

express may be used for any notice or delivery required of the registrar.

Sec. 24. Violations—Penalties.—Any person who shall, with intent to escape payment of any tax on a motor vehicle as herein provided, delay or neglect to properly list and apply to register the same, or with intent to prevent the payment or collection of the proper tax, fee or lien thereon, violate or neglect to comply with any of the provisions of this act shall be guilty of a gross misdemeanor.

Sec. 25. Same.—Any person who shall use or cause any motor vehicle to be used or operated in violation of the provisions of this act, or while a certificate of registration of a motor vehicle issued to him is suspended or revoked, or who shall knowingly deliver a motor vehicle to another to be used or operated in violation of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor.

Sec. 26. Same.—Any person who shall loan or use any number plate or registration certificate upon or in connection with any motor vehicle except the one for which the same was duly issued, or upon any such motor vehicle after the said certificate or plates or the right to use the same have expired, or any person who shall retain in his possession or shall fail to surrender as herein provided any such number plate or registration certificate shall be guilty of a misdemeanor.

Sec. 27. Same.—Any person who shall deface or alter any registration certificate or number plate or retain the same in his possession after the same has been defaced or altered shall be guilty of a misdemeanor.

Sec. 28. Invalidity of one part not to affect whole of act.—The various provisions of this act shall be severable and if any part or provision shall be held to be invalid it shall not be held to invalidate any other part or provision hereof.

Approved April 23, 1921.

CHAPTER 462—H. F. No. 987.

An act to provide for the incorporation, organization and government of cities of ten thousand (10,000) inhabitants or less, (cities of the fourth class).

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

Section 1. Cities of fourth class may be incorporated—Procedure.—The inhabitants of contiguous territory not organized as a city and having not less than one thousand (1,000) inhabitants and not more than ten thousand (10,000) inhabitants may become incorporated as a city of the Fourth Class as hereinafter provided:

Whenever two thirds ($\frac{2}{3}$) of the legal voters residing within the limits of such territory, whether all or part of such territory had been theretofore organized into a borough or village, or not, and which territory they desire to have incorporated as a city shall sign and have presented to the Judge of Probate of the county in which such territory is situated a petition setting forth the metes and bounds of said city and of the several wards thereof, and praying that said city may be incorporated under such name as may therein be designated, the Judge of Probate shall issue an order declaring such territory duly incorporated as a city and shall designate the metes, bounds, wards and name thereof as in said petition described. And the said Judge of Probate shall in said order designate the time and place of holding the first election of officers for said city, which shall not be less than thirty (30) nor more than sixty (60) days from the presenting of such petition, and shall specify therein that the polls will be open from nine o'clock in the forenoon to five o'clock in the afternoon and shall cause said order to be posted in five (5) public places in said city, at least twenty (20) days prior to the date of such election, and also cause same to be published in some newspaper published in said city at least once in each week for two (2) consecutive weeks prior thereto, and if there be no newspaper published in said city, then in a newspaper published in the county in which said city is situated.

Sec. 2. Powers of cities of fourth class.—Upon presenting the petition aforesaid to the Judge of Probate as aforesaid, the inhabitants within the metes and bounds therein described shall thenceforth be a body politic and corporate subject to and with the power to act under the authority of all of the provisions of this act. They shall have power to sue and be sued, complain and defend in any court; make and use a common seal and alter it at pleasure; and take hold and purchase, lease and convey such real and personal or mixed estate as the purpose of the Corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted and shall have and possess all the powers granted and applicable to cities of the fourth class not existing or operating under a Charter adopted in pursuance of Section 36, Article 4 of the Constitution of the State of Minnesota, or a special Charter, and the authorities thereof shall have perpetual succession.

And in case the territory included in any city which shall be hereafter formed and established under the provisions of this act shall include the territory embraced in any village or borough corporation, such village or borough corporation shall, upon the

establishment of such city corporation cease; and such city corporation shall thereupon succeed to and become vested with the ownership of all the property, real, personal and mixed which belonged to or was owned by such village or borough corporation at the time when the same ceased to exist; and such city corporation shall also thereupon become and be liable and responsible for all debts, obligations and liabilities then existing against such village or borough corporation for any cause or consideration whatever, in the same manner and to the same extent as if such debts, obligations and liabilities had been originally contracted or incurred by such city corporation. By the words "establishment of such city corporation" is meant the incorporation of said city and the organization of the city government of the same; and the officers elected or appointed in any village or borough embraced in the territory included in such city shall continue to exercise the powers conferred upon like officers in this state until the officers for the said city shall be elected and qualified.

Sec. 3. Elections.—That the said Judge of Probate in his order designating the time and place of holding the first election of officers of any city incorporated under this act shall name three electors of each ward who shall conduct the said first election for their respective wards and who shall be the inspectors thereof, and shall take the usual oath or affirmation as prescribed in the general laws of the State to be taken by the judges and inspectors of elections, and shall have the power to appoint clerks of such elections and to administer the necessary oaths; and the persons so named as inspectors of the election shall hold and conduct the same in the manner and under the same penalties as provided by the laws of this State regarding elections and shall have power to fill vacancies in the board of inspectors.

When the said city election is closed and the number of votes for each person voted for shall have been counted and ascertained, the judge and clerks of election shall make return thereof stating the number of votes for each person for each and every office and shall deliver or cause to be delivered such returns to one of the said inspectors within two (2) days after such election, and the said inspectors, (or a majority thereof) shall meet and canvass said returns and declare the result within one (1) day thereafter. The inspectors canvassing said returns and declaring the result shall forthwith notify the officers elected of their election by written notice served upon such officers in person or left at their usual place of abode with some person of suitable age and discretion.

Sec. 4. Terms of officers.—The terms of all officers elected at said election shall extend to the beginning of the terms of their successors elected at the first succeeding regular city election un-

der the provisions of this act and until their successors are elected and qualified.

The terms of all officers appointed or elected by the common Council or the Mayor shall hold their offices until the first Tuesday after the first Monday in January next succeeding the first succeeding regular city election.

Sec. 5. Date of regular elections.—There shall be a biennial election for elective officers hereinafter provided held on the first Tuesday after the first Monday of November of each and every odd-numbered year at such place in each ward as the common council shall designate and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon and ten (10) days preceding, notice shall be given by the Common Council of the time and place of holding such election and of the officers to be elected by posting notices thereof in three public places in each ward.

Sec. 6. Shall be divided into wards.—Each city governed by this act shall be divided into not less than two wards and each ward shall contain as nearly as practicable an equal number of legal voters.

