

CHAPTER 36.

[S. F. No. 568.]

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF GRANITE FALLS AND EXTEND ITS BOUNDARIES.

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

SECTION 1. That all the territory in the counties of Yellow Medicine and Chippewa described as follows to-wit: Government lots one (1), two (2), and three (3), in section twenty-eight (28) in the county of Yellow Medicine, and government lot three (3) in said section in the county of Chippewa and all of sections thirty-three (33) and thirty-four (34) in both counties and the south half of the southwest quarter (s $\frac{1}{2}$ of sw $\frac{1}{4}$) of section twenty-seven (27) in the county of Chippewa, all in township one hundred and sixteen (116) north, of range thirty-nine (39) west; also all that portion of section three (3) in township one hundred and fifteen (115) north, of range thirty-nine (39) west in the county of Chippewa shall be a city and municipal corporation by the name of "Granite Falls", and it shall have the powers generally possessed by municipal corporations at common law and in addition thereto shall have and possess the powers hereinafter specially granted and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all the courts of law and equity, and shall have a common seal and may change the same at pleasure and also to hold, purchase, lease and convey, real, personal and mixed estates within the limits of said city, as the purposes of the city may require, and the authorities thereof shall have perpetual succession.

SEC. 2. The elective officers of said city shall be one (1) mayor, one (1) recorder, three (3) aldermen, one (1) treasurer, two (2) justices of the peace whose title shall be city justices, and two (2) constables, who shall be known as city constables; *provided*, that one (1) alderman, one (1) justice of the peace and one (1) constable shall be elected by that portion of said city situated in the county of Chippewa and the other two (2) aldermen and the other city justice and constable shall be elected by that portion of said city situate in the county of Yellow Medicine.

The mayor, recorder, alderman and treasurer shall hold their offices one (1) year and until their successors are elected and qualified.

SEC. 3. The council shall consist of the mayor, three (3) aldermen and the recorder, who shall be styled the city council of the city of Granite Falls, which shall be the governing body of said city.

SEC. 4. All that portion of said city within the county of Yellow Medicine shall constitute and the same is hereby set apart as one (1) election district, and all that portion of said city situated in the county of Chippewa shall constitute and the same is hereby set apart as a second election district; that portion of said city in the county of Yellow Medicine shall be designated as the "First Ward", and that portion in the county of Chippewa shall be designated as the "Second Ward."

SEC. 5. The inhabitants of said city having and possessing the qualifications of electors as provided by the general laws of the state of Minnesota, shall elect one (1) mayor, three (3) aldermen, one (1) recorder, one (1) treasurer, two (2) justices of the peace, whose titles shall be city justices, and two (2) constables. The justices and constables shall hold their respective offices for two (2) years, and until their successors are elected and qualified; all officers of said city shall possess the qualifications of an elector, who before entering upon the discharge of the duties of their respective offices, shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota, and the constitution of the United States, and to faithfully discharge the duties of his office according to law. The treasurer, constable and justices shall give such bonds as the city council may require, to be approved by the mayor. The treasurer shall keep a true account of all the moneys by him received by virtue of his office, and the time and manner in which, and for what the same were disbursed, in a book provided for that purpose, and shall exhibit such account at the annual meeting of said city, or at any other time when called for by a resolution of the city council, for examination and adjustment, and shall at the end of his term of office, deliver all books and papers belonging to his office, and all moneys in his hands as such treasurer, to his successor in office. He shall not pay out any moneys in his hands as such treasurer, except upon the written order of the mayor of the city and attested by the recorder and the seal of said city. The treasurer shall from time to time, draw from the county treasurer of Yellow Medicine and Chippewa counties, such moneys as may belong to said city for the use of said city, and on receipt of said moneys give vouchers therefor to said treasurer.

SEC. 6. The annual meeting of said city for the election of officers shall be held on the first (1st) Tuesday after the first (1st) Monday of January in each and every year. The city council or any two (2) of the aldermen being present shall act as judges of election, and the recorder shall act as clerk thereof, together with such other judges and clerks as the city council may and is hereby authorized to appoint. And said elections shall be held at such place in said city as the city council shall direct, after giving ten (10) days notice thereof, either by posting written notices in three (3) of the most public places in the city, or by publishing such notice in a newspaper printed and published in said city ten (10) days or more prior to such election.

SEC. 7. The polls shall be opened at ten (10) o'clock in the forenoon of that day and closed at four (4) o'clock in the afternoon of the same day. At the close of the polls the votes shall be counted by the judges of election and the clerks, and a true statement thereof proclaimed by one of the judges to the voters present; whereupon the judges from the two (2) wards shall meet and ascertain the total vote cast for any purpose in said city, and declare the result thereof. And the recorder shall make a true copy of said statement in a book kept for that purpose and written, three (3) days thereafter notify in writing the persons elected of their election. All elections shall be by ballot, and all votes for elective officers, and all questions submitted to the electors of said city at any election shall be upon one ballot, and be deposited in one ballot box, except as herein provided. A

plurality of all the votes cast shall elect to office, or determine any question submitted to the electors, except as hereinafter otherwise provided. If two or more persons receive an equal number of votes for the same office, the election shall be forthwith and without adjournment, determined by lot in the presence of the judges of election, and in such manner as they shall direct. Every qualified legal elector resident in said city, and having resided there more than ten (10) days prior to said election, may vote at any election held under and by virtue of this charter, but no candidate for office shall act as judge or clerk at such election, and in such case other judges and clerk shall be appointed who are not disqualified.

SEC. 8. Special elections may be ordered by the city council, but no such election shall be held, unless ten (10) days or more notice thereof is given as is required for general election under this charter, nor shall any subject or question be considered or acted upon unless its objects thereof are clearly set forth and stated in the notice for the call, and in the written or printed notice to be published in a newspaper in said city. All city elections shall be (except as hereinbefore modified) conducted as nearly as may be, and the result canvassed and certified as in the case of town meetings held under the general law of this state, and every statute relating to holding town meeting, canvassing and certifying the results thereof, and relating to or applicable to the duties of judges of elections and clerks, the challenging of voters and voting thereat and every statute prescribing and punishing offenses for illegal voting, bribery, fraud, corruption, delinquency, or other offenses at or concerning elections which is applicable to town meeting is hereby extended and applied to elections in said city.

