

April, A. D. eighteen hundred and seventy, and one until the second Tuesday of April A. D. eighteen hundred and seventy-one, and at the first meeting of said council the respective terms of each shall be designated by lot.

No informality shall invalidate said election.

SEC. 9. No informality or irregularity in making or printing of the notices of said first election, nor a failure to give notice of said first election, or to prepare the poll lists or appoint judges for the same as herein prescribed, shall in any way invalidate said election: *Provided*, That on the day of election the regulations governing elections are substantially complied with.

Repeal of inconsistent acts.

SEC. 10. All acts and parts of acts conflicting or inconsistent with this act are hereby repealed.

When act to take effect.

SEC. 11. This act shall be deemed a public act, and shall take effect from and after its ratification or adoption by a majority of the voters, voting at the first election hereinbefore prescribed.

Approved March 6, 1868.

## CHAPTER XXVIII.

*An Act to reduce the act incorporating the town of Saint Cloud, and to repeal a former charter of said town, approved March eighth, one thousand eight hundred and sixty-two, and the several acts amendatory thereto to one act, and to amend the same, and to incorporate the city of Saint Cloud.*

March 6, 1868.

### CHAPTER I.

SECTION 1. The several acts incorporating the Town of St. Cloud reduced to one act.

2. Boundary lines of the City of St. Cloud.

3. Divided into four Wards—names of Wards—boundary lines of each Ward.

### CHAPTER II.

#### ELECTIVE OFFICERS AND ELECTIONS.

SECTION 1. When annual election to be held—length of time the polls to be kept open—notice to be given.

2. Elective officers of said City—term of office.
3. Persons appointed or elected to any office may be removed for cause—how.
4. Vacancies how filled.
5. All elections by the people shall be by ballot—in case of a tie vote how decided.
6. When qualified as an elector.
7. Who to be judges of election—how elections to be conducted.
8. Judges of election to make return to Clerk of Common Council.
9. Special elections, how conducted.
10. When office deemed vacant.
11. When term of office to begin.
12. In case no election held on day designated, the Common Council may order a new election.

## CHAPTER III.

## OFFICERS—THEIR POWERS AND DUTIES.

- SECTION 1. Persons elected or appointed to office to take and subscribe an oath—what officers to give bonds.
2. Mayor to see that all laws and ordinances are duly enforced—to be chief executive officer, and head of the police—all ordinances and resolutions to be signed by the Mayor.
  3. When Common Council to elect presiding officer—in the absence of the Mayor President of the Council Mayor *ad interim*—may administer oaths.
  4. Duties of City Clerk.
  5. Common Council to elect City Attorney—duties of.
  6. Duties of City Treasurer.
  7. Mayor to appoint a Chief of Police—duties of said officer.
  8. Council to elect Street Commissioner—term of office—duties of—to give bond for faithful performance of duties.
  9. Council to elect an Assessor—duties of—term of office.
  10. Rights and powers of the City Justices.
  11. City Justices required to report to Common Council—what report to contain—fees.
  12. When to be in attendance at their office.
  13. Tax authorized to be imposed with other legal costs in suits brought to recover fines and penalties.
  14. City Clerk to report financial condition of the city whenever required.
  15. To keep regular books of accounts in which shall be entered all indebtedness of the city.
  16. To make report to Common Council—what to contain.
  17. No contract to be countersigned the expense of which shall exceed the revenue actually collected.
  18. May examine the reports, books, &c., of the Treasurer.
  19. Common Council to elect a City Surveyor—to prescribe duties and fix compensation.
  20. Printing to be given to the lowest bidder—what to be considered sufficient evidence of publication of notices, &c.

21. Any person refusing to deliver to successor in office all property, books, &c., shall forfeit and pay to the city \$1,000.
22. Further powers of Council.
23. Who deemed to be officers of the peace.

## CHAPTER IV.

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

- SECTION 1. Style of all ordinances—when and where Council to meet—what to constitute a quorum.
2. Council to hold stated meetings—Mayor may call special meetings—Council to be judge of the qualifications and elections of its own members.
  3. Council to have control of the finances—further powers of Common Council.
  4. Vote necessary to pass all ordinances, &c.—when may be admitted as evidence in any court.
  5. Power herein conferred for the abatement of nuisances not to hinder prosecutions in the Courts.
  6. Common Council to examine and audit all accounts—penalty for violation of provisions of this act.
  7. Council authorized to issue bonds—bearing what rate of interest.
  8. Bonds authorized to be issued by the Town of St. Cloud, may be issued by the City.

