

CHAPTER 11.

AN ACT TO DEFINE THE BOUNDARIES OF AND ESTABLISH A MUNICIPAL GOVERNMENT FOR THE VILLAGE OF DULUTH.

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

CHAPTER 1.

VILLAGE AND WARD BOUNDARIES.

SECTION 1. The village of Duluth shall continue to be a municipal corporation and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold, and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require within or without the village.

SEC. 2. The territory included in the following boundaries shall constitute the village of Duluth, commencing at a point where the line between lots two (2) and three (3) of section twenty-three (23) in township fifty (50) north of range fourteen (14) west, being the dividing line between Banning & Ray's subdivision of Duluth and the Endion division of Duluth intersects the north shore of Lake Superior, running thence north on said first mentioned line to the center of Superior street, thence south-westerly along said Superior street to Thirteenth (13th) avenue east, thence north-westerly along said last named avenue to the alley between Bench street and East First street, thence south-westerly along said alley to Eighth (8th) Avenue east, thence north-westerly along said last named avenue to East Second street, thence south-westerly along said last named street to Fourth (4th) avenue east, thence north-westerly along said last named avenue to Fourth (4th) street east, thence south-westerly along said last named street to Tenth (10th) Avenue west, thence south-easterly along said last named avenue to First street west, thence south-westerly along said last named street to Seventeenth (17th) avenue west, thence north-westerly along said last named avenue to Second street west, thence south-westerly along said last named street to the line between sections four (4) and five (5), township forty-nine (49) north

of range fourteen (14) west, thence south to the state line between the states of Wisconsin and Minnesota, thence along said state line to the mouth of the St. Louis River, thence by a straight line to the place of beginning, saving and excepting therefrom all that part of Minnesota Point, south of and below the ship canal.

SEC. 3. The village of Duluth shall be divided into four (4) wards called the first, second, third and fourth wards.

The first ward shall comprise all that part of said village that lies south of Michigan street and east of Third (3d) avenue west. The second (2d) ward shall comprise all that part of said village that lies north of Michigan street and east of Lake avenue. The third (3d) ward shall comprise all that part of said village that lies between Lake avenue and Twelfth (12th) avenue west not included in the first ward. The fourth (4th) ward shall comprise all that part of said village that lies west of Twelfth (12th) avenue west.

CHAPTER 2.

ELECTIONS.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday in April of each year, at such place within each ward as the common council shall designate, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) in the afternoon, and ten (10) days previous notice shall be given by the common council of the time and place of holding such election, and the officers to be elected by posting notices thereof in three of the most public places in the village and by publishing the same in at least one (1) of the papers published in the village.

SEC. 2. The elective officers of said village shall be mayor, justice of the peace for the village, who shall be styled village justice; and treasurer, all of whom shall hold their respective offices for the term of two (2) years, and until their several successors are elected and qualified, except the mayor whose term of office shall be one year, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office mayor, city justice, assessor or treasurer who shall not have been a resident of the village for one (1) year next preceding his election.

SEC. 4. The officers elected in each ward shall be two (2) alderman, one (1) of whom shall be elected each year, one (1) justice of the peace, and one (1) constable, who shall hold their offices for two (2) years, and until their successors are elected and qualified, except that the term of the office of the constable shall be for one (1) year, all of which officers shall be residents of the wards in which they were elected, and shall have resided therein thirty (30) days, and in the village six months next preceding such election, and all officers of the village shall be qualified electors of this state.

SEC. 5. Whenever a vacancy shall occur in the office of alderman, village justice, or justice of the peace, constable or any other officer elected at the annual charter election, it shall be lawful for the common council, or a majority of them, at any regular or special meeting, to fill such vacancy by appointing, by warrant, under their hands and the seal of the village, certified by the acting clerk or recorder, and the person so appointed shall hold his office until the next annual election, and until his successor is elected and qualified and shall have and possess the same powers, and be subject to the same liabilities as if he had been duly elected at the annual election.

SEC. 6. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall contain an election. When two (2) 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. 7. All persons entitled to vote for state and county officers, and who shall have resided in the state for four (4) months next preceding the election, and ten (10) days in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this law, and the different wards established by law shall constitute the election precincts for all elections.

SEC. 8. Each ward of said village shall constitute a separate district for all municipal and general elections and all elections in said village shall be held and conducted by the aldermen of each ward, who shall be inspectors of elections, and shall take the usual oath or affirmation as prescribed by the general laws of the state to be taken by the judge and inspectors of elections, and shall have power to appoint clerks of such elections, to administer the necessary oaths. Such elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of inspectors thereof filled as required by the law of this state regarding elections, provided that no candidate for office shall act as inspector or clerk at such elections.