Sec. 7. Corporate name.—The corporate name of each city governed by this act shall be: "The City of " and all and every process and notice affecting any such city shall be served upon the Mayor and in his absence upon the President of the Council, and in the absence of both, upon the Recorder and in the absence of these officers from the city, then by leaving a certified copy in the office of said recorder.

Sec. 8. Elective officers.—The elective officers of each city shall be Mayor, Treasurer, Recorder, one alderman at large, and one Justice of the Peace, who shall be styled City Justice, all of whom shall be qualified voters of the city and two aldermen in each ward who shall be qualified voters therein. All officers for said city shall be appointed by the Common Council unless otherwise provided and all said officers shall hold their offices for two years and until their successors are elected and qualified.

Sec. 9. Officers may be removed.—Every person appointed to any office by the common council or elected to any office by the people may be removed from said office by a vote of two-thirds ($\frac{2}{3}$) of all the aldermen authorized to be elected. But no officers elected by the people shall be removed except by cause nor unless furnished with a written statement of the charges against him nor until he shall have had a reasonable opportunity to be heard in his defense. The common council shall fix a time and place for the trial of such officers of which not less than ten (10) days notice shall be given and have power to compel the attendance of witnesses and the production of books and papers and to hear and determine the case; and if said officer shall neg-

lect to appear and answer the charge against him, the common council may declare the office vacant.

Sec. 10. Vacancies.—Whenever a vacancy shall occur in the office of Mayor or Alderman by death or removal or resignation or otherwise, the common council shall have power and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. A person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof, for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Sec. 11. Elections—Ties, How decided.—All elections by the people shall be by ballot and each ballot shall contain the names of the persons voted for with a proper designation of the office written or printed thereon and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the common council at such time and in such manner as they shall direct.

Sec. 12. Qualifications of electors.—All persons entitled to vote for State and County officers and who shall have resided in the city for three (3) months next preceding the election and ten (10) days in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law and to hold any office hereby created; and the different wards established by law shall constitute election districts for State and County as well as city elections and the mode of conducting all state and county elections in said city shall be in the manner as by law provided.

Sec. 13. Judges of election—General election laws to govern.—The elections in said city shall be held and conducted by three judges of election to be appointed by the common council and who take the usual oath or affirmation as prescribed by the general laws of the state to be taken by judges of election and shall have power to appoint clerks of such elections and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties as required by the laws of this State regarding elections.

Sec. 14. Returns—Canvas.—When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make

returns thereof, stating therein the number of votes for each person for each and every office and shall deliver or cause to be delivered such returns to the city recorder within three days after any election, and the common council shall meet and canvass said returns and declare the results as it appears from the same within three days thereafter. The City Recorder shall forthwith notify the officer or officers elected of their election by written notice served upon such officer in person or left at their usual place of abode with some person of suitable age and discretion.

Sec. 15. Special elections.—Special elections to fill vacancies or for any other purpose shall be held and conducted in the same manner and the returns thereof made in the same form and manner as in general and biennial elections and within such time as may be prescribed by resolution of the common council.

Sec. 16. When office deemed vacated.—Any officer removing from the city or ward for which he is elected or any officer who shall refuse or neglect for ten (10) days after notice of his election or appointment to enter upon the discharge of the duties of his office shall be deemed to have vacated his office and the common council shall proceed to fill the vacancy as herein prescribed.

Sec. 17. Terms of office.—The term of every officer elected under this law shall commence on the first Tuesday after the first Monday in January next succeeding his election, and shall unless otherwise provided, continue for two years until his successor is elected and qualified.

Sec. 18. Failure to elect—New election.—Should there be a failure by the people to elect any officer therein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being given.

DUTIES OF OFFICERS.

Sec. 19. Oath of office—Bond.—Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the City Recorder; and the treasurer and such other officers as the common council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city a bond, with at least two sureties, (to be approved by the common council) who shall make affidavit that they are each worth the penalty specified in said bond, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Sec. 20. Duties of mayor.—The mayor shall take care that

the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for.

And in case of a riot or other disturbances, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman, appointed by the mayor as aforesaid, may be discharged from office by him whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary.

Sec. 21. Same—Ordinances.—All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same; and such as he shall not sign he shall return to the common council with his objection thereto, by depositing with the recorder, to be presented to the common council at their next meeting thereafter; and upon the return of any resolution or ordinance by the mayor the same vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds of the members elected, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the records by the recorder. If an ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Sec. 22. Meetings of council—Organization.—The common council shall biennially on the first Tuesday after the first Monday in January next succeeding the city election, organize and at the time of its organization, proceed to elect from their number a president, and vice-president for the ensuing two years and such other officers as may be necessary for the transaction of their business, except assessor, who shall be elected annually in the month of March. Such elections shall be by ballot and the affirmative vote of the majority of all the members elected shall be necessary to elect. The President shall preside over the meetings of the common council and during absence of the mayor from the city or his inability from any cause to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the President shall be absent at any meeting of the common council, the vice-president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the com-

mon council, or temporary presiding officer, while performing the duties of mayor as aforesaid, shall have the same force and validity as if performed by the mayor. The mayor and president and vice-president of the common council shall have the right to administer oaths and affirmations.

Sec. 23. Duties of city recorder.—There shall be a recorder of said city, styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the council may determine. He shall keep the corporate seal, and all the papers and records of the city; and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to attend. Copies of all papers filed in office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations, and take acknowledgement of deeds and other writings.

Sec. 24. Same—Report of financial condition.—It shall be the duty of the city recorder to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually, on or about the first day of January to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of January.

He shall make or cause to be made estimates of the expenses of any work done by the city, and countersign all contracts made in behalf of the city, and certificates of work authorized by any committee of the common council or by any city officer. And every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the recorder. The city recorder shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city, the amount of bonds, orders, certificates, or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, certificates, or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof, stating to whom and for what purpose

issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and, before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the recorder, and shall be "prima facie" evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first day of January of any year, the amount expended, or to be expended, chargeable to any city fund, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund,) shall be equal to three-fourths of the tax authorized to be raised or revenue estimated for such fund, he shall report at once the same to the common council, and he shall not countersign any contract chargeable to such fund until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable. The recorder shall examine all reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder. And he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested, directly or indirectly, in any contract or job to which the city is a party, or in which the city is interested; and any contract in which he may be interested shall be null and void.

Sec. 25. Council to elect city attorney.—The common council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and, when required, shall furnish opinions upon any subject submitted to him by the common council or its committees.