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- SECTION 1. Authorized to levy tax to provide for the current expenses of the city government.
2. Authorized to levy ward tax—disposition of proceeds.
  3. No tax shall be invalid by reason of any informality in the manner of levying the same.
  4. Authorized to levy annually a tax for the purpose of paying bonds and other indebtedness in any year.
  5. When to transmit to County Auditor statement of all taxes by them levied.
  6. How orders may be drawn upon the Treasury.
  7. When orders may be cancelled.
  8. Authorized to levy a corporation poll tax.

## CHAPTER VI.

## STREETS, BRIDGES AND PUBLIC GROUNDS.

- SECTION 1. Common Council to have control of all public highways, &c.
2. Common Council shall have power to contract for opening, grading and repairing streets, &c.
  3. When necessary to take private property how to proceed.

## CHAPTER VII.

## FIRE DEPARTMENT.

- SECTION 1. Common Council to prescribe fire limits.
2. Power to prevent the dangerous construction of chimneys, &c.
  3. Common Council authorized to purchase fire engines and other fire apparatus—exemptions of members of fire department.
  4. To appoint Chief and Assistant Engineers.
  5. Penalty for refusing to obey orders given at any fire.

6. Penalty for violating provisions of this section.
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## CHAPTER VIII.

## STREET GRADES AND SIDEWALKS.

- SECTION 1. Common Council to establish grade of streets and sidewalks.
2. Duty of Street Commissioner when necessary to construct and repair sidewalks.
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## CHAPTER IX.

## LIGHTING OF STREETS.

- SECTION 1. Council authorized to make contract for lighting streets.
2. To authorize the laying of gas pipes in any and all the streets.
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## MISCELLANEOUS PROVISIONS.

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2. When penalty or judgment may be remitted.
  3. In what cases shall warrant be issued--what cases warrant not to be issued.
  4. For non-payment of fines how punished.
  5. Qualifications of judge, justice, &c.
  6. All ordinances, &c., created by the Town Council, not inconsistent, to remain in force.
  7. All moneys and properties shall be vested in said city.
  8. How suits may be brought against the city.
  9. May purchase and hold real estate.
  10. No laws shall be considered repealing or modifying the same unless expressly set forth in such law.
  11. In what cases not liable for board or jail fees.
  12. Street Commissioner to collect poll tax.
  13. What to constitute the Town of St. Cloud.
  14. Disposition of moneys in the hands of the County Treasurer made payable to the Town of St. Cloud.
  15. When Town Government to cease.
  16. Powers and duties of Council elected under the provisions of this act.
  17. When purchaser of said lots may have clear title to same.

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## EDUCATION.

- SECTION 1. Said city constituted a school district.
2. What to constitute a Board of Education--term of office.
  3. Shall be a body corporate--name.
  4. Compensation of Members of Board of Education.
  5. Vacancies, how filled.
  6. What to constitute a quorum--when to elect officers.

7. Powers and duties of said Board.
8. All schools to be public schools.
9. Duty of Clerk of Board of Education.
10. Duty of Treasurer of Board of Education.
11. How Board of Education elected.
12. Taxes how levied and collected.
13. How act amended or repealed.
14. May levy a tax for the purpose of procuring sites for school houses.
15. May levy other taxes—in what sum.

## CHAPTER XII.

## FIRST ELECTION.

- SECTION 1. When first election to be held.
2. When to designate the place of holding election in each ward.
  3. The Recorder to cause notices to be posted—when.
  4. Duties of Judges of Election.
  5. When Judges of Election to make corrections in poll lists—to whom return to be made.
  6. When votes to be canvassed by retiring Board.
  7. When and where first meeting of Council to be held.
  8. Number of Aldermen to be elected in each ward—term of office.
  9. No informality shall in any way invalidate said election.
  10. When act to take effect.