SEC. 9. If either of the inspectors of election at any village election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of such person be challenged by a qualified elector of the ward, the inspector, before receiving the vote of any such person, shall require of him to take the following oath:

You do solemnly swear (or affirm as the case may be) that you are twenty-one (21) years of age, that you are a citizen of the United States, or have declared your intention to become a citizen conformably to the laws of the United States, on the subject of naturalization; that you have resided within this state four (4) months, and within the ward ten (10) days next preceding the election; that you have not voted at this election, and that you have

made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election.

And if the person offering to vote shall take such oath, his vote shall be received, and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward, than in the one in which he resides or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars (\$100), nor less than twenty-five (\$25) dollars. It shall be the duty of inspectors to keep a list of the names of all persons whose votes shall be challenged as aforesaid, and who shall make the oath aforesaid; and if any inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any clerk shall not write down the name of any voter as he votes, or shall wilfully make untrue and incorrect counts, and tallies of votes, each and every such inspector or clerk shall be liable to an indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars (\$500) nor less than one hundred dollars (\$100).

All such indictments shall be tried in the district court of the county of Saint Louis.

SEC. 10. When any village election shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the inspectors shall make returns thereof, stating the number of votes for each person, for each and every office, and shall deliver or cause to be delivered such return to the recorder.

Within one week after any election the common council shall meet and canvass said returns, and declare the result as it appears from the same, and the village recorder shall forthwith give notice to each of the persons so elected of their respective elections.

SEC. 11. Any officer removing from the village or ward for which he was elected, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

SEC. 12. The term of every officer elected under and by virtue of this act, shall commence at the time of his election and qualification, and continue until his successor is elected and qualified.

CHAPTER 3.

GOVERNMENT OF THE VILLAGE.

SECTION 1. There shall be a council, to consist of a mayor and

board of aldermen, who shall be styled the common council of the village of Duluth.

SEC. 2. The board of aldermen shall consist of two aldermen from each ward, to be chosen by the qualified voters of each respective ward.

SEC. 3. The common council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such case shall have power to send for persons and papers.

SEC. 4. A majority of the common council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 5. The common council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds ($\frac{2}{3}$) of the members elected, expel a member, after due notice given and an opportunity extended to the accused to be heard, by counsel or otherwise.

SEC. 6. The common council shall keep a journal of its proceedings; and ayes and noes when demanded by any member present, shall be entered on the journal.

SEC. 7. The common council shall, at its first regular meeting after the annual election, or as soon thereafter as may be, appoint a village recorder, a village marshal, a village surveyor, a village assessor and one street commissioner, and such other officers as may be necessary for the government of the village.

SEC. 8. No alderman shall be appointed within two (2) years after the expiration of his term of office to any office under the authority of the village, which shall have been created, or the emoluments of which shall have been increased, during the time he was acting as such alderman.

SEC. 9. There shall be one regular meeting of the common council in each month at such time and place as shall be prescribed by ordinance.

CHAPTER 4.

OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe his oath of office, and file the same, duly certified by the officer taking the same, with the recorder of the village, and the treasurer and marshal, and such other officers as the common council may direct, shall severally, before entering upon the duties of their respective offices, execute to the village a bond with at least two (2) sureties to be approved by the common council, 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. 2. The mayor shall when present, preside over the meetings of the common council, but shall have no vote unless the aldermen be equally divided, and take care that the laws of the state and the ordinances of the village be strictly enforced and duly observed, and that all other executive officers of the village discharge their respective duties. The mayor or any two aldermen may call special meetings of the common council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violation of duty to be prosecuted and punished, and may require of any officer of the village, whenever he may deem it necessary, an exhibit of his books and papers.

He shall from time to time communicate to the common council and recommend such measures as he may deem advantageous to the village. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call on every male inhabitant of said village over the age of eighteen (18) years to aid in enforcing the laws and ordinances, and in case of riot to call out the military companies of the village to aid him in suppressing the same, or carrying into effect any law or ordinance; any person who shall not obey such call shall forfeit to the village a fine not exceeding twenty-five dollars (\$25), and not less than five dollars (\$5).

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

SEC. 4. The recorder shall keep the corporate seal and all papers and records of the village, and keep a record of the proceedings of the common council, whose meetings it shall be his duty to attend, and copies of all papers filed in his office, and transcripts from the records of the common council certified by him under the corporate seal shall be evidence in all courts, as if the originals 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 recorder shall have power to administer oaths and affirmations, and take the acknowledgements of deeds and other writings.* The recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. The recorder shall keep a record of births and deaths in said village and report the same as is required by the general laws of this state of town and city clerks, and for such services shall receive from St. Louis county the compensation provided by law. He shall receive for his services such sum as the common council shall deem proper. In case of the absence of the

recorder, or of his inability to perform his duties, the common council may appoint an acting recorder.

