

same hereby is set apart, constituted and incorporated as the village of Evansville, under and subject to the provisions of chapter one hundred and thirty-nine (139) of the general laws of eighteen hundred and seventy-five (1875) and the inhabitants of said territory shall form and constitute a municipal corporation and shall have the powers possessed by municipal corporations at common law together with the powers granted and conferred by said chapter one hundred and thirty-nine (139) of the general laws of eighteen hundred and seventy-five (1875).

SEC. 2. Ole Kron, A. Lilyquist and Erick Eckblod are hereby appointed as the persons to act under section nine (9) of said chapter one hundred and thirty-nine (139) of the general laws of eighteen hundred and seventy-five (1875) to call and give notice of the first election in said village. At such election the question of incorporation under the provision of this chapter shall be submitted to a vote of the electors residing in said territory, and each elector may deposit a ballot on which may be printed or written the words "in favor of incorporation" or "against incorporation," which votes shall be canvassed in the same manner as other votes cast at such election, and if a majority of the votes so cast shall be in favor of incorporation then said territory shall be taken and considered as being incorporated under said chapter; and if a majority of such votes shall be against such incorporation, then in that event such territory shall *not* be incorporated.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved February 18, 1881.

CHAPTER 14.

AN ACT TO INCORPORATE THE CITY OF FERGUS FALLS IN THE COUNTY OF OTTER TAIL AND STATE OF MINNESOTA.

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

CHAPTER 1.

SECTION 1. All that part of the county of Otter Tail, Minnesota, contained within the limits and boundaries hereafter specified, shall be a city by the name of Fergus Falls, and the people now inhabiting or who shall hereafter inhabit the district of country herein described, shall continue to be a municipal corporation by the name of the city of Fergus Falls, 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

with, of suing and being sued, pleading and being impleaded in succession and shall be capable of contracting and being contracted all courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure, and take, hold and purchase, lease, and convey, any and all such real and personal and mixed estate, as the purposes of the corporation may require.

SEC. 2. The territory included within the following boundaries and limits shall constitute the city of Fergus Falls, viz: The whole of sections two (2), three (3), four (4), and north one half ($\frac{1}{2}$) of sections nine (9), ten (10) and eleven (11), in township numbered one hundred and thirty-two (132) north, of range forty-three (43) west, and south-west quarter of section twenty-five (25), and south half ($\frac{1}{2}$) of sections twenty-six (26) and twenty-seven (27), and south-east quarter of section twenty-eight (28) and east half ($\frac{1}{2}$) of section thirty-three (33) and all of sections thirty-four (34) and thirty-five (35) and west half ($\frac{1}{2}$) of section thirty-six (36), in township numbered one hundred and thirty-three (133) north, of range forty-three (43) west, in said county of Otter Tail.

SEC. 3. Said city shall comprise and is hereby divided into three (3) wards as follows: The first (1st) ward shall comprise all the territory within said limits south of the Red River. The second (2d) ward shall comprise all the territory within said limits north of said Red River and east of a line described as follows: commencing at a point on Red River directly south of the center line of Mill street, thence northerly on the center line of said Mill street to the south shore of Lake Alice, thence westerly along the south shore of said Lake Alice to the east line of the west one-half ($\frac{1}{2}$) of the east one-half ($\frac{1}{2}$) of section thirty-four (34), township No. one hundred and thirty-three (133) north of range No. forty-three (43) west fifth (5th) P. M., thence northerly on the forty (40) line to the northeast corner of the northwest one quarter ($\frac{1}{4}$) of the southeast one quarter ($\frac{1}{4}$) of section No. twenty-seven (27) of same town and range. The third (3d) ward shall comprise all the territory within said limits north of said Red River and west of the west line of the second (2d) ward.

CHAPTER 2.

ELECTIONS.

SECTION 1. The annual election of the officers of said city shall be held on the first (1st) Tuesday in April of each year, at such place in each election district in said city as the city council shall designate, and the polls shall be kept open from nine (9) o'clock A. M. until five (5) o'clock P. M., and ten (10) days previous notice shall be given by the city clerk of the time and place of holding such election by posting notices thereof in three (3) public places in said city, and by publishing the same in the official paper of said city, which said notice shall contain the names of offices to be filled.

SEC. 2. The elective officers of said city shall be a mayor, city clerk, city treasurer, city assessor and two (2) justices of the peace, who shall be styled city justices. The elective officers of each ward shall be two (2) aldermen, who shall be owners of real estate and residents within, and qualified electors of the ward for which they may be elected, and one (1) constable, who shall be a resident in and a qualified elector of the ward for which he may be elected.

SEC. 3. The mayor, city clerk, city treasurer and city assessor, thus elected, shall hold their offices for one (1) year, and until their successors are elected and qualified. At the first election held under this charter, there shall be elected from each ward one (1) alderman who shall hold his office for two (2) years; and one (1) alderman from each ward who shall hold his office for one (1) year; and thereafter there shall be one (1) alderman elected from each ward who shall hold his office for two (2) years and until his successor is elected and qualified. The city justices and constables shall hold their offices for two (2) years from the first (1st) Monday after election and until their successors are elected and qualified, and shall before entering upon the duties of their offices, execute a bond to the city, with sufficient sureties, to be approved by the city council, and take and subscribe the oath of office as prescribed by statute for other justices and constables; and said justices of the peace and constables, when so elected and qualified, shall be possessed of all the powers, rights and emoluments conferred upon justices of the peace and constables, by the public statutes of this State. *Provided*, that said justices may keep their offices in any place in said city. Whenever a vacancy shall occur in the office of mayor or alderman such vacancy shall be filled by a new election, which shall be ordered and held within twelve (12) days after such vacancy shall occur; any vacancy occurring in any other office shall be filled by the city council. Any person elected or appointed to fill a vacancy shall hold the office and discharge the duties thereof for the unexpired term with same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

SEC. 4. All elections by the people shall be by ballot and a plurality of votes shall constitute an election. Whenever two (2) or more candidates for an elective office in said city shall receive an equal number of votes for the same the election shall be determined by casting of lots in the presence of the city council at such time and in such manner as they may direct.