SEC. 9. The city treasurer shall ten (10) days previous to the annual election of the city officers as herein provided, make a detailed statement in writing, of all moneys received by him as such treasurer, and the sources from which the same were received by him, and their respective amounts, and also the amounts paid out by him and the purpose for which they were paid, such statements shall be verified by his oath, or affirmation and filed with the recorder of the city in his office and kept on file for the inspection of any tax payer residing within or without the corporate limits of said city who pays taxes therein, and shall be exhibited on request by the recorder without fee or reward.

SEC. 10. The city justice elected from that portion of the city situated in the county of Yellow Medicine shall have cognizance and concurrent jurisdiction with the justice of the peace of Yellow Medicine county, in both civil and criminal actions and proceedings under the statutes of this state, and in addition thereto, shall have jurisdiction in civil actions in that portion of the county of Chippewa situated within the corporate limits of said city, and any civil process issued by said city justice, shall come into and may be served by any officer in the county of Yellow Medicine, or by the constables of said city, or by any constable of the county of Chippewa residing within the limits of said city.

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county of Chippewa shall have cognizance and concurrent jurisdiction with the justices of the peace of the county of Chippewa, in both civil and criminal actions and proceedings under the statutes of this state, and any civil process issued by said city justice shall run into and may be served by any officer in the county of Chippewa.

Said city justices shall have cognizance, concurrent and exclusive jurisdiction under this charter of all offenses against the same, and for the violation of any ordinance, by-law, or regulation of said city, and in addition to such powers herein defined, said city justices shall have exclusive jurisdiction in all cases cognizable before a justice of the peace in which the city is a party either plaintiff or defendant or the moving party, and shall also have exclusive jurisdiction of all actions, suits, proceedings or prosecutions for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses against the same.

All prosecutions for the breach of any such by-law, ordinance or regulation shall be in the name of the city of Granite Falls, and the same proceedings shall be had in such civil and criminal cases, suits or proceedings before said city justices, when not otherwise provided herein or directed, as are established and required to be had in civil and criminal actions by the laws of this state, before a justice of the peace, and they shall each keep dockets and make such entries therein as are required to be entered by statute. *Provided further*, that in all civil actions if the action is pending before the city justice residing in the county of Yellow Medicine, then the jury shall be drawn from the residents of that county, and if the action is pending before the city justice residing in the county of Chippewa, then the jurors shall be drawn from the residents of said county of Chippewa, but if the action is before said city justices for a breach or violation of any by-law, ordinance or regulation of said city, or for an offense against its charter, then the jury may be drawn from either or both of said counties. The city justice elected by that portion of the city in the county of Yellow Medicine, shall hold his office in said city in the county of Yellow Medicine, and the city justice elected by that portion of said city in the county of Chippewa, shall hold his office in said city in the county of Chippewa. *Provided further*, that all changes of venue, in all matters both civil and criminal, excepting such as said city justices have exclusive jurisdiction, shall be had and for the same reason and in the same manner as provided by the general laws of the state to another justice of the peace of the same county where such city justice resides, but in all cases in which said city justice has exclusive jurisdiction under this charter and ordinance, no removal shall be allowed or taken except from one city justice to the other.

The constables provided for in this act shall be elected in the same manner as the said city justices, one by that portion of said city in the county of Yellow Medicine, and one from that portion of said city in the county of Chippewa, and they shall each have and possess all the powers and authority of constables elected under the general laws of the state in their county, and in addition thereto, shall each

have and possess the same jurisdiction as is herein given to the city justice of the same county.

SEC. 11. In all cases of a conviction for assault, batteries and affrays, within said city, and in all cases of conviction under any ordinance of said city for a breach of the peace, disorderly conduct, keeping houses, room or rooms of ill-fame; or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses or gambling houses, or room or rooms, or where intoxicating liquors are sold, bartered, given away or furnished without a license from the common council; and in all other cases the said city justices shall have power, and it shall be their duty in addition to the fine or penalty imposed to tax and enforce the payment of the costs of prosecution including a jury fee against the defendant, and to compel such offenders to give security for their good behavior and to keep the peace for a period not exceeding six (6) months in any sum not exceeding five hundred (500) dollars, with surety or sureties, as said justice may require, and in default thereof, to commit such offenders to the city prison for a term not exceeding sixty (60) days.

All fines, forfeitures and penalties imposed by the city justices for offenses committed or triable within the city of Granite Falls for a violation of any ordinance, by-law or regulation of said city shall belong to and be a part of the finances of said city. The city justices shall report quarterly to the city council all proceedings instituted before him in which the city is a party or interested, and shall at the same time pay over to the treasurer all moneys collected by them belonging to said city.

The said city justices are authorized and empowered to have, take and receive such fees as are provided by the general statutes of Minnesota for the same or similar services as other justices of the peace as near as may be, but no other fees whatever.

SEC. 12. The mayor, the three (3) aldermen and the recorder shall constitute the city council of said city, as aforesaid, any three (3) of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and from time to time amend or appeal all such ordinances, rules and by-laws as they may deem expedient for the following purposes:

First—To regulate the mode of and establish rules for their proceedings

Second—To adopt a corporate seal and alter the same at pleasure.

Third—To receive, purchase and hold for the use of the city any real estate and personal property and to sell and convey the same.

Fourth—To limit and define the duties and powers of officers and agents of the city and fix their compensation and fill vacancies when no other provision is made by law; to call special elections and to designate aldermen to act as judges of elections other than those who may be disqualified.

Fifth—To procure the books and records required herein to be kept by the city officers and such other furniture, property, stationery, and printing as may be necessary for city purposes.

Sixth—To appoint a city attorney, a pound master, one (1) or more

fire wardens, and one (1) or more street commissioners whenever they deem necessary.

Every street commissioner, when by resolution the city council shall require it, shall take and file with the recorder his oath of office and execute a bond with sureties to be approved by the council conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys that may come into his hands, by virtue of his office.

Seventh—To provide for the prosecution and defense of all actions or proceedings in which the city is a party or is interested, and employ and pay counsel therefor. To cause to be established the grade of all streets, sidewalks and alleys in said city, and may change or alter the same as they may deem necessary upon giving notice of such change or alteration by publication in a newspaper printed in such city two (2) successive weeks, of the time and place when said council will consider the same.

Eighth—To control and protect the public buildings, property and records, and to insure the same.