SEC. 5. At their first (1st) meeting after each annual election the common council shall elect one of their number vice-president of the common council, who shall, in case of the absence of the mayor from any meeting thereof, preside at such meeting, and in case of the absence of the mayor from the State, or his inability, for any reason, to perform the duties of his office, shall possess all the powers and discharge all the duties of said office, and in such case shall be styled acting mayor.

SEC. 6. The treasurer shall receive all moneys belonging to the village and keep an accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen (15) days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed with the recorder. He shall be entitled, to compensation for his services, to one (1) per cent. on all moneys received and paid out by him.

SEC. 7. The marshal shall execute such orders as are made, and perform such duties as are prescribed by the common council. He shall have the power of a constable at common law, and under the statutes of this State, and receive like fees. It shall be his duty to enter complaint to the village justice of all violations of any ordinance, by-law, rule or regulation of said village, and of all assaults, batteries and affrays not indictable, committed within the limits of said village, and shall collect and immediately pay to the treasurer all tolls and license money due the village and shall be the keeper of the village prison. He shall receive such compensation as the common council shall direct.

SEC. 8. The street commissioner shall, under the direction of the common council, superintend the grading, repairing and improving of streets and alleys, and the building and repairing of sidewalks and crosswalks, and shall have the same supervision of the highways in said village and discharge the same duties as are by law required of overseers of highways generally. At least fifteen (15) days before the annual election, the street commissioner shall exhibit to the common council, a full and detailed account of all receipts and expenditures on the streets after the date of the last annual report. He shall pay over to the village treasurer all moneys he shall collect, and take duplicate receipts therefor, one (1) of which he shall forthwith file with the village recorder. He shall receive such compensation as the common council shall deem proper.

SEC. 9. The common council shall have power by ordinance or otherwise to provide for the appointment of deputy marshals to serve for limited periods of time to meet especial emergencies, and to fix the compensation of such deputys, who, when so appointed, shall, under the direction of the marshal, have and exercise all the

powers of the marshal. *Provided*, the common council shall not have the power to expend or incur liability for more than fifteen hundred dollars (\$1,500) payment for such deputys for any one (1) fiscal year.

SEC. 10. The common council at their first (1st) meeting in each year, or as soon thereafter as may be, shall designate the newspaper printed in the village, which shall contract to do the printing of the village for the lowest price, in which shall be published all ordinances, and other proceedings and matters required by this act, or that may be required by the by-laws or ordinances of the common council, to be published in a public newspaper.

SEC. 11. The village printer, immediately after the publication of any notice or resolution, or other matter, which by this act is, or by village ordinance shall be, required to be published, shall file with the recorder a copy of such publication, with his affidavit, or the affidavit of his 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, resolution or other matter.

SEC. 12. No member of the common council shall be a party to, or interested in any job or contract with the village, and any contract in which any member of the common council may be so interested shall be null and void.

SEC. 13. The mayor, sheriff of St. Louis county, and each and every alderman, justice of the peace, marshal and constable, shall be officers of the peace, and may command the peace, and suppress, in a summary manner, all rioting and disorderly conduct within the limits of the village, and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person, on conviction thereof, shall pay a fine of not more than twenty-five dollars (\$25), nor less than five dollars (\$5).

SEC. 14. The village justice shall possess all the authority, power and rights of a justice of the peace, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the village, cognizable before a justice of the peace. The said justice shall have exclusive jurisdiction in all cases cognizable before a justice of the peace, in which the village is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulations of the said village of Duluth, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offenses committed against the same. All prosecutions for a breach or a violation of any such by-law, ordinance or regulation shall be commenced in the name of the village of Duluth, and the same proceedings shall be had in civil and criminal suits before said justice, when not otherwise herein 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. *Provided*, that in case of prosecutions for a breach or violation of any ordinance, by-law or regulation of said village or its charter, or for any assault, battery or affray not indictable, committed within the village limits, no appeal shall be had or allowed, when the judgment or fine imposed, exclusive of costs, shall not exceed twenty-five dollars (\$25). In all cases of conviction for assaults, batteries and affrays, within said village, and in all cases of conviction under any ordinance of said village for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses, the said justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, in a sum not exceeding five hundred dollars (\$500). The said justice shall have the same power and authority in case of contempt as a court of record. *Provided*, that nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the district courts or supreme court of this State. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the president of the council, by warrant, may authorize any other justice of the peace within said village, to perform the duties of said village justice, and it shall thereupon be the duty of the mayor to inform the village marshal of such substitution, and make report thereof to the common council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice of the peace so appointed, shall, for the time being, possess all the authority, rights and powers of said justice of the peace for the village. All fines and penalties imposed by the village justice, for offenses committed within the village limits, or for violations of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