Sec. 26. Duties of treasurer.—The treasurer shall receive all

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

Sec. 27. Police Department—Chief of police—Duties.—There shall be a chief of police of said city, who shall be appointed by the mayor, by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers and watchmen of said city shall possess the powers of constables at common law, or by the laws of this state; and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and also all writs and process whatever, issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of the state, and, when performing the duties of constables aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or any violation of the laws of this state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

Sec. 28. May make arrests outside of city when.—All warrants issued by city justices for the violation of any general laws of this state shall run to the sheriff or any constable of the county, or to the chief of police or any policemen of the city; but no chief of police or policeman, where he goes outside of the county to make an arrest, shall receive any fees therefor, unless the commissioners of the county are satisfied that a delay in obtaining the sheriff or his deputy, or a constable, to make the arrest, might endanger an escape.

Sec. 29. Council to appoint street commissioner.—The common council shall at their first meeting in January succeeding the biennial election, or an adjournment thereof, elect by ballot a street commissioner, who shall hold his office for two years and until his successor is elected and qualified. It shall be the duty of the street commissioner to superintend all work and improve-

ments on the streets, bridges and public grounds of the city, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges and public grounds of the city; and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

Sec. 30. Council to elect city assessor.—The common council shall, in the month of March in each year, elect an assessor, who shall be styled the city assessor, who shall perform all duties in relation to the assessing of property for the purpose of levying of all city, county and state taxes. And upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

Sec. 31. Justices of peace—Jurisdiction.—The justices of the peace of the city, styled city justices, shall possess all the authority, power and rights of a justice of the peace of the county under the laws of this state, and shall have, in addition thereto, exclusive jurisdiction to hear and try all complaints for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same. And said city justices shall have jurisdiction in cases of larceny, and may hear and try the same where the amount claimed to have been stolen does not exceed the sum of twenty-five dollars.

In all prosecutions for assaults, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city justices shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly or ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to

give security for their good behavior, to keep the peace, for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power and authority in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, for the violation of any ordinance, by-laws or regulation of said city, shall belong to and be a part of the finances of said city; for offences against the laws of the state, of the county treasury.

Sec. 32. Justices to report to council—Fees.—The city justices shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city; and said justices shall be entitled to receive from the county such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

Sec. 33. Council to fix hours of business for justices.—Said justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process issued by them at all times, in court or otherwise.

Sec. 34. Council may appoint city surveyor—Duties.—The common council may at any regular meeting elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city and the common council shall prescribe his duties, fix his term, and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons interested; and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, or the common council.

Sec. 35. May advertise for printing.—The common council, at their first meeting in the month of January of each year or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one week, in such manner as the council may direct, that sealed bids shall be received by the recorder of the common council for doing said printing. The bid or bids received by said clerk to do said printing shall be publicly opened and read by the recorder, at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper published in said city, shall give satisfac-

tory security for the performance of the work shall be declared city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws, and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published shall file with the city recorder a copy of such publication, with his affidavit or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be "prima facie" evidence of the publication of such notice, ordinance or resolution, provided, that if no person will publish or offer to publish, in any newspaper published in said city such ordinances or other matters as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such other provisions for publishing its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

Sec. 36. Officers to deliver all records to successor—Penalties.—If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars, besides all damages caused by his neglect or his refusal so to deliver; and said successor may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Sec. 37. May require officers to perform other duties.—The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than two years, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three months from the first organization and meeting of the common council; after the first year, the compensation of officers shall be fixed for the fiscal year

in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of creation of such office; nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party or interested in any contract in which the city is interested, made while such officer is holding office; provided, that the mayor and alderman shall receive no compensation for their services as such officers.

Sec. 38. **Officers to enforce peace.**—The mayor, or acting mayor, recorder, and each alderman, the city justices, police officers and watchmen, shall be officers of the peace, with powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders, and, if need be, of all the citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, each person shall forfeit and pay a fine of fifty (50) dollars; and in each case where the civil powers may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

COMMON COUNCIL—GENERAL POWERS AND DUTIES.

Sec. 39. **Common council.**—The aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the city ofdo ordain, &c. The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Sec. 40. **Regular and special meetings.**—The common council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Sec. 41. **Powers and duties.**—The common council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the powers herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the

government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison; provided, that until otherwise ordered by the common council, the county jail of the county shall be used as a city prison, and it shall be the duty of the sheriff or jailor of the county to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all force of law; provided, that they be not repugnant to the constitution and laws of the United States, or of this state; and for these purposes shall have authority by ordinance, resolution or by-law:

1. To regulate the use of, and to prevent and remove encroachments on and over streets, alleys; avenues and public grounds and public places, to prevent injury to the same, and to regulate the construction of coal holes, and hatchways, and coverings, and guards therefor in sidewalks, or to prohibit the same.

2. To regulate and prevent throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in or upon any street, alley or public ground or place, and to require the owner or occupant of any premises to keep the sidewalks along or in front of the same free from snow, ice or other obstruction.

3. To regulate openings and excavations in streets, alleys and public grounds, for the laying of gas, electric conductors, water mains and pipes, or for other purposes, and the building of sewers, tunnels and drains, and to regulate the construction and use of all structures and conduits underneath the streets, alleys and sidewalks.

4. To provide and regulate cross walks, curbs and gutters.

5. To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, and the posting and distributing of handbills and advertisements; to prevent the incumbering of the streets with vehicles, lumber, boxes, or any other things or material; to remove and abate any nuisance, obstruction and encroachment upon the walks, streets, alleys and public grounds; to provide for and regulate the erection of hitching posts and rings for fastening horses, and to prohibit the same in any portion of the city, at its discretion; and shall prohibit the piling of snow or other incumbrances upon

any street by persons owning or operating any railway along or across the same.

6. To regulate and control or prohibit the placing of poles and the suspending of wires along or across the streets and alleys.

7. To regulate and prohibit the exhibition or carrying or distribution or throwing of banners, placards, advertisements and hand bills in or upon streets public grounds and sidewalks.

8. To regulate and prevent the flying of flags, banners and signs across the streets, and to regulate the construction and use of bill boards adjacent to or near the streets or public places.

9. To regulate and prohibit traffic and sales upon the streets, sidewalks or public places.

10. To regulate the speed of horses and other animals, vehicles, cars and locomotives upon the streets and within the limits of the city, and to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing in the streets,

11. To name and change the names of streets, avenues, alleys and other public places.

12. To regulate the use of all bridges, viaducts, tunnels, drains, sewers and cesspools within the city, and to prohibit the use or maintenance of cesspools and privies in such portions of the city as it may designate, and to compel sewer connections in such portions, and to make the same and to assess the cost thereof on the property so connected with the sewer.

