

the same to be expended in making and repairing streets, under the direction of the city council."

SEC. 10. That the second paragraph of section two (2) of chapter four (4) be amended so as to read as follows:

"*First.* To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, billiard tables, pigeon hole tables, nine or ten pin alleys and bowling saloons.

"To grant licenses to and regulate auctions and auctioneers. To license tavernkeepers and victualling housekeepers. To grant licences to persons dealing in spirituous, vinous, fermented, mixed or intoxicating liquors in said city, and to regulate the sale of such liquors, and to fix and determine the sum such persons shall pay for such licenses."

SEC. 11. That section eight (8) of said chapter four (4) be amended by adding thereto the following, to-wit: "And when a majority of the voters of said city have so voted against license to sell such liquors, any person who shall thereafter sell, barter or give away any spirituous, vinous, malt, fermented or mixed liquors within the limits of said city of Anoka, shall be guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed one hundred dollars (\$100) nor less than ten dollars (\$10), and may be committed to jail until the same is paid, not to exceed ninety days."

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 9, 1881.

CHAPTER 52.

AN ACT TO AMEND AN ACT TO INCORPORATE THE CITY OF AUSTIN APPROVED, FEBRUARY 28, ONE THOUSAND EIGHT HUNDRED AND SEVENTY-SIX (1876).

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

SECTION 1. Section two (2) of chapter two (2) of "an act to incorporate the city of Austin," approved February 28, one thousand eight hundred and seventy-six (1876), is hereby amended by striking out the word "justice" in the eleventh (11th) line of said section, and inserting the word "justices" instead thereof.

SEC. 3. Section three (3) of chapter two (2) of said act is hereby amended by striking out the word "causes" in the fifth (5th) line of said section and inserting the word "cause" instead thereof.

SEC. 3. Section seven (7) of chapter two (2) of said act is here-

by amended by striking out the words "alderman in such ward and one (1) qualified voter and resident" in the second (2d) line of said section, and inserting the words "aldermen in their respective wards and one (1) qualified voter" instead thereof.

SEC. 4. Section seven (7) of chapter three (3) of said act is hereby amended so as to read as follows: "Sec. 7. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof, in such manner as the common council shall direct.

The treasurer shall report to the common council annually on or before the third (3d) day of March, a full and detailed statement of the receipts, and of the city orders paid for the fiscal year ending with the last day of February, and of the condition of the treasury, which statement shall be filed with the city recorder, and a copy of the same shall be published in the official paper of the city. He shall also report to the common council at such other times and in such manner as they may require.

SEC. 5. Section eleven (11) of chapter three (3) of said act is hereby amended by inserting in the fourth (4th) line thereof before the word "jurisdiction," the words "exclusive and original."

SEC. 6. Section twelve (12) of chapter three (3) of said act is hereby amended by striking out the words "from the county of Mower" in the sixth (6th) line, and the words "in criminal cases" in the seventh (7th) line of said section.

SEC. 7. Section nineteen (19) of chapter three (3) of said act is hereby amended by adding at the end thereof the words "except that as judges of election and as members of the equalizing board they may have pay at a rate not to exceed two dollars (\$2) per day for the time actually employed."

SEC. 8. Sub-division eighth (8th) of section two (2) of chapter four (4) of said act is hereby amended by adding thereto the words "also to regulate, restrain or prohibit the keeping of stallions for service within the city limits," and sub-division thirty-second (32d) of the same section is hereby amended by striking out the words "thirty days" in the fifth (5th) line and inserting the words "three months" instead thereof.

SEC. 9. Section three (3) of chapter four (4) of said act is hereby amended by inserting after the word "purpose," at the end of the sixth line, the following words: "and the proof of such publication, by affidavit of the city printer, or his foreman, with a printed copy of the ordinance annexed thereto, or any other competent proof of such publication, shall be conclusive evidence of the legal passage, enactment and publication of such ordinances. in any court of this State."

SEC. 10. Section one (1) of chapter five (5) of said act is hereby amended so as to read as follows:

"Section 1. The common council shall have power to levy upon all property, real and personal, within the city of Austin, except such as may be exempt by the laws of this State, taxes for the support of the city government and payment of its debts and

liabilities, and the same shall be assessed in the manner provided for by the general laws of this State. The said common council may levy an annual tax upon all property in said city, taxable under the laws of this State, to and for the specific purposes following; *Provided*, that nothing herein contained shall prevent the assessment, levy and collection of special taxes, as provided by chapter six (6) of this act, upon any and all real estate within said city, notwithstanding the same may have been heretofore exempted from taxation under the laws of this State:

First. To provide for the interest to become due during the fiscal year on all outstanding bonds, and for a sinking fund sufficient to meet and pay such bonds at maturity.

Second. To provide a general fund for the purchase of ground, and erecting and repairing buildings for city purposes, and to pay the general current and incidental expenses of the city, including salaries of officers, police, street force, fire department, lighting the city, printing, stationery, and the expenses provided in section three (3) chapter six (6) of this act to be paid out of the general fund, and to provide for the preservation of the health of the city; but the amount of money raised for said general fund shall only be so much as, with the income from fines and licenses, will be necessary for an economical administration of the affairs of the city, and shall not exceed five (5) mills on the dollar of the assessed value of the taxable property of the city.