SEC. 15. The village justice shall, quarterly, report to the common council all the proceedings instituted before him, in which the village is interested, and shall, at the same time, account for and pay over to the village treasurer all fines and penalties collected by him, belonging to said village; and said justice shall be entitled to receive from the county of St. Louis such fees in criminal cases, occurring without the village, as are allowed to other justices in the county for similar services.

SEC. 16. The justices of the peace, and the constables elected in each ward, shall have the same powers, authority and rights that are possessed by other justices and constables of the county of St. Louis. *Provided*, that the ward justices of the peace, elected in said village, may hold their offices, and hear and conduct all trials, executions and proceedings cognizable by them, at any place within the limits of said village.

SEC. 17. The common council shall prescribe the duties of vil-

lage surveyor, and fix the fees of compensation for any services performed by him; all surveys, plans or estimates made by him for the village, shall be the property of the village, and carefully preserved in the office of the recorder, open for the inspection of the parties interested.

SEC. 18. Any person having been an officer in said village shall within ten (10) 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 the village, or pertaining to the office he may have held. If he fail to do so after such notification and request, he shall forfeit and pay to the use of the village, one hundred dollars (\$100), besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by law.

CHAPTER 5.

THE COMMON COUNCIL, ITS POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the common council, and the style of all ordinances shall be "The common council of the village of Duluth do ordain" &c.

The common council shall have the management and control of the finances, and all the property of the village, and shall likewise in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal, all such ordinances, rules and by-laws for the government and good order of the village, for the suppression of vice and intemperance, and for the prevention of crime, as they may deem expedient; they shall have power to establish and maintain a village prison and watch houses, for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offense whatever, in any way cognizable before the village justice, to make all rules and regulations for the government and management of such prison and watch houses, to appoint keepers and other officers for the same, and prescribe their duties, and fix the compensation; the keepers of said prison and watch houses shall have and possess all the powers and authority of jailors at the common law, or by the laws of this State. 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 of the provisions of any ordinance, rule or by-law passed and ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the 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 ordinances, resolutions or by-laws :

First. To license and regulate the exhibition of common showmen, and shows of all kinds, and the exhibition of circuses, caravans, concerts or theatrical performances; to license the keeping of billiard-tables, nine or ten pin alleys and bowling saloons; to license and regulate vitualing houses; to grant licenses for vending or dealing in spirituous, vinous or fermented liquors. *Provided*, that the license for dealing in, or vending spirituous, or spirituous and fermented liquors, shall not be less than one hundred (100) nor more than two hundred and fifty dollars (\$250) per year, and for dealing in or vending fermented liquors alone it shall not be less than seventy-five (75) nor more than one hundred and fifty dollars (\$150) per year. *Provided*, however, that licenses to druggists for the sale of spirituous liquors and wines for medical purposes shall be granted and that license for such purpose shall not exceed twenty-five dollars (\$25) per annum.

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

Third. To prevent any riots, noise, disturbance or disorderly assemblages in said village, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to suppress disorderly houses, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

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

Fifth. To direct the location and management of all slaughter-houses, barns, stables, blacksmith shops, breweries and distilleries, and regulate the storage, keeping and conveying of gunpowder and other explosive materials or substance

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

Seventh. To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals, attached to vehicles, or otherwise while standing in the streets, and to regulate places of bathing and

swimming within the waters within the limits of said village. To control and regulate the rate of speed of locomotives and railroad trains within the limits of the village and to provide for the safety of the inhabitants by requiring railroad companies to keep flagmen at dangerous crossings.

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

Ninth. To regulate, license or prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of dogs, when at large contrary to the ordinance.

Tenth. To prevent any person from bringing, depositing or having within said village any putrid carcass, or other unwholesome substance, and to require the removal of the same, by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default to authorize the removal thereof by some competent officers at the expense of such person or persons.

Eleventh. To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and conduct water into and through the streets, avenues, alleys and public grounds of said village; [to regulate and erect lamps or other means whereby to light said village, and to authorize the same to be done; to regulate and license hacks, cabs, drays, carts and charges of hackmen, coachmen, draymen and cartmen of the village.]