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

## CHAPTER I.

SECTION 1. That an act entitled an act to incorporate the town of Saint Cloud and to repeal a former charter of said town, approved March eighth, A. D. one thousand eight hundred and sixty-two, and the several acts amendatory thereof, be and the same are hereby reduced to one act and amended so as to read as follows:

SEC. 2. That all the district of country in the county of Stearns, in the state of Minnesota, contained within the following boundaries and limits, shall constitute the city of Saint Cloud, to wit: All that part of lot number one; all that part of the north west quarter of the north west quarter; all that part of the south west quarter of the north west quarter; the south east quarter of the north west quarter and lot number two, of section eleven, included in Lowry's addition to the town of Saint Cloud, according to the map of the survey of said addition made by T. H. Barrett, and recorded in the office of the register of deeds, in and for the county of Stearns, state of Minnesota; the south west quarter and the west half of the south east quarter; the

Acts consoli-  
dated.

City boundary.

south east quarter of the south east quarter, and lot number three, in section eleven; lot number one in section twelve; the east half of the north west quarter and the north east quarter of section number fourteen; the east half of the south east quarter of section number fourteen; the west half of the north west quarter of section number fourteen; the west half of the south east quarter and the south west quarter of section number fourteen; the west half of the north west quarter and the west half of the south west quarter and lots numbers one, two, three and four of section number thirteen, and lot number one of section number twenty-four, and the east half of the south east quarter of section number ten; all in township one hundred and twenty-four north, of range twenty-eight west, and the people now inhabiting, and those who shall hereafter inhabit, within the said district of country, shall be a municipal corporation by the name of "the city of Saint Cloud," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a seal, and alter it at pleasure, and take, hold and purchase, lease and convey, any and all such real and personal and mixed estate as the purposes of the corporation may require, within or without the limits aforesaid, and shall be capable of contracting and being contracted with, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specifically granted and the authorities thereof shall have perpetual succession.

SEC. 3. The city shall be divided into four wards, to be called the first, second, third and fourth wards, limited and bounded as follows, viz: All the district of country and territory lying within said boundaries and limits of said city of Saint Cloud and south of the centre of Wilson street extending from the Mississippi river to the western boundary or limit of said city, shall constitute and be the first ward. All that district of country and territory lying within said boundaries and limits of said city of Saint Cloud and north of the centre of Wilson street extended as aforesaid, and south of the centre of Lake street extended from the Mississippi river to the western boundary or limits of said city shall constitute and be the second ward. All the district of country and territory lying within said boundaries and limits of said city of Saint Cloud north of the centre of said Lake street extended as aforesaid, and south of the centre of Saint Augusta street, extended from

Names of wards  
—boundaries.

the Mississippi river to the western boundary or limit of said city shall constitute and be the third ward. All the district of country and territory lying within said boundaries and limits of said city of Saint Cloud and north of the center of said Saint Augusta street, extended as aforesaid, shall constitute and be the fourth ward.

## CHAPTER II.

### ELECTIVE OFFICERS AND ELECTIONS.

Annual election  
when held—  
manner of hold-  
ing the election.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first Monday in May of each year, at such place in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding said election and of the officers to be elected.

Elective officers  
—term of office.

SEC. 2. The elective officers of said city shall be a mayor, treasurer, and two justices of the peace for the city, who shall be styled the city justices, all of which said officers shall be residents within and qualified voters of said city; each ward shall elect three aldermen, who shall be owners of real estate and 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 the city, shall be appointed by the common council unless otherwise provided. At every annual election after the first election of officers and the organization of the city government, under this charter there shall be elected for each ward one alderman who shall hold his office for three years. The city justices shall hold their offices for two years, and until their successors shall be elected and qualified. All other elective officers shall hold their respective offices for one year, and until their successors are elected and qualified.

Officers can be  
removed—how.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with a written statement of the charges against him, nor unless he shall have had a reasonable opportunity to be heard in his defense. The com-

mon 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 have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the common council unless otherwise provided for. 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 be elected or appointed to fill.

Vacancies how filled.

SEC. 5. All elections by the people shall be by ballots, and each ballot shall contain 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.

Elections shall be by ballot—in case of a tie how decided.

SEC. 6. All persons entitled to vote for state or county officers, and who reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created; *Provided*, That their names shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of the election of state and county officers; and the different wards established by law shall constitute election districts for state 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

Qualifications of electors.



of election to the county of the county of Stearns, within the time and in the manner prescribed by law.