13. To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses and buildings shown conspicuously thereon or adjacent thereto.

14. To prevent and regulate or prohibit the locating, construction and laying of street railway tracks, in, under or over any street, alley or public place; provided, that it shall grant all public franchises and rights over, upon or under the public streets and highways of the city only to such parties as will contribute to the city the greatest amount of money and give the best service in the exercise of the same.

15. To provide for and change the location, grade and crossing of any railroad, and to compel railroad companies to lower and bridge over their tracks and to fence their respective railroads, or any portion of the same, and to construct cattle guards on the streets and public roads, and keep the same in repair within the limits of the city. In case any railroad company fails to comply with any such ordinance it shall be liable for all damages to the owner of any cattle, horses or domestic animals which he may sustain by reason of injuries thereto while on the tracks of such railroad company, in like manner

and extent as under the general laws of the state relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

16. To require railroad companies to keep flagmen, and to erect and maintain gates at railroad crossings of streets, and to provide protection against injury to persons and property in the use of such railroad.

17. To regulate or prohibit the whistling of locomotives, and the discharge of steam, cinders, sparks and dense smoke therefrom.

18. To compel railroad companies to raise or lower their tracks to conform to any grade which may be established in said city and to keep such tracks on a level with the street surface, and to compel the planking of such tracks by such railway company so that they may be crossed at any place on the said street alley or highway.

19. To compel and require railway companies to make and keep open and in repair, ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

20. To restrain the pollution of the waters of any creek, river, pond, lake or water course within or adjacent to the city; to prevent the dumping of refuse or other matter therein, and to provide for the cleansing and purification of water, water courses and canals, and the draining or filling of ponds or pools on private property, whenever necessary to prevent or abate nuisances, and to compel the owner or occupant of any building or grounds to remove from the premises owned or occupied by him all such offensive substances as the city council or commissioner of health may direct, and upon his default to authorize the removal or destruction thereof by some officer of the city at the expense of said owner or occupant.

21. To compel the owner of low ground where water is liable to collect and become stagnant to fill or drain such low places, and upon his default to authorize such draining or filling at the expense of such owner, and to make the expense of the destruction or removal of such substance, specified in subdivision 20, or expense of filling or draining any such low ground, a lien upon the property from which such substances are removed or destroyed, or in which said low ground is filled or drained, and to make a special assessment for the same upon such property, to be collected as other special assessments are collected.

22. To regulate the use and maintain general supervision

and control of navigable waters within, upon and adjacent to the city limits; to regulate the use of public and private docks, landings, wharves and levees in such city; to establish, alter and maintain docks, dock lines, landings and levees; to regulate and control the anchorage, moorage and landing of all water craft and their cargoes within the city; to license and regulate or prohibit wharf boats, tugs and other boats used about the harbors or within the jurisdiction of the city; and to fix the rates of wharfage and dockage, and to collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the city.

23. To make regulations in regard to the use of steamers, towing of vessels, opening and passing of bridges, to appoint harbor masters and define their duties; and to prevent and prohibit the removal of sand and other material from or near any levee, embankment or boundary line of public waters.

24. To fix the amount, terms and manner of issuing licenses not inconsistent with law; provided, that no licenses shall be issued for a longer term than one year.

25. To license and regulate or prohibit, and to suppress billiard, pool, pigeon hole tables, pin alleys, bowling alleys, shooting galleries, taverns and victualing houses.

27. To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts, theatrical performances, skating rinks and all places of amusement and museums, for entrance into which money is charged,

28. To license and regulate auctioneers, pawnbrokers, second-hand dealers and junk dealers, and to compel all such persons to keep such records of their transactions as it may direct, and make report thereof.

29. To license and regulate keepers of intelligence of employment offices, and all persons doing the business of seeking employment for or furnishing employes to others, and to require such persons to keep such records as it may direct, and make reports thereof, and to punish unfair dealings by said persons in their said business.

30. To license and regulate or prohibit hackmen, draymen, expressmen, porters and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor, and to prescribe standing places or stations within the streets or near railway stations where the same may remain while waiting for business, and to prohibit the same from standing or waiting for business at any other place than the places so prescribed.

31. To license and regulate all peddlers, book agents, can-

vassers, street hawkers, venders and public criers doing business in the city.

32. To tax, license and regulate pawnbrokers.

33. To license and regulate butchers' stalls and shops, and stands for the sale of game, poultry, meat, fish and perishable provisions.

34. To license and regulate plumbers, and to regulate sewer and water connections of all kinds and the laying of branch sewer and water pipes.

35. To license, regulate and control or prohibit the carrying of concealed weapons, and to provide for the confiscation of the same.

36. To license and regulate the keeping of dogs, and to prevent the same running at large, and to authorize the destruction thereof in a summary manner.

37. To regulate and prevent the storage of gunpowder, dry pitch, resin, coal oil, benzine, naphtha, gasoline, turpentine, hemp, cotton, nitro-glycerine or any products thereof, and other combustible or explosive materials within the city, and the use thereof, and of lights in stables, shops and other places, and the building of bonfires; and to regulate and restrain the use of firecrackers, torpedoes, roman candles, skyrockets and other fireworks.

38. To prevent and suppress riots, routs, affrays, disturbances, disorderly assemblies, cock fights, dog fights, sparring matches and all brutal or depraving exhibitions or sport.

39. To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to regulate bathing and swimming in waters within the city limits, and to prevent and punish drunkenness, fighting, assaults, batteries and disorderly conduct and obscenity in the city; and to prohibit within the city the circulation, sale or exhibition of libelous, obscene and immoral publications, prints, pictures, advertisements and illustrations, and any printed matter naturally tending to provoke a breach of the peace or impair the morals of the community.

40. To suppress bawdy and disorderly houses and houses of ill fame and assignations within the limits of the city.

41. To restrain and prohibit lotteries, and to prohibit all descriptions of gambling and playing of cards, dice, hazard, roulette or other games of chance; the use of blackboards, lists and tickets for the purpose of gambling; all pool rooms and betting rooms; and the selling of pools and making of books on horse races or other contests, real or fictitious, to suppress and prohibit all mechanisms and devices used for gambling or betting; to prohibit all fraudulent practices and the use of fraudulent devices, and to authorize the destruction of all instruments used for the purpose of gambling, or other unlawful

purpose as aforesaid.

42. To establish pounds and pound districts; to restrain the running at large of horses, mules, cattle, swine, sheep, poultry, geese and other animals, and to authorize the distraining and sale of the same.