To authorize, control and grant the power to construct street railways in the streets and avenues of said village by any private company or companies, and to control and direct the operation of the same by contract or ordinance.

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

Thirteenth. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth. To prevent all persons riding or driving any ox, cow, horse, mule or other animal on the sidewalks of the village, or in any way doing damage to such sidewalks, and to prevent the erection of signs and awnings over the sidewalks of said village, and compel the removal of same.

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

Sixteenth. To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets and

public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

Seventeenth. To restrain and regulate runners and solicitors for stages, public houses, steamboats and vessels, railroads and other establishments, and to regulate the police of the village.

Eighteenth. To establish public markets, and enforce rules and regulations for the government of the same.

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

Twentieth. To compel the owners or occupants of buildings to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such owner or occupant to remove from any lot owned or occupied by him all such substances as the board of health shall direct, and in his default to provide for his punishment.

Twenty-first. To regulate the time, place and manner of holding public auctions or vendues.

Twenty-second. To provide by ordinance for a standard of weights and measures; for the appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer; and to provide for the punishment for the use of false weights and measures.

Twenty-third. To appropriate money, and provide for the payment of the expenses of the village.

Twenty-fourth. To establish, regulate and support night watches when necessary.

Twenty-fifth. To provide for the erection of needful buildings for the use of the village.

Twenty-sixth. To provide for the enclosing, improving and regulating all public grounds belonging to the village, and for the adorning of the streets thereof with shade trees.

Twenty-seventh. To regulate, license and tax ordinaries, peddlers, hawkers, pawn brokers and auctioneers.

Twenty-eighth. To license and regulate porters and draymen, and to fix the price of portage and drayage.

Twenty-ninth. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

Thirtieth. To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the village, and to make quarantine laws, and enforce the same within three miles of the village.

Thirty-first. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Thirty-second. To prescribe the limits within which wooden buildings, or buildings of other materials that shall not be deemed fire-proof, shall not be erected, placed or repaired, and to direct

that all and any buildings within such limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing and rebuilding of wooden buildings within such limits, when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages.

Thirty-third. To prevent the dangerous construction, placing and condition of chimneys, fireplaces, hearths, stoves, stovepipes, ovens, boilers and appurtenances used in and about any building, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the village limits; and generally to establish such measures for the prevention or extinguishment of fires as prudence may dictate.

Thirty-fourth. To appoint one or more fire wardens and to prescribe their duties.

Thirty-fifth. To have a general supervision over docks, piers or wharves within said village, so as to secure uniformity of construction and the freedom of navigation, and for that purpose to establish dock lines where the same have not been established by the ordinances of the city of Duluth, and to enforce all of the ordinances of said city establishing said dock lines, by the punishment of any violations of any of such ordinances as may be provided for in such ordinance, and the common council may change or alter any dock line established by the said city of Duluth upon which no dock, pier or wharf has been built, or upon faith in which no rights have accrued to any person. *Provided,* however, That no wharfage duties or tolls shall be allowed or chargeable to any boat, vessel or craft landing at any public dock, pier or wharf within said village.

Thirty-sixth. To direct and regulate the planting and preserving of trees in the streets and public grounds, and to prevent the wanton injury and destruction of birds in said village.

Thirty-seventh. Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by-law or regulation of said village, may extend to a fine not exceeding one hundred dollars (\$100) and imprisonment in the village prison and county jail not exceeding thirty (30) days, or both, and to be fed on bread and water at the discretion of the village justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

Thirty-eighth. The common council of said village may provide by ordinance that any one convicted of an offense before the village justice, subjecting such offender to imprisonment under the charter and ordinances of said village, may be kept at hard labor in any work house established by said village, for that purpose, or in case of a male offender, may be kept at hard labor during his term of imprisonment in such work house or upon the public streets and improvements of said village, or both; and may also provide

by ordinance that any one convicted of any offense before the village justice, as aforesaid, and committed upon non-payment of a fine imposed, may be kept at hard labor in any work house of said village as aforesaid, or in case of a male offender, may be kept at hard labor, either in such work house, or upon the public streets and improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said common council may prescribe, for a time not exceeding the term of such commitment; and the common council shall have full power to establish by ordinance all needful regulations for the security of such prisoners thus employed, and, to prevent escape and insure proper discipline, and shall have power to establish a suitable work-house in said village for the purpose aforesaid, and under such regulations as the said common council may provide.

Provided, That the common council aforesaid shall be and is hereby authorized to use the jail of St. Louis county as the work-house of the village of Duluth, provided for in this act, the prisoners of the village to be, as at present, in the custody of the sheriff of St. Louis county, except when employed upon the public streets and improvements of said village.