Judges of election—election how conducted.

SEC. 7. The elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers, and shall take the usual oaths or affirmations as prescribed by the general laws of the state to be taken by 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 as provided for state and county elections, and vacancies among the judges thereof shall be filled as required by the laws of the state regarding elections; *Provided*, That no alderman shall be a judge of an election at which he is a candidate for any office. In such case, the office of judge of election shall be considered vacant, and shall be filled as provided by law.

To make return to Clerk of Council.

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been 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 deliver or cause to be delivered such returns to the clerk of the city within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter. The clerk of the city shall forthwith notify the officer or officers so elected, of their election by written notice served upon such officers in person, or left at their usual place of abode, with some person of suitable age and discretion.

Special elections how conducted.

SEC. 9. 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 made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution of the council.

When office deemed vacant.

SEC. 10. Any officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect 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. 11. The term of every officer elected under this law shall commence on the second Monday of May of the year for which he was elected, and shall, unless otherwise provided, continue for one year and until his successor is elected and qualified.

When term of office to begin.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten day's notice of the time and place being given.

When Council may order new election.

### CHAPTER III.

#### OFFICERS—THEIR POWERS AND DUTIES.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city clerk, and the treasurers, clerk, street commissioner, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of St. Cloud a bond, with at least two sureties satisfactory to the common council; and such 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 bonds, and remove from office any officer refusing or neglecting to give the same.

Officers to take oath and give 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 common council such information and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall by and with the advice and consent of the common council appoint such police officers and watchmen, as may be necessary except when otherwise provided for; and in case of a riot or other disturbance, he may appoint as many special or temporary constables 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

Duties of Mayor.

reduction of their number renders 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 common council with his objections thereto, by depositing with the city clerk to be presented to the common council at their first meeting thereafter; and upon the return of any resolution or ordinance by the mayor, the same vote by which the same was passed shall be reconsidered, and if after such reconsideration the common council shall pass the same by a two-thirds vote of those present and voting, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record by the city clerk. If an ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Council to elect  
presiding officer  
—his duties.

SEC. 3. At the first meeting of the common council in each year, after each annual election under this charter for officers of said city, the common council shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city or his inability from any cause 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 meeting of the common council, the vice-president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the common council, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid shall have the same force and validity as if performed by the mayor. The mayor and president and vice-president of the common council shall have the right to administer oaths and affirmations.

Duties of City  
Clerk.

SEC. 4. There shall be a clerk of said city, styled the city clerk who shall be selected by the common council and keep his office at the city hall, or place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meeting it shall be his duty to

attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original 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 city clerk shall have power to administer oaths and affirmations.

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

Council to elect  
City Attorney—  
his duties.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed accounts thereof, in such manner as the common council shall 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 the receipts and expenditures after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the city clerk, and a copy of the same published in one or more of the city newspapers. He shall also report to the common council at such times and in such manner as they may require.

Duties of City  
Treasurer.

SEC. 7. There may be a chief of police of said city, who may be appointed by the mayor by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council for the preservation of the public peace. All police officers of said city shall possess the powers of constables at common law, or by the laws of this state; and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by the city justice, for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and also all writs and process whatsoever, issued by the city justice in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice, in any part of this state; and when performing the duties of constables as aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace, or any violation of the laws of this

How Chief of  
Police appointed  
—his duties.

state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

Council to elect  
Street Commissioner—term of  
office—duties of  
—to give bonds.

SEC. 8. The common council may, at their first meeting after the annual election, or an adjournment thereof, elect by ballot a street commissioner, who shall hold his office for one year, and until his successor is elected and qualified. It shall be the duty of the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city, to hire laborers, and carry into effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges, and public grounds, of the city; and he shall be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity, or belonging to the city.

Council to elect  
Assessor—duties of—term of  
office.

SEC. 9. The common council shall, in the month of May in each year after the annual charter election elect an assessor, who shall be styled the city assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying all city, county and state taxes. And upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

Rights and powers of City Justices.