Third. To provide an improvement fund from which may be paid, in the first instance, all contracts for sidewalks and other improvements which, under chapter six (6) of this act, are chargeable to and payable by the lots and parcels of land fronting on or benefitted by such improvements, and all special taxes levied and collected under the provisions of chapter six (6) of this act for improvements first paid for from this fund, shall be returned and credited to this improvement fund; but no greater tax than one (1) mill on the dollar of the assessed value of the taxable property of the city shall be levied in any one year, and no tax when the amount to the credit of said improvement fund shall exceed one thousand dollars (\$1,000), and none of the taxes levied and collected for the payment of interest or principal of bonds, or for the improvement fund, shall be diverted to any other use than that for which they were originally levied."

SEC. 11. Section three (3) of chapter five (5) of said act is hereby amended so as to read as follows:

"SEC. 3. The common council shall cause to be transmitted to the county auditor of Mower county on or before the tenth day of October of each year, a statement of all taxes by them levied, and such taxes shall be collected, and the payment thereof enforced with the state and county taxes, and in the same manner in which they are collected and enforced; and the county treasurer of said Mower county shall pay over to the city treasurer of said city, any and all taxes and moneys collected by him, or received

by him for said city, on the first Monday of each and every month next after such taxes or moneys are collected or received.

SEC. 12. Section five (5) of chapter five (5) of said act is hereby amended so as to read as follows:

"SEC. 5. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel and file the same in his office to be delivered to the common council with his annual report."

SEC. 13. Section one (1) of chapter six (6) of said act is hereby amended so as to read as follows:

"SEC. 1. The common council may in their discretion construct sidewalks after such sidewalks shall have been asked for by a petition in writing signed by two-thirds of the owners living upon the property fronting upon or adjacent to such improvements.

The common council may, by resolution or ordinance, order the repair or relaying of any sidewalk without petition, when in their judgment the same has become dangerous.

All owners of real estate in front of, adjacent to, or upon which the common council shall order or direct that any sidewalk be constructed or relaid or repaired, shall construct or relay or repair such sidewalk at their own cost and charge, in the manner and within the time prescribed by said common council in a notice published as hereinafter provided.

Whenever said common council shall order or direct that any sidewalk be constructed or relaid, and by ordinance or resolution shall have prescribed the specifications for such sidewalk, they shall cause a notice to be published once in the official paper of said city not less than ten days prior to the time when such sidewalk shall be completed, stating the time within which the same shall be completed, and the specifications therefor, which statement may be made by reference to any ordinance or resolution of the common council then or theretofore duly published. Such notice shall state also upon what lot or tract of land the said sidewalk is to be constructed or relaid, but the name of the owner of such lot or tract of land need not be given or stated therein. If the sidewalk be not constructed or relaid according to the specifications, and within the time prescribed in said notice, then the common council may proceed to construct or relay the same by contract or by the street commissioner, where the cost of work will not exceed twenty-five dollars.

The common council may instruct the street commissioner by a general order, to repair all sidewalks where the owners or occupants have failed to repair the same after three days verbal, written or published notice given them by the street commissioner; *provided* such sidewalks are not so badly damaged as to subject them to being condemned, and all such repairs shall be reported to the city recorder for assessment."

SEC. 14. Section two (2) of chapter six (6) of said act is hereby amended by striking out the first sentence of said section and inserting in its stead the words, "It shall be the duty of the common

council upon receiving from the city recorder a report of the lots and parcels of land subject to special tax or assessment, to adopt the same or remand it with instructions."

SEC. 15. Section three (3) of chapter six (6) of said act is hereby amended by striking out all after the word "thereof" in the eighth (8th) line, and adding the following words instead thereof, "and of constructing, relaying and repairing sidewalks, shall be chargeable to and payable by the lots and parcels of land fronting on, or adjacent to such street or alley, or sidewalk within the line of improvement as far as the work extends, and the whole expense thereof shall be assessed upon such lots and parcels of land in proportion to their frontage thereon; *Provided*, that the approaches to the bridges in said city shall be excepted.

SEC. 16. Section three (3) of chapter ten (10) of said act is hereby amended by striking out the words, "Chief of police or any police officer or constable and sheriff of said city," in the ninth (9th) and tenth (10th) lines, and inserting instead thereof the words "Sheriff of Mower county, or the chief of police or any police officer or constable of the city of Austin." And further, by striking out all after the word "Minnesota" in the sixteenth (16th) line of said section three (3), and adding instead thereof the following, "It shall be a sufficient pleading of the by-laws or ordinances of said city, in any court of this State, to refer to the number of the by-law or ordinance, and the date of its passage, and giving it in evidence under the complaint. In cases of prosecution for a breach or violation of any ordinance, by-law or regulation of said city, or its charter, no change of venue shall be granted; and no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, for the breach or violation of any by-law or ordinance does not exceed fifteen (\$15) dollars."

SEC. 17. Section nine (9) of chapter ten (10) of said act is hereby amended by striking out all between the words "letting of" in the fifth (5th) line and "provided" in the seventh (7th) line, and inserting instead thereof, the words "any contract by publishing a notice in the official paper of the city to be signed by the recorder and filing a copy of said notice with the recorder at the same time."

SEC. 18. This act shall take effect and be in force from and after its passage.

Approved February 14th, 1881.