Thirty-ninth. To appoint a harbor master for the harbor of Duluth and to provide his duties, powers and compensation.

SEC. 2. All laws, ordinances, regulations and by-laws 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 village before the same shall be in force, and, within twenty (20) 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 by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of said newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

SEC. 3. The powers conferred upon the common council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Houses or buildings of any kind, wherein more than twenty (20) pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill fame, disorderly taverns or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away or dealt in without the license required therefor within the limits of said village, are hereby declared and deemed public or common nuisances.

SEC. 4. The common council shall examine and adjust the accounts of the treasurer, marshal, recorder and all other officers and agents of the village, at such times as they may deem proper, and at the end of each year, and before the time for which such officers were appointed or elected shall have expired, and the council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement,

and if any such public officer or agent shall refuse to comply with the order of said council in discharge of their duties, in pursuance of this section, the council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent as defaulting in his accounts, or in the discharge of his official duties. The council shall make a full record of all such settlements and adjustments.

CHAPTER 6.

FINANCE AND TAXATION.

SECTION 1. All property, real and personal, within the village, except such as may be exempt by the laws of the State, shall be subject to taxation for the support of the village government, and the payment of its debts and liabilities, and the same shall be assessed in the same manner provided by the general laws of this State, for the assessment of taxes for town purposes.

SECTION 2. The common council shall have power annually to levy taxes upon all the taxable property in said village, to defray the current expenses thereof, but such assessment and levy shall not exceed five mills upon the dollar of the assessed valuation of said property.

All such taxes shall be collected in the manner provided by the general laws of this State for the collection of taxes for town purposes.

SECTION 3. Every male inhabitant of said village being above twenty-one years of age and under fifty years of age, excepting paupers, idiots, lunatics and such others as are exempt by law, shall be assessed two days labor in each year, to be expended on the highways in said village. Such assessment shall be collected in the same manner by the street commissioner, and may be commuted on the same terms and enforced in the same manner provided by the general laws of this State, and the common council and village recorder and street commissioner shall respectively perform the duties that are required to be performed by town supervisors and clerks and overseers of the highway in regard to said poll tax, by the general laws of this State.

SECTION 4. All funds in the village treasury shall be under the control of the common council, and shall be drawn out upon the order of the Mayor and recorder, duly authorized by a vote of the common council, and all orders shall specify the purposes for which they are drawn. No appropriation shall be made without a majority of a full council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the council shall be entered on the journal of the council. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

SECTION 5. The common council of said village shall have no power to assume any of the liabilities of the city of Duluth except as hereinafter specified, or to create any debt or liability against the village of Duluth exceeding the sum of five hundred dollars, (\$500), in any one fiscal year.

CHAPTER 7.

STREETS AND SIDEWALKS.

SECTION 1. The common council shall have the care, supervision, and control of all public highways, bridges, streets, alleys and grounds within the limits of said village, and shall cause all streets, alleys or highways within the village to be kept open and in repairs and free from nuisances, and shall have the same authority for laying out public roads in the unplatted part of said village as is given to supervisors in the township by the general laws of this State.

No street, alley or highway which has been heretofore laid out, or surveyed and platted, and the survey and plat thereof recorded, shall be vacated by the common council, nor shall any alteration be made therein, except to straighten the same between the ends thereof within the village.

No street or alley which shall be hereafter dedicated to public use by the proprietor or proprietors, of grounds within said village, shall be recognized as a public street or alley of said village, unless the common council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by ordinance specially passed for such purpose.

SEC. 2. The common council of said village shall have power to ordain and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers, and building and repairing sidewalks and cross walks within said village, and to direct and control the persons employed therein, and all such improvements shall be superintended by the street commissioner.

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, shall be chargeable to and payable out of the funds of the village. Grading, graveling, planting, macadamizing or paving streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley within the line of improvement, so far as the work extends, and each lot on the line of such improvements shall be assessed and chargeable with the cost of the improvements made in proportion to their fronts thereon on such street or alley. *Provided*, that for the purpose of such assessment the sides of all lots adjoining said improvement shall be deemed fronts.

SEC. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvement shall be ordered by the common council except upon the petition of a majority of the

owners of the lots chargeable with the expense thereof. On receipt of such petition the common council may grant the prayer of the petitioners by resolution passed to that effect, and shall require the village surveyor to examine the premises and report a grade if one be not already established, and an estimate of the whole expense thereof, and shall file in the office of the recorder of said village an accurate survey and profile of such grade. The common council shall thereupon order the said work to be placed under contract upon such terms and under such regulations as it may deem advisable.