Ninth—To establish a fire department, to appoint officers and members thereof, and prescribe and regulate their duties; to provide protection from fire by purchase of fire engines and all necessary apparatus for the extinguishment of fires, and by the erection or construction of pumps, water mains, reservoirs or other water works; to erect engine houses; to compel the inhabitants to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of fires as shall be directed by them who may be at the fire for the purpose of preventing its communication to other buildings; to establish fire limits or the limits within which wooden or other combustible buildings shall not be erected; to require the owners or occupants of buildings to provide and keep suitable ladders and fire buckets which shall be appurtenances to the realty and exempt from seizure and forced sale, and after reasonable notice to such owner or occupant and refusal or neglect by him to procure and deliver the same to him, and in default of payment therefor to levy the cost therefor as a special tax upon such real estate to be assessed and collected as other taxes in said city; to regulate the storage of gunpowder and other dangerous and explosive materials, such as dynamite, kerosene, benzine, naphtha and the products thereof; to regulate the manner of putting up stove pipes and the construction and cleaning of chimneys; to require the construction of safe places for the deposit of ashes; to prevent bonfires and the use of fires and firearms in the city or any part thereof; to authorize fire wardens at all reasonable times to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to discover whether any of them are in a dangerous condition and to cause such as may be dangerous to be put in safe condition, and generally to establish such necessary measures for the protection of property, or the extinguishment of fires, as may be necessary and proper.

Tenth—To lay out, open, change, widen or extend the streets, lanes, alleys, sewers, parks, squares, or other public grounds and to grade, pave, improve, repair or discontinue the same or any part or portion thereof, and to establish and open drains, canals, sewers or alter,

widen, straighten water courses; to make, alter, widen or otherwise improve, keep in repair, vacate, or discontinue streets, sidewalks or crossings; to prevent the incumbering of streets, sidewalks, and alleys with carriages, carts, wagons, sleighs, sleds, buggies, railway cars, engines, boxes, lumber, fire wood or any other substances or materials; to prevent horse racing or immoderate riding or driving of animals or the driving of vehicles of any kind, including bicycles, on the sidewalks and to require the owners or occupants of buildings to remove snow, dirt, rubbish or other things from the sidewalks adjacent thereto and in default thereof to authorize the removal of the same at the expense of such owner or occupants and to cause such persons, who after notice refuse or neglect to comply with the order of the city council to be complained of and punished by fine and costs for such neglect or refusal.

Eleventh—To prevent and restrain the running at large of cattle, mules, sheep, swine and other animals, and poultry, and to authorize the distraining, impounding and sale of the same, to establish pounds and to regulate and protect the same; to require the owners or drivers of horses, oxen or other animals attached to vehicles or otherwise, to fasten the same while on the streets or alleys of said city; to prohibit the hitching of horses, teams or animals to any fence, tree or pump, and to prevent injury to the same and to prevent the hitching of animals, horses and teams in the streets and alleys during inclement weather, to regulate and control the running of engines and cars in or through the city and the rate of speed of the same; to prevent the running at large of dogs and authorize the destruction of the same in a summary manner when at large contrary to the ordinances; and to license and regulate public porters, drivers, guides, and to establish rules and regulations in regard to their conduct as such and to prevent any unnecessary noise or disturbances during the arrival or departure of persons in public conveyances or at any other time, and regulate the charges of all public carriages, porters, guides, hack or omnibus drivers and to compel them to observe the laws and regulations and impose fines and costs for noncompliance therewith.

Twelfth—To establish and regulate markets and restrain sales in the streets.

Thirteenth—To purchase and hold cemetery grounds within or without the city limits, inclose, lay out and ornament the same, and to sell and convey lots therein by deed, in the name of the city, to establish public parks and walks, inclose and improve and ornament the same, and to prevent the incumbering and obstruction thereof, and provide for and regulate the setting out of shade and ornamental trees in the streets and in and around the cemeteries and public parks and walks of the city, and for the protection thereof.

Fourteenth—To prevent or license and regulate the exhibition of caravans, circuses, theatrical performances and shows of any kind, to prevent or license and regulate the keeping of billiard tables, pigeon-hole tables, and bowling saloons and auctioneers, to suppress mountebanks; and in all such cases they may fix the price of license and prescribe the terms of its continuance, provided it shall not continue beyond the 15th day of January, after the election of officers following their issue, but they may revoke the same at pleasure.

Fifteenth—To restrain and prohibit gift enterprises, all kinds and descriptions of gaming, and all playing of cards, dice and all games of chance or skill for the purpose of gaming, and cause all offenders to be prosecuted and punished for a violation of the ordinances of the city.

Sixteenth—To license or restrain and prohibit any and all persons from selling, bartering, disposing of or dealing in spirituous, malt, fermented, vinous, mixed or intoxicating liquors of any kind or description, whether named herein or otherwise, and to punish any violation of the laws of this state, or the ordinances of the city relating thereto, and to revoke for any cause, any license granted for the sale thereof after a hearing of the case as the city council shall deem proper. *Provided*, that said council shall not grant any license for the sale of spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind to any person for a less sum than five hundred dollars (\$500), and only when the city council by a majority vote, the yeas and nays being called, and a record made thereof by the recorder, shall so determine and only to a person of good moral character, and who shall give bonds with good sureties to be approved by the city council in a sum not less than one thousand dollars (\$1,000), conditioned that the person so licensed shall not sell, furnish or give away any such liquor to any minor, or permit minors to remain in his place of business, nor to a student in any school of any grade, nor to any person intoxicated, or to a habitual drunkard, or to a person under guardianship, or on Sunday, or on any general or special election day, or between the hours of eleven (11) o'clock in the evening and five (5) o'clock in the morning, and that during that time he will keep his place securely closed and permit no person to be in or about said place during said time, and that he will not allow any playing of any games in or about said place for any purpose whatever, nor any playing of cards in any room adjoining and communicating with any room in which liquor is licensed to be sold, and that he will not keep or allow to be kept on his premises any gambling implements of any kind or description and that he will comply with all the ordinances of said city and the general laws of this state relating to the sale of liquors in good faith and in the true intent and meaning thereof, and not permit brawling in his place of business.

Seventeenth—To appoint a city marshal and to provide for watchmen, to remove them at will, to prescribe their duties, and to fix their compensation for services.

Eighteenth—To establish and maintain public libraries and reading rooms, purchase books, papers and magazines therefor, and appropriate money to pay for the same and make needful rules and regulations for the safe keeping and handling of the same.