43. To establish and regulate the location of markets and market houses, and to provide for the use thereof.

44. To regulate the making and sale of bread, and prescribe the weight and quality of the bread in the loaf, and provide for the seizure and forfeiture of bread baked contrary thereto.

45. To provide for and regulate the inspection of meats, poultry, fish, game, butter, cheese, lard, eggs, vegetables, flour, meal, milk, fruits and other provisions, and to provide for the taking and summarily destroying of any such provisions which are unsound, spoiled or unwholesome.

46. To provide for and regulate the place and manner of weighing hay and straw and selling the same, and measuring and selling of fire wood, coal and lime.

47. To provide for a standard of weights and measures and for the inspection and sealing of all weights and measures and to enforce the keeping and use by venders of proper weights and measures duly tested and scaled.

48. To regulate the construction of all buildings, chimneys and stacks; to prohibit and prevent the erection or maintenance of insecure or unsafe buildings, walls, stacks or chimneys, and to provide for their summary abatement; to prescribe the depth of cellars, the material and methods of construction of foundations, and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roof, chimney flues and heating apparatus, and to apportion and adjust such regulations to the height and size of the building to be erected; to regulate the construction of privies and vaults in buildings; to prohibit the construction of buildings not conforming to such prescribed standard as it may prescribe, and to vary such regulations according to the location of such buildings, and to direct the suspension at any time of the erection of any such buildings as does not conform to such regulations.

49. To prescribe the limits within which wooden buildings shall not be erected nor placed nor repaired without permission; and to direct that all and any buildings within such fire limits, when damaged by fire, decay or otherwise, to the extent of fifty (50) per cent of the value shall be torn down and removed, and to prescribe the manner of ascertaining such damages; and to provide for and requiring the owners of buildings or other structures, which shall have been destroyed or partly destroyed

by fire or otherwise, to take the same or any part thereof down, to prevent accident, and in case of refusal or neglect of said owner to so take the same down when ordered by officers designated by said city council, then to cause the same to be done at the expense of the owner, the cost thereof to be made a special assessment on the land on which said buildings stand, and collected as other special assessments.

50. To require the owner or lessee of any building or structure now or hereafter built in the city to place thereon such fire escapes and appliances for protection against or for extinguishment of fires as it may direct, and to require such owner or lessee to do any act necessary or advisable to lessen the danger to human life in case of fire or accident.

51. To prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens and boilers, and apparatus used in or about any building or manufactory, and to cause the same to be removed or placed in a safe condition when considered dangerous; to regulate and prevent the carrying on of manufactures dangerous in causing and permitting fires; to prevent the depositing of ashes or accumulation of shavings, rubbish or other combustible material in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be placed in a safe condition, and to make provisions to guard against fire and to prevent the spreading of fires.

52. To regulate the operation of blasts and blasting, and the construction, location and operation of derricks, windlasses, freight and passenger elevators and other mechanical structures, apparatus or operations, hazardous to life or property.

53. To declare the emission of dense smoke from chimneys, stacks, boats and locomotives within the limits of the city a nuisance, and to prohibit and prevent the emission of dense smoke in any portion of or through the city, and to require the use, in connection with furnaces, of such practical appliances as it may designate to prevent and lessen the emission of dense smoke, and to designate the kind of fuel which shall not be used in any furnace, stove or fireplace without the use of such appliances to prevent the emission of dense smoke.

54. To regulate the construction of chimneys and smoke stacks, and to prevent the emission of sparks and cinders from the chimneys and smoke stacks, and to declare the emission of sparks and cinders a nuisance, and to prescribe and require the use of such practical appliances as it may designate to prevent the emission of such sparks and cinders.

55. To declare what shall be a nuisance, to abate the same, and to impose fines upon parties who may create, continue or suffer nuisances to exist.

56. To regulate or prevent the burial of the dead within the city, and to regulate and determine the manner in which bodies have been buried in a vault or tomb or other place for the purpose of burial may be removed, and to regulate and control the location of cemeteries and crematories, and to vacate and cause the removal of bodies interred in any cemetery not existing according to law.

57. To direct the location and regulate the management and construction of stock yards, slaughter houses, packing houses, renderies, tallow chandlers, storehouses for hides, bone or glue houses, gas works, soap factories, dye houses and tanneries within the limits of the city or within a distance of one (1) mile without the limits thereof.

58. To direct the location and regulate the use and construction of stables, livery stables, blacksmith shops and foundries within the limits of the city.

59. To declare what is a nuisance and prohibit any offensive or unwholesome business or establishment within or within one (1) mile of the limits of the city.

60. To compel the owner of any grocery, cellar, or soap and tallow chandlery, pig sty, privy or other unwholesome or noxious house or place, to cleanse, abate or remove the same, and to regulate and prescribe the location thereof.

61. To regulate or prohibit the keeping of any lumber yard, and the places for piling of timber, wood and other combustible material within the fire limits of said city, and to require any person maintaining any lumber, shingles or lath piles or mill-wood yards in the city to remove the same when they become dangerous to any building or buildings or other property near the same.

62. To establish and enforce rules for the use and regulation of all buildings maintained by the city.

63. To prevent or regulate the rolling of hoops, playing of ball, flying of kites or any other amusement or practice having a tendency to annoy persons on the streets or sidewalks, or to frighten horses and to regulate the use of bicycles and any other vehicles on sidewalks and streets.

64. To require and provide for the removal or destruction throughout the city in such districts or on such streets and avenues, and in such manner as the council may direct, of any and all swill, offal, garbage, ashes, street sweepings, barn yard litter, manure, rubbish, yard cleanings and the contents of privy vaults, cesspools and sinks, decaying animal matter and dead animals, or any other vile or unhealthy material, and to provide for the removal to a point beyond the city limits of any or all such matter or things, and the city council is hereby authorized and empowered to make and enter into contracts

with persons or corporations of such removal of such materials and substances, or any of them, upon such terms and conditions as it may deem best, and for any time not to exceed five (5) years.

65. To do all acts and make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, and to make regulation to prevent the introduction of contagious, infectious or other diseases into the city, and to make quarantine laws, and to enforce the same within the city, and to regulate, control and prevent the landing of persons, baggage, merchandise or property from boats, vessels, cars or other conveyances, whereon are infectious or contagious diseases or disorders, and to make such disposition of such person or property as to preserve the health of said city, and to prevent infected boats, vessels, cars or other property conveyances from coming within or near the limits of the city.