SEC. 5. All persons entitled to vote for county and State officers who shall have resided in the ward in which they may offer to vote ten (10) days next preceding the day of election shall be entitled to vote for any officer to be elected under this act and to hold any office hereby created, if otherwise qualified.

SEC. 6. The elections in each ward of said city shall be held at such place therein as the city council shall designate and be conducted by three (3) judges of election to be appointed by said council who shall take the oath or affirmation prescribed by the general

laws of this State to be taken by judges or inspectors of elections. Said judges of election shall have power to appoint two (2) clerks and to administer to them the necessary oaths. Said elections shall be conducted in the same manner and under the same penalties and vacancies in the board of judges thereof filled as provided by the general statutes of this State regarding elections.

SEC. 7. When an election shall be closed and the number of votes, for each person or candidate voted for, counted, the said judges and clerks shall make returns thereof, stating clearly the number of votes cast for each person for each and every office and shall deliver or cause to be delivered to the city clerk such returns without delay; and the city clerk shall, within three (3) days, give notice to each of the persons so elected of their respective elections.

SEC. 8. Special elections ordered by the city council shall be held and conducted and returns thereof made in the same manner as at annual elections.

SEC. 9. Any officer removing from the city or from the ward for which he was elected, or any officer who shall neglect or refuse, for six (6) days after notice of his election or appointment, to qualify and enter upon the discharge of his duties shall be deemed to have vacated his office and the city council shall proceed to fill such vacancy as herein prescribed or provided by ordinance not in conflict with the provisions hereof.

SEC. 10. At all elections to be held under this charter the polls shall be opened at nine (9) o'clock in the forenoon and kept open until five (5) o'clock in the afternoon of the same day, at which time the polls shall be closed. Upon the opening of the polls the judges shall cause proclamation thereof to be made and thirty (30) minutes before closing, the same proclamation shall be made in like manner, that the polls will be closed in half and hour.

CHAPTER 3.

OFFICERS--THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same duly certified by the officer administering the same with the city clerk. The treasurer and such other officers as the city council may direct, shall, severally, before entering upon their respective offices, execute to the city of Fergus Falls, a bond with at least two (2) sureties to be approved by the city council, and said bond shall contain such conditions as the city council shall deem proper; and said city council may from time to time require in their discretion new or additional bonds, and may remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall, when present, preside over the meetings of the city council, and in case of a tie vote shall decide the

same by his vote; and shall take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed; and that all other executive officers of the city discharge their respective duties. He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall, by and with the advice of the city council, appoint such police officers and watchmen, as may be necessary, except when otherwise provided for; and any police officer or watchman appointed by the mayor as aforesaid may be discharged from office by him with the approval of the city council, whenever, in their opinion the welfare of the city demand it, or a reduction of their numbers renders it necessary. The mayor 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 and empowered to call upon every male inhabitant of said city over the age of eighteen (18) years to aid in enforcing the laws and ordinances of said city, and any person who shall not obey such call shall forfeit to said city a fine not more than twenty-five (\$25) dollars and not less than five (\$5) dollars. 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 approve he shall return to the city council with his objections thereto by depositing the same with the city clerk to be by him presented to the city council at their first meeting thereafter; and upon the return of any ordinance or resolution by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the city council shall pass the same by a two-thirds ($\frac{2}{3}$) vote of the city council elect, 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 record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five (5) days after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. In case the mayor shall be guilty of willful 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 judgment for the fine that he be removed from office.

SEC. 4. In case of the absence of the mayor from the city, or his inability from any cause to discharge the duties of his office, the city council shall elect by ballot from their own number, an officer who shall be styled acting mayor, and all acts performed by him shall have the same force and validity as if performed by the mayor.

SEC. 5. The city clerk shall be paid a salary not to exceed one hundred and twenty-five (\$125) dollars per year, and shall keep

his office at the place of meeting of the city council or such other place convenient thereto as said 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 city council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from all records of the city 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 city council and keep a full and accurate account thereof in books provided for that purpose. He shall have power to administer oaths and affirmations.

It shall be the duty of the city clerk to report to the city council the financial condition of the city whenever the city council shall require. He shall make and keep a list of outstanding bonds, to whom issued, for what purpose, when and where payable, and the rate of interest they respectively bear. He shall report annually to the city council on or about the first day of April in each year an estimate of the expenses of the city for the current year and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of April. He shall make estimates of the expenses of any work to be done by the city and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the city council or by any city officer, and every contract made in behalf of the city or to which the city is a party, shall be void unless signed by the clerk. The clerk shall keep regular books of account in which he shall enter all indebtedness of the city and which shall at all times show the precise financial condition of the city, the amounts of bonds, orders, certificates or other evidence of indebtedness which have been redeemed and the amount of each outstanding. To countersign all bonds, orders, or other evidence 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 disbursing officers of the city, showing the amounts they have received from the different sources of the revenue and the amounts which they have disbursed under the direction of the city council.

If before the first (1st) 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 city 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 actually chargeable. The city clerk 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 city council may direct.