Nineteenth—To appoint street commissioners, regular and special policemen and a chief of police and fix their compensation and prescribe their duties and appropriate money to pay the same.

Twentieth—To remove any officer appointed or elected by said council whenever in the judgment of said council the public interests will thereby be promoted.

Twenty-first—To purchase, build or lease a city prison or place of confinement, or detention of offenders against the ordinances and by-

laws and for temporary detention of persons accused of crime under the general laws of the state.

Twenty-second—To appoint a board of health which shall have all the powers of such boards, under the general laws of the state. To provide hospitals, and regulate the burial of the dead and return bills of mortality; to declare what are nuisances and to prevent or abate the same; to require the owners or occupants of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house, building or place, to remove or abate the same, or to cleanse it as often as may be deemed necessary for the public health; to direct the location and management of slaughter houses and to prevent the erection, use or occupation of the same, except as authorized by them, to prevent persons from bringing or leaving within the city, any putrid carcasses or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or any other unwholesome substances from their premises, and to provide for the cleaning and removal of obstructions from any river, stream, slough or water course within the limits of the city, and to prevent the obstruction or retarding of the flow of waters therein, or putting of anything in the same which may be prejudicial to the health of the inhabitants of the city.

Twenty-third—To make and regulate the use of public wells, cisterns and reservoirs.

Twenty-fourth—To erect lamp posts, and lamps, and to provide for lighting any portion of the city or streets thereof by gas or in any other way or manner.

Twenty-fifth—To levy and provide for the collection of taxes not exceeding one (1) per centum of the assessed valuation of all the property in said city for general expenses of the city; also poll tax and special assessments for building sidewalks, cross-walks, opening and improving streets in said city and repairing the same. To audit all demands against the city and direct orders to issue therefor in the manner prescribed in this chapter; to refund any tax or special assessment paid or any part thereof, when satisfied that the same is unjust or illegal; to authorize the bonds of the city to be issued in the cases provided by law, and generally to manage the financial concerns of the city, and they shall cause to be prepared and read at each annual city election, a true detailed and itemized statement by them of the finances of the city showing the amount in the treasury at the commencement of the year, all moneys received during the preceding year, where derived, and the whole amount thereof, and when, and to whom and for what purpose all money paid from the treasury during the same period was paid, and the whole amount thereof; the balance then in the treasury; which statement shall be recorded in the minute book of the proceedings of said council and filed and preserved in the recorder's office.

Twenty-sixth—To ordain and establish all such ordinances and by-laws for the government and good order of the city, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce and the promotion of health, not inconsistent with or controverting the constitution and laws of the United States or of this state, as they shall

deem expedient, and to determine and establish by ordinance the mode of procedure and what it shall be sufficient to allege and prove in order to make out a prima facie case of a violation of any ordinance.

Twenty-seventh—To prescribe penalties for the violation of any ordinance or by-law which shall not be less than one (1) dollar nor more than one hundred (100) dollars in any case to which may be added the cost of prosecution in each and every case under this charter and the ordinance of the city, and in default of payment to provide for committing the person so convicted to the city prison or other place of confinement in the city, or to the county jail in either county in which the offense was committed, until payment be made, with costs of imprisonment not exceeding ninety (90) days in all, and to modify, amend or repeal any ordinance, resolution, by-law or other determination of the city council.

Twenty-eighth—To regulate the place for swimming or bathing, and prevent persons from indecent exposure of person in said city, and to punish by fine and costs any breach of any ordinance of said city.

Twenty-ninth—To regulate the places and prescribe the length of time that horses, teams and animals shall remain hitched in and about the streets, alleys and public places in the city.

SEC. 13. No account or demand against said city shall be paid until it has been audited and allowed and an order drawn on the treasurer therefor. Every such account shall be made out in items and verified by affidavit endorsed or annexed that the same is just and correct and that no part thereof has been paid. After auditing the city council shall cause to be indorsed by the recorder over his signature on each account the words "Allowed" or "Disallowed," as the fact is, adding the amount allowed, if any, and specifying the items or parts of items disallowed, or disallowed in part only. The minutes of the proceedings of the city council shall show the amount allowed, every such account or demand allowed in whole or in part, shall, with the affidavit thereto, be filed by the recorder, and those of each year consecutively numbered, and have endorsed the number of the order on the treasurer issued in payment, and the recorder shall take a receipt thereon for each order. The city nor any officer or officers thereof shall have power to issue at any time any negotiable order or instrument or borrow money, except in the manner and for the purposes expressly declared by the statutes of this state or this charter.

SEC. 14. Upon the petition in writing of all or a majority of the owners of lots or lands in any street or alley in said city, the city council may discontinue such street or alley, or any part thereof. At least ten (10) days before acting upon such petition, the city council shall cause a written or printed notice to be posted in three public places in said city, stating when the petition will be acted on and what street or part thereof is proposed to be vacated.

SEC. 15. The city council may cause any street or part of any street to be graded, paved, macadamized or otherwise improved or any sidewalk or gutter to be built upon the petition therefor in writing signed by a majority of all the owners of real estate fronting both sides, or of the owners of one-half ($\frac{1}{2}$) of the frontage on such street or part of a

street to be improved, or order any sidewalk or gutter on one (1) side of a street to be built on the petition of a majority of such owners and the owners of at least one-half ($\frac{1}{2}$) of the frontage on such side, and may order any sidewalk or gutter previously built to be put in repair or built when necessary without petition, or they may in their sound discretion, order any and all of said improvements to be made without a petition therefor when in their judgment the public interest shall require it.

For the purpose of so improving any street or building, or repairing any sidewalk or gutter, the city council may levy and cause to be collected upon the lots, tracts, or parcels of ground on such street or part improved on the side thereof when only such sidewalk or gutter is to be built and upon the owners thereof and the lots or parcels of land a tax sufficient to pay the expenses of constructing such improvement as ordered opposite such property to the center of the street or such proportion thereof not less than one-half ($\frac{1}{2}$) the cost as they shall deem justly assessable to such property; if they shall determine the whole ought not to be assessed in such case the remainder shall be paid from the city treasury. Every such tax levied for repairs shall be for the entire cost of repairs in front of the property so to be assessed. If any tax levied under this section shall prove insufficient to pay for the cost or proportion thereof assessed to such property, the city council may levy an additional tax thereon to make good the deficiency.