66. To establish and regulate public wells, cisterns, hydrants and reservoirs.

67. To regulate and control the quality and measurement of gas, and to prescribe and enforce regulations for the manufacture and distribution of gas, and to inspect gas and gas meters, and to control and regulate the measurement and use of electricity and electrical apparatus for furnishing light, heat and power in the city.

68. To establish offices for inspectors, weighers, gaugers, scalers, electricians, wharf masters, market masters, quarantine masters and such other officers as it may be necessary to carry into effect the inspection laws of the city, and the powers herein granted; and to regulate the duties of said officers and to authorize and direct said officers to enforce and carry into effect the provisions of any ordinance passed hereunder.

69. To regulate lodging and tenement houses, and to prevent the overcrowding of the same, and to require the same to be kept in proper sanitary condition.

70. To prohibit and punish cruelty to animals and to require the places where such animals are kept to be maintained in healthful condition; and to inspect and regulate dairies and dairy products, and to regulate persons selling milk within the city.

71. To regulate and require licenses to be obtained for the pursuit and prosecution of such occupations or kinds of business not hereinabove expressly referred to and provided for, as in the opinion of the city council may require regulation and, in general, to adopt all such measures and to establish all such regulations, in cases for which no express provision is hereinbefore made, as the city council may from time to time deem necessary for the promotion of the health, comfort and safety of the in-

habitants, the preservation of peace and good order, the suppression of vice and the enhancement of public welfare in said city.

72. To compel the owner or owners of vacant property within the city limits to keep the same clear of any brush, timber or other material or substances liable to receive or communicate fire to adjoining property, and in case the owner or owners of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the city council either personally or by one publication in the official newspaper of said city, said city council shall have the authority to have the same done at the expense of owner or owners, and in case such owner or owners shall refuse to pay such expense, shall have the right to assess the same against said property, and to make, enforce and collect such assessment as other assessments for local improvements for benefits are made, enforced and collected.

73. No rule, resolution or ordinance shall be passed appropriating money, or obligating any city to pay any money, and no franchise shall be granted save by a three-fourths ($\frac{3}{4}$) vote of all members elect of the council, and it shall require at least a majority vote of all members elect of the council for the council to do any official act, save to adjourn and, save as in this act otherwise expressly prescribed, no council shall have any power or authority to obligate its city beyond the revenues then in the possession of such city or embraced in its then current and uncollected tax levy.

OTHER POWERS. The city council shall prescribe by ordinance all regulations proper and necessary to carry into effect any and all powers granted by this act, and may provide by such ordinances for the punishment of the violation of any of the same by subjecting the offender to pay a fine not to exceed one hundred (100) dollars, or to be confined and kept at hard labor in the workhouse of the city, or upon the public streets, or to be confined in any place of confinement maintained by the city, or in case there be no such place, then to be confined in the county jail of the county in which the city is located, not to exceed the term of ninety (90) days, and may provide that such imprisonment may be cumulative or for an indefinite term, not to exceed ninety (90) days, subject to suspension or termination by reason of or during good behavior of the person so imprisoned.

Sec. 42. Revocation of license.—The city council shall have the power to revoke any license granted by it.

Sec. 43. No exclusive nor perpetual franchise to be granted.—No exclusive or perpetual franchise nor privilege shall be granted by the city council.

Sec. 44. Protection of streets and city property.—It shall have the power to punish any person wilfully damaging any sidewalk, pavement or appurtenance to the water works or sewer system, or to any other property in or upon the public works of the city, and shall have the power to punish interference with or the withholding of any property of the city by any officer thereof, or any other party, and to require any officer, member or employe of any department to produce the books and accounts thereof at any time for inspection and examination, and at the expiration of the time for which elected, appointed or employed, to turn over the same and all property in his possession to the proper custodian thereof, or his successor in office, and to require reports at any time from any such person of the condition or operation of the business under his management.

Sec. 45. Ordinances, etc., to require majority vote of council.—All ordinances, regulations, resolutions and bylaws shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and published in the official paper, before the same shall be in force; and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the city recorder in books provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the council present in its favor, which votes shall be taken by ayes and noes, and entered among the proceedings of the council.

Sec. 46. Council may provide for abatement of nuisances.—The power conferred upon the common 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. Depots, houses or buildings of any kind within the limits of said city, wherein more than twenty-five pounds of gunpowder or more than five barrels of thirty-six gallons each, (or such greater or less quantity as said common council may direct by ordinance,) of petroleum, kerosene, naphtha, or other inflammable or explosive oils or substances are deposited, stored or kept at any one time, gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous vinous or fermented liquors are sold without license required therefore within the limits of said city, are hereby declared and shall be deemed public or common nuisances.

Sec. 47. Council to act as board of audit.—The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioners, city justice, and all other officers and agents of the city, at such times as they deem proper, and also at the end of each year, and before the terms for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every

such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement: and if any such officer or agents shall refuse to comply with the orders of said council, in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts, or present his books and vouchers to the council, or committee thereof, and it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlement and adjustment.

Sec. 48. **May borrow money—Issue bonds.**—That the common council of the city shall have full power from time to time to borrow money to pay the indebtedness of the city, and in order to pay such indebtedness the city may issue city bonds therefor, bearing interest not to exceed eight per cent per annum, redeemable at any time within ten years at the discretion of the common council: provided, that at no time shall it be lawful for said indebtedness, bonded or otherwise, to exceed the sum of fifteen thousand dollars, unless the same be authorized by two-thirds of the legal votes cast at the election held for such purposes: and provided further, that the city council shall each and every year levy a tax of one mill on the dollar of the taxable property of the city for every thousand dollars that may be funded by the said city into bonds to pay the interest on said bonds and create a sinking fund to pay the same when due. All laws, ordinances, regulations and bylaws shall be passed by an affirmative vote of a majority of the common council and be signed by the mayor, and shall be published in the official paper of the city, before the same shall be in force: and within twenty days thereafter they shall be recorded by the recorder in books provided for that purpose; but before any of the said laws, ordinances, regulations or bylaws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

TAXES.

Sec. 49. **To levy taxes for general purposes.**—The common council shall have power to levy, upon all taxable property of said city, taxes to provide for the current expenses of the city government and police for the opening, maintenance, and improvement of public grounds, and the construction of improvements of a general character: provided, that such taxes shall in no year exceed one per cent of the assessed valuation.

Sec. 50. Special taxes.—The common council shall have power to levy a special tax upon all taxable property in the city, or of the different wards of the same, for the purpose of maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purposes conducive to good order and cleanliness, and for protection against crime, disease and fire: provided, that such taxes shall, in no year, exceed one per cent of the assessed valuation: and provided further, that for the improvements in this section mentioned, the common council shall have power to assess the tax, to pay the same upon the ward or wards benefited by such improvements, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property which it shall be determined is liable to assessment for such improvements. No debt shall be incurred or created by the city, common council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose; and no order or orders shall be issued on the city treasury exceeding the amount of tax collected or assessed and in process of collection.