All claims and demands against the city before they are allowed by the city council, shall be audited and adjusted by the city clerk, and he shall endorse thereon the fund from which the same is payable. 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 records 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. 6. The city council shall have power to elect a city attorney, engineer and also one (1) street commissioner for each ward of said city, and define their respective duties, each of whom shall hold his office for the term of one (1) year from the first (1st) Monday after the annual city election, and until his successor shall be elected and qualified.

SEC. 7. The city attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any or all subjects or questions submitted to him by the city council or any of its committees.

SEC. 8. The city treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed accounts thereof, in such manner as the city council shall direct.

The treasurer shall exhibit to the city council at least fifteen (15) days before the annual election, or sooner if required by them, a full and detailed account of the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the city clerk. He shall also report to the city council at such times and in manner as they may require.

SEC. 9. It shall be the duty of the street commissioners of said city to render their personal services and perform labor in repairing the streets of said city, and to superintend all work and improvements under the direction of city council, and to carry into effect all orders of the city council in relation to work and improvements upon the streets and public grounds of the city in their respective wards. They shall keep accurate accounts of all moneys received by them, and of all moneys expended in the discharge of their duties, and render monthly reports thereof to the city council, or oftener if required.

SEC. 10. The city engineer shall hold his office during the pleasure of the city council, who shall prescribe his duties and fix the fees or 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 city, and shall be carefully preserved in the office of the city clerk, open to the inspection of parties interested.

SEC. 11. The justices of the peace for the city, styled the city

justices, shall possess all the authority, power and rights of a justice of the peace for the county of Otter Tail, under the laws of this State, and shall have in addition thereto, jurisdiction to hear and try all complaints for violation of any provision or provisions of the charter, and any ordinance, by-law, rule or regulation made or adopted, or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine or forfeiture or penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same, and the 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 dollars (\$20). In all prosecutions for assaults, batteries and affrays, and for all other offenses not indictable in all civil suits or proceedings before said city justice, the same forms and proceedings shall be had and used where not otherwise directed, as are established and required to be held 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 conviction for assaults, batteries and affrays within said city, and in all cases of conviction 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 and maintaining disorderly and ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

The said justices shall have the same power in cases of contempt as a justice of the peace, under the laws of this State now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 12. Said city justices shall quarterly report, or oftener if required, to the city council, a list of all proceedings instituted before them in behalf of the city and the disposition thereof, and shall at the same time account for and pay over all penalties, fines and costs collected by them belonging to said city; and said justices shall be entitled to receive from the city of Fergus Falls such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

SEC. 13. The city council shall let all printing to the lowest bidder, and designate the newspaper printed in the city in which shall be published all the ordinances and other proceedings and matters required to be published in a public newspaper, printed in the English language, the publisher of which shall be termed the

"city printer." The city printer shall, immediately after the publication of any notice or ordinance, resolution or other matter which may be required to be published, file in the office of the city clerk his affidavit, or the affidavit of his foreman, with a printed copy of such publication cut from the columns of said paper specifying the days on which the same was published.

SEC. 14. The city council shall have power to require other and further duties of any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties; and to fix the compensation of all officers elected or appointed by said city council. *Provided*, No member of the city council shall receive from the city any compensation for his services.

SEC. 15. All work by the city (except the highway taxes) shall be let by contract to the lowest bidder, and the city council may require a bond, with sureties for the faithful performance of the contract; not less than ten (10) days notice shall be given of the letting of the contract by posting of notices by the clerk, in two public places in the city, to be signed by the mayor and clerk, and also filing said notice with the clerk at the same time. No member of the city council, or other city or ward officer shall be a party to or interested in any contract or job of work wherein the city may be one of the contracting parties.

SEC. 16. Any person having been an officer in said city shall with five (5) days after being notified of the election of his successor upon request deliver to him all property, books, papers and effects of every description in his possession appertaining to said office; and upon failure to do so he shall forfeit and pay to the use of the city one hundred dollars (\$100); also to the party injured all damages caused by his neglect or refusal so to deliver; and such officer so elected may recover the possession of such books, papers and effects in the manner prescribed by the laws of this State in case of unlawful detention of property.

SEC. 17. There shall be a chief of police of said city who shall be appointed by the mayor by and with the consent of the city council; and said chief of police shall have all the powers of a constable under the laws of Minnesota and shall perform such other duties as shall be prescribed by said city council for the preservation of the public peace. All police officers and watchmen of said city, shall have authority to arrest and detain any person guilty of any breach of the peace or the violation of any ordinance of the city or of any law of the State of Minnesota. The mayor, chief of police, sheriff of the county of Otter Tail and each and every alderman, justice of the peace, police officer, watchman and constable of said city shall be officers of the peace and may suppress in a summary manner all disorderly behavior within the limits of the city and for such purpose may command the assistance of any and all bystanders; and if any person so commanded shall refuse to aid and maintain the peace, such person shall, upon conviction

thereof, before either of the city justices of said city, pay a fine to said city not to exceed the sum of fifty dollars (\$50).

SEC. 18. The city assessor shall assess the property of said city by wards, using for that purpose separate assessment books; and it is hereby made the duty of the auditor and treasurer of Otter Tail county to keep an account with each ward of said city in like manner as accounts are kept by said officers with the different towns of said county.

CHAPTER 4.

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The mayor and aldermen shall constitute the city council and the style of ordinances shall be: "The council of the city of Fergus Falls do ordain."