SEC. 16. Whenever the city council shall levy any such tax as specified in the preceding section, they shall make out and deliver to a street commissioner or commissioners of said city, a list of the persons and a description of the property taxed, together with a warrant for the collection and expenditure of said tax; and thereupon the street commissioner or commissioners shall notify the persons in such tax list named, by publishing a notice for two (2) weeks in some newspaper published in said city, or by posting up notices in three (3) or more public places in said city, and shall specify in said notice a time or times, not less than twenty (20) days nor more than forty (40) days from the date thereof, when the persons and property charged with taxes in said list, may pay their taxes, and the persons charged with such tax may at such time and place as may be required by said street commissioner, pay their taxes.

The street commissioners shall be provided with books or memorandums by the city recorder, in which he shall keep an account of all moneys coming into his hands by virtue of his office, the amount received and disbursed by him, the name of every person from whom any tax is due, the amount paid and a correct account of all expenditures by him made as street commissioner of said city. The books containing the account so kept shall at all times when required be furnished for the inspection of the city council, and ten (10) days before the expiration of his term of office shall deliver to the city recorder, to be filed in his office for the inspection of the tax payers of said city and all persons interested therein. At the expiration of forty (40) days from the date of the notice given by the street commissioner, he shall make out and deliver to the recorder of said city a certified list of the lots, pieces, or tracts of land in said city upon

which any such tax remains unpaid, with the amount of such delinquent tax upon each of said lots or parcels of land, and at any time before the first (1st) day of September thereafter, any party liable may pay any such tax to the city recorder, who shall thereupon pay the same to the city treasurer, taking his receipt therefor, and said recorder, on the first (1st) day of September, or within five (5) days thereafter, if any such tax remains unpaid, shall certify a copy of such delinquent taxes to the county auditors of Yellow Medicine and Chippewa counties, of those taxes remaining delinquent within the respective counties, and said auditors shall upon the receipt of said statement and list, enter and carry out the same upon the proper tax lists, and they shall be collected the same as other taxes are collected, and when collected paid over to the city treasurer.

Every county treasurer who shall collect or receive any moneys on such delinquent taxes, shall pay the same to the treasurer of said city and take duplicate receipts therefor, and file one of said receipts with the recorder of said city;

Provided, however, that whenever the city council shall deem it necessary to construct or repair any sidewalks in said city, they may require the street commissioner to notify all the owners or occupants of any lot or lots or parcel of land adjoining such sidewalk to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lots or parcels of land, or by publishing the same in some newspaper printed and published in said city for not less than two (2) weeks, a 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. If such work is not done, and the sidewalk is not built or repaired in the manner and within the time prescribed, the city council may order the same done by the street commissioners, at the expense of the lots and parcels of land adjoining said sidewalk, and said expense shall be assessed upon such lots and parcels of land so chargeable by the street commissioner and returned by him to the city council; and said assessment so made and returned, if approved by the city council, shall become a lien upon said lots or parcels of land as in case of town, county and state taxes; such tax shall be collected the same as taxes levied under section fifteen (15) thereof together with a penalty of twenty-five (25) per cent. to be added thereto by the city council.

SEC. 17. All streets, alleys and ways in said city shall be under the exclusive control and management of the city council and shall be maintained and repaired by said city. The overseer of highways shall be elected in said city, but the poll tax shall be collected as provided by the general laws of this state applicable thereto, by the street commissioner and shall be expended upon the streets, highways, bridges and public places governed by said city council and the officers of their appointment; *Provided,* that the city council may in the exercise of sound discretion expend any portion thereof on the highways leading to said city in either of the counties in which the city is situated.

SEC. 18. The city council shall on or before the fifteenth (15) day

of August in each and every year by resolution to be entered of record determine the amount of corporation taxes to be levied and assessed on the taxable property in said city for the current year which shall not exceed in any one (1) year one (1) per cent. of the equalized valuation of such property. Before levying any tax for any specific purpose the city council may in their discretion submit the question of levying the same to the electors of said city in any special or general election, and in such amount as they may prescribe; when so submitted they shall be bound by the vote thereon.

On or before the first (1st) day of September, in each year, the city recorder shall deliver to the county auditor of the counties of Yellow Medicine and Chippewa a copy of all such resolutions certified under his hand any the corporate seal of said city and the respective auditors shall enter such taxes upon the tax books in each county in proportion to the valuation of said city in their respective counties so that the part of said city in Yellow Medicine county shall pay its just proportion of said tax and that portion of said city in Chippewa county shall pay its just proportion of said tax and in the usual manner as he is required to do in extending other taxes.

The city council and recorder shall so divide the amount levied in two parts so that the portion of said city in said counties shall pay the just and proper proportion of the tax so levied in proportion to the equalized valuation in each county of the part of said city therein and no more and certify the same to the respective auditors as aforesaid.

SEC. 19. All prosecutions for violating any of the ordinances, rules or by-laws, enacted under the provisions of this act shall be brought in the corporate name of said city and shall be commenced by warrant upon complaint being made as required by law, in criminal cases before justices of the peace and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions before justices of the peace, except as herein otherwise provided.

No warrant shall be necessary in any case of the arrest of the person or persons while in the act of violating any law of the state of Minnesota or ordinance, by-law, rule or regulation of said city; but after an arrest in such cases a complaint shall be made which the city justice shall reduce to writing or cause the same to be done and the person or persons so arrested shall be arraigned and proceeded against in the same manner as if the arrest had been made by warrant. The style of all process issued by the city justices of said city shall be:

"The State of Minnesota, Counties of Yellow Medicine and Chippewa, City of Granite Falls, ss.: The State of Minnesota to the sheriff of said counties or any constable thereof or of the city of Granite Falls." It shall be a sufficient pleading of the by-laws or ordinances of said city to refer to the chapter and section thereof which are hereby declared to have the force and effect of general laws within the jurisdiction of said city and it shall not be necessary to read or give them in evidence upon the trial of any proceeding or action criminal or civil, but the city justices and the justice of the peace to whom any action or proceeding may be transferred shall take judicial notice of the same and be bound thereby.

