

CHAPTER X.

An Act consolidating the cities of Saint Anthony and Minneapolis and incorporating the same into one (1) city by the name of Minneapolis.

- CHAPTER 1. City and ward boundaries.
2. Elections.
 3. Powers and duties of officers.
 4. The city council—its general powers and duties.
 5. Finances.
 6. Divisions.
 7. Fire Department.
 8. Miscellaneous provisions.
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Be it enacted by the Legislature of the State of Minnesota:

CHAPTER 1.

City and Ward Boundaries.

SECTION 1. All that district of country in the county of Hennepin, contained within the limits and boundaries hereinafter described, shall be a city by the name of "Minneapolis" and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the "City of Minneapolis," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a common seal, and alter it at pleasure, and purchase, take and hold, lease and convey all such real, personal and mixed estates, as the purposes of the corporation may require, within or without the limits aforesaid, shall be capable of contracting or being contracted with, and shall have the general powers possessed by municipal corporations at common law and in addition thereto shall possess all the powers hereafter specifically granted, and the authorities thereof shall have perpetual succession.

SEC. 2. The district of country aforesaid constituting the city of Minneapolis, and the limit and boundaries thereof,

Corporate
name.

shall be as follows: The limits and boundaries of the former city of St. Anthony shall constitute the East Division of said city of Minneapolis. The limits and boundaries of the West Division of said city shall be the same as those constituting the former city of Minneapolis, except on the south boundary of said city, from the east line of section thirty-four (34) to the quarter section line running north and south through section thirty-six (36,) the south boundary of said city between these two (2) lines, to be one quarter ($\frac{1}{4}$) mile south of the north line of section thirty-five [35] and thirty-six [36.].

Boundaries of
the city.

SEC. 3. The said city shall be divided into ten (10) wards, called the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth wards, described, limited and bounded, as follows: The first, second, third and fourth wards as now constituted and established in the city of St. Anthony, shall respectively and in the order named constitute the first, second, third and fourth wards of the city of Minneapolis.

Division in
wards.

The said Minneapolis West Division shall be divided into six (6) wards, to be called the fifth, sixth, seventh, eighth, ninth and tenth wards, and bounded as follows:

East division.

All that part of the territory known as Minneapolis, West Division, lying north and west of a line beginning at a point where the centre line of Harrison street extended northeasterly would intersect the middle of the main channel of the Mississippi river, thence running southwesterly along the centre of Harrison street to the quarter section line between the northwest and the southwest quarters of section twenty-two (22,) town twenty-nine (29,) range twenty-four (24;) thence west on quarter section lines to the westerly line of said city, shall constitute the fifth ward.

All that part of said territory lying south and southeasterly of the last described line, and north and west of a line beginning at a point where the centre line of Hennepin avenue extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence running southwesterly along the centre line of said Hennepin avenue to the west line of said city, shall constitute the sixth ward.

West division.

All that part of said territory lying southeasterly of the last described line, and north, northwesterly and westerly of a line beginning at a point where the centre line of Minnetonka street extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence running southwesterly along the centre of said Minnetonka street to the quarter section line between the northeast and southeast quarters of section twenty-seven (27); thence west

on said line to the centre of said section twenty-seven (27); thence south on the centre line of Nicollet avenue, formerly known as the Blaisdell road to the south boundary of said city, shall constitute the seventh ward.

All that part of the said territory lying southeasterly and east of the last described line, and northwesterly and west of a line beginning at a point where the centre line of Cataract street, extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence southwesterly along the centre line of said Cataract street to the quarter section line between the northwest and southwest quarters of section twenty-six (26); thence west on said line to the quarter section corner between sections twenty-six (26) and twenty-seven (27); thence south on the centre line of Portland avenue to the south boundary of said city, shall constitute the eighth ward.

All that part of the said territory lying south and east of the last described line, and northwesterly and west of a line beginning at a point where the centre line of Huy street extended northeasterly would intersect the middle of the main channel of the Mississippi river; thence southwesterly along the centre line of said Huy street to the quarter section line between the southeast and southwest quarters of section twenty-six (26); thence south one (1) quarter mile on the quarter section line between the northeast and northwest quarters of section thirty-five (35,) to the south boundary of said city, shall constitute the ninth ward.

All that part of said territory lying southeasterly and east of the last described line, shall constitute the Tenth ward.

CHAPTER II.

Elections.

Annual elec-
tion.

SECTION 1. There shall be an annual election for elective officers, hereinafter provided, held on the first Tuesday in April of each year, at such a place in each ward as the city council shall designate; and the polls shall be kept open from nine (9) o'clock in the forenoon until five (5) in the afternoon, and ten (10) days previous notice shall be given by the city clerk of the time and place of holding such election and of the officers to be elected.

SEC. 2. The elective officers of said city shall be a mayor, treasurer and comptroller, all of whom shall be residents within and qualified voters of said city. The east division of said

city, as herein designated, shall elect one (1) justice of the peace, who shall, as soon as he shall have qualified, become the lawful successor of the two (2) justices of the peace of said city of St. Anthony, and the west division of the said city as herein designated shall elect two (2) justices of the peace each of which justices shall be a resident of and hold his office in the division of the said city in which he is elected, and shall hold his office for two (2) years and until his successor is elected and qualified. Each ward shall elect two (2) aldermen, who shall be residents within and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of said city shall be appointed by the city council, unless otherwise provided. At the first election under this act, there shall be elected in each ward one (1) alderman, who shall hold his office for one year, and one (1) alderman who shall hold his office for two years, the same to be designated on the ticket voted, and each year thereafter one (1) alderman shall be elected in each ward at the annual city election and hold his office for two (2) years and until his successor is elected and qualified. No alderman of said city shall be eligible to any office filled by appointment or election by the city council.

City officers.

SEC. 3. Every person appointed to any office by the city council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defence.

Removal from office, when.

The city council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the city council may declare the office vacant.

SEC. 4. 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 ten (10) days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the city council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and

Vacancies in office.

with the same right and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections to be
by ballot.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of all the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as they shall direct.

Qualification of
voters.

SEC. 6. All persons entitled to vote for state and county officers and who shall have resided for ten (10) days next preceding the election in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this act and to hold any office hereby created; and the different wards established by law shall constitute the election precinct for state and county as well as city elections; and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except the returns thereof shall be made by the judges of election to the county auditor of the county of Hennepin, within the time and in the manner prescribed by law.

Judges and
clerks of elec-
tion.

SEC. 7. The elections of said city shall be held and conducted by the two (2) aldermen and one (1) other legal voter of each ward, the last to be appointed by the city council, who shall be the judges of elections, and shall take the usual oaths or affirmations, as prescribed by the general laws of this state to be taken by the judges of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; provided, that no judge or clerk of an election shall be eligible to any office voted for at such election.

Returns of elec-
tion.

SEC. 8. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall, within three (3) days, deliver, or cause to be delivered, such returns to the city clerk.

Within one (1) week after any election, the city council shall meet and canvass said returns, and declare the result as

it appears from the same; and the city clerk shall forthwith give notice to the officers elected, of their respective elections.

Special elec-
tions.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as general and annual elections and within such time as may be prescribed by resolution.

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

Change of resi-
dence to vacate
office.

SEC. 11. The term of every officer elected under this act shall commence on the second Tuesday of April of the year for which he was elected, and shall continue, unless otherwise provided, for one (1) year, and until his successor is elected and qualified.

Term of office.

CHAPTER III.

Powers and Duties of Officers.

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 with the clerk of the city, and the treasurer, clerk, comptroller, wharf-master, street commissioner, collectors, and such other officers as the city council shall require, shall severally, before they enter upon the duties of their respective offices, execute to the city of Minneapolis a bond, with at least two (2) sureties, who shall make affidavit that they are in the aggregate worth the penalty specified in said bonds, over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum and such conditions as the city council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office
and bonds.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the city discharge their respective duties. He shall, from time to time, give the city council such information and recommend such measures as he may deem advantageous to the city, and shall appoint all police officers and watchmen; and in case of a riot or other disturbances he may appoint as many spec-

Duties of the
Mayor.

ial or temporary police officers as he may deem necessary, and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him, whenever in his opinion the welfare of the city may demand it, or a reduction of their number render it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same, and such as he shall not sign he shall return to the city council with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at their next meeting thereafter; upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration, the city council shall pass the same by a vote of two-thirds it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered by the city clerk of record. If any ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted) after it shall be presented to him the same shall have the same effect as if approved by him.

President and
vice president.

Sec. 3. At the first meeting of the city council in each year, they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meetings of the city council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any regular meeting of the city council, the vice president shall discharge the duties of such president and act in his place. The president or temporary presiding officer, while presiding over the city council and performing the duties of mayor shall be styled acting mayor, and acts performed by him, when acting as mayor as aforesaid, shall have the same force and validity as if performed by the mayor.

City clerk.

SEC. 4. There shall be a clerk of said city, styled the city clerk, who shall be elected by the city council. 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 the 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 sign 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. The clerk shall have power to administer oaths and affirmations.

SEC. 5. The city council shall have power to elect an attorney for the city, who shall perform all professional services incident to the office, and when required, shall furnish opinions upon any subject submitted to him by the city council or its committees.

City attorney.

SEC. 6. 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 city council shall from time to time 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 all 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 clerk, and a copy of the same shall be published in all the papers of the city.

City treasurer.

SEC. 7. There shall be a chief of police of said city, who shall perform such duties as shall be prescribed by the city council for the preservation of the public peace. All police officers and watchmen of the city shall possess the powers of constable at common law, or by the laws of this state, and in addition thereto shall have the power and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatever, issued by any justice, for any violation of the ordinances or by-laws of said city; and they shall have power to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constables aforesaid, shall be entitled to like fees.

Chief of police.

SEC. 8. The city council shall have power to establish and to elect a wharf master, with powers of a police officer, whose duty it shall be to collect all wharf dues, and enforce all ordinances in relation to the harbor landings belonging to or under control of the city, and the levee within the city limits, and who shall perform such other duties as the city council may ordain.

Wharf Master.

SEC. 9. The city council shall, at their first meeting after each annual election, appoint one street commissioner for each ward, who shall be a resident of the ward for which he is appointed, and shall hold his office for the term of one year. It shall be the duty of each commissioner so appointed, to superintend all local improvements in the respective ward for which he is appointed, and to carry

Street Commissioner.

into effect all orders of the city council. They shall keep accurate accounts thereof and return the same to the city council quarterly, or oftener if required.

Assessors.

SEC. 10. The city council shall, on or before the first day of May in each year, appoint two assessors, one from each of the divisions of said city, who shall each, in and for his division, perform all the duties and be responsible to all the obligations imposed by law upon assessors in respect to the assessment of property for city, state, county and other purposes. On completing their assessment rolls they shall meet together and revise, correct and equalize the same, and then return the same, properly certified, under oath, to the county auditor, in the same manner as assessors under the general laws of the state.

Powers of Justices of the Peace.

SEC. 11. The justices of the peace hereinbefore provided for shall severally have and possess all the authority, powers and rights of a justice of the peace of the county of Hennepin, under the laws of the state, and shall have in addition thereto exclusive of other justices of the peace of the county, jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a justice of the peace. The said justices shall severally have, exclusive of other justices of the county, jurisdiction in all cases cognizable before a justice of the peace in which the city is a party, and like jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said city of Minneapolis or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same. All prosecutions for assaults, batteries and affrays, not indictable, and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the state of Minnesota, and the same proceedings shall be had in all civil and criminal suits before said justices, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace: Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city, or its charter, or for an assault, battery or affray not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than ten dollars. In all causes of convictions for assaults, batteries and affrays, within said city, and in all cases of conviction, under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or

frequenting the same, and of keeping or maintaining disorderly and ill governed houses, the said justices shall severally have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six (6) months, and in a sum not exceeding five hundred (500) dollars.

The said justices shall have the same power and authority in cases of contempt as a court of record: provided, that nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the public peace, nor to affect in any manner the jurisdiction or powers of district courts or supreme court of this state. All fines and penalties imposed by the justices for offences committed within the city limits, or [for] violations of any ordinance, by-law or regulation of the said city, shall belong to and be a part of the finances of said city.

SEC. 12. Each city justice shall, as often as the city council may require, report to the city council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the city treasury all fines and penalties collected by him, belonging to said city, and said justices shall be entitled to receive from the county of Hennepin such fees in criminal cases as are allowed to other justices in the county for similar services.

Report to city council.

SEC. 13. It shall be the duty of the city comptroller to report to the city council the financial condition of the city, and each of the divisions and wards thereof. He shall make a list of all outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they may respectively bear, and recommend such action to the city council as will secure the punctual payment of the principal and interest of such bonds.

City comptroller.

SEC. 14. He shall report annually, on or before the first day of April, to the city council, an estimate of the expenses of the city and the several divisions and wards, and likewise the revenue necessary to be raised for the current year, and the fiscal year shall commence on the first day of April.

To report annually.

SEC. 15. He shall make or cause to be made, 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 by any committee of the city council, or by any city officer.

To cause estimates.

SEC. 16. It shall be the duty of the comptroller to keep regular books of account, in which he shall enter all indebted-

To keep
account of all
city indebted-
ness.

edness of the city or either of the divisions or wards, and which shall at all times show the precise financial condition of the city and the several divisions and wards thereof, the amount of bonds, orders, certificates or other evidences of indebtedness issued by authority of the city council, the amount of all bonds, orders, certificates, etc., which have been redeemed, and the amount of each outstanding, to countersign all bonds, orders, certificates, or other evidences of indebtedness of the city or either of the divisions or wards, and to keep an exact account thereof, stating to whom and for what purpose issued and the amount thereof, to keep accounts with all the receiving and disbursing officers of the city, showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the city council.

Duties relating
to special taxes

SEC. 17. He shall keep a list of all certificates issued in each division, and, before the levy by the council of the special tax, shall report to the council a schedule of all the lots or parcels of land within the several divisions and wards which, under this act, may be subjected to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lot or parcel of land, which said schedule shall be verified by the affidavit of the comptroller, and shall be *prima facie* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The city council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

Relating to
countersigning
orders.

SEC. 18. If on or before the first day of January of any year the amount expended or to be expended, chargeable to any of the divisions or wards or city funds, (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 at once report the same to the city council, and he shall not countersign any contracts chargeable to such funds until the amount of taxes actually collected be ascertained; and during the remainder of the fiscal year he shall not exceed the revenue actually collected for the fund to which expenses are properly chargeable.

To adjust all
claims before
allowed.

SEC. 19. He shall examine the reports, books, papers, vouchers, and the accounts of the treasurer, and from time to time shall perform such other duties as the city council may direct.

SEC. 20. All claims and demands against the city, before they are allowed by the city council, shall be audited and adjusted by the comptroller, and all orders on the treasury shall be examined and countersigned by him before they are delivered by the city clerk.

To examine
accounts of
treasurer.

SEC. 21. The comptroller shall keep 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 inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the divisions or wards is a party.

To keep record
of all his acts
and doings.

SEC. 22. There shall be appointed by the city council a city engineer, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city or either of the divisions, shall be the property of said city and shall be carefully preserved in the office of the surveyor, open to the inspection of parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or the city council.

Duties of city
engineer.

SEC. 23. If any person having been an officer in said city, shall not, within ten (10) days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand (1000) dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the law of this state.

Property,
books, papers,
&c., to be de-
livered up by
retiring officers

SEC. 24. No alderman shall be a party to or interested in any job or contract with the city or either of the divisions, and any contract in which any alderman shall be so interested shall be null and void; and in case any money shall have been paid on any such contract, the city council may sue for and recover the amount so paid from the parties to such contract and the alderman interested in the same.

Aldermen pro-
hibited from
being parties
to contracts.

SEC. 25. The mayor or acting mayor, sheriff of Hennepin county, coroner, and each alderman, all justices of the peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the

Officers of the
peace.

city limits, and for such purpose may command the assistance of all by-standers, and if need be, of all citizens and military companies; and if any person, by-stander, military officer or private shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty (50) dollars, and in cases where the civil authorities may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

Other duties
may be requir-
ed of officers,
and other offi-
cers appointed
by council.

SEC. 26. The city council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for; but no officer elected or appointed by the city council, or appointed by the mayor, as herein before provided, shall be appointed for a longer term than one (1) year, and until his successor is elected or appointed and duly qualified. The city council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

Official adver-
tising to be let
to the lowest
bidder.

SEC. 27. The city council at their first meeting in each year, or as soon thereafter as may be, shall cause its city clerk to advertise in the daily papers of the city for one week for sealed proposals for publishing in a daily newspaper of said city the ordinances, official proceedings of the council, and other matters required by this act or by the by-laws and ordinances of the city council to be published in a public newspaper; bids to state the price per inch for publishing ordinances, the price per inch for council proceedings, and the price per inch for advertisement matter, stating the price for first insertion, and price for each additional insertion; said bids to be marked "proposals for advertising," and addressed "to the city council of the city of Minneapolis," which bids shall be opened at the next meeting of the city council and the contract awarded to the paper bidding the lowest therefor; which said paper shall be declared the official paper of the city. Provided always that the proprietor or proprietors of such paper shall first enter into a written contract for the performance of the duties required by this and the next succeeding section, and shall give bonds with satisfactory sureties to be approved by the city council, for the faithful performance of such contract.

SEC. 28. The publisher or publishers of said official paper immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Affidavits of publication to be filed.

SEC. 29. The city council shall, at its first annual meeting in each year, or as soon thereafter as practicable cause its city clerk to advertise in the same manner as hereinbefore prescribed in section twenty-seven (27) for sealed proposals for doing the job printing of said city; said bids to state the price per thousand (1000) ems for composition, the price per pound for paper, and the price per token for press-work, which said bids shall be marked "proposals for job printing," and addressed, "to the city council of the city of Minneapolis," and opened at its next meeting, and the contract awarded to the lowest responsible bidder. Provided always that such lowest bidder shall enter into a written contract for the performance of such job printing, with like bond and sureties as specified in section twenty-seven (27) of this chapter, for the faithful performance of such contract.

Job printing to be let to the lowest bidder.

CHAPTER IV.

The City Council—Its General Powers and Duties.

SECTION 1. The aldermen shall constitute the city council, and the style of all ordinances shall be: "The city council of the city of Minneapolis do ordain," &c. The city council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances.

SEC. 2. The city council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual place of abode. The city council shall be the judge of the election and qualification of its own members, and in such case shall have the power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Stated and special meetings of council

SEC. 3. 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 vested in

Powers of the
council.

them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the 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 and watch house for the imprisonment, custody and safe keeping of all persons arrested for or charged with any offence whatever, in any way cognizable before a city justice, to make all rules and regulations for the government of such prison and watch houses, to appoint keepers and other officers for the same, and prescribe their duties and fix their compensation; the keepers of said prison and watch houses shall have and possess all the power and authority of jailors 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 of the provisions or any ordinance, rule or by-law, passed and ordained by them, and all such ordinances, rules and by-laws are hereby declared to be and have the force of law: Provided, that they be not repugnant to the laws of the United States, or of this state, and for these purposes shall have the authority by ordinances, resolutions or by-laws:

First—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, taverns, victualing houses, and all persons vending or dealing in spiritous, vinous or fermented liquors, and provided all licenses shall commence and terminate on the first Monday of May in each year.

Powers of the
council.

Second—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the city council.

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

Fourth—To compel the owner or occupant of any cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Powers of the
council.

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

Sixth—To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, posts, awnings, or any other materials or substances whatever.

Seventh—To regulate the movement and speed of railroad locomotives and cars, and to prevent and punish immoderate driving or riding in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the city limits.

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

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinance.

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

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, to regulate and license hacks, carts, omnibusses, and the charges of hackmen, draymen, cartmen and omnibus drivers in the city, and to erect lamps, and to provide for lighting the city, and to contract for the erection of gas works for lighting the streets and public grounds and public buildings, and to create, alter and extend lamp districts.

Powers of the
council.

Twelfth—To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births

and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Powers of the
council.

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

Fourteenth—To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalk in said city, or in any way doing damages to such sidewalks.

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

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

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

Eighteenth—To establish public markets and other 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' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions.

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

Powers of the
council.

Twenty-first—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such occupant or owner 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 of the city, at the expense of such owner or occupant.

Twenty-second—To control and regulate the construction of piers and wharves, or grading said wharves into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstruc-

tions in the water of said river, and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Powers of the
council.

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

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

Twenty-fifth—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 to prescribe the number of police officers and their duties, and to regulate the same.

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

Twenty-seventh—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors, and provisions.

Twenty-eighth—To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

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

Thirtieth—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.

Thirty-first—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

Thirty-second—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws, and enforce the same within the city.

Powers of the
council.

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

Thirty-fourth—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 (100) dollars, and imprisonment in the city prison or county jail not exceeding thirty (30) days, or both and to be fed on bread and water, at the discretion of the city justice; and offenders against the same may be required 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 (500) dollars.

Ordinances &c.
to be published

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the city council present, by ayes and nays, and published in the official paper, before the same shall be enforced [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 vote of a majority of the members of the city council in its favor, which shall be taken by ayes and nays and entered among the proceedings of the council.

Powers to pro-
hibit nuisances
not to bar pro-
ceedings in
courts.

SEC. 5. 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.

To examine
accounts of
city officers.

SEC. 6. The council shall examine, audit and adjust the accounts of the clerk, treasurer, street commissioners, city justices, wharf master and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the city council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said council or a committee thereof, it shall be the duty of the city council to declare the office of such person vacant; and the city council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

SEC. 7. The city council may, during any fiscal year, by a vote of two-thirds, issue the bonds of said city, bearing interest not exceeding ten (10) per cent. per annum, and for a

time not exceeding one (1) year, in such amounts and under such regulations as the city council may prescribe, in anticipation of the taxes and revenues of such fiscal year: provided, that the amount of such bonds outstanding shall not at any one (1) time exceed one-third of such taxes and revenues: and provided, that such bonds or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may be issued.

May issue bonds in anticipation of taxes.

CHAPTER V.

Finances.

SECTION 1. The city council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government: provided, that such taxes shall in no year amount to more than one-half per cent. of the assessed valuation.

Tax levies.

SEC. 2. The city council shall also have power to levy special taxes upon the taxable property in each of the two (2) divisions and each of the wards of said city, for the purposes contemplated in chapter sixth of this charter, and under the restrictions mentioned in said chapter.

Special taxes in wards, &c.

SEC. 3. The city council shall also have power to levy a special tax each year, collectable only in lawful money of the United States or current bank bills, to provide for the payment of the principal and interest of the bonds of said city which by this charter they are authorized to issue, or of the bonds of either division or ward of said city which have been heretofore issued, and the amount collected by such tax shall be applied to the payment of the principal and interest of such bonds, or the purchase thereof before due, and to no other purpose.

Special taxes for payment of bonds.

SEC. 4. Taxes may be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall, if the tax be a general tax, go into the general fund of the city; if it be a bond tax, it shall be kept and used for the future payment of principal and interest of the same class of bonds, or purchase thereof before due; if it be for improvements within either division of said city, it shall be kept and used for further improvements in the same division, or used in paying the outstanding debts or obligations of the same division, as the city council, with

Manner of levying taxes.

the assent of the majority of the aldermen elected from such division, shall determine.

Taxes to be collected by county officers.

SEC. 5. The city council shall cause to be transmitted to the county auditor of Hennepin county, on or before the first day of September of each year, a statement of all taxes by them levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid, and the payment thereof enforced, and the county treasurer of said Hennepin county shall pay such taxes over, when collected, to the treasurer of said city.

Payments out of the city treasury to be made by vote of council.

SEC. 6. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council, and shall then be drawn out only upon orders signed by the mayor and clerk and countersigned by the comptroller, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the city council may determine.

Cancellation of orders.

SEC. 7. When any such order shall have been paid to or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separate.

Poll tax may be levied.

SEC. 8. It shall and may be lawful for the city council of said city, at any meeting, to levy a corporation poll tax upon every qualified voter in said city: Provided, that said tax shall not in any one (1) year exceed the sum of two (2) dollars on each person so taxed.

CHAPTER VI.

Divisions.

Divisions of the city.

SECTION 1. For the purpose of education, improvement of streets, and taxation for special purposes provided for in this charter, the city of Minneapolis shall be divided into two (2) divisions, one (1) of which divisions shall comprise the first, second, third and fourth wards of said city (being the territory heretofore included in the city of St Anthony) and shall be called "The east division of the city of Minneapolis." The other division shall comprise the fifth, sixth, seventh, eighth, ninth, and tenth wards of the city, and shall be called the west division of the city of Minneapolis

SEC. 2.—All public property which at the time of the enactment of this charter shall belong to the city of Saint Anthony, shall belong to said east division exclusively, and be kept or disposed of for its benefit, and all moneys, taxes due, and choses in action belonging to said city of Saint Anthony, shall be collected, kept and used for the benefit of said east division exclusively, and all debts, liabilities and obligations of said city of Saint Anthony, at the time of the enactment of this charter, including bonds proposed to be issued but not yet issued by said city of St. Anthony to aid in the preservation of the Falls of St. Anthony, shall, by such enactment, be assumed by said east division, and shall, together with the interest, accrued or to accrue thereon, be provided for and paid by taxes raised within said east division exclusively and by the appropriation to such purpose of all proceeds of the sales of any of the public property received from the said city of St. Anthony, which may be hereafter sold, and of all moneys or taxes of said city of Saint Anthony heretofore raised or levied to pay such debts and obligations.

Public property of St. Anthony.

SEC. 3. All public property which, at the time of the enactment of this charter, shall belong to the city of Minneapolis, shall belong to said west division exclusively, and be kept and disposed of for its benefit, and all moneys, taxes due and choses belonging to said city shall be collected, kept and used for the benefit of said west division exclusively; and all debts, liabilities and obligations of said city of Minneapolis at the time of the enactment of this charter, including bonds voted or proposed to be issued, but not yet issued, to aid in the construction of railroads, and to aid in the preservation of the Falls of St. Anthony, and including all other bonds authorized to be issued for any purpose, shall by such enactment be assumed by said west division, and shall, together with the interest accrued or to accrue thereon, be provided for and paid by taxes raised within said west division exclusively, and by the appropriation for such purpose of the proceeds of all sales of any of the public property received from the said city which may be hereafter sold, and of all moneys or taxes of said city heretofore raised or levied to pay such debts and obligations.

Public property of former city of Minneapolis.

SEC. 4. The city council shall have the power to provide by taxation in each of the divisions created in this chapter, for the payment of the debts and obligations assumed by such divisions, as hereinbefore provided, and interest on the same, and of determining the amount of tax to be raised in each of said divisions in each year for such purpose. Provided, that in determining such amount and in the levying of taxes

Taxation to pay debts of separate divisions.

thereof, it shall be necessary that a majority of the aldermen elected from the division affected thereby, shall in each case concur.

Highways,
bridges, &c.

SEC. 5. The city council of said city, shall have the care, supervision and control of all highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and shall have [the] power to build and keep in repair bridges, lay out, open, alter and vacate public squares, highways, lanes and alleys, and widen or straighten the same, and take ground for the site of public buildings, subject to the assessment of damages, as hereinafter provided.

Repairing and
drainage
streets, &c.

SEC. 6. The city council shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters, sewers and sidewalks within said city, and to direct and control persons employed thereon, or to provide for doing the same in any other manner in either division, a majority of the aldermen of such division concurring, and all such improvements shall be superintended by the street commissioner of the proper ward, within which the same shall be made.

Taking of
private prop-
erty—proceed-
ings necessary.

SEC. 7. Whenever it shall be necessary to take private property for the purposes contemplated in the last two sections, the city council shall appoint five (5) commissioners who shall be freeholders and qualified electors of the city, to view the premises and assess damages which may be occasioned by the taking of such private property. Said commissioners shall be notified as soon as practicable by the city clerk of said city, to attend at his office on a day fixed by him for the purpose of qualifying and entering upon their duties, and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay a fine to said city not exceeding fifty (50) dollars, and shall be prosecuted therefor before a city justice, as in case of fines imposed for violation of an ordinance of the city, and the commissioners in attendance shall be authorized to fill all vacancies by appointment of proper persons from the wards not represented, or the city council may in its discretion fill such vacancies.

The commissioners shall be sworn by the city clerk or any officer authorized to administer oaths, to discharge their duties as commissioners in the matter with impartiality and fidelity, to make due return of their actions [and doings] to the city council.

The said commissioners shall, with all reasonable dispatch, with the assistance of the city engineer, cause a survey and plat of the proposed improvement or grounds to be made and filed with the city clerk, exhibiting as far as pos-

sible the lands or parcels of property proposed to be taken or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said city, once in each week for two (2) successive weeks, to the effect that such plat has been filed, and that the said commissioners will meet at a time and place designated in such notice, and thence proceed to view the premises and assess the damages for property to be taken or which may be damaged by such improvement. The time so designated must be at least fifteen (15) days after the first publication of such notice.

Taking of private property—proceedings necessary.

At the time and place designated in such notice the commissioners shall proceed to view the premises and may hear any evidence or proof offered by parties interested, and adjourn from day to day for such purpose. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount to be paid to the owner or owners of each parcel of property proposed to be taken, or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, or such other damage as may be incident thereto, and also the advantages which will accrue to such owner or owners in making such improvement.

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

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

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

Taking of private property—proceedings necessary.

Upon such report being filed in the office of the city clerk, said city clerk shall cause to be published, in the official paper of said city, a notice to the effect that said assessment has been returned and filed, and that the same will be confirmed by the city council at a meeting thereof, to be named in said notice, and which shall be at least ten (10) days after the publication thereof, unless objections are made in writing by persons interested in any land required to be taken. Any persons interested in buildings, standing in whole or in part upon land required to be taken, shall, on or before the time specified in said notice, notify the city council in writing of their election to remove such buildings (if they so elect.) according to the award of the commissioners. The city council upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over to be referred, shall have power in their discretion to confirm, revise or annul the assessment, giving due consideration to any objections interposed by parties interested.

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

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

taken and appropriated, sold or disposed of in such manner as the city council shall direct, and the same, or the proceeds thereof, shall belong to the city.

When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under any legal disability, the judge of the district court or court commissioner for said county of Hennepin may, upon the application of such commissioners or of the mayor of said city, or of the party laboring under such disability, or his next friend, appoint some suitable person guardian for such person, which guardian shall stand in all respects for and in the place of the party whom he represents in the proceedings.

Any person feeling aggrieved by such assessment may by notice in writing served on the mayor of said city, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court in said Hennepin county within twenty days after the confirmation of such report or assessment, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court or jury as in ordinary cases, but no pleadings shall be required and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and shall not be entitled to have any other objections than those so specified considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just and made in conformity to law, and that all proper notices were duly given and proper proceedings had. The judgment of the district court therein shall be final; such appeal shall be entered and brought on for trial and be governed by the same rules in other respects as appeals from justices of the peace in civil actions.

Sec. 8. The expenses of building, repairing and maintaining bridges (except those mentioned in the next section) laying out, opening, widening and straightening highways, streets and public grounds within said city and lighting the same shall be borne by the division within which the same may lie, but the expenses of grading, repairing, constructing, paving and cleaning the public grounds, highways, streets, alleys, reservoirs, gutters, sewers and sidewalks within said city, shall be borne by the ward in which said work is done, and all damages assessed for private property taken for public use (save what is mentioned in the next section) under the provisions of section seven (7) of this chapter, shall also be paid for from moneys raised in the division within which such property is taken, and shall in each case

Taking of private property—proceedings—necessary.

Street improvements, &c., to be paid by the divisions or wards.

be raised by taxation upon the taxable property of the proper division: Provided, that the city council shall have no power to authorize any such expense to be incurred, nor to levy any tax to meet the same, unless a majority of the aldermen elected from the wards composing the division affected thereby shall vote in favor of the same, and, provided further that all funds accruing from the levy and collection of taxes in the several wards of said cities of St. Anthony and Minneapolis as heretofore constituted, shall be applied first to the payment of the existing indebtedness of such wards respectively where such taxes were levied, and the balance of such funds, if any, shall be expended in making improvements within the territory where such taxes were so levied and collected.

Free bridge
across the
Mississippi
river.

SEC. 9. The city council shall have the power, and it shall be its duty, to cause to be constructed within the limits of said city, two (2) substantial carriage bridges across the Mississippi river, one (1) of said bridges, to be located above Nicollet Island, and one (1) to be located below said island; and it shall be the duty of the said city council, immediately after its first organization, to take the necessary preliminary steps for the construction of the said bridges, and said council shall contract for the construction of the said bridges and cause the construction thereof to be commenced as soon as practicable thereafter, and at all events, before the first day of January A. D. one thousand eight hundred and seventy-three (1873); and shall cause the said bridges to be fully completed and open for travel on or before the first day of January A. D. one thousand eight hundred and seventy-four (1874). Said bridges shall be public highways, and shall be maintained by the city forever free for the use of the public.

And for the purpose of providing the means for the construction of the said bridges, the said council is hereby authorized and required to issue and negotiate the bonds of the said city not exceeding in the aggregate the sum of two hundred thousand (200,000) dollars, and to provide from time to time, by taxation upon the taxable property in said city, for the payment of the principal and interest of the said bonds. And the said city council shall have the power, and it shall be its duty to accept free of cost from Hennepin county, and to raise and strengthen the suspension bridge in the said city, and to construct sidewalks thereon; the work to be commenced on or before the first day of January A. D. one thousand eight hundred and seventy-three (1873), and to be finished on or before the first day of April, A. D. one thousand eight hundred and seventy-four (1874), at a cost not to exceed fifty thousand (50,000) dollars of the bonds of the

said city, which bonds, or so many thereof as may be required for that purpose, the said city council is hereby authorized and required to issue and negotiate. And the said city council shall keep and maintain the said suspension bridge, together with the bridge used in connection with said suspension bridge, extending from said Nicollet Island to the east shore of said river, or another bridge in the same location, as a free and public highway forever.

SEC. 10. All the provisions of the last foregoing section shall be considered and construed as being in the nature of a contract between the said east division of the said city, as the successor of the said city of St. Anthony, as the party of the first part, and the said west division of the said city, as the successor of the former city of Minneapolis, as party of the second part, and all the provisions of this act inconsistent with any provision contained in said last section, shall be subordinate to and controlled by the provision of the said last foregoing section.

The provisions of previous section to be considered a contract between the former cities.

SEC. 11. The school system heretofore in force in each of said divisions shall remain the same, except that the corporation heretofore known as "the board of education of the city of St. Anthony" shall hereafter be styled and known as "the board of education of the east division of Minneapolis," and the corporation heretofore [heretofore] known as "the board of education of the town of Minneapolis," shall hereafter be styled and known as "the board of education of the west division of Minneapolis." Provided that nothing in this act contained shall be so construed as to change the boundary lines as now or heretofore existing, of any school district, common or independent, on the west side of the Mississippi river, or in any way affect the said districts, their rights, obligations and liabilities.

School organization for each division.

SEC. 12. The elections for directors in said east division shall take place at the time of the annual city elections, and such directors shall be voted for upon the same ticket with city and ward officers in said division; and all powers with reference to said division heretofore vested in the city council of the city of Saint Anthony are hereby vested in the city council of the city of Minneapolis; and all reports heretofore required to be made by the board of education of the city of Saint Anthony to said city council, shall hereafter be made by the board of education of said east division to said city council; and all duties heretofore performed by officers of the city of Saint Anthony respecting the business or affairs of such board of education, shall hereafter be performed by officers of the city of Minneapolis exercising like functions.

Election of school directors.

CHAPTER VII.

Fire Department.

Fire limits may be established. Provisions to guard against fire.

SEC. 1. The city council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within fire limits when the same shall have been damaged to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

SEC. 2. The city council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets and highways.

To require the inhabitants to provide as many fire buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire.

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires.

To regulate and prevent the use of fireworks and fire-arms.

To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same.

To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires, and in the preservation of property exposed to dangers thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

Division of city into fire districts.

SEC. 3. That the said city be divided into two (2) fire divisions, the said divisions to correspond to the aforesaid divisions of the east and west divisions of Minneapolis, and that all property connected with the fire department and now belonging to the city of Saint Anthony and the city of Minneapolis, shall be considered the property respectively

of said divisions, and the taxes for organizing and sustaining the fire department in each division shall be raised separately in each division, as taxes for local improvements, and require in like manner the consent of a majority of the aldermen from the division thereby affected. And any member having served for the term of five (5) years in either of said companies shall be forever thereafter exempt from poll-tax.

SEC. 4. The city council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook-and-ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meeting to be prohibited and their apparatus to be given up. Each company shall not exceed one hundred (100) able-bodied men, between the ages of eighteen (18) and forty (40) years, and may elect their own officers and form their own laws, not inconsistent with the laws of this state or the ordinances of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby 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: provided, that in all questions involving any tax or expenditure relating to either of said divisions, the consent of a majority of the aldermen of that division shall be obtained.

Purchase of fire engines and organization of fire companies.

SEC. 5. There shall be a meeting of the companies of each division on the third Monday of November in each and every year, at such places as may be designated by the chief engineer of the division, when they may nominate for each division a chief engineer and two (2) assistant engineers, subject to the approval of and confirmation by the city council, but after the first general election it shall be the duty of the city council to appoint said officers, to continue in office until the time of said nominations as aforesaid.

Annual meeting for election of officers.

SEC. 6. At the said time, the members of said companies in each division shall nominate, subject to the approval of and confirmation by the city council, three (3) fire wardens, who shall perform such duties as the city council prescribe, and they may at any time enter into or upon any house, barn, or other building or enclosure, for the purpose of inspecting the same.

Fire wardens to be elected.

SEC. 7. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officers giving such order, to arrest, or to direct orally any constable,

Police regula-
tions at fires.

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 arrest, or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing, shall be liable to such penalty as the city council may prescribe, not exceeding fifty (50) dollars.

CHAPTER VIII.

Miscellaneous Provisions.

All street work
to be under
supervision of
commissioners

SEC. 1. All work for the city, or either of the divisions, upon the streets, alleys or public grounds, shall be under the direction and supervision of the street commissioner of the ward where such work shall be done, but the city council may, if they deem it expedient, direct certain work to be let by contract, and may directly or by a committee supervise the letting of the same, and accept or reject contracts proposed, as they shall deem expedient.

Reconsidera-
tion of votes in
council.

SEC. 2. 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.

Remission of
penalty or
judgment.

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

Action to be in
corporate name
of city.

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

Provisions for
violation of
this act or ordi-
nances, &c.

SEC. 5. In all prosecutions for any violation of this act, or of any by-law or ordinance of the city of Minneapolis, the first process shall be by warrant; provided, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of the city of Minneapolis, but the person or persons so arrested may be proceeded against, tried, convicted, punished, or discharged in the same manner as if arrested by warrant. All process issued by city justice for violation of any ordinance or by-laws of the said city, shall run in the name of the state of Minnesota, and shall be directed to the chief of police or any police officer of the said city.

SEC. 6. In all cases of imposition of penalty or fine, or the rendering of a judgment by any of the justices of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Minneapolis, as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Hennepin county, and there be imprisoned for a term not exceeding three (3) months, in the discretion of such 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 such prison, in the common jail of Hennepin county.

Penalties and imprisonment.

SEC. 7. 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. 8. All ordinances and resolutions heretofore made and established by the city council of the city of Saint Anthony, or by the common council of the city of Minneapolis, not inconsistent with the provisions of this act shall be and remain in force until altered, modified or repealed by the city council of said city, after this act shall have taken effect.

Ordinances and laws of St. Anthony to be in force until changed.

SEC. 9. All fines, penalties, judgments and moneys (except officers' fees) that may be imposed, levied or collected by the city justices, or that may be collected by any other officer of said city for any violation of any by-law or ordinance of said city, or of any of the laws of the state of Minnesota, shall be vested in and be the sole and exclusive property of the said city.

Fines, penalties, &c.

SEC. 10. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may have been in such case provided.

Service of process in suits brought by the city.

SEC. 11. The city council may cause to be established from time to time, as rapidly as the convenience of the inhabitants may require, under the direction of the city engineer, the grade of all streets, sidewalks and alleys of said city, and shall cause accurate profiles thereof to be made and kept in the office of the city engineer.

Grades of streets.

SEC. 12. The said city may lease, purchase and hold real estate sufficient for the convenience of the inhabitants thereof,

May purchase real estate.

and may sell and convey the same, and the same shall be free from taxation.

No state laws to modify any provisions of this act, unless fully set forth.

SEC. 13. No law of the state contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

Jail fees, offences committed under state laws.

SEC. 14. The city of Minneapolis shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Hennepin county under the state laws.

Relating to tax or improvement liens.

SEC. 15. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements chargeable to, or assessed against the property under this act, although the confirmation of such assessment may be subsequent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Poll tax how collected.

SEC. 16. The street commissioner of each ward shall collect the poll tax in his ward, which may be levied by the city council, and each street commissioner shall, in his ward, have all the powers possessed by road supervisors, as provided by the laws of this state, and shall report to the city council when required.

Salary of aldermen.

SEC. 17. Aldermen shall receive from the city compensation for services not exceeding one hundred (100) dollars per year.

Width of side walks.

SEC. 18. The city council shall prescribe the width of all sidewalks by them ordered to be constructed or repaired, and the materials with which the same shall be constructed or repaired.

Construction or repair of side walks.

SEC. 19. Whenever the city council shall deem it necessary to construct or repair any sidewalk within said city of Minneapolis, they shall require the street commissioner of the ward in which said improvement is proposed, to notify the owner or owners, or occupant of any lot or lots adjoining such sidewalk, to make or repair the same at his or their own proper cost or charge, within a certain time designated, by the publication in the official paper of said city, for two (2) weeks, of a notice setting forth what work is required to be done by such owner or owners, or occupants, and the time within which he or they are required to do the same.

If such work is not done in the manner and within the time prescribed, the cost of doing the same along each and every such adjoining lot shall be estimated and returned to the city council by the city engineer and the same shall thereupon become chargeable upon such lot, with interest

from the date of such return, till paid, and if the same is not paid, with interest, on or before the twentieth day of August next thereafter, then the council shall add to such estimated cost, the accrued and accruing interest thereon up to the first day of February next following, and shall assess the amount thereof upon such lot, and return a statement thereof to the county auditor, with a statement of the city taxes by them levied, on or before the first day of September in each year. Every such assessment so made and returned shall constitute a lien upon such lot or lots, and collections thereof enforced in like manner as city, county and state taxes, and the county treasurer shall pay over the same to the city treasurer, when collected as in case of other city taxes.

Upon the return of the estimated cost of any such work by the city engineer, the city council shall provide for the doing of the same by the street commissioner of the proper ward, or by contract with other parties at a price not exceeding such estimated cost as it deems best.

SEC. 20. As respects either division of said city, the city council, a majority of the aldermen of that division concurring, shall have the power to regulate the grading of streets constituting in whole or in part the boundary lines of the wards or passing from one ward into another, also as respects the west division of said city, a majority of the aldermen of that division concurring, to provide for the apportionment and assessment of taxes for expenses incurred in the purchase of public grounds, constructing sewers and other works of either a general or local character upon the whole division or any portion thereof without regard to ward lines, or partly upon both, in such manner as may seem just, regard being had to the character of the improvement and the benefits conferred, and in regard to services [sewers] already undertaken, the expenses and indebtedness incurred and to be incurred therefor, shall be apportioned by taxation in such manner upon the whole division and the adjacent property to such sewers as was indicated and pledged by the common council of the old city of Minneapolis, when undertaking the same by resolution, by them adopted in reference thereto, also for the purpose of providing for the extension of the water works in said West Division, the city council with like concurrence may borrow money upon the credit of said Division, not exceeding the sum of twenty thousand (20,000) dollars.

Grading of streets in the divisions, how regulated.

CHAPTER IX.

Public notice
of first city
election.

SEC. 1. The city clerk of the city of St. Anthony, and the city clerk of the city of Minneapolis shall ten (10) days before the time herein appointed for the election of city officers, issue and cause to be posted up in not less than two (2) public places in each ward of the city of Minneapolis, as created by this act, notices of the first city election to be held under this act, on the first Tuesday of April, A. D. one thousand eight hundred and seventy-two (1872), which notice shall designate the time and places in each ward of holding such election, and the officers to be voted for thereat.

Judges of elec-
tion.

SEC. 2. At least fifteen (15) days before the first annual election under this charter the city council of the city of Saint Anthony shall appoint judges of election for the first four (4) wards of the city, and the common council of the city of Minneapolis shall appoint judges of election for the last six (6) wards, selecting in each case three (3) qualified voters in each of the respective wards, and shall also designate the place of holding such election in each ward.

The judges of election shall meet at the place appointed for holding such elections in their respective wards, on Saturday, the twenty-third day of March, A. D. one thousand eight hundred and seventy-two (1872), at ten (10) o'clock in the forenoon, and in case of any failure to appoint such judges, the electors of the proper wards who shall assemble at such time and place, may choose such judges of election *viva voce*, or fill any vacancies. The judges appointed or chosen in each ward shall appoint two (2) qualified electors of the ward, clerks of election, and shall proceed to make a list of the names of all such persons who are entitled to vote in said ward, conformably to the provisions of this charter concerning elections, (except as to time). Three (3) copies of such lists shall be posted by the said judges in three (3) public places in such ward at least five (5) days before the day of election, together with a notice of the time and place, when and where the judges of election will be present for the purpose of making all necessary corrections in said list. It shall be the duty of the judges of election of each of said wards on the Saturday next preceding such election, and if necessary also on the Monday next preceding such election, from the hour of nine (9) in the forenoon till four (4) in the afternoon, and for two hours next preceding the opening of the polls on the day of election, to be present at the place appointed for holding such election, for the purpose of

making all necessary corrections in such list. In all other respects said first city elections shall be governed by the rules prescribed in this charter, except that the returns of said first election shall be made to the city clerk of the city of St. Anthony, within forty-eight (48) hours after the closing of the polls. On the sixth day of April, A. D. one thousand eight hundred and seventy-two (1872), at ten (10) o'clock in the forenoon, the city clerk of the city of Minneapolis, and the city clerk of the city of St. Anthony, at the office of the latter, shall open and canvass said returns, and after ascertaining what officers are or appear to have been elected, shall notify such officers of their election.

SEC. 3. The aldermen elect shall hold their first meeting at the office of the city clerk of the city of St. Anthony, on Tuesday, the ninth (9) day of April, A. D. one thousand eight hundred and seventy two (1872), when they shall qualify and proceed to organize the city council. The city clerk of the city of St. Anthony shall act as the city clerk of the city of Minneapolis until the city council shall elect a city clerk.

First meeting
of aldermen.

SEC. 4. When the city council shall have organized, the functions of the city council of the city of St. Anthony and the common council of the old city of Minneapolis shall cease to have or exercise any further powers. The act to incorporate the city of Minneapolis approved February six (6), one thousand eight hundred and sixty-seven (1867), and all acts amendatory thereof, and the act to incorporate the city of St. Anthony approved March third (3), one thousand eight hundred and fifty-five (1855), and all other acts amendatory thereof, are repealed from and after the election and qualification of the aldermen whose election is herein provided for.

When old
council shall
cease.

SEC. 5. Notwithstanding the supersedure or repeal by this act of the act incorporating the city of St. Anthony and acts amendatory thereof, and other acts affecting the interest of the inhabitants of the city of Minneapolis, or any portion thereof, it is not intended that any rights vested shall be lost thereby; but in all cases affecting past taxes not yet collected, liens for the same, rules of evidence and rights of every kind inchoate or perfected, the provisions of such acts as are hereby superseded or repealed, and of all ordinances passed by the council of either of said cities, shall be deemed to continue in force.

Vested rights
not be affected
by union of the
two cities.

SEC. 6. This act is a public act and need not be pleaded or proven in any court in this state.

This act to be
a public act.

SEC. 7. This act shall take effect from and after its passage.

When act to
take effect.

Approved Feb. 28, 1872.