The annual meeting of the city council shall be on the first (1st) Monday after the annual election in each year and a majority shall constitute a quorum. The city council shall determine the rule of its proceedings and be the judges of the election and qualifications of its members, and shall have the power to compel the attendance of absent members.

SEC. 2. The city council shall hold stated meetings not less than once in each month 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 city council shall have the management and control of the finances and all the property of the city, and shall likewise, in addition to the power herein invested 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 for the imprisonment, custody and safe keeping of all persons arrested or charged with any offense whatever, in any way cognizable before the city justice; to make all rules and regulations for the government and management of said prison to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation. The keeper of said prison shall have and possess all the authority of a jailor at common law or by the laws of this State. The city council shall have full power and authority to declare and impose penalties and punishments and enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them and all such ordinances, rules and by-laws are hereby declared to have all the force of law. *Provided*, that they be not repugnant to the constitution and laws of the United States, or of the State of Minnesota, and for these purposes shall have exclusive authority by ordinance and resolution or by-laws:

First. To license and regulate the exhibitions of common showmen and shows of all kinds or the exhibition of caravans, circuses, or theatrical performances, billiard tables, pigeon hole tables, nine or ten pin alleys, bowling saloon; to grant licenses to and regulate peddlars, auctions and auctioneers; to license tavern keepers and victualling house keepers and all persons dealing in spirituous, vinous, fermented or malt liquors in said city. *Provided*, that no liquor license shall be granted for a less sum than three hundred dollars (\$300) nor for any fractional part of a year for a sum less than the amount charged for a license for one (1) year, and all liquor licenses shall expire on the first (1st) day of May in each year.

And Provided further that any person over the age of twenty-one (21) years and of good moral character who shall furnish the requisite bond and pay the license fee fixed by said city council shall be entitled to a license to sell spirituous, vinous, fermented or malt liquor within said city. Previous to the granting of any such license a bond shall be executed to the city council and filed with the city clerk with at least two (2) sureties to be approved by said council with the same conditions and like penal sum as required by the general law of the State relating to the sale of intoxicating liquors; and any person selling or in any manner disposing of any spirituous, vinous, fermented or malt liquors in a less quantity than five (5) gallons within the limits of said city without having first obtained a license from the city council shall be guilty of a misdemeanor and may be proceeded against, tried, convicted and punished as provided in chapter sixteen (16), general statutes of Minnesota for selling such liquors without a license. And the person so licensed with the sureties on his bond shall be liable to the same extent on said bond as such persons are liable under the provisions of said chapter sixteen (16) general statutes of Minnesota and may be proceeded against in like manner as provided in said chapter sixteen (16). *And provided further* that said city council may grant license to druggists and apothecaries to sell spirituous liquors within said city for medicinal and mechanical purposes only, for a sum not less than fifty dollars (\$50).

Second. To restrain and prohibit the use of all gambling devices whatever, from being set up or used for gambling purposes and to restrain and prohibit all descriptions of gambling and fraudulent devices and practices.

Third. To prevent any riots, noise, disturbances, disorderly assemblages in said city and 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 seizure and destruction of all instruments used for the purpose of gambling.

Fourth. To compel the owner or owners of any cellar, tallow chandler shop, soap factory, tannery, stable barn, privy, sewer or other unwholesome structure 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 said city.

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

Sixth. To prevent the encumbering of streets, alleys, sidewalks and public grounds with vehicles of all kinds, or with wood, stone, lumber, posts, awnings, or other material or structure.

Seventh. To prevent immoderate riding or driving in the streets or obstructing streets and public walks and to compel railroad companies to construct their road bed at grade with the public streets crossed, and construct proper and convenient crossings for wagons and foot passengers and to properly bridge the track of their road when the same passes under any street or alley; to compel persons to fasten their horses or other animals while standing in the streets, and to regulate the places of bathing.

Eighth. To restrain the running at large of horses, cattle, swine, sheep, goats, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances. *Provided,* that when a sale of such animals shall be made the proceeds thereof, after deducting the expenses of distraining, keeping, advertising and selling such animals shall be deposited in the office of the treasurer of said city, for the use and benefit of the owner thereof, if called for by such owner within one (1) year from the day of such sale.

Ninth. To restrict and regulate the running at large of dogs, may grant licenses therefor, and impose fines upon the owners of vicious or dangerous dogs and may authorize the destruction of any dog when at large contrary to ordinance in relation thereto.

Tenth. To prevent person from bringing, depositing or having in his possession within the city, any putrid carcass or other unwholesome substance and to require the removal of the same, and on default thereof, to provide for the removal of the same at the expense of such person or persons.

Eleventh. To make and establish public pounds, pumps, water-cisterns and reservoirs, and to provide for the erection of water-works for the supply of water to the inhabitants, to erect lamps or to provide other means whereby to light the city, to regulate and license hacks, omnibusses, express wagons, drays and carts and to fix and determine the charges of hackmen, omnibus drivers, draymen and cartmen.

Twelfth. To regulate the width and surface line of sidewalks and to prevent damage thereto.

Thirteenth. To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths and the return of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city

limits and to provide for the removal of any mortal remains now interred within such limits to such cemetery as they may deem proper.

Fourteenth. To regulate the size and weight of bread and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fifteenth. To prevent the discharge of firearms or crackers and to prevent the exhibition of any fireworks in any situation which may be considered by the city council as dangerous to the city, or any property therein, or annoying to any citizen thereof.