Sec. 51. Levies to pay bonds and interest.—The common council shall have power, and it shall be the duty of the common council, to levy annually upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due or payable in any year, unless that previously to the first day of September in each year some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act: provided, the same be authorized by a majority of the voters present and voting at a election to be held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections. And no bonds for any purpose shall be issued by the common council unless so authorized.

Sec. 52. Validity of levies.—Taxes may be levied by resolution of the common council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied; but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond or an interest tax, it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof

before due; if it be kept for improvements, it shall be kept and used for future improvements of the same character.

Sec. 53. Levies to be certified to county auditor.—The common council shall cause to be transmitted to the county auditor of the county, on or before the first day of September of each year, a statement of all taxes by them levied; and such taxes shall be collected, and the payment thereof enforced, with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over as fast as collected, to the treasurer of said city.

Sec. 54. Money to be paid out only on vote of council.—No money shall be paid out of the city treasury, unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor the same are drawn, and may be made payable to the order of such person, or to the bearer, as the common council may determine.

Sec. 55. Orders canceled.—When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, and file the same away in his office, keeping the orders drawn upon each fund separate.

Sec. 56. May levy poll tax.—It shall be lawful for the common council of said city, at any time, to levy a corporation poll-tax upon every qualified voter in said city; provided, that said tax shall not in any one year exceed the sum of two dollars on each person.

OPENING AND VACATING STREETS, ALLEYS, ETC.

Sec. 57. Council to have control of highways.—The common council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded, to be kept open and in repair, and free from nuisances.

Sec. 58. May lay out streets—Procedure.—The common council of said city, by a vote of not less than two-thirds of the members present, and constituting a quorum of any stated or special meeting, such vote to embrace a majority of all the members elect, shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same: provided, that whenever it shall be required to take private property for the purposes

above stated, they shall proceed in the manner hereinafter provided.

First—The common council, upon ordering an improvement above mentioned to be made, shall appoint as many commissioners as there may be wards, of said city, selecting one from each ward, who shall be a disinterested freeholder and qualified voter of said city, to view the premises, and assess the damages which may be occasioned, by the taking of private property or otherwise, in making said improvement. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office, at a time to be fixed by him for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city, not exceeding fifty dollars, and shall be liable to be prosecuted therefor before the city justice of said city, as in the case of fines imposed for a violation of an ordinance of said city; and the commissioners in attendance shall be authorized to appoint another commissioner or commissioners in place of any absentee or absentees aforesaid, selected from the ward in each case not represented, and possessing the qualifications aforesaid. In all other cases of vacancy the common council shall fill such vacancy.

Second—The commissioners shall be sworn by the city clerk to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council.

Third—The said commissioners shall, with all reasonable speed, with the assistance of the city surveyor of said city, cause a survey and plat of the proposed improvement to be made and filed with the city clerk, exhibiting, as far as practicable, the land or parcels of property required to be taken, or which may be damaged thereby; and shall thereupon give notice by publication in the official newspaper of said city, for at least ten days, to the effect that such plat has been filed, and that the said commissioners will meet at a place and time designated by them, and thence proceed to view the premises, and assess the damages for property to be taken, or which may be damaged by such improvement.

Fourth—At the time and place according to said notice, the said commissioners shall view the premises, and may hear any evidence or proof offered by the parties interested, and adjourn from day to day, if necessary for the purpose aforesaid. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount of damages to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by said improvement, and in so doing

shall take into consideration the value of the property proposed to be taken, with such other damage as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

Fifth—If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much thereof as might be necessary, should be taken; and shall also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building; and the damages in relation to buildings aforesaid shall be assessed separately from the damages in relation to the land upon which they are erected.

Sixth—If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, (the) injury or damage done to such persons or interests respectively may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

Seventh—The said commissioners, having ascertained and assessed the damage aforesaid, shall make and file with the city clerk a written report to the common council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the name of the owners, if known to them, and also a statement of the costs of the proceeding.

Eighth—Upon such report being filed in the office of the city clerk, said city clerk shall give at least ten days' notice by publication in the official newspaper of said city, to the effect that such assessment has been returned, and that the same will be confirmed by the common council, at a meeting thereof, to be named in said notice, unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings standing in whole or in part upon any land required to be taken by such improvement, shall, on or before the time specified in said notice, notify the common council in writing of their election to remove such buildings, according to the award of the commissioners. The common council, upon the day fixed for the consideration of such report, or at such subsequent meeting to which the same may stand over or be referred, shall have power, in their discretion, to confirm, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

Ninth—The damages assessed shall be paid out of the general funds of said city, and shall be paid or tendered, or deposited and set apart in the treasury of said city, to and for the use

of the parties entitled thereto, within six months from the confirmation of such assessment and report; and the land or property required to be taken for the purposes aforesaid shall not be appropriated until the damages awarded therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city should be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of the county, in the same manner as moneys are paid into court, until the parties entitled thereto shall substantiate their claim to the same.

Tenth—In case any owner or owners of buildings as aforesaid shall have elected in manner aforesaid to remove his or their buildings, he or they shall so remove them within thirty days from the confirmation of said report, or within such further time as the common council may allow for the purpose, and shall thereupon be entitled to payment from said city of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected to remove) to remove the same, within the time prescribed, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for such taking, in manner aforesaid, may be then taken and appropriated, sold or disposed of, as the common council shall direct, and the same or the proceeds thereof shall belong to the said city.

Eleventh—When any known owner of lands or tenements, affected by any proceeding under this act, shall be an infant, or labor under legal disability, the judge of the district court of the county, or, in his absence, the judge of any court of record, may, upon application of said commissioners, or of said city, or such party, or his next friend, appoint a suitable guardian for such party, and all notices required by this act shall be served upon such guardian.

Twelfth—Any person feeling himself aggrieved by such assessment, may by notice in writing served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court of the county, within twenty days from the time of confirmation of said report or assessment, appeal from such assessment to the district court aforesaid, when such appeal shall be tried by the court and jury, as in ordinary cases; but no pleadings shall be required; and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those specified, considered; and a

transcript of such report, certified by the city clerk, or the original thereof, shall be "prima facie" evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of such court therein shall be final. Such appeal shall be entered and brought on for trial, and be governed by the same rules in all other respects, as appeals from justices of the peace in civil suits.