SEC. 5. When the work provided for in the preceding section, shall have been placed under contract, and the expense thereof ascertained, the same shall be assessed by the common council, or under its direction, upon the lots fronting or abutting on such street or alley within the line of the improvement thereof, in proportion to its frontage on such street or alley, and such assessment shall be a lien on said lots, as in the case of other taxes, and shall be transmitted to the auditor of St. Louis county, at the same time with the statement of the village taxes by them levied. And such assessment when so transmitted, shall be collected and payment thereof enforced in like manner as village, county and state taxes are collected.

SEC. 6. The common council of said village shall prescribe the width of all sidewalks by them ordered to be constructed or repaired, and the material and construction thereof, and all sidewalks in said village shall be built upon an established grade.

SEC. 7. The common council or street commissioner of said village shall have power to prevent the laying or construction of any sidewalks, which shall not be constructed in the manner or of the material, width, size or grade established by such ordinance, and may also require the repair, removal or reconstruction of any sidewalk now laid, and which may not be of the width, grade or material designated in said ordinance.

SEC. 8. Whenever the common council of said village shall deem it necessary to construct or repair any sidewalk in said village, they shall by resolution require the street commissioner to publish a notice to all owners or occupants of any lot or parcel of land adjoining such proposed sidewalk to construct or repair so much thereof as adjoins their several lots, at his or their own proper expense and charge, within a certain time designated in such notice, not less than thirty (30) days from the day of the first (1st) publication thereof.

The said notice shall be published in the official paper of said village not less than two (2) weeks, and shall contain a substantial description of the locality where such sidewalk is to be constructed or repaired, the nature of the work to be done (whether construction or repair) and the time within which the owners or occupants are required to do the same.

SEC. 9. If any such work or part thereof, is not done in the manner prescribed by such ordinance, and within the time desig-

nated in said notice, the common council may order the same to be done at the expense of the lots adjoining such sidewalk, and the expense thereof shall be assessed upon such lots so chargeable in such manner that each lot shall be charged with the whole expense of the sidewalk adjoining thereto, by the said street commissioner, and returned to the common council, and said assessment shall be a lien upon said lot or lots, as in the case of village, county and state taxes; and the said common council shall cause a statement of such assessment to be returned to the auditor of said St. Louis county, at the same time with the village taxes levied by them. And such assessment, when so transmitted to said auditor shall be collected and payment thereof enforced in like manner as village, county and state taxes are collected and payment thereof enforced.

SEC. 10. The expense of constructing or repairing sidewalks in said village shall include all stone work, excavation or filling to make the same upon established grades.

SEC. 11. All sidewalks constructed or repaired by the owner or occupant of any lot or parcel of land, in pursuance of notice under this act, or without such notice, shall be subject to the approval of the street commissioner of said village.

SEC. 12. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter.

Provided, The notice hereinbefore provided for, shall have been given.

CHAPTER 3

MISCELLANEOUS.

SECTION 1. All contracts made by the village in which the consideration exceeds one hundred dollars, (\$100) shall be let to the lowest responsible bidder. Notice of the time and place of letting such contract shall be published in the official paper of the village at least one week before the letting thereof, and all the contracts with the village shall be signed by the mayor, and counter signed by the recorder.

SEC. 2. No vote of the common council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such a vote was taken.

SEC. 3. No penalty for judgment recovered in favor of the village shall be remitted or discharged except by a vote of two-thirds of the aldermen elect.

SEC. 4. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or policy, or health regulations made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the village of Duluth, the first process

shall be a warrant. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons, while in the act of violating any law of the State of Minnesota, or ordinance of the village of Duluth, 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 by warrant. All warrants, processes or writs issued by the village justices for violation of any ordinance or by-law of said village, shall run in the name of the State of Minnesota, and shall be directed to the marshal of said village or any constable thereof.

SEC. 6. In all cases of the imposition of any fine or penalty, by the village justice of said village, for the violation of any ordinance, or by-law thereof, or for any assault, battery or affray committed within the limits of said village, the offender may be forthwith committed to the village prison, and may be there imprisoned and compelled to perform hard labor under the direction of the village marshal, for the benefit of the village, not exceeding ninety (90) days, in the discretion of the village justice, unless such fine or penalty be sooner paid, and from the time of the arrest of any person, for any such offence, until the time of his trial, he may be imprisoned in said village prison.

SEC. 7. When any suit or action shall be commenced against said village, the service thereof may be made by leaving a copy of the process, by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the common council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may be in such case provided.