SEC. 20. Upon conviction, judgment shall be given for the plaintiff for the amount of the fine, penalty or forfeiture fixed by the ordinance, resolution or by-laws or such part thereof if a discretion be given as the court shall deem proportionate to the offense against the defendant or defendants, together with the costs and disbursements of the action or proceeding, and the court shall in all cases of conviction further adjudge and order that in default of payment thereof the defendant be committed to the city prison until the fine and costs are paid, not exceeding ninety (90) days; and in cases of prosecution and conviction for a violation of any statute of this state the court shall adjudge that the defendant pay a fine as provided by said statute and the costs of prosecution, and in default of payment that the defendant or defendants be committed to the common jail of the county in which the offense was committed until the fine and costs are paid, not exceeding ninety (90) days. If such payment be not forthwith made, the court shall make out a commitment stating the amount of the judgment and costs and the time for which the defendant is committed and in the usual form of commitments by justices of the peace. Every person so committed shall be received and committed to the city prison if the offense is against the ordinances of said city or if the offense is against the general laws of this state, to the county jail wherein the offense was committed, and kept at the expense of the city or county, as the case may be, except when an appeal is forbidden by this act, appeals shall be allowed as follows: when the prosecution is under this charter, an ordinance, by-law, or regulation, the defendant may appeal to the district court of the county of Yellow Medicine upon giving a recognizance to the city to be approved by the justice before whom the conviction was had as recognizances are in criminal cases, and if the conviction is for an offense under the general laws of the state, then by complying with the general laws on the subject of appeals from the judgment of justices of the peace in criminal proceedings in this state, such appeals however to be taken to the district court of the county in which the offense was committed, otherwise the general laws of the state authorizing and regulating appeals from the judgment of a justice of the peace shall apply to and govern in all appeals from the judgment of the city justices both in criminal and civil actions and proceedings. *Provided*, that all appeals in civil actions when the action is before the city justice residing in the county of Yellow Medicine, then the appeal shall be to the district court of the county of Yellow Medicine, but if the action is brought before the city justice residing in the county of Chippewa, then the appeal shall be to the district court of the county of Chippewa.

SEC. 21. The following are declared to be common nuisances, Gambling rooms, houses or places where games of any kind are played for money or the representatives thereof, or for drinks, cigars tobacco, or any other thing of whatever name or description, houses of ill-fame or rooms kept for the purpose of prostitution or lewdness, kept or maintained by one (1) or more females, disorderly inns, taverns, hotels, or places where intoxicating liquors or drinks containing alcohol in any quantity are sold, given away, furnished, or dealt in without the license required therefor, within the limits of said city

are declared to be and are common nuisances, and the city council may abate the same, and may ordain the penalty for keeping, maintaining or remaining in such rooms, houses, buildings, or places, or frequenting the same by any person.

SEC. 22. No action shall be maintained against the city of Granite Falls on account of any injuries received by means of any defect in the condition of any bridge, street, sidewalk, thoroughfare or alley therein, unless such action shall be commenced within one (1) year from the happening of the injury, nor unless notice shall first have been given in writing to the city council or the recorder thereof within ninety (90) days of the occurrence of such injury or damage, stating the place where, and the time when such injury was received, and the nature thereof, and that the person so injured will claim damages of the city for such injury, but the notice shall not be required when the person injured in consequence thereof shall be bereft of life or reason, nor shall any such action be maintained for any defect in the street until the same shall have been graded, nor for any insufficiency of the ground where sidewalks are easily constructed, when no sidewalk is built or where no bridge or bridges are built and opened to the public.

SEC. 23. Whenever a final judgment shall be obtained against said city, the judgment creditor, his assignee or attorney, may file with the city recorder a certified transcript of such judgment or of the docket thereof together with his affidavit showing the amount due thereon and all payments, if any, and that the judgment has not been appealed from or removed to another court, or if so appealed from or removed has been affirmed, and thereupon the city council shall levy and assess the amounts thereof with interest from date of rendition to the time when the same shall be paid, as near as may be upon the taxable property of said city, and the city recorder shall return and certify the amount of such tax to the county auditors of Yellow Medicine and Chippewa counties and the parts and portions that the taxable property in each county is to pay of said judgment, according to the equalized valuation in each county, and the same shall be collected and paid over as other taxes, in said city are required to be by law or this act, and the judgment paid therefrom.

SEC. 24. The city justices and the constable shall execute the oath of office required by law in duplicate and their bonds in duplicate, in a sum not less than five hundred (500) dollars, to be approved by the city council and file one (1) of said duplicate oaths and bonds with the clerk of the district court of Yellow Medicine county and one (1) of said duplicate oaths and bonds in the County of Chippewa, with the clerk of the district court thereof.

SEC. 25. Should a vacancy occur for any cause in any of the offices provided for in this act, except the city justices, the city council or the remaining members thereof may fill the same by appointment for the remainder of the unexpired term. Such appointees shall have all the power of elective officers.

SEC. 26. The city shall be divided into two road districts; all that portion of said city in the county of Yellow Medicine shall be one (1) road district and all that portion of said city in the county of Chippewa shall be another road district, and the city council shall

appoint two (2) road commissioners, the one appointed for that portion of said city in the county of Yellow Medicine shall be a resident thereof, and the one appointed for that portion of said city in the county of Chippewa, shall be a resident thereof, and all taxes raised within the said city in the county of Yellow Medicine for road purposes shall be expended under the direction of the city council in the county of Yellow Medicine, and all taxes raised within said city in the county of Chippewa for road purposes shall be expended under the direction of the city council in the county of Chippewa.

SEC. 27. The city council shall constitute a board of auditors for the purpose of auditing all accounts against said city; said board shall make up a report stating in detail the items of account audited and allowed, the nature of each account, and the name of the person to whom the account was allowed, and also including a detailed statement of the financial concerns of the city; such report shall be filed with the recorder, and a copy thereof shall be posted at the time and place of holding the annual election or published in a newspaper of general circulation published in said city two (2) weeks before such election.

SEC. 28. All taxes levied except for improvement of streets, sidewalks, and crossings otherwise provided for, shall be levied and collected as prescribed by the general statutes of this state for the levying and collecting of township taxes as nearly as may be, *provided*, that the assessor of the town of Otis shall assess all that portion of said city in the county of Yellow Medicine, and the assessor of the town of Granite Falls shall assess all that portion of said city in the county of Chippewa, but it is hereby made the duty of such assessors to make a separate list of the property, both real and personal within the limits of said city in their respective counties, and within ten (10) days after the valuation of said property shall have been equalized by the respective town boards of review, such assessors shall each file with the city recorder of said city a copy of such list so corrected by the said town board of review.

SEC. 29. Chattel mortgages, and all other contracts or instruments creating a lien on personal property in said city shall be filed in the office of the city recorder, and he shall make such entries and filings as town clerks are required to make by chapter thirty-nine (39) of the general statutes of this state as amended or shall hereafter be amended, and to certify copies thereof which shall be received in evidence in all courts of justice in this state.