Sixteenth. To restrain and regulate porters, runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

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

Eighteenth. To establish public markets and public buildings, and make rules and regulations for the government of the same; to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth. To license and regulate butchers' shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twentieth. To regulate the place and manner of weighing and selling hay and the measuring and selling of firewood, peat, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first. To compel the owner or occupants of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto; and to compel such owner or occupant to remove from the lot owned or occupied by him all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

Twenty-second. To regulate and control and prevent the admission into the city of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders, and to make such disposition of said persons as to preserve the health of the city.

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

Twenty-fourth. To provide for watchmen and to prescribe their number and duties and regulate the same; and to create and establish the police of said city, and prescribe the number of police officers and their duties and to regulate the same.

Twenty-fifth. To provide by ordinance for a standard of weights and measures; for the appointment of sealer, and require all weights and measures to be sealed by the city sealer and to pro-

vide for the punishment of the use of false weights and measures.

Twenty-sixth. To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions, and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

Twenty-seventh. To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city.

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

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

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

Thirty-first. To restrain and punish vagrants, mendicants, street beggars, prostitutes, and provide for the punishment of the same.

Thirty-second. Fines, penalties and punishments imposed by the city council for the breach of any ordinance, by-law or regulation of said city, may extend to a fine not exceeding one hundred dollars (\$100) and imprisonment in the city prison or county jail not exceeding ninety (90) days, or both, and be fed on bread and water at the discretion of the city justice; and to provide that any male person convicted of any offence before the city justices subjecting such person to imprisonment and fine, either or both, may be kept at hard labor in any workhouse established by the city council for that purpose, or upon the public streets or other improvements of said city, or both, until such person shall work out the amount of such fine in conformity with any ordinance of said city.

Thirty-third. To restrain the throwing, depositing or emptying from mills of any kind whatever, any sawdust, shavings, slabs or other refuse of whatever nature from such mills into the Red River within the city, and provide by ordinance for the punishment of the same.

SEC. 3. All ordinances, regulation, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the city council elect by ayes and noes and be 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 clerk in books provided for that purpose. No appropriation shall be made without a majority of the council in its favor, which vote shall be taken by ayes and noes and entered among the proceedings of the council.

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

SEC. 5. All funds in the city treasury shall be under the control of the city council, and shall be drawn out upon the order of the mayor and clerk duly authorized by vote of the city council, and all orders shall specify the purpose for which they are drawn, but the sum total of the amount of orders issued for any one year shall not exceed the anticipated revenue to meet the current expenses of that year. No moneys shall be appropriated except such as are especially authorized by this act. The city treasurer shall keep a separate account with each ward of all road taxes, real and personal, collected by him from such ward, and the money so collected shall be expended only in the ward from which the same was paid; and all highway labor shall be performed, and the money paid in commutation be expended in the ward in which the property taxed is situated; and all poll-tax labor shall be performed, and money paid in lieu of such labor, expended in the ward where the person working or paying the same resides.

SEC. 6. The city council shall examine and adjust the accounts of the city officers and agents of the city at such times as they may deem proper; and if such officer or agents shall refuse to comply with the order of the city council in discharge of their duties in compliance with this section, the council shall declare the office of such person vacant, and may commence suit at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The council shall make full records of all such statements and adjustments.

SEC. 7. The city council shall have power to order and contract for the making, opening, grading, repairing, cleansing, improving and adorning of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon, and all such improvements shall be superintended by the street commissioners.

SEC. 8. Nothing contained in these articles of incorporation shall be so construed as to prevent the legal voters of said city from deciding for themselves whether or not license shall be granted to any person or persons in said city to sell spirituous, vinous, fermented or malt liquors; and the city clerk is hereby required, upon the petition of twenty (20) or more legal voters of said city, at any time not less than ten (10) days before any annual city election, to give notice that the question of license will be submitted at said election, and notice thereof shall be given by said city clerk at the same time and in the same manner that notice of annual city elections is given, and said question of license shall be determined by ballot containing the words "in favor of license," or "against license," (as the case may be) which vote shall be canvassed and returned as is by law prescribed for canvassing election returns; and if such returns show that a majority of the legal votes cast at such election shall be against license, then and in that case the city council of said city shall grant no license to sell spirituous, vinous, fermented or malt liquors in said city, except

to persons legitimately and bona fide engaged in the business or occupation of druggist, and then only for medicinal and mechanical purposes; and if any person, after said voters have thus decided the question of no license, shall, within the limits of said city, sell, or in any manner dispose of any spirituous, vinous, fermented or malt liquors, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court having jurisdiction, be fined in a sum not less than fifty dollars (\$50), nor more than one hundred dollars (\$100.) or imprisonment in the county [or city] jail not less than twenty (20) nor more than ninety (90) days, or both such fine and imprisonment, as the court may direct.

CHAPTER 5.

SEC. 1. All property, real and personal, within said city shall be subject to taxation and assessment for the purpose of constructing, repairing, and improvement of streets, roads, bridges and all other needful improvements, and other purposes conducive of good order, cleanliness and protection against crime, disease and fire, and for support of the city government and the payment of its debts and liabilities incurred on account of and for the purposes above mentioned, and the same shall be assessed, levied, and collected in the manner provided by the laws of this State for the assessment and collection of county or State taxes. *Provided*, That said taxes in no one year shall exceed five (5) mills on the dollar of the assessed value of the property in said city.

SEC. 2. Every male inhabitant between the ages of twenty-one (21) and fifty (50) years, in said city, shall annually pay a capitation or poll tax of two (2) days work upon the streets, highways or other improvements within the ward of said city of which said inhabitant is a resident. All persons liable to pay such capitation or poll tax may in lieu of work pay to the city treasurer one dollar (\$1.00) per day, and all moneys so received by the city treasurer shall be expended upon the streets, highways or other improvements within the ward where the person paying the same may reside. *Provided*, That the same shall be levied by the city council and collected by the street commissioners in the manner provided by the laws of this State for the collection of highway labor taxes in towns, by overseers of highways, except the payment of money in lieu of work, as hereinbefore provided.