SEC. 10. The justices of the peace for the city, styled the city justices, shall possess all the authority, power and rights of a justice of the peace for the county of Stearns, under the laws of this state, and shall have in addition thereto, jurisdiction to hear and try all complaints for violation of any provision or provisions of the charter, and any ordinance, by-law, rule or regulation made or adopted or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine or forfeiture or penalty under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offenses committed against the same. And the said city justices shall have jurisdiction in cases of larceny, and may hear and try the same where the amount claimed to have been stolen, does not exceed the sum of one hundred dollars. In all prosecutions for

assaults, batteries and affrays, and for all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, where not otherwise 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; and appeals from the judgment and decisions of said city justices shall be allowed as now provided by law for appeals from judgments rendered by justices of the peace. In all cases of convictions for assaults; batteries and affrays within said city, and in all cases of convictions under any ordinances of the city for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and maintaining disorderly and ill-governed houses, the said justices shall have power, in addition to the fines or penalties imposed to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power in cases of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offenses committed within the city limits, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

SEC. 11. The city justices shall, as often as the common council may require, report to the common council all the proceedings instituted before them, in 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 or received by them belonging to said city; and said justices shall be entitled to receive from the county of Stearns such fees in criminal cases, as are allowed by statute to justices of the peace for similar services.

To make report  
—what to contain—fees.

SEC. 12. The common council may allow the city justices such amount for office rent as may be deemed just. Said justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to, and writs and process issued by them at all times in court or otherwise.

When to be in  
attendance at  
their office.

SEC. 13. In all suits brought on behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said city, and on complaints for

Tax authorized to be imposed—for what purpose.

assault, battery or affray, or other misdemeanor, or criminal offense, not indictable, committed within said city, the said justices shall be authorized to tax, with the other legal costs, one dollar for each trial and their residence in said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace: *Provided*, That said fee of one dollar shall shall not be collected from the county of Stearns or the city of St. Cloud.

City Clerk to report condition of finances—when required.

SEC. 14. It shall be the duty of the city clerk to report to the common council the financial condition of the city, whenever the common council shall require. He shall make and keep a list of outstanding city bonds and orders to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually, on or about the first of May to the common council, an estimate of the expenses of the city and likewise the revenue necessary to be raised for the current year: and the fiscal year shall commence on the first day of May. He shall make or cause to be made estimates, of any work to be done by the city, and countersign all contracts made on behalf of the city, and certificates of work authorized by any committee of the common council, or by any city officer and every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the clerk and mayor.

To keep account of all indebtedness of the city.

SEC. 15. The city clerk shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders certificates or other evidences of indebtedness issued by the common council, the amount of all bonds, orders, certificates or other evidences of indebtedness which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city, and to keep accurate accounts thereof stating to whom, and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council.

SEC. 16. He shall keep a list of all certificates issued for work or any other purpose; and before the levy by the common council of any special tax upon the property in the city, or any part thereof, shall report to the common council a schedule of all lots or parcels of land, which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land which said schedule shall be certified by the affidavit of the clerk and shall be prima facie evidence of the facts therein stated in all cases where the validity of such special tax or assessment shall come in question. The common 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.

To make report  
—what to contain.

SEC. 17. If before the first day of April of any year, the amount expended or to be expended chargeable to any city fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund), shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall report at once the same to the common council, and he shall not countersign any contract chargeable to such fund until the amount of taxes, actually collected be ascertained; and during the remainder of the fiscal year he shall not countersign any contract the expenses of which shall exceed the revenue actually collected for the fund to which such expenses are properly chargeable.

When contracts  
countersigned.

SEC. 18. The clerk shall examine all the reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct. All claims and demands against the city, before they are allowed by the common council shall be audited and adjusted by the clerk; all orders on the treasurer shall be examined and countersigned by him; and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such record shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested; and any contract in which he may be interested is null and void.

May examine  
books, &c., of  
Treasurer.

SEC. 19. The common council, at their first meeting in each year, or as soon thereafter as may be, may elect a



Council to elect  
City Surveyor  
—his duties—  
compensation.

city surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in said city, and the common council shall prescribe his duties, and fix the fees and compensation for any service performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons 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 to the common council.

Printing given  
to lowest bidder  
—what to be evi-  
dence of publi-  
cation, &c.