SEC. 30. The city recorder may administrate all oaths, take all acknowledgments and certify the same under the corporate seal of said city and he shall give a bond for the faithful discharge of his duties as such receiver, to be approved by the city council and filed with the treasurer of said city, who shall safely keep the same. It shall be his duty:

First—To perform the duties of clerk of elections and keep a record of all proceedings at the annual and special elections of the city, to give notice of such elections as are required by him and to notify persons elected or appointed to offices in said city.

Second—To transmit to the clerks of the district court of Yellow Medicine and Chippewa counties within ten (10) days after election

and qualification, a certified statement of the name and town for which elected of all the officers elected at such elections, and in case of the appointment or election of any city justice, constable, treasurer or recorder of said city to fill a vacancy, a like notice shall be filed within ten (10) days after such election or appointment.

Third—To attend all meetings of the city council or board of audit, to record all proceedings thereof and all ordinances, rules, by-laws, resolutions and regulations adopted and to countersign and keep a record of all licenses and permits granted or authorized by them, and for such purposes to keep the following books: A minute book in which he shall record in chronological order all the papers required to be recorded in his office by this act, full minutes of elections general or special and the statements or declarations of the judges thereof; full minutes of all the proceedings of the city council, the title of all ordinances, rules, regulations and by-laws with a reference to the book and page where the same may be found; an ordinance book in which shall be recorded at length in chronological order all ordinances, rules, regulations and by-laws, which, when certified by him shall be received in evidence in all courts; a finance book in which shall be kept a full and complete record of finances of the city showing the receipts, the date and amount and source thereof, and the disbursements, with the date, amount and object for which paid out, and to enter in it such matters as the city council shall direct, and all such other books as the city council may direct.

Fourth—To countersign and cause to be published every ordinance, by-law, or resolution of the city council as required by law, and to have proper proof thereof made, filed and recorded at length.

Fifth—To be the custodian of the corporate seal and to file as required by law and safely keep all records, books, papers and property belonging to or filed or deposited in his office and deliver the same to his successor when qualified, to permit any person with proper care to examine and copy any of the same and to make and certify a copy of any thereof when required on payment of the same fees as are allowed town clerks for similar services.

Sixth—To draw and countersign all orders on the city treasurer, when ordered by the city council and none other.

Seventh—To file, when presented, all chattel mortgages, affidavits relating thereto and all other contracts or writings creating a lien on personal property, or affecting the title thereof, and to enter at the time of filing in a book properly ruled and kept therefor the names of all parties, arranging mortgages alphabetically and also other contracts, the date thereof and the date of filing the same, hour and minute and the affidavits relating to them for which he shall receive the same fees as town clerks receive for such services.

Eighth—To perform all other duties required by law or by ordinances or other direction of the city council; for such services as are herein enumerated and not otherwise provided for, he shall receive such compensation as the city council in a sound discretion shall determine to be just and adequate compensation therefor.

SEC. 31. The constables shall give a bond similar to those required by other constables elected by towns and shall be governed by the laws relating to constables, except as herein otherwise provided.

It shall be their duties in addition to the duties of ordinary constables to obey all lawful written orders of the city council, to arrest with or without process and with all diligence take before a city justice every person found in said city in a state of intoxication, or engaged in any disturbance of the peace or brawling in the streets, lanes or alleys of said city or in the state of nudity or violating any law of the state or ordinance of said city. He may command all persons present or near at hand in such case to assist him therein; and if any person being commanded shall refuse or neglect without sufficient reason therefor to render such aid and assistance, he shall forfeit not exceeding ten (10) dollars and the costs of prosecution to be recovered by action before any city justice by complaint and warrant and shall be committed to the city prison until the fine and costs are paid, not exceeding ninety (90) days. The constables shall be entitled to such fees as are allowed to constables for similar services and for other services rendered the city such compensation as the city council may fix in the exercise of a sound discretion.

SEC. 32. The legal voters of said city are hereby authorized to vote upon and determine for themselves the question whether license for the sale of intoxicating liquors shall be granted in said city or not. The recorder of said city is hereby required upon receiving the petition for that purpose of not less than ten (10) legal voters of said city at any time not less than twenty (20) days before any annual charter election of said city to give notice that the question of granting license for the sale of intoxicating liquors in said city shall be submitted to the legal voters thereof, which question shall be determined by ballot containing the words "In favor of license," or "Against license," as the case may be; the votes upon such question shall be deposited in a box by themselves, and shall be taken, canvassed and returned in the same manner as is prescribed by law for canvassing and returning the votes for the elective officers of said city, and if such returns show that a majority of the votes cast at such election on said question shall be against license, no license for the sale of intoxicating liquors in said city shall be granted by said city council, nor by any board of county commissioners.

The city council shall have the exclusive right to license persons vending, dealing in or disposing of intoxicating liquors within the city limits until the electors determine against license as herein provided, and persons so licensed shall not be required to obtain a license from the board of county commissioners of either the counties of Yellow Medicine or Chippewa.

SEC. 33. All ordinances, rules and by-laws shall be enacted by a majority vote of all the members of the city council, and shall be signed by the mayor and attested by the recorder, and published once in a newspaper in said city, and shall be recorded with the affidavit of the publisher in the book kept for that purpose by the recorder; and the same shall be filed in his office, and securely kept, and shall be noted on the margin of the record, and shall be conclusive evidence of the facts stated therein. All ordinances shall be properly entitled in the following words: "The city council of the city of Granite Falls do ordain as follows:" All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed. The city

council shall have power and authority to declare and impose fines penalties and punishments with the cost of prosecution added, and enforce the same against any person or persons who may violate any provisions of any ordinance, rule or by-law enacted by the city council, and all such ordinances, rules and by-laws are hereby declared to have the force of law, *provided*, that they are not repugnant to the constitution of the state nor of the United States.

SEC. 34. The mayor shall have control of the police forces of the city and may temporarily when action requires it appoint such police officers as he may deem necessary; in the absence of the mayor or when unable to act any alderman selected by the city council shall act in place of the mayor. The mayor shall suppress in a summary manner any and all riotous, disorderly conduct, obscenity, drunkenness, lewdness, and conduct tending to a breach of the peace in the city, and may command assistance of all persons under a penalty of ten (10) dollars, and the cost of prosecution for a disobedience of such order.

