

improvements, the property to be taken or damaged and the property to be assessed for benefits.

SEC. 5. That section seven (7) of said chapter one hundred and twenty-three (123) be amended as follows:

That words "what real estate will" in the twelfth line of said section be stricken out and the words "assess the benefits to the real estate which will" inserted in lieu thereof.

That the words "and assess" at the end of the fourteenth line of said section be stricken out and the words "which assessment shall include" be inserted in lieu thereof.

That the words "on the real estate by them deemed benefited" in the fifteenth and sixteenth lines of said section be stricken out.

That there be added at the end of said section seven (7) the following:

"*Provided* that if there is not found property specially benefited by such improvement sufficient to pay the whole expense thereof, the commissioners shall assess the property specially benefited to the extent of such special benefit, and the balance of the expense of such improvement shall be paid out of the general funds of said city. *Provided further*, that if such improvement shall be a general benefit to the property at large within the city, the commissioners shall so report, and the expense thereof shall be paid out of the general funds of the city."

SEC. 6. That section nine (9) of said chapter one hundred and twenty-three (123) be amended as follows:

That the words "and benefits" be inserted next after the word "damages" in the sixteenth line of said section.

That the words "including three dollars per day for each commissioner for their services" be inserted next after the word "costs" in the twentieth (20th) line of said section nine (9).

SEC. 7. Nothing in this act shall be construed as in any manner affecting any proceeding heretofore commenced or any ordinance heretofore passed under the charter of said city.

SEC. 8. This act shall take effect and be in force from and after its passage. This act and all acts in this act referred to, are declared to be public acts, and they shall be taken judicial notice of by all courts without being specially pleaded or proven.

Approved March 7, 1881.

CHAPTER 91.

AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF SPRING VALLEY, IN THE COUNTY OF FILLMORE.

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

SECTION 1. That chapter twenty-five (25) of the special laws of

the State of Minnesota for the year one thousand eight hundred and seventy-two (1872), the same being an act entitled "an act to incorporate the village of Spring Valley, in the county of Fillmore," and approved February twenty-ninth (29th), one thousand eight hundred and seventy-two (1872), be amended as follows:

SEC. 2. That section three (3) of chapter one (1) of said act be amended by striking out of said section the words "one assessor."

SEC. 3. That section two (2) of chapter two (2) of said act be amended so as to read as follows:

The village council shall judge of the qualification and election of its own members, and shall determine all contested elections wherein the seat of any member of said council shall be contested, and shall have power, by warrant, under the corporate seal of said village, and signed by a majority of said council, and attested by the recorder of said village, to compel the attendance before it of all witnesses and documentary evidence necessary in such cases, and in all such contested elections the proceedings, including the taking of testimony, shall conform as near as may be to the rules of procedure in contested elections in the house of representatives of the State of Minnesota.

SEC. 4. That section six (6) of chapter two (2) of said act be amended by striking out of said section the words "one assessor."

SEC. 5. Section one (1) of chapter three (3) of said act be amended by striking out the word "Springvilly" therein and inserting in place thereof the words "Spring Valley."

SEC. 6. Section three (3) of chapter three (3) of said act shall be amended so as to read as follows:

The chairman of the village council shall, when present, preside over the meetings of the village council, 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 chairman or any two councilmen may call special meetings of the village council. 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 upon every male inhabitant of said village, over the age of eighteen years, to aid in enforcing the laws or carrying into effect any law or ordinance; any person who shall not obey such call shall be deemed guilty of a misdemeanor, and on conviction thereof before the village justice shall pay a fine to said village of not less than five dollars nor more than twenty-five dollars or be imprisoned in the county jail of Fillmore county or confined in the village lock-up for not exceeding thirty (30) days.

SEC. 7. Section ten (10) of chapter three (3) of said act shall be amended by annexing at the end of said section the following words:

The office of any road overseer of said village who shall willfully neglect or refuse to obey any direction of the village council given under the provisions of this section may by the village council be

declared to be vacant, and the said vacancy shall be immediately filled by appointment.

SEC. 8. That section twelve (12) of chapter three (3) of said act be amended so as to read as follows :

The village printer or printers, immediately after publication of any notice, ordinance or resolution, or any other matters which by this act are or by village ordinance shall be required to be published, shall file with the recorder a copy of such publication, and any printed copy of any ordinance, by-law, resolution, or other matter, as the same is recorded in the records of the office of recorder of said village, if accompanied by the certificate of the recorder that the same was duly filed in his office, shall be *prima facie* evidence of the due publication of such ordinance, by-law, resolution, or other matter.

SEC. 9 That section fourteen (14) of chapter three (3) of said act be amended so as to read as follows :

The chairman of the village council and each member thereof, also the marshal, deputy marshal, recorder, and justice of the peace of said village, and the constables of the election districts of which said village is a part, also all special police and all night-watches appointed by said council, shall be officers of the peace and suppress in a summary manner all disorderly behavior within the limits of said village, and for such purpose any one of said peace officers may command the assistance of the bystanders, and if any person so commanded shall refuse or neglect to aid in maintaining the peace, every such person shall be deemed guilty of a misdemeanor, and on conviction thereof before the village justice shall pay a fine to said village of not less than five dollars nor more than twenty-five dollars, or in default of the payment of such fine shall be imprisoned in the village lock-up or common jail of Fillmore county not exceeding thirty (30) days.

SEC. 10. That subdivision first (1) of section one (1) of chapter four (4) of said act be amended so as to read as follows :

To license and regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon-hole tables, nine or ten pin alleys, bowling saloons and all other public places of amusement for hire, also butchers' shops and butchers' stalls, and vendors of butchers' meat, pawnbrokers, insurance offices and insurance agents, taverns, lager beer saloons, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, *provided*, that the village council shall not grant license for the sale or disposition of spirituous, vinous, malt or fermented liquors, except a druggists' license for medicinal purposes only, unless at the last annual election of said village, prior to the granting such license, a majority of all the ballots cast at such election shall have written or printed thereon the words "for license," and *provided further*, that not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) shall be required

to be paid for such druggists' license, and not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) shall be required to be paid for any other license for the sale of any spirituous, vinous, malt or fermented liquors; and all other licenses shall be not less than one dollar (\$1) nor more than fifty dollars (\$50), and the fee for issuing the same shall not in any case exceed one dollar (\$1). No license shall be granted by said council to extend beyond the first (1) Saturday following the general election of said village, and said village council may at any time revoke any license granted under this act for misconduct in course of trade or business.

SEC. 11. That section two (2) of chapter four (4) of said act be amended by annexing at the end of said section the following words: Provided it shall not be necessary to publish nor post any such law, ordinance, regulation or by-law, which provides or directs, only, the making of improvements, the expense of which is to be charged to lots of lands adjoining the same or benefited thereby, in case such law, ordinance, regulation or by-law shall be personally served upon owners of such lots.

SEC. 12. That section five (5) of chapter four (4) of said act be amended so as to read as follows: The cost and expense of surveying the streets, alleys, sidewalks, sewers, gutters, pavements and public grounds, and the building and constructing of reservoirs, cisterns and public buildings for village purposes, and of cleansing and repairing the same, and the construction and repair of street crossings and crosswalks may be paid out of the general fund, or reservoirs and cisterns may be built and the expense thereof levied and charged upon districts designated by the village council for that purpose, but the expense of constructing sidewalks and the repair thereof shall be chargeable to and levied on the lots or land adjoining such improvements.

The village council shall not construct sidewalks except upon a petition in writing signed by two thirds of the land adjoining such proposed walk who reside upon the lot or land so adjoining the same, *Provided*, that the village council may, without such petition, construct any sidewalk not exceeding twenty (20) rods in length where they shall deem such sidewalk necessary to supply a vacancy between sidewalks already built or which are on said petition, by said council ordered to be built.

Sewers, drains and gutters may be built and repaired and the expense thereof apportioned and levied by the village council upon the lots or parcels of land adjoining the same or benefited thereby. Whenever the village council shall deem it necessary to repair any sidewalk in said village it may require the village marshal to notify all owners of any lot or lots or parcels of land adjoining walks to be repaired, to repair the same in the manner specified, at his or their own proper cost or expense, within a certain time specified, by serving upon such owner a written notice setting forth the character of such repairs and the time within which the same are to be made: such notice may, in the absence of such owner

from said village, be served by leaving a copy thereof upon such lot or parcel of land in a conspicuous place, or said notice, in case of absence as aforesaid, may be served by publishing the same in the official paper of said village, if within the time specified in such notice, the repairs are not made as therein directed, the village council may order such repairs to be made by the road overseer of the district wherein the same are to be made, and the expense thereof shall be charged and levied upon the lots or land adjoining such sidewalks when such repairs are so made, and it shall not be necessary to let the job of repairing such walks to the lowest bidder, as in other cases in this act provided.

SEC. 13. That section eight (8) of chapter four (4) of said act shall be amended so as to read as follows:

It shall be the duty of the township assessor of the township of *Spring Valley in the county of Fillmore*, to designate in his assessment book the names of each person residing in the village of Spring Valley or liable to assessment for personal property in said village, to whom personal property is assessed, together with the amount of personal property so assessed to such person, which said designation shall be made by setting the figures representing the amount of such personal property so assessed to each such person opposite his or her name in a column marked "village of Spring Valley" provided for that purpose.

SEC. 14. That section twelve (12) of chapter four (4) of said act be amended by striking out the word "absolving" therein, and substituting the word "dissolving" in place thereof.

SEC. 15. That section eighteen (18) of chapter four (4) of said act be amended so as to read as follows:

This act shall not interfere with the duties of the town supervisors of the town of Spring Valley in laying out, altering or establishing highways, building and repairing bridges within the limits of the village of Spring Valley; nor shall any inhabitant or property therein be exempt from taxation by the town for general town purposes.

The election for town officers for the town of Spring Valley shall be held as heretofore.

The village council shall have power to lay out, open and establish, widen alter or vacate any road, street or alley in said village, except town, county, state or territorial roads or roads established by commissioners appointed by the district, and in so doing the village council shall in all things proceed in the same manner as the supervisors of towns are required to proceed in laying out, altering or discontinuing town roads, except that no petition shall be required, and in such procedure the village recorder shall stand in place of and perform all the duties by law required of town clerks, and the order for damages shall be drawn on the treasurer of said village.

Any person deeming himself aggrieved by any determination, order or award of damages made by the village council under the provisions of this section shall have the same right of appeal as is

given by law to any person feeling himself aggrieved by any determination or award of damages made by the town supervisors in laying out, altering or discontinuing town roads and the taking of such appeal together with all proceedings following the same, shall be done in accordance with the law governing appeals taken from the determination or award of damages made by town supervisors in laying out, altering or discontinuing town roads.

SEC. 16. This act shall take effect and be in force from and after its passage.

Approved February 10, 1881.

CHAPTER 92.

AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF STILLWATER.

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

SECTION 1. The act entitled "An act to reduce the law incorporating the City of Stillwater, in the county of Washington and State of Minnesota, and the several acts amendatory thereof into one act, and to amend the same," approved March fifth (5th), A. D. one thousand eight hundred and seventy-four. (1874) and all acts of the legislature amending the same subsequently passed, are hereby amended and consolidated so that the same shall constitute the charter of the city of Stillwater, which shall read as follows:

CHAPTER 1.

CITY AND WARD BOUNDARIES.—CREATION OF CORPORATION.

SECTION 1. All that district of country in the county of Washington contained within the limits and boundaries hereinafter described, shall be a city by the name of Stillwater, and all the people now inhabiting and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of the city of Stillwater, and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law.