CHAPTER 6.

OPENING OF STREETS, ALLEYS, ETC.

SECTION 1. The city council shall have power to lay out public squares, grounds, streets and alleys, and to widen and enlarge the same as follows: Whenever twenty (20) or more freeholders residing in said city shall by petition represent to the city council that

it is necessary to take certain lands within the city for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same, and the description of the lands proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, are or shall be set forth in the petition. The city council shall thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands or any portion of of the same shall not be in actual occupation of any one, then the city council shall cause such notice describing, as near as may be, the premises proposed to be taken, to be published in the official paper of the city for three (3) weeks successively, once at least in each week. The publisher of such paper, or his foreman, shall make affidavit of such publication and file the same with the city clerk.

SEC. 2. Such notice shall state that on a certain day therein named, not less than six (6) days from the day of service of such notice or the expiration of such publication, as the case may be, the city council will appoint three (3) commissioners to view said premises and determine whether it is necessary to take the same for the purpose specified in said petition: and at the time so specified the said city council shall proceed and appoint three (3) reputable persons, residents and freeholders of said city, but not interested in the result of said petition, and shall enter an order in their proceedings requesting said commissioners to view said premises within ten (10) days, the time to be specified in said order, and to make a report thereof to the city council whether in their judgment it is necessary to take and appropriate said premises or any part thereof for the public use specified in the petition.

SEC. 5. If the land or buildings belong to different persons or the lands be subject to lease, judgment, mortgage or lien, or there be any estate in fee, the injury done to said person or interest respectively may be awarded to them respectively, less the benefits resulting to them from the proposed appropriation to the public use.

SEC. 6. The awards and report of said commissioners shall be signed by them or a majority of them together with the testimony so taken by them, and returned to the city council, within the time limited in the order of appointment. Should they fail so to do they shall receive no compensation for their services thus rendered, and the city council shall appoint new commissioners therefor.

SEC. 7. The land required to be taken for the purposes mentioned in this chapter, shall not be taken until the report of said commissioners shall be approved and confirmed by the city council, and the damages thus awarded to the owners thereof for the taking of the same, shall be paid or tendered to the owner or his agent, or deposited for his use with the city treasurer in case said owner or his agent are unknown; and the said lands and premises so taken and appropriated shall be thereafter subject to all the

laws and ordinances of the city, in the same manner as streets, alleys or public grounds heretofore opened or laid out, and the damage so assessed shall be paid or tendered, or so deposited within one month from the time the confirmation of such assessment and report, by the said city council, when no appeal shall be claimed thereon, or within one (1) month from the time of the final confirmation thereof on such appeal; and if not so paid, tendered or deposited, all the proceeds in such case shall be void.

Sec. 8. When the whole or any part of a tract of land or other premises under lease or contract, shall be taken by virtue of this act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting party or parties respecting the same, upon the confirmation of the commissioners' report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same considerations in relations to benefit received and damages sustained by any lessee, contractor or owner of any interest in any premises so taken, shall be observed and followed as in other cases of assessing damages.

Sec. 9. When any known owner of any lands or premises affected by any proceedings under this act, shall be an infant or labor under any other legal disability, the judge of probate of said county of Otter Tail shall, upon the application of such person, his next friend, or said city council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

Sec. 10. Said commissioners shall each, before entering upon the discharge of their duties, severally take and subscribe an oath or affirmation in substance as follows: That they are not in any way interested in the premises proposed to be taken, and that they will faithfully and impartially discharge the trust reposed in them as such commissioners, and file the same with the city clerk.

Sec. 11. Any person whose premises or interest therein may be taken in the manner herein before prescribed, may, within twenty (20) days after the confirmation by the city council of the report and return of said commissioners, appeal from such determination of damages to the district court, held in and for said Otter Tail county in same manner as appeals are taken under general law for laying out roads.

Sec. 12. The city council may establish and determine the grade or grades of any street or alley in the city, and shall cause accurate profiles of all such grades to be made and certified by the city engineer, and when approved and established by the city council, to be certified by the mayor and city clerk, and recorded in the book of profiles in the office of the city clerk.

Sec. 13. The city council shall issue warrants to the street commissioners containing the whole amount of highway labor and taxes assessed and levied in their respective wards which said warrants shall be returned by them to the clerk of the city. The laws of the State shall apply to warning, suing for and collecting highway taxes, and to returning delinquent taxes.

The city council shall perform the duties imposed by law upon

the supervisors of towns in levying highway taxes, and shall be restricted in the amount so levied to a sum not to exceed twenty-five (25) cents on one hundred dollars (\$100) of the assessed value of the real and personal property in said city.

CHAPTER 7.

FIRE DEPARTMENT.

SECTION 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden or other buildings, the materials or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired; and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such materials as, in the judgment of the city 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 (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The city 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 the power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same to be taken down, removed by the police, or in such manner as the city council may see fit; and the city council may prescribe penalties for the violation of any of the provisions of this section or of any ordinance made and enacted to carry out the provisions thereof, by a fine not exceeding one hundred dollars (\$100), which may be imposed by the city justice upon the complaint of any citizen.

SEC. 2. The city council shall have the power to prevent the dangerous construction and condition of chimneys, fire places, stoves, stovepipes, 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 into the streets and alleys; to require inhabitants to provide as many fire buckets, and in such manner and time as they shall require, 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 firearms and fireworks; to authorize the mayor, alderman, firewardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in

the extinguishment of fires and the preservation of property exposed to danger thereat, and generally to establish such regulations for the preservation and extinguishments of fires as the city council may deem expedient.

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

SEC. 4. The city council shall have power to appoint the chief engineer and two assistant engineers of the fire department and one fire warden in each ward, and to prescribe the duties of such officers.

SEC. 5. Whenever any person shall refuse to obey any lawful order of any engineer, firewarden, mayor or alderman at any fire, it shall be lawful for the officer giving such order, to arrest and to direct orally any constable, police officer, watchman or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished; and in the same manner such officers or any of them may order or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting, any person so refusing shall be liable to such penalty as the city council may prescribe not exceeding a fine of fifty dollars (\$50).

SEC. 6. The city council may hereafter by ordinance or resolution establish such fire limits as to them shall seem proper and after the same shall have been so established the said limits shall not be reduced in extent, and any building of which the construction or materials or uses to which the same is put shall expose neighboring buildings to great danger of fire, and which shall hereafter be erected within said limits shall be deemed a nuisance and may be dealt with as provided in the first (1st) section of this chapter; and any person who shall erect or commence to erect any such building within said fire limits, shall be deemed guilty of a misdemeanor and punished by a fine imposed by a city justice not exceeding fifty dollars (\$50).

CHAPTER 8.

SIDEWALKS.

SEC. 1. The cost of building or repairing sidewalks shall be chargeable to the lots fronting on such improvements, and the limits within which the city council may compel the building or

repairing of sidewalks shall be co-extensive with the platted portion of the city and platted additions thereto as the same now exists or may hereafter be made.

SEC. 2. When any number of persons not less than two-thirds ($\frac{2}{3}$) of actual residents residing on any street in said city, desire to have a sidewalk built on such street, shall petition the city council in writing for such sidewalk, the said city council may within ten (10) days thereafter require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land, adjoining such proposed sidewalk or the agent of such owners residing in said city to construct or repair such sidewalk at his or their own proper expense and charge within a certain designated time by delivering to such owners or occupants or the agent thereof as aforesaid of said lot or lots or parcels of lands or by publication in the official paper of the city, for not less than two weeks, of a notice to such owners or occupants or their resident agents setting forth what work is to be done and the character of the same by such owners or occupants and the time in which they are required to do the same, and proof of the service of such notice shall be made and filed with the city clerk.

SEC. 3. If such work is not done and the sidewalk not built or repaired in the manner and within the time prescribed, the city council shall order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining such 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 city council with a separate statement of the amount of expense to be taxed against each separate lot or parcel of land, and said assessment so made and returned, if approved by the city council shall become a lien upon said lots and parcels of land, as in case or town, county and State taxes.

SEC. 4. If the said assessment be not paid to the city on or before the first (1st) day of September in any year the city council shall cause a statement of the same to be transmitted to the auditor of Otter Tail county with the village taxes levied for that year, on or before the first (1st) day of September in each year and the said auditor shall insert the same in the real estate tax list against the lots or parcels of land to be charged with such assessment, annually transmitted to the county treasurer for collection and payment thereof shall be enforced with and in like manner as county and State taxes are collected and enforced.

SEC. 5. The city council shall prescribe the width of sidewalks, and may establish different widths in different localities, and may order them constructed on one or both sides of any street, and shall decide of what materials such sidewalks may be made.

SEC. 6. Nothing in this act shall be construed to prevent the said city council from ordering and compelling in manner aforesaid, the building or repairing any sidewalk within the said limits without any petition or request of the residents on any street

where such sidewalk is in the opinion of said council a necessary improvement.

CHAPTER 9.

MISCELLANEOUS PROVISIONS.

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

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

SEC. 3. In 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 of Fergus Falls, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants process or writs issued by the city justices for the violation of any ordinance or by-laws of said city shall be directed to the chief of police or any police officer of said city.

SEC. 4. In all cases of the imposition of any fine or penalty or of the rendering of any judgment by a city justice of said city pursuant to any statute of the State of Minnesota or pursuant to any ordinance or by-laws 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 Otter Tail county, and be there imprisoned for a term not exceeding three (3) months in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any 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 of Otter Tail.

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

SEC. 6. All fines, penalties, judgments and moneys (except officers and justices fees) that may be imposed, levied or collected by any other officer of the city for violation of any ordinance or by-law of said city, and in the possession of any officer of said city or any of the laws of the State of Minnesota, shall be invested in and be the sole and exclusive property of said city.

SEC. 7. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer by leaving a copy of such process with the mayor or acting mayor

and it shall be the duty of the mayor forthwith to inform the city council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

SEC. 8. The 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. 9. No law of the State concerning the provisions of this act shall be considered as repealing amendatory or modifying the same, unless said purpose be expressly set forth in such laws.

SEC. 10. The city of Fergus Falls shall not be liable in any case for the board or jail fees of any person who may be committed by an officer or magistrate of the city to the jail of Otter Tail county, under the State laws.

SEC. 11. The street commissioners shall collect the capitation or poll tax except in case it is commuted by the payment of money as herein before provided, which may be levied by the city council and said street commissioners shall have all the powers as possessed by road overseer, as provided by the laws of this State, and shall report to the city council when required.

SEC. 12. From the time of the passage of this act and until the organization of the city government all village officers of the village of Fergus Falls shall continue to act and perform the duties of their respective offices, and their authority and jurisdiction be in no wise impaired until the said day of organization when the same shall cease, except such officers as hold their offices under or by virtue of some provision of the constitution.