Sec. 59. Surveys to be filed.—Whenever any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the common council shall cause an accurate survey and profile thereof to be made and filed in the office of the city surveyor, and also filed in the office of the register of deeds of the county.

Sec. 60. Streets to be vacated on petition.—No public grounds, streets, alleys or highways within said city shall be vacated or discontinued by the common council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within the said city; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways proposed to be vacated, and shall be verified by the oath of at least two of the petitioners. The common council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the city clerk, who shall give notice by publication in the official paper of said city, for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the common council, or a committee appointed by them, on a certain day and place therein specified, not less than ten days from the expiration of such publication. The common council, or such committee as may be appointed by them for the purpose, at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The common council, thereupon, after hearing the same, or upon the report of such committee in favor of granting such petition, may, by resolution passed by a two-thirds vote of all the members elect, declare such public grounds, streets, alleys or highways, vacated; which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution, duly certified by the city clerk, shall be filed for record and duly recorded in the office of the register of deeds of the county.

Sec. 61. Appeal.—Any person aggrieved thereby may, within twenty days after the publication thereof, appeal to the district court of the county, under the same regulations as in the case of

opening streets, and alleys, and the judgment of the court thereon shall be final.

Sec. 62. Clerk of court to keep record.—It shall be the duty of the clerk to keep in his office a record of all proceedings taken under this chapter; and, after the confirmation of any report mentioned in sections two and four of this chapter, said clerk shall carefully record and transcribe in such record all the proceedings taken in relation to the matter in said report, including all petitions, orders and appointments of commissioners, returns and reports of commissioners, notices and proofs of publication thereof, and orders or resolutions of the council; and the said record, or a certified transcript thereof, or the original papers, petitions, proofs of publication, orders or resolutions on file in his office, shall be “prima facie” evidence of the facts therein contained, in any court in this state.

FIRE DEPARTMENT

Sec. 63. Council to prescribe fire limits.—The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall hereafter be built and constructed in such manner, and of such materials as, in the judgment of the common council, shall (not) be dangerous to surrounding property; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city; and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and, in case the same is not removed in pursuance of the notice given, to order the same taken down, removed by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars, which may be imposed by a city justice, upon the complaint of any citizen.

Sec. 64. May regulate construction of buildings.—The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-

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

Sec. 65. May purchase fire apparatus.—The common council shall have power to purchase fire-engines and all other apparatus which may be required for the extinguishment of fires, and to authorize the formation of fire-engine and hook-and-ladder and hose companies, and to provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings prohibited, and their apparatus to be given up. Every member of each company which may be authorized to be former, shall be exempt from highway work and poll-tax, from serving on juries, and from military duty, during the continuance of such membership.

Sec. 66. May appoint engineers of fire department.—The common council shall have power to appoint the chief engineer and two assistant engineers of the fire department, and also one fire-warden in each ward, and to prescribe the duties of such officers.

Sec. 67. Citizens and others to assist firemen—Penalties for refusal.—Whenever any person shall refuse to obey any lawful order of any engineer, firewarden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order, to arrest, or direct orally any constable, police officer, watchman or any citizen, to arrest such person, and confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such

penalty as the common council may prescribe, not exceeding a fine of fifty dollars.

Sec. 68. May establish street grades.—The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in the city, and it shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

Sec. 69. Construction of sidewalks—Notice to owners.—Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city, they shall require the street commissioner to notify all owners and occupants of any lot or lots, or parcels of land adjoining such sidewalk, to construct or repair the same at his or their own proper expense and charge, within a time designated by the publication in the official paper of said city, for not less than two weeks, of 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.

Sec. 70. City to build sidewalks when—Assessments.—If such work is not done, and the said sidewalks not built or repaired, in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Sec. 71. Delinquent assessments to be reported to county auditor.—If said assessment be not paid to the street commissioner or the city treasurer, on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted, with the city taxes levied for that year, to the auditor of the county, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced with and in like manner as city, county and state taxes are collected, and payment thereof enforced.

Sec. 72. Council to prescribe width and material of sidewalks.—The common council shall 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,

having regard to the business and the amount of travel in the vicinity of each.

LIGHTING OF STREETS—SUPPLY OF WATER

Sec. 73. Council may contract for lighting.—The common council shall have authority to contract with any person, persons or corporation for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

Sec. 74. Gas pipes may be laid.—The common council may permit the laying of gas-pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas-pipes may not at any time interfere with the construction of common sewers of the lateral branches thereof, or with the proper and convenient location of water-mains and pipes, and may at any time require the location of any gas-pipes to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water-mains and pipes.

Sec. 75. Water mains may be laid.—The common council may permit any party or corporation to lay water-mains and pipes in any and all streets, alleys, highways, and public grounds of the city, and shall regulate the position of the same, so that (they) shall not obstruct or interfere with common sewers, or with the proper drainage of the city.

MISCELLANEOUS PROVISIONS.

Sec. 76. Vote not to be reconsidered—Exceptions.—No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent meeting there be present as large a number of aldermen as were present when the vote was taken.

Sec. 77. Judgments discharged only on two-thirds vote of council.—No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds of the aldermen elect.

Sec. 78. Prosecutions—Warrants.—In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made: provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city; but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs by a city justice for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

Sec. 79. Fines and imprisonment.—In all cases of the impo-

sition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city, as punishment for any offence, or for the violation of any ordinance or by-law as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of the county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the said fine or penalty be sooner paid or satisfied; and from the time of the arrest of any person or persons for any offence whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county.

Sec. 80. Officers not to be disqualified on account of residence.—No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Sec. 81. City may purchase and hold real estate.—Each city may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

Sec. 82. Powers and limitations.—All cities incorporated and organized under this act shall have and possess all the powers and authority and be subject to all limitations and duties contained in any and all laws heretofore, or hereafter enacted which refer and apply specifically to cities of the Fourth Class not existing or operating under a charter adopted in pursuance of Section 36, Article 4 of the Constitution of the State of Minnesota.

Sec. 83. Inconsistent acts repealed.—All acts and parts of acts inconsistent with this act are hereby repealed.

Sec. 84. This act shall take effect and be in force from and after its passage.

Approved April 23, 1921.

CHAPTER 463—H. F. No. 1048.

An act providing for the consolidation of villages in cases where the boundary between the villages is formed by a meandered body of water, stream or river.

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

Section 1. Consolidation of villages.—Whenever the boundary lines of two villages may be adjacent and are formed by a meandered stream or river, said villages may be consolidated on agreeing as follows: