

## CHAPTER LXXIX.

*An Act to Incorporate the City of Rochester*

- CHAPTER 1. City and Ward Boundaries.  
 2. Elective officers.  
 3. Government of the City.  
 4. Elections.  
 5. Officers—their powers and duties.  
 6. The Common Council—its general powers and duties.  
 7. Finances and Taxation.  
 8. Streets, Alleys, &c.  
 9. City Improvements.  
 10. Assessing, Levying and Collecting Taxes.  
 11. Common Schools.  
 12. Miscellaneous provisions.

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

City of Roch-  
 ester incor-  
 porated—corpo-  
 rate powers

SECTION 1. All that part of the County of Olmsted contained within the limits and boundaries hereinafter described, shall be a city by the name of Rochester, 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 Rochester, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold, and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require within or without the city.

## CHAPTER I.

## CITY AND WARD BOUNDARIES.

Boundaries of  
 the city

SEC. 2. The territory included within the following boundaries and limits, shall constitute the city of Rochester: Beginning at the south-east corner of section one, in township one hundred and six, north range fourteen west, and running thence to the south-west corner of section two, in the same township, thence north to the north-west corner of the south-west quarter of section twenty-six, in township one hundred and seven, north range fourteen west, thence due east to the north-east corner of the south-east quarter of sec-

tion twenty-five, in same township, thence south to the place of beginning, containing sections one and two in township one hundred and six, north range fourteen west; sections thirty-five and thirty-six, and the south half of sections twenty-five and twenty-six, in township one hundred and seven, north range fourteen west.

#### WARDS.

SEC. 8. The said city is hereby divided into three Wards: <sup>Boundaries of</sup>

The First Ward shall comprise all that portion which lies <sup>the wards</sup> South of a line drawn from the East to the West boundaries of the city straight through the centre of Third Street.

The Second Ward shall comprise all that part of the city which lies between a line drawn from the East to the West boundaries of the city straight through Division Street and the First Ward.

The Third Ward shall comprise all that part of the city which lies North of the Second Ward.

### CHAPTER II.

#### ELECTIVE OFFICERS.

SEC. 1. The elective officers of said city at large, shall be a Mayor, Recorder and a City Justice of the Peace, who <sup>Elective off-</sup> shall be styled City Justice. The Mayor and Recorder <sup>cers</sup> shall hold their respective offices one year, and the City Justice two years, and until his successors are elected and qualified.

SEC. 2. No person shall be eligible to the office of Mayor, <sup>Eligibility to</sup> Recorder or City Justice, who shall not have been a resident <sup>office</sup> of the city for one year next preceding his election.

SEC. 3. The officers elected in each Ward shall be two <sup>Ward officers</sup> Aldermen, one Assessor, one Justice of the Peace, one Supervisor, who shall be a member of the Board of County Supervisors, and one Constable who shall hold their offices for one year and until their successors are elected and qualified, except Justice of the Peace, who shall hold his office for two years. All of which said officers shall be residents of the wards in which they are respectively elected, and shall have resided therein thirty days, and in the city six months next preceding such election. All city officers shall be qualified electors of the State.

### CHAPTER III.

#### GOVERNMENT OF THE CITY.

SEC. 1. There shall be a Council, to consist of a Mayor <sup>Common coun-</sup> and Board of Aldermen, which shall be styled the Common <sup>oil</sup> Council of the city of Rochester.

Number of al-  
dermen

SEC. 2. The Board of Aldermen shall consist of two members from each Ward, to be chosen for one year by the qualified voters of each respective Ward.

Powers of the  
council

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

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

SEC. 5. The Common Council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member, after due notice given, and an opportunity extended to the accused to be heard, by counsel or otherwise.

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

Appointment  
of city officers

SEC. 7. The Common Council shall, at its first regular meeting after the annual election, or as soon thereafter as may be, appoint a Treasurer, a City Marshal, one or more Street Commissioners, an Attorney, and a City Surveyor, who shall each possess the same qualifications for office as are required in the cases of Aldermen.

SEC. 8. No Alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

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

## CHAPTER IV.

### ELECTIONS.

Annual elec-  
tions

SEC. 1. The annual election of city officers shall be held on the first Tuesday of May in each year, at such places within each ward as the Common Council shall designate, and the polls shall be kept open from ten o'clock, A. M., till four P. M., and ten days previous notice shall be given by the Common Council of the time and places of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Vacancies—  
how filled

SEC. 2. Whenever a vacancy shall occur in the office of Mayor or Aldermen, such vacancy shall be filled by a new election, which shall be ordered and held within ten 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 Common Council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may have been elected or appointed to fill.

SEC. 3. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the Common Council, at such time and in such manner as they shall direct. Form of ballot

SEC. 4. All persons entitled to vote for State and county officers, and who shall have resided in the city for four months next preceding the election, and twenty days in the ward where they offer their vote, shall be entitled to vote for any officer to be elected under this law; and the different [wards] established by law shall constitute the election precincts for 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 that the returns thereof shall be made by the Judges of Election to the Register of Deeds of the county of Olmstead within the time and in the manner prescribed by law. Elective franchise

SEC. 5. The elections in said city shall be held and conducted by the Aldermen of each ward, who shall be Inspectors of Elections, and shall take the usual oath or affirmation as prescribed by the general laws of the State, to be taken by the Judges and Inspectors 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 same manner and under the same penalties, and vacancies in the Board of Inspectors thereof filed as required by the law of this State regarding elections; *Provided*, That no candidate for office shall act as Inspector or Clerk at such election. Inspectors of election

SEC. 6. If either of the Inspectors of Election shall suspect that any person offering to vote does not possess the qualifications of an elector, or if the vote of such person be challenged by a qualified elector of the ward, the Inspector before receiving the vote of any such person, shall require of him to take the following oath:

"You do solemnly swear (or affirm as the case may be,) that you are twenty-one years of age, that you are a citizen of the United States, (or have declared your intentions to become a citizen conformably to the laws of the United States, Challenge on

Duties of inspectors

on the subject of naturalization,) that you have resided within this State (or city, in the case of a city election,) four months, and within the ward twenty days next preceding the election; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager, depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the Inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall make the oath aforesaid; and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any Clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such Inspector or Clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the District Court of the County of Olmsted.

Canvass of the votes

Sec. 7. 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 Inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, in case of a city election, such returns to the Recorder, who shall forthwith give notice to each of the Aldermen of their respective elections; within one week after any election, the Common Council shall meet and canvass said returns and declare the result as it appears from the same so far as relates to city or ward officers.

Special election

Sec. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by resolution.

Vacation of office

Sec. 9. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall

be deemed to have vacated his office, and the Common Council shall proceed to fill the vacancy as herein prescribed.

SEC. 10. The term of every officer elected under the law, shall commence on the first Tuesday of May, of the year for which he was elected; and shall, unless otherwise herein provided, continue for one year, and until his successor is elected and qualified. Term of office

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the Common Council shall order a new election to be held, ten days notice of the time and place of holding such election being first given. Failure to elect

## CHAPTER V.

### OFFICERS—THEIR POWERS AND DUTIES.

SEC. 1. Every person elected or appointed to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Recorder of the city; and the Treasurer and Marshal, and such other officers as the Common Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Rochester, a bond with at least two sureties, (to be approved of by the Common Council,) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the Common Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same. Oath of office and bonds of officers

SEC. 2. The Mayor shall, when present, preside over the meetings of the Common Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Aldermen, may call special meetings of the Common Council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the Common Council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the Duties of the mayor

military companies of the city, to aid him in suppressing the same or carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to the city a fine not exceeding twenty-five dollars, and not less than five dollars.

**Improper conduct of mayor**      **Sec. 3.** In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the case,) to add to the judgment for the fine, that he be removed from office.

**Absence of mayor**

**Sec. 4.** In case the Mayor shall be absent from any meeting of the Common Council, the Common Council shall proceed to elect of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of Mayor. In case of the absence of the Mayor from the city, or his inability from any reason, other than removal from the city, to discharge the duties of his office, the Council shall elect by ballot, from their own number, an officer who shall be styled Acting Mayor, and all acts performed by him shall have the same force and validity as if performed by the Mayor.

**Duties of recorder**

**Sec. 5.** The Recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the Common Council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the Common Council, certified by him under the corporate seal, shall be evidence in all Courts as if the originals were produced. He shall [draw] and countersign all orders on the Treasurer in pursuance of any order or resolution of the Common Council, and keep a full and accurate account thereof in books provided for that purpose. The Recorder shall have power to administer oaths or affirmations, and take the acknowledgment of deeds and other writings. He shall report annually, on or about the first day of June, to the Common Council, an estimate of expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of July, in each year. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city, or any committee, of the Common Council. He shall negotiate such temporary loans for the city as the City Council may direct, anticipating the revenues for the current year, but such loan shall be subject to the approval of the Common Council. The Recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not directly or indirectly be interested in any contract or job to which the

city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the City Council shall deem proper, not to exceed one hundred dollars per annum.

Sec. 6. The Attorney for the city shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the Common Council or its Committees; *Provided*, he shall not receive to exceed twenty-five dollars per year for such services. Duties of the  
city attorney

Sec. 7. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the Common Council shall from time to time direct. The Treasurer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the Recorder. He shall not be entitled to any pay for his services, except as hereinafter provided. Duties of the  
city treasurer

Sec. 8. The Marshal shall execute such orders as are made, and perform such duties as are prescribed by the Common Council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees, but shall not serve civil process except where the city is a party. He shall not receive any other compensation for his services, than constable's fees and a per cent. on all moneys collected, to be allowed by the Common Council, except as may be hereinafter provided. Duties of the  
city marshal

Sec. 9. The Street Commissioners shall, under the direction of the Common Council, superintend the grading and improving of streets, alleys, and the building and repairing of side-walks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city and discharge the same duties as are by law required of overseers of highways generally. Duties of the  
street commis-  
sioners

Sec. 10. The Common Council shall have power to require from time to time, other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The Common Council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed. Further duties  
to be prescrib-  
ed by council

Sec. 11. The Common Council at their first meeting in each



**Public printer  
--election of** year, or as soon thereafter as may be, shall designate one newspaper, printed in the city, in which shall be published all ordinances and other proceedings and matters required by this Act, or that may be required by the by-laws or ordinances of the Common Council to be published in a public newspaper.

**Affidavits of  
publication of  
ordinances &c.** **Sec. 12** The city printer immediately after the publication of any notice or resolution, or other matters which by this Act is, or by city ordinances shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

**Delivery of  
books to suc-  
cessors** Any person having been an officer in said city, shall, within ten 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. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city, one hundred 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 laws of this State, in cases of unlawful detention of property.

**Members of  
common coun-  
cil to have no  
interest in con-  
tracts** **Sec. 13.** No member of the Common Council shall be a party to or interested in any job or contract with the city, and any contract in which any member of the Common Council may be so interested, shall be null and void.

**Peace officers** **Sec. 14.** The Mayor, Sheriff of Olmstead county, and each and every Alderman, Justice of the Peace, Marshal, Recorder and Constables of the town of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty five dollars, nor less than five dollars.

**Duties and  
powers of the  
justice of the  
peace** **Sec. 15.** The City Justice shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice in the city, but no fee shall be received therefor by said Justice. The said Justice shall have exclusive jurisdiction in all cases cognizable before a Justice of the Peace, in which the city is a party, and shall

have cognizance and exclusive jurisdiction of all suits, prosecutions or proceeding for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulations of the said City of Rochester, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offense committed against the same. All prosecutions for assault, 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 City of Rochester, and the same proceedings shall be had in civil and criminal suits before said Justice, 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 any 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 fifteen dollars. In all cases of convictions for assaults, batteries, and affrays, within said city, and in all cases of conviction under any ordinance of said city, for breaches of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses; the said Justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said Justice shall have the same power and authority in case of contempt as a Court of Record. *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the District Courts or Supreme Court of this State. In case of the absence, sickness or other inability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within said city, to perform the duties of said Justice of the Peace for the city, and it shall thereupon be the duty of the Mayor to inform the City Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice of the Peace, so appointed shall, for the time being, possess all the authority, powers and rights of said Justice of the Peace for the city. All fines and penalties imposed by the City Justice for offences committed within the city limits, or for violations of any ordinance, by-law or regulation of said city, shall belong to, and be a part of the finances of said city.

Sec. 16. The City Justice shall quarterly report to the Common Council, all the proceedings instituted before him in

Powers and authority of city justice

Quarterly re-  
ports from city  
justice

which the city is interested, and shall at the same time account for and pay over to the city Treasurer all fines and penalties collected by him belonging to said city; and said Justice shall be entitled to receive from the county of Olmstead, such fees in criminal cases occurring without the city, as are allowed to other Justices in the county for similar services.

Ward justices  
and constables

Sec. 17. The Justices of the Peace and Constables elected in each ward shall have the same powers, authority and rights as are possessed by other Justices and constables of the county of Olmstead, under the laws of the State.

City surveyor  
—duties of

Sec. 18. The Common Council shall prescribe the duties of the city surveyor, and fix the fees of compensation for any services performed by him; all surveys, plans or estimates made by him for the city, shall be the property of the city, and carefully preserved in the office of the Recorder, open for the inspection of the parties interested.

## CHAPTER VI

### THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

General pow-  
ers of common  
council

Sec. 1. The Mayor and Aldermen shall constitute the Common Council, and the style of all ordinances shall be: "The Common Council of the City of Rochester do ordain." The Common Council shall have the control and management of the finances and of all the property of the city, and shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice and intemperance, and the prevention of crime, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, or by-laws—and all such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law; and for these purposes, shall have authority by ordinances, resolutions, or by laws; *Provided*, They be not repugnant to the Constitution and laws of the United States, or of this State.

Licenses

*First*. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, or bowling saloons, and to fix the rate of license therefor; and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this Act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one

hundred dollars a year, and as much higher as the Council shall direct, and that no license shall be granted for a less term than one year.

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

*Third.* To prevent any riots, noise, disturbance, and disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the city. <sup>Prevent riots &c</sup>

*Fourth.* To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from time to time as often as they may be deemed necessary for the health, comfort and convenience of the inhabitants of the city. <sup>Nuisances</sup>

*Fifth.* To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials. <sup>Slaughter houses</sup>

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

*Seventh.* To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the [water] within the limits of the city. <sup>Horse-racing &c</sup>

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

*Ninth.* To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of dogs when at large contrary to the ordinances. <sup>Dogs</sup>

*Tenth.* To prevent any person from bringing, depositing, or having within the city, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his

premises, or from any street, lane or alley, and on default, to authorise the removal thereof by any competent officer, at the expense of such person or persons.

**Public grounds water works &c** *Eleventh.* To make and establish public grounds, pumps, wells, cisterns, reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

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

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

**Driving on side walks** *Fourteenth.* To prevent all persons riding or driving any ox, cow, horse, mule, or other animal on the sidewalks of the city, or in any way doing damage to such sidewalks.

**Shooting in streets** *Fifteenth.* To prevent the shooting of fire-arms, crackers, rockets, or other projectiles, and to prevent the exhibition of any fire-works in any situation which may be deemed by the Council dangerous to the city or any property therein, or annoying to any citizen thereof.

**Restrain drinking** *Sixteenth.* To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

**Runners** *Seventeenth.* To restrain and regulate runners and solicitors for stages, public houses, railroads, and other establishments, and to regulate the police of the city.

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

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

**Removal of dirt from side-walks** *Twentieth.* To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the side walks, streets or alleys opposite thereto; 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-first.* To regulate the time, place and manner of holding public auctions or vendues.

**Weights and measures** *Twenty-second.* 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 for the use of false weights and measures.

*Twenty-third.* To appropriate money and provide for the payment of the expenses of the city.

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

*Twenty-fifth.* To provide for the erection of all needful buildings for the use of the city.

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

*Twenty-seventh.* To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn brokers, and money changers. Licenses

*Twenty-eighth.* To license and regulate porters and fix the price of portorage.

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

*Thirtieth.* To regulate and order parapet walls and partition fences.

*Thirty-first.* To provide for taking, from time to time the enumeration of the inhabitants 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 three miles of the city. Health regulations

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

*Thirty-fourth.* To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages. Fire limits

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

*Thirty-sixth.* To appoint one or more fire-wardens, and to prescribe their duties.

Fire engines  
 &c

*Thirty-seventh.* The Common Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Laws and ordi-  
 nances how  
 passed ↓

Sec. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the Common Council, and be signed by the Mayor, and shall be published in the official paper of the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

City funds

Sec. 4. All funds in the City Treasury shall be under the control of the Common Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by vote of the City Council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full Council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the Council shall be entered on the Journal of the Council, and no moneys shall be appropriated except such as are expressly authorized by this Act.

Further power  
 of council

Sec. 5. The powers conferred upon the Common Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without the license required therefor, within the limits of said city, are hereby declared and deemed public or common nuisances.

Accounts of  
 city officers

Sec. 6. The Common Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the time for which such officers were appointed or elected shall have expired, and the Council shall require each and every such

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

## CHAPTER VII.

### FINANCES AND TAXATION.

SECTION. 1. All funds in the treasury, except State and county funds, shall be under the control of the Common Council, and be drawn out upon the order of the Mayor and Clerk, and countersigned by the Comptroller, duly authorized by a vote of the Common Council; and all orders drawn upon the Treasurer, shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment for any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

City funds under control of council

SEC. 2. The said Council shall have power to annually levy a tax upon all the property in said city, subject to taxation, not exceeding in the aggregate five hundred dollars per annum, to defray the current expenses of the city. Every qualified voter in said city shall annually pay a capitation or poll tax of two days work upon the highways, streets, alleys or bridges within the city, under the direction of a street commissioner. All persons liable to pay such capitation or poll tax, may in lieu of work, pay to the street commissioner one dollar per day, and the street commissioner shall expend all money so received on the streets, highways, alleys or bridges, under the direction of the Common Council.

Power to levy tax

## CHAPTER VIII.

### STREETS, ALLEYS, ETC.

SECTION 1. The Common Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets, alleys or highways within the city, to be kept open and in repair and free from nuisances. No street, alley or highway, which has been



Supervision of  
streets

heretofore laid out, or surveyed and platted, and the survey and plat thereof recorded, shall be vacated by the Common Council or the County Board of Supervisors, nor shall any alteration be made therein except to straighten the same between the ends thereof within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the Common Council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance specially passed for such purpose.

## CHAPTER IX.

### CITY IMPROVEMENTS.

City improve-  
ments

SEC. 1. The Common Council of said city shall have power to ordain and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers, within said city, and to direct and control the persons employed therein; and all such improvements shall be superintended by a Street Commissioner.

To construct or  
repair side-  
walks

SEC. 2. Whenever the Common Council shall deem it necessary to construct or repair any side walk within the city, they shall require the Street Commissioner to notify in writing, the owner or occupant of any lot adjoining such side walk, to make or repair the same at his own proper cost and charge, in such manner and within such time as may be specified in the notification. If such work is not done in the manner and within the time prescribed, the Common Council shall order the same to be done at the expense of the lots adjoining such sidewalks; and the expense thereof shall be assessed upon such lots so chargeable, by the Street Commissioner, and returned to the Common Council and collected in the same manner and under the same regulations as assessments for street improvements, and shall bear a like rate of interest after confirmation. All street crossing shall be graded, and all cross walks built at the expense of and payable by the lots cornering on said crossings.

Costs of survey  
and of repair-  
ing—by whom  
paid

SEC. 3. The cost and expenso of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. Grading, gravelling, planting, macadamizing or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement, so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Sewers and drains communicating with main sew-

ers may be built, by order of the Common Council, through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case, the expense thereof shall be assessed upon the lots so drained and benefitted; *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this Section upon lots benefitted, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the funds of the city, in proportion to the street, alley or public grounds.

Sec. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvement or sewers the expense of which is to be charged to the lots drained or benefitted as before provided, shall be ordered by the Common Council, except upon the petition in writing of a majority of the owners of property whose lots will be so chargeable with the expenses thereof. On receipt of such petition, the Common Council shall pass a resolution that that effect, and shall require the Street Commissioner of the proper Ward, with the assistance of the City Surveyor, to examine the premises and report a grade, (in the case of a street or alley,) and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners' names, if known, and the proportion of expense to be assessed upon each, and the Common Council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the City Surveyor. The Common Council shall thereupon order the said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

Grading and improvements chargeable to lots—to be done only on petition of lot-holders

Sec. 5. When the work provided for in the preceding section shall be placed under contract, the Street Commissioner shall give notice by publication in the official newspaper of said city, for ten days, that the expenses thereof, (in case of streets and alleys,) will be assessed upon the lots fronting such street or alley, within the line of such improvement in proportion to their fronts thereon; and in case of sewers, chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefitted thereby, (which lots shall be designated in the notice,) will be assessed in proportion to their size or area. Such assessment, when completed, shall be returned to the Common Council, and the said Common Council shall thereupon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the Treasurer, and the same shall be levied and collected as other taxes and assessments.

Proceedings to let contract

Sec. 6. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter, where

Assessments  
upon lots

the notices hereinbefore provided shall have been given, and all assessments for work or expenses chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the Common Council, and shall bear interest ten days thereafter, at the rate of twenty-five per cent. per annum, and the Common Council shall fix a time for the sale of such premises for the unpaid assessments, not less than three months from the time of the confirmation thereof, to be specified in the warrant. Sales for such unpaid assessments, should be conducted in the same manner and with the same effect, and under the same regulations as in the case of sales for taxes in said city, and shall be subject to the like right of redemption upon payment of such assessments and interest, at the rate of twenty-five per cent. per annum and charges, except that the time of redemption in sales for assessments under this Chapter, shall be limited to one year, and the notice of such sale shall specify the time of redemption.

Collection of  
assessments,

Sec. 7. All amounts collected from the assessments for improvements under this Chapter, and all contracts and claims for improvements chargeable to lots under this Chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against the city.

Bonds of the  
city authorized  
to be issued in  
anticipation of  
street assess-  
ments

Sec. 8. The Common Council may, at any time, for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvements, by a vote of two-thirds, issue the bonds of said city in such form, amounts and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding twelve per cent. per annum, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements outstanding, shall not at any time exceed one per cent. of the assessed value of the property in the city, according to the last assessment.

## CHAPTER X.

### ASSESSING, LEVYING AND COLLECTING TAXES.

Property sub-  
ject to taxation

Sec. 1. All property, real or personal, within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; the assessors, elected under this Act shall have and possess the same powers that are or may be conferred by upon township or county assessors, except so far as

they may be altered by this Act. The Common Council may prescribe the form of assessment rolls, and may fully define the duties of assessors, and make such rules and regulations, in relation to revising, altering or adding to such rolls, as they may, from time to time, deem advisable.

SEC. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the Court House in said city, and after taking their official oath, shall proceed to organize by electing one of their number Chairman, who shall be authorized to administer such oaths as shall be required by this Chapter, and within such time as the Common Council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description as near as may be, of all lands, lots, or parcels of land within said city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation or poll tax, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, and shall as far as practicable, enter the name or owner opposite to any parcel or tract of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all.

Assessors-du-  
ties of

SEC. 3. When the assessment roll shall be completed, the assessors shall give ten days notice thereof, in the official paper, and shall fix a time to meet at the City Hall for the purpose of equalizing assessments throughout the city, and of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require; *Provided*, That the time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Notice of com-  
pletion of as-  
sessment roll

SEC. 4. Within one week after the time limited for the hearing of such objections, the Board of Assessors shall return the said assessment roll to the Common Council, who may confirm or refer the same back to the Board of Assessors. The Common Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same; *Provided, however*, The Common Council shall not have power to increase the total amount of said roll, except by the value of such real estate as may have been omitted by the Assessors.

Confirmation  
of roll

SEC. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the Recorder, and an order confirming the same shall be entered in the proceedings of the Common Council. Thereupon the Common Coun-

Assessment  
roll to be filed

cil shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized amounts.

Taxes to be a  
lien upon pro-  
perty

SEC. 6. All taxes and assessments, general or special, levied under this Act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment-roll, and upon all personal property of any person or body politic assessed for personal taxes from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall effect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes on personal property.

Copy of tax  
roll

SEC. 7. As soon as the tax shall be levied, the Common Council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land, and to each person named under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax-list, and to it shall be appended a warrant, signed by the Mayor and Recorder, and sealed with the corporate seal of said city, directed to the City Treasurer, requiring and commanding him to collect the taxes and assessments in said list, specified in the manner prescribed by this Act; and in case said taxes and assessments shall not be paid within the time specified, then in said warrant then, that he shall proceed to sell the several lots or parcels of land, or those parts thereof upon which said taxes and assessments shall remain unpaid, and make due return to the Common Council within such time as shall be fixed in said warrant.

Certificate of  
recorder to tax  
roll

SEC. 8. Such tax-list, before being delivered to the Treasurer, shall be compared by the Recorder with the assessment-roll as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment-roll, and the whole thereof, has been copied into such tax-list; and the said tax-list, when so certified, shall be *prima facie* evidence in any Court that the lands and or persons therein named were subject to taxation, and that the assessment was just and equal.

Treasurer to  
give notice of  
taxes to be  
paid

SEC. 9. On the receipt of such tax-list, the Treasurer shall give two week's notice thereof in the official paper. Such notice shall specify that taxes on personal property shall be paid within thirty days from the first publication of said notice; and taxes and assessments on real estate before the last day of December following, and that all tracts or parcels of land specified in said tax-list upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified, and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes

and assessments within the time specified shall be deemed a refusal to pay the same.

Sec. 10. On the expiration of the thirty days mentioned in the preceeding Section, the Treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in Chapter twelve of the Revised Statutes; and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Treasurer, the Common Council may sue for and recover the amount thereof from the said Treasurer and his sureties. In case the taxes on personal property shall not be paid within the time limited in the Ninth Section of this Chapter the Treasurer may issue his warrant directed to the City Marshal, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the Marshal receiving such warrant shall be subject to all the liabilities, and shall have the power of levying, distraining and selling, that are herein given to the Treasurer, and shall be entitled to the fees for collecting which the Treasurer would have been had the tax been collected by him: *Provided*, That the proceedings may be stopped at any time on payment of the taxes or assessment with the costs incurred.

Collection of taxes to be enforced

Sec. 11. On or before the first day of March, and on the day and at the place designated in the Treasurer's notice, he shall commence, by public auction sale, (and continue the same from day to day till the whole are disposed of,) of all tracts and lots, or parts thereof upon which the taxes or assessment shall remain unpaid. The sale to be made for the smallest undivided portion of the lot or tract for which any portion will take the same and pay the charges thereon. On receiving the amount of such taxes and charges, the Treasurer shall issue to the purchaser, his or her heirs, or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same shall expire. The Treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time by whom, and for what sum the same was redeemed, and the time, and to whom the same was conveyed, if not redeemed.

Sale of real estate for taxes

Sec. 12. In case any purchaser, at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the Treasurer shall designate, he shall on the day following, offer such lot or tract again for sale, and any person bidding off at such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased, and not paid for, to be sued for and collected as other penalties under this Act.

Tax sales

**Tax sales--redeemption** SEC. 13. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner, or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or a lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed.

SEC. 14. Any tract of land sold in pursuance of this Act, or any part thereof which shall not be redeemed within three years from the day of sale, shall be conveyed by the Treasurer to the purchaser, or his assigns, as herein provided.

SEC. 15. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this Act, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

**City to bid off property if no other bid be offered** SEC. 16. If [at] any sale of real and personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this Chapter, the Treasurer shall have power to sell the same at public sale, giving one week's notice in the official paper, and in case the city shall become the purchaser of any real estate at any tax sale, the Treasurer is authorized to sell the certificate issued therefor for the amount sold and interest, and to endorse and transfer such certificates to the purchaser.

**Omission of property in assessment how remedied** SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the Common Council shall, direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever's hands they may have come; should the tax or assessment upon any parcel of land be set aside or be de-

clared void by reason of any defect or informality in the levying, selling and conveying the same but not affecting the equity and justice of the tax itself, the Common Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by resolution direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the Common Council may direct; and the said tax or assessment so re-assessed or re-levied shall be and continue a lien upon said lot, or tract, and shall be collected as other taxes and assessments are collected under this Act.

SEC. 18. All deeds purporting on their face to be executed on account of sale for taxes or assessment under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and if the title conveyed by such deed shall come in question, shall be *prima facie* evidence of all facts recited in such deeds so far as they affect the validity of the title conveyed by such deed. Deeds for tax sales

SEC. 19. All the directions hereby given for the assessing of lands and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate, or in any wise affect the validity of the tax or assessment. Provisions concerning assessments directory

SEC. 20. The Treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes; and he shall keep an account thereof, and pay the same over on demand, to the person entitled to receive the same; he shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successor all redemption money in his hands, with a statement of the amount so received, and to whom belonging. Treasurer to receive all moneys

SEC. 21. The Treasurer shall be entitled to the following fees, to wit:

Five per cent. on all sums collected on personal tax, the same to be added to the amount of the personal tax of each person taxed; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to such fees as are allowed sheriffs on sales of goods under execution. Fees of treasurer

For each certificate by him issued on the sale of lands for payment of taxes or assessments, ten cents, to be added to the amount of such tax or assessment, and included in such certificate.

For each lot redeemed, for which he shall issue a certificate, twenty-five cents; five cents for each additional lot embraced in such certificate, to be paid by the person redeeming.

For each tax deed executed by him, one dollar; and five



cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same. The Treasurer shall be allowed for the collection of taxes on real estate the same compensation as is allowed to tax collectors by law.

**Bidding off property for taxes**  
**SEC. 22.** Whenever any person shall bid off any lot offered for sale for taxes, which may have been bid off in the name of the city for taxes of any previous year, and at the time of such subsequent sale, remains the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof.

**Tax sales to be made by treasurer**  
**SEC. 23.** All sales for taxes of property within the limits of the City of Rochester, shall be made by the Treasurer, in accordance with the provisions of this Act, for all taxes which may be levied after the passage of the same.

**SEC. 24.** No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the Treasurer, the amount of all State, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

**SEC. 25.** The Assessors shall receive the same compensation as other Assessors under the laws of the State, and shall be paid by the county of Olmsted.

#### COUNTY AND STATE TAXES.

**SEC. 26.** Before the annual meeting of the Board of Supervisors of the county of Olmstead in the fall, it shall be the duty of the Recorder to cause a copy of the assessment roll of said city for such year, to be transmitted to the Clerk of the Board of County Supervisors who shall lay the same before the said Supervisors at their meeting.

**County and state taxes**  
**SEC. 27.** The Board of County Supervisors shall have the right of equalizing the assessment rolls of the towns in said county and of said city, as provided by law.

**Assessment—how made**  
**SEC. 28.** The said Board of Supervisors may levy a tax as now provided by law, and shall cause the amount of taxes to be levied, and the purposes to be certified to the Recorder in the manner provided by the general laws of this State; and the said Recorder shall add the amount of taxes so levied upon each separate piece or parcel of real estate, or against each person or body politic assessed for personal property, to the said tax list; the same to be placed in a separate column or columns, which shall be headed with the name of the

tax, as county, or State, or both, and shall deliver the same to the City Treasurer as hereinbefore provided.

Sec. 29. The Treasurer of the city, in giving bonds, collecting such tax, and making his returns to the county Treasurer, and in all other respects shall conform to the general laws of the State. All moneys received by the City Treasurer, from sales for taxes levied by the county Board of Supervisors, shall be paid over to the County Treasurer from time to time as the same is received.

## CHAPTER XI.

### COMMON SCHOOLS.

Sec. 1. The district of country limited and described in this Act as the City of Rochester, be, and is hereby made and constituted, a School District, and the same shall be under the Supervision of the Common Council of the said City of Rochester, who are hereby authorized and empowered, and it shall be their duty to make all needful rules and regulations for the support and maintenance of a common school or schools therein, with the like powers and duties as are or may be prescribed by general law for Trustees or other officers of the school districts throughout the State. School districts

Sec. 2. The Common Council shall have power to levy a tax for the support of said schools within any limit which may be imposed by general law. The amount of said tax to be levied for the fiscal year shall be determined before the confirmation of the tax list in any year, and the amount so levied upon each piece of property, real or personal, described in said list, shall be set opposite said property in a separate column, which shall be headed "School Tax." Said tax shall be collected at the same time and in the same manner as other taxes as hereinbefore provided. The school tax shall be paid out as other moneys, but shall not be applied or used for any other than school purposes. Tax for school purposes

Sec. 3. The Common Council shall not have power to levy a tax to build or buy a school house, except by a vote of a majority of the tax payers of the city.

## CHAPTER XII.

### MISCELLANEOUS PROVISIONS.

Sec. 1. All work for the city exceeding one hundred dollars, shall be let by contract to the lowest responsible bidder; due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the Common Council shall determine otherwise; *Provided*, That they shall have power to reject all unreasonable bids. City work to be done by contract

**Appropriation  
how made**

SEC. 2. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this Act, and no vote of the Common Council shall be re-considered or rescinded at a special meeting, unless at such special meeting there be present as large a number of Aldermen as were present when such vote was taken.

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

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

**Violation of or-  
dinances**

SEC. 5. In all prosecutions for any violation of this Act, or of any by-law or ordinance of the City of Rochester, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the city of Rochester; but the person or persons so arrested, may be proceeded against, tried, convicted and punished, or discharged in the same manner as if the arrest had been by warrant. All warrants, process or writs issued by the City Justice for violations of any ordinance, or by-law of said city, shall run in the name of the City of Rochester, and shall be directed to the Marshal or any police officer of said city.

**Fines and pen-  
alties**

SEC. 6. In all cases of the imposition of fine or penalty, or of the rendering of a judgment by the City Justice of said City, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the city of Rochester as a punishment for any offence, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Olmstead county, and be there imprisoned for a term not exceeding six months, in the discretion of the City Justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the common jail of the county of Olmstead.

**Incompetent  
witness**

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.

**Elections**

SEC. 8. If any election by the people or Common Council shall for any cause, not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the Common Council, and if any of the duties enjoined by this Act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are

not so done or performed, the Common Council may appoint another time at which the said acts may be done and performed.

Sec. 9. 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 Common Council thereof, or to take such other proceedings as by the ordinances or resolutions of said Council may be in such case provided. Actions against city

Sec. 10. The following property, now or at any time hereafter, belonging to said city thereof, shall be exempt from levy and sale under or by virtue of any execution : engine houses, hook and ladder houses, together with the grounds and lots upon which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the Common Council of said city ; market houses and the furniture thereof, city hall and furniture of Common Council and office rooms. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city. Exemption of city property from sale

Sec. 11. The Common Council shall cause to be established under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of Register of Deeds of Olmstead county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement, which may be affected or injured in consequence of the alteration of such grade. Grades how established

Sec. 12. The said city may lease, purchase and hold, real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation. Real estate—purchase or lease of

Sec. 13. Real estate exempted from taxation by the laws of the State, shall be subject to special taxes or assessments, as other real estate under this Act.

Sec. 14. No law of this State, contravening the provisions of this Act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Sec. 15. The City of Rochester shall not be liable in any case for the board or jail fees of any person who may be com- Jail fees

mitted by any officer of the city, or any magistrate, to the jail of Olmstead county, for any offence punishable under the State laws.

Road districts  
how constituted

SEC. 16. The Common Council may constitute road districts, and require the street commissioner thereof to collect the capitation or poll tax; such street commissioner shall have all the powers of road supervisors or overseers, as provided in the Revised Statutes of this State, and shall report to the Common Council when required; *Provided, however,* the street commissioner shall receive his compensation as such supervisor or overseer, out of the moneys collected on such poll tax; in no case shall any money be drawn from the city funds for the compensation of road masters, or for any work performed by them or under their supervision.

Liens for taxes  
not affected by  
sales or judgments &c

SEC. 17. 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, work or benefits chargeable to or assessed against property under this Act, although the compensation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

Further remedies  
to recover  
payment of tax

SEC. 18. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by the said city, in the District Court in and for Olmsted county, or before any Justice of the Peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this Act against the parties liable therefor, or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this State; and in case the parties defendant cannot be found within the county of Olmsted, publication in the official newspaper of said city, of the summons for six weeks once a week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the City of Rochester, by virtue of its corporate powers, on a certain day made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment; and a transcript of such assessment for taxes, improvements or benefits, duly certified by the city clerk, shall be *prima facie* evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered shall bear interest at the rate of twenty-five per cent. per annum.

Compensation  
of city officers

SEC. 19. The officers of said city shall not be entitled to, or receive any compensation for their services, except as in this Act provided. The Alderman shall be entitled to the same compensation as now allowed by law to inspectors of election, for services as such inspectors, to be paid by the

county of Olmstead for any special or general election held by authority of the State or county. The street commissioners shall be entitled to one dollar and fifty cents per day for all services required by this Act, but shall be paid from moneys arising from assessments for improvements, and their compensation shall be included in such assessment.

Sec. 20. The Common Council may levy a tax for the purchase of a fire engine and other necessary fire apparatus, and the erection of necessary buildings therefor, and the construction of reservoirs, or for the purchase of real estate necessary for the city to an amount not exceeding one half of one per cent. on the valuation, including the amount hereinbefore authorized, in any one year. But such levy shall not be made until the question of making the same shall have been submitted to a vote of the tax paying voters, not including capitation or poll tax, in said city. On such submission at a special election ordered therefor by the Common Council, of which ten days notice shall be given, if three-fifths of the voters voting at such election shall vote for such levy, it shall be made. But if less than three-fifths vote therefor, it shall not be made, nor the same question be again submitted to the voters of the city till after the expiration of six months. Whenever any such tax may be levied it shall be included in the tax list for the year, and collected at the time and in the manner of collecting other taxes. Tax for fire engines &c

Sec. 21. The Common Council, for the purpose of building one or more bridges in any Ward, may levy a special tax upon the real and personal estate in that Ward in which the bridge is situated, upon the petition in writing of a majority of the tax payers in such Ward, which petition shall state the amount necessary to be raised for the purpose. Such levy shall be made upon the last preceding assessment roll, and the tax collected in the same manner as other taxes, but at such time as may be directed by the Common Council. If any of said tax remains unpaid, the Treasurer shall include the same in the next sale for delinquent taxes and shall proceed as in like case under a general tax. Tax for bridges

Sec. 22. All acts and parts of acts inconsistent with this Act are hereby repealed.

Sec. 23. This Act shall take effect from and after its passage.

The first election under this Act shall be held on third Monday of August next, and the polls shall be held as follows: First election

In the First Ward in Morton Hall.

In the Second Ward at the Court House.

In the Third Ward at the house of Dr. Hunter.

The polls shall be opened at one o'clock and close at five o'clock, P. M.

The qualified voters present at the time and place for opening the polls shall choose by *viva voce* vote two Inspectors of

Elections, who shall have all the powers of Inspectors under this Act.

The officers elected at such election shall hold their offices until the first Tuesday in May, A. D. 1859, and until their successors are elected and qualified.

The powers and duties of the Supervisors of the Town of Rochester shall cease on the third Monday of August, 1858, so far as relates to the City of Rochester, but nothing herein shall effect their powers and duties so far as relates to the remainder of said town. The Justices of the Peace and other officers elected for the Town of Rochester residing in the City of Rochester, shall continue in office in the discharge of their several duties, except so far as relates to the City of Rochester, until the next annual election.

GEORGE BRADLEY,

Speaker of the House of Representatives.

WILLIAM HOLCOMBE,

President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }  
August 5, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

## CHAPTER LXXX.

*An Act to amend an Act entitled "An Act to Incorporate the city of Hastings and to repeal its former Charter," approved June 22, 1858.*

See chapter 71  
page 187

- SECTION 1. Amendment to Section One, Chapter Five, relating to taxable property in the city.  
2. Amendment to Section Ten, Chapter Five, relating to payment of taxes.

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

SECTION 1. That Chapter Five, Section One, of said Act, be amended so as to read as follows: "all property, real and personal, within the city, except such as may be exempt