be directed to the marshal or any constable of said city. In all cases of the imposition of any fine or penalty by the justice of the peace of said city for the violation of any ordinance or by-law of said city, or appellate court, the offender shall be forthwith committed to the city prison of said city, or, if there be no such prison, to the common jail of Polk county, and be there imprisoned for a term not exceeding ninety (90) days, in the discretion of the justice or such appellate court, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person, for any offense whatever, until the time of his trial, he may be imprisoned in said city prison, or in case there be none, in the common jail of Polk county.

The city of East Grand Forks shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city, or city magistrate, to the jail of Polk county for any offense punishable by the state laws.

SEC. 4. No judgment recovered in favor of the city shall be remitted or discharged except by vote of three-fifths ( $\frac{3}{5}$ ) of the city council.

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

SEC. 6. The following property, now or at any time hereafter, belonging to said city, or any of the wards thereof, shall be exempt from levy and sale under and by virtue of any execution: All engine-houses, hook-and-ladder houses, together with the ground or lots on which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by any company, erected or used by the common council of said city; all market houses or the furniture thereof; the city hall and the furniture of the common council rooms, pounds and the lots on which they are situated, and all school houses and the furniture thereof. *Provided*, That nothing herein contained shall exempt anything of the aforesaid real and personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may

have furnished or sold any of such fire apparatus to or on the credit of the city; nor shall any real or personal property of any of the inhabitants of said city, or of any individual or corporation, be levied on or sold by virtue of any execution issued to satisfy or collect any debt, judgment, obligation or contract of said city.

SEC. 7. All work for the city shall be let by contract to the lowest responsible bidder therefor, and the city council may require of the bidder a bond with sureties, for the faithful performance of the contract. Due notice shall be given of the time and place of letting such contract, except in cases where the value of the work to be done shall not exceed twenty-five (25) dollars.

SEC. 8. If any election by the people for city officers for any cause shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending, and absolving said corporation, but such election may be held upon any subsequent day, and if any of the duties enjoined by this act, as the ordinances, by-laws, rules, or regulations of the city, to be done by any officer at any specified time, be not done or performed at that time, the city council may appoint another time at which said acts may be done and performed.

SEC. 9. The city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants and the due administration of the government of the city, and may sell and convey the same at pleasure, and the same shall be free from taxation.

SEC. 10. No general laws of this state, contravening the provisions of this act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 11. Appeals and ceterioraris shall be allowed from decisions in all cases arising under the conditions of this act or any ordinances, rules, by-laws, or regulations passed in pursuance thereof, in the same manner as in other cases arising under the general laws of this state.

\*SEC. 12. No township organization shall exist within the limits of said city of East Grand Forks as hereby incorporated, and all powers and duties conferred by the laws of this state upon town supervisors are hereby conferred upon the common council of said city, and all powers and duties conferred upon town clerks shall be performed by the city recorder. *Provided*, That said city council shall exercise only the power conferred upon town supervisors by the general laws of this state, in altering, laying out, opening, building and repairing roads and bridges within the corporate limits of said city, through or upon any land not platted and recorded as town or city lots, until the same shall be so platted and recorded; *And provided further*, That said city council may use the general funds of said city for the laying out, opening and building and repairing any such roads and bridges.

SEC. 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law in this state without proof.

SEC. 14. The recorder of the said city of East Grand Forks, is hereby authorized and empowered to appoint a deputy at any time, and shall be responsible for all acts performed by him while in the discharge of his duty as such deputy.

SEC. 15. That for the purpose of the first election under this act, F. J. Duffy, Henry Johnson, and W. H. Penninger, shall be inspectors of election, and also the board of canvassers for such election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers prescribed by this act; and they shall appoint the place of holding the polls of such election, and post or publish notice thereof previous to the same.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved March 7th, 1887.

## CHAPTER 46.

[H. F. No. 668.]

AN ACT TO AMEND CERTAIN SECTIONS OF AN ACT APPROVED MARCH FIFTH (5th), EIGHTEEN HUNDRED AND SEVENTY-FOUR (1874), ENTITLED "AN ACT ENTITLED AN ACT TO REDUCE THE LAW INCORPORATING THE CITY OF ST. PAUL, IN THE COUNTY OF RAMSEY AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY, INTO ONE ACT, AND TO AMEND THE SAME," AND ALSO OTHER ACTS AMENDATORY THEREOF, AND CERTAIN OTHER ACTS RELATING TO SAID CITY.

*Be it Enacted by the Legislature of the State of Minnesota.*

SECTION 1. That section three (3) of chapter one (1) of the act relating to the city of St. Paul, approved March fifth (5th), eighteen hundred and seventy-four (1874), above entitled, be and the same is hereby amended to read as follows:

SEC. 3. The said city of St. Paul shall be and is hereby divided into eleven (11) wards, to be called the First (1st), Second (2d), Third (3d), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th) and Eleventh (11th) wards, limited and bounded as follows:

All that portion of said city lying to the eastward of the St. Paul & Duluth railroad track, from the northern boundary of the city to the intersection of said track with Brook street, and east of the centre line of Brook street and Brook street extended from such point of intersection to the Mississippi river, shall be the Second (2d) ward.

All that portion of said city lying south of the centre line of the Mississippi river shall be the Sixth Ward.