SEC. 8. The common council shall cause to be established, *under the direction of the village surveyor, the grade of all streets, sidewalks and alleys in said village, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of register of deeds of St. Louis county, and should the grade so established be, at any time thereafter, altered, all damages, costs, and charges arising therefrom, shall be paid by the village to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.*

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

SEC. 10. The village of Duluth shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of St. Louis county for any offense punishable under the State laws.

SEC. 11. The officers of said village shall not be entitled to any compensation for their services except as in this act provided.

SEC. 12. No law of this State contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 13. In all cases of the imposition of any fine or penalty, or of the rendering of judgment by the village justice, in pursuance to any ordinance or by-law of the said village of Duluth, or pursuant to any provision of the charter of said village, as a punishment for any offense, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of St. Louis county, and be there imprisoned for a term not exceeding six (6) months, in the discretion of the village justice, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offenders shall be by imprisonment, such imprisonment shall be in the said common jail of St. Louis county, and from and after the time of arrest of any person or persons for any offense whatever until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the said common jail of St. Louis county or in the village prison, and in all cases where the said village justice is or may be authorized to commit any person or persons for any other cause by virtue of the provisions of the charter of said village, he may commit such person or persons to the said common jail of St. Louis county or the village prison. The sheriff of St. Louis county, and jailors and prison keepers of said common jail of St. Louis county, and their and each of their deputies, are required to receive such persons in custody and confine them safely in said common jail of St. Louis county, until they may be discharged by due course of law, and such sheriff, jailors, prison keepers and their deputies, offending in the premises, shall be liable to the same pains and penalties, and the parties aggrieved shall be entitled to the same remedies against them or any of them, as if such prisoners had been committed to their custody by virtue of legal process issued under the authority of this State. The said village of Duluth shall be liable to pay, for the support and keeping of said prisoners, the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the State.

SEC. 14. All deeds, leases, or other instruments executed by said village, for the conveyance of real estate, or any interest therein, for a term exceeding one (1) year, shall be authorized by a resolution of the common council, which shall be quoted or referred to in such instrument, and shall be signed by the mayor and village recorder, who shall affix the seal of the village thereto.

SEC. 15. The filing of any instrument with the recorder of the village of Duluth which the general law of this state shall require or permit to be filed with town clerks or city clerks or recorders shall have the same force and effect in all respects as is given to the filing of such instruments with town clerks or city clerks or recorders, and the recorder of said village shall receive the same fees for such services as are by law allowed to other officers for like services.

SEC. 16. Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of chapter 285 of special laws of 1877 as heretofore amended, shall remain in

force and be binding upon the village of Duluth under this charter, except that in making exchanges of village bonds for evidences of indebtedness to the city of Duluth simple interest shall be allowed on city paper up to the time when interest commences on the village bonds given in exchange.

SEC. 17. The authorities of the village of Duluth are authorized and directed to take possession of, control, care for, and carefully preserve such of the records and files of the city of Duluth, and also all personal property and effects of said city that are not in the custody of any officer or agent of said city, and retain the same until they shall be demanded by the duly authorized authorities of said city.

SEC. 18. The first (1st) election under this act shall be held on the first (1st) Tuesday of April, A. D. one thousand eight hundred and eighty-one (1881). Notice of such election shall be given by the present village recorder. The present village council shall appoint two (2) electors in each ward of said village to be judges of said election, who shall have authority to appoint a clerk for such election, and said village council shall designate the places of holding such election, and such election shall be conducted as nearly as practicable according to the provisions of this act, and the said judges of election shall have the powers and duties granted to judges of election by this act.

At said election there shall be elected in each ward one alderman who shall hold his office for one (1) year, and one (1) alderman who shall hold his office for two (2) years. The returns of said election shall be made to the present village council within two (2) days after such election, and said village council, within two (2) days thereafter, shall meet and canvass the returns of said election and declare the result thereof, and the present village recorder shall notify the persons elected of their election, and the mayor and the aldermen so elected shall meet on the evening of the second (2d) Tuesday of April, A. D., one thousand eight hundred and eighty one (1881), at the council chamber, in the village of Duluth and organize the common council of said village under the provisions of this act.

SEC. 19. All licenses granted by the present village council shall be continued in force for the time for which they were granted, and all ordinances now in force in said village of Duluth shall be in force until amended or repealed by the village council, provided for in this act.

SEC. 20. The present village officers shall continue in office with all the powers they now possess until the organization of the first common council of said village under this act, and they shall then cease to be such officers.

SEC. 21. This act is a public act and need not be pleaded nor proven in [any] a court in this State.

SEC. 22. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 23. This act shall take effect from and after its passage.

Approved March 8, 1881.