SEC. 35. Every city officer shall deliver to his successor when qualified all the books, records, papers, property and money in his hands as such officer; and if a vacancy shall happen before such successor is appointed or elected and qualified then to the city recorder, and if his office is vacant then to the city treasurer, or mayor, or one of the aldermen who shall demand and receive all such property and deliver the same to the person who shall be selected to fill such vacancy when qualified, and in case of failure to deliver the same by any person having the custody thereof the city may recover the same by an action.

SEC. 36. The mayor shall preside at all meetings of the city council, when present, in his absence the council may select one (1) of the aldermen to preside. Regular meetings shall be or may be prescribed by the by-laws. Special meetings may be called by any two (2) aldermen by a writing filed with the city recorder, who shall thereupon seasonably notify all the aldermen of the time and place thereof in the manner directed by the by-laws. All meetings shall be opened to the public. The recorder of the city council shall keep a record of all its proceedings, which shall be read and signed by the mayor and attested by the recorder, at the close of the meeting. The city council shall have power to preserve order at its meetings, compel the attendance of the aldermen and punish for non-attendance, and it shall be judge of the election and qualification of the members. The mayor and aldermen shall not be entitled to receive any compensation for services as such officers, but judges and clerks of election shall receive the sum of two (2) dollars per day.

SEC. 37. Every contract, conveyance, license or written instrument shall be executed on the part of the city by the mayor, countersigned by the city recorder and sealed with the corporate seal in pursuance only of authority from the city council by resolution entered at length in the minutes of the city council.

SEC. 38. The city shall not be liable in any case for the board or jail fees on account of any person committed to the jail of either the counties of Yellow Medicine or Chippewa for offenses punishable under the general laws of this state; but the expenses thereof shall be

paid by the respective counties wherein the offense was committed. Nor shall the city be liable in any case for the cost or expense of any trial, examination or criminal proceeding had before either of said city justices under the general laws of the state, but the same shall be paid by the county wherein the offense is alleged to have been committed.

SEC. 39. In all respects not herein provided for that portion of said city in the county of Yellow Medicine shall be and remain a part of the township of Otis, and that portion of said city in the county of Chippewa shall be and remain a part of the township of Granite Falls. The part of said city in the county of Yellow Medicine together with the town of Otis shall be and remain one election district for the election of town, county, state and national purposes, and that part of the city in the county of Chippewa shall together with the town of Granite Falls be and remain an election district for town, county, state and national purposes; *provided however*, that no road or bridge tax shall be levied or assessed by either of the towns of Otis or Granite Falls, upon any of the property within the city limits, nor shall that portion of said towns within the limits of said city have the right to vote any road or bridge tax upon either of said towns, but that shall be left wholly to that portion of said towns outside the limits of said city, but that all the taxes heretofore or hereafter levied or assessed for road or bridge purposes shall be collected as required by the general laws and when collected shall be paid over to the city treasury. That the said city as herein defined shall bear and pay all debts contracted or incurred except that no tax shall ever be levied or assessed upon that portion of said city in the county of Chippewa to pay any debts that may heretofore or hereafter be incurred in aiding the said county of Yellow Medicine in erecting a court house, but all such debts shall be borne and paid by that part of said city in the county of Yellow Medicine, and all taxes for the payment thereof shall be levied and assessed upon that part of said city in the county of Yellow Medicine.

SEC. 40. All general laws not contravening this act shall have full force and effect within said city. That all taxes heretofore levied or assessed against any property within the city as herein defined shall be collected the same as though this act had not been passed, and when collected, paid over to the proper authorities. That nothing herein contained shall be construed as to change the boundaries of any school district within said city as heretofore established. That all ordinances now in force in said city are hereby repealed but such repeal shall not be so construed as to affect any vested interest in property or prejudice the rights of any creditors, but the same are hereby preserved and confirmed. All public property of said city shall be exempt from seizure and sale on execution and from taxation. When any action or proceeding shall be commenced against said city, the service thereof shall be made by copy left with the city recorder. All fines, forfeitures, penalties and moneys received for licenses shall when not otherwise provided, be paid by the officer collecting the same to the city treasurer.

SEC. 41. Until their successors are elected and qualified the following persons shall be the officers of the city of Granite Falls:

Knute Neste shall be mayor; Arthur W. Winter, Ole Nelson and Ole Hartwick shall be aldermen; J. A. Lewis shall be recorder; Ole Hartwick and Charles L. Rice shall be city justices; James H. Lee and E. A. Dresser shall be city constables and John G. Dodsworth shall be treasurer.

SEC. 42. This act is a public act and need not be pleaded or proved in any court; but all courts shall take judicial notice thereof.

SEC. 43. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 44. This act shall take effect and be in force from and after its passage and approval.

Approved April 24, 1889.

CHAPTER 37.

[H. F. No. 589.]

AN ACT TO AMEND SECTION ELEVEN (11) OF CHAPTER FOUR (4) OF THE CHARTER OF THE CITY OF SAINT PAUL IN REFERENCE TO RIGHT OF WAY OVER STREET TO RAILROADS.

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

SECTION 1. That section eleven (11) of chapter fourteen (14) of the charter of the city of Saint Paul as compiled in the year 1884, be amended so as to read as follows:

“Section 1. The common council shall have power and authority by vote of three-fourths ($\frac{3}{4}$) of all the members elect of said council to grant the right of way upon, over and through any of the public streets, highways, alleys, public grounds or levees of said city, to any steam railway or horse railway company or corporation, upon such limitations and conditions as they may prescribe by ordinance, and no individual company or corporation heretofore or hereafter organized shall construct, maintain or operate upon any street not now so occupied, any such railway until an ordinance shall have been hereafter duly passed by said council by such vote allowing the same; *provided*, that said council shall have no authority to grant to any company or corporation or private individual, the right to construct or operate any steam, or dummy, or elevated railroad of any description on any street, avenue or alley of said city, except upon the petition of the owners of more than one-half of the property fronting on the line of such proposed road, and when such proposed line is more than one (1) mile in length, no petition of land owners shall be valid unless the ordinance shall receive the affirmative vote of five-sixths ($\frac{5}{6}$) of all the members elect of said council on such petition; *provided, however*, that nothing herein contained requiring consent of property owners shall be held to apply to any railroad running cars upon the surface of the street or alleys and not using steam as a motive power upon the train, or where the motor unites steam and