SEC. 13. The city shall not have power to contract debts or make expenditures for any one year in a larger sum than the amount of taxes assessed for such year without having first been authorized by a two-thirds ($\frac{2}{3}$) majority of the votes of said city cast at an election called for that purpose.

SEC. 14. All moneys in the hands of the treasurer of the village of Fergus Falls, all taxes levied and uncollected, or in the hands of the county treasurer of Otter Tail county, which are or may be payable to the village of Fergus Falls shall be paid to the treasurer of the city of Fergus Falls and all taxes levied and collected and to be collected for the year one thousand eight hundred and eighty (1880) and prior years arising from property within the corporate limits of the city of Fergus Falls as fixed by this act, as village or city taxes on said property shall be paid to the treasurer of the city of Fergus Falls and all the property, real, personal and mixed of every kind and description, of the village of Fergus Falls within the limits aforesaid shall become the property of the city of Fergus Falls. The treasurer of the village of Fergus Falls shall deliver up all the books, papers, documents and evidences of debt or claims due the said village which may be in his possession or under his control as treasurer to the treasurer of the city of Fergus Falls. The recorder of the village of Fergus Falls shall deliver up to the city clerk of the

city of Fergus Falls all books, documents, papers and other property belonging to to the village of Fergus Falls and in his possession or under his control; and all other property, books, papers, documents, maps, peats, profiles, surveys and reports relating to the affairs of the said village of Fergus Falls and in possession of any officer of said village or any other person shall be delivered to said city clerk, to be deposited in the proper department of the government of said city.

SEC. 15. The city treasurer shall, on the first (1st) Monday of every month in each year, furnish to the city clerk a statement of all moneys received by him and to what funds credited; and also turn over to said clerk all vouchers for moneys paid out by him, taking said clerk's receipt for the same. And the city clerk shall at the end of each fiscal year, make out and cause to be published in the official paper of the city, a condensed statement showing the financial condition of the said city, the amount of moneys received for the year and from what source; and also the amount disbursed and for what purpose.

SEC. 16. Aside from the salary allowed the city clerk by the city council, said clerk shall be allowed the same fees for like services, that town clerks are allowed by law in this State; and said city clerk shall be allowed the sum of one dollar (\$1) for each license issued by him under the provisions of this charter or the ordinances of said city (except dog licenses) to be paid by the person to whom such license is granted.

SEC. 17. No plat of any addition to said city shall be filed with the register of deeds, until the same shall have been approved, by the council of said city; and it shall be the duty of the clerk to make a certificate, under the corporate seal, of such approval.

SEC. 18. It shall be the duty of the city clerk, at least ten (10) days prior to any special, charter or general election, to prepare or cause to be prepared, at the expense of the city, a poll list for each ward, containing a list of all legal voters in such ward.

SEC. 19. All expenses incurred in constructing, changing, tearing down or repairing, any bridge or bridges, across the Red River in said city, shall be chargeable to the general fund of said city.

SEC. 20. The said city shall constitute one (1) school district, as the present village of Fergus Falls, now constitutes one (1) school district; and this act shall in no manner affect said district, its rights, powers or organization.

CHAPTER 10.

FIRST ELECTION.

SECTION 1. The first (1st) election under the act shall be held on the first (1st) Tuesday in April, A. D. one thousand eight hundred and eighty-one (1881).

SEC. 2. At least ten (10) days prior to the first (1st) Tuesday in

April, one thousand eight hundred and eighty-one (1881), the council of the present village of Fergus Falls shall designate a place in each ward for the holding of an election, and shall appoint three (3) legal voters in each ward as judges of election in their respective wards, and said judges shall appoint in their respective wards two legal voters as clerks of election before the opening of the polls.

SEC. 3. The recorder of the present village of Fergus Falls shall, ten (10) days prior to said first (1st) Tuesday in April, A. D. one thousand eight hundred and eighty-one (1881), cause notice of the time and place of holding said first (1st) election in the several wards, to be posted in at least two (2) public places in each ward. Said notice shall have the names of the judges of election in their respective wards and the names of the offices to be filled, and the time when and the place where the said judges will be in session for the preparation and revision of the voting lists of each ward.

SEC. 4. It shall be the duties of said judges of election immediately upon their appointment to prepare lists of qualified voters in the respective wards to be used at said first (1st) election and copies of said lists of voters shall be posted up in not less than three (3) public places in each ward for at least six (6) days before said first (1st) election.

SEC. 5. It shall be the duty of the judges in each of said wards on the Saturday next preceding any election, and if necessary also on the Tuesday morning of any election for two (2) hours next preceding the opening of the polls, to be present and at the place appointed for holding such election, for the purpose of making all necessary corrections of such lists. In all other respects said first (1st) election shall be governed by the rules prescribed in this act except that the returns of the first (1st) election shall be made to the recorder of the present village of Fergus Falls within twenty-four (24) hours after the closing of the polls.

SEC. 6. On the day following said election the council of the present village of Fergus Falls shall canvass the returns, and make and file with the recorder of the said village of Fergus Falls a statement announcing who appear to be elected, and the recorder shall immediately notify the mayor and aldermen and all other elective officers of their election.

SEC. 7. The mayor and alderman elect shall hold their first (1st) meeting at the office of the recorder of the present village of Fergus Falls, or at some other place designated by said recorder, on the first (1st) Monday next following said election, when they shall qualify and proceed to organize the city council.

SEC. 8. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law in this State.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 3, 1881.