SEC. 20. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one week, in such manner as the council may direct, that sealed bids shall be received by the clerk of the common council for doing said printing. The bid or bids received by the clerk to do said printing shall be publicly opened and read by the clerk, at such time and place as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price in any newspaper published in said city, and who shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws, and other proceedings and matters required by this act or by the laws or ordinances of the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city clerk a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution: *Provided*, That if no person will publish, or offer to publish in any newspaper published in said city, such ordinances or other matter as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such other provision for publishing of its ordinances, by-laws and matters requiring publication as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 21. If any person, having been an officer of said city, shall not, 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, he shall forfeit and pay to the use of the city, one thousand dollars besides all damages caused by his neglect or refusal so to deliver, and said successor, may receive possession of such books, papers and effects, in the manner prescribed by the laws of this state.

Penalty for refusing to deliver books, &c., to successor in office.

SEC. 22. The common council shall have power at any time to require other and further duties to be performed by any officers 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 the duties, unless otherwise provided for, but no officer elected or appointed by the common council, or appointed by the mayor as hereinbefore provided shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act, and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three month from the first organization and meeting of the common council; and the compensation so fixed shall not be changed previous to the annual city election in eighteen hundred and sixty-nine; and after the present year, the compensation of officers shall be fixed for the fiscal year in the month of May of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such office, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That no mayor or alderman shall receive any compensation for their services as such under this charter.

Further powers of Council.

SEC. 23. The mayor or acting mayor, sheriff of the county of Stearns or his deputy or deputies, coroner, and each alderman, the city justices, police officers and watch-

Who deemed to be officers of the peace.

men, shall be officers of the peace, 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 the by-standers, and, if need be, of all the 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, each person so refusing shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riot or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

## CHAPTER IV.

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

Style of ordinances—when and where Council to meet—quorum.

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

To hold stated meetings—Mayor to call special meetings—who to judge of the qualifications.

SEC. 2. The common 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 common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Council to control finances—further powers.

SEC. 3. The common 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 them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison and watch houses for the imprisonment, custody and safe keeping of all persons arrested or charged with any offence whatever in any way cogniza-

ble before the city justice; to make all rules and regulations for the government and management of such prison and watch houses, to appoint keepers and other officers for the same and prescribe their duties and fix their compensations. The keeper of said prison and watch houses shall have and possess all the authority of a jailor at common law or by the laws of the state. The common council shall have full power and authority to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate any provisions of any ordinance or by-law passed or ordained by them, and all such ordinances, rules and by-laws are hereby declared to have all force of law: *Provided*, That they be not repugnant to the constitution and laws of the United States or of the state of Minnesota, and for these purposes shall have authority by ordinance and resolution or by-laws—

*First*—To license and regulate the exhibitions of common showmen, and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, pigeon hole tables, nine or ten-pin alleys, bowling saloons, to grant licenses to and regulate auctions and auctioneers, insurance agencies and offices, to license tavern keepers and victualing house keepers and all persons dealing in spirituous, vinous or fermented liquors; *Provided*, That all license for so dealing in spirituous, vinous or fermented liquors shall not be less than twenty-five dollars a year, and that no license shall be granted for a less term than one year, and that all licenses shall commence and terminate on the second Tuesday 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, vinous or fermented liquors unless duly licensed by the common council.

*Third*—To prevent any riots or 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 or restrain disorderly houses, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

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

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

*Sixth*—To prevent the encumbering of the streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs or other vehicles, or with boxes, lumber, firewood, posts, awnings or any other materials or substance whatever.

Powers of the  
Council.

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

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

*Ninth*—To prevent the running at large of dogs, and may impose a tax on the same, and 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 their premises any such substance, or any putrid or unsound meat, flesh or fish, hides or skins of any kind, and to authorize the removal of the same at the expense of the owners.

*Eleventh*—To establish and construct public pounds, pumps, wells, cisterns, reservoirs, and hydrants; to erect lamps and provide for the lighting of the city, and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts; to regulate and

license hacks, carts, omnibuses, and the charges of hackmen, draymen, cabmen and omnibus drivers in the city.

*Twelfth*—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration of births and deaths, and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits, and to provide for the removal of any mortal remains now interred within such limits, to such cemetery as they may deem proper.

*Thirteenth*—To regulate the size 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 horse, mule, or ox or any other animal on the sidewalks in said city, or in any way doing damage to said sidewalks.

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

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

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

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

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

*Twenty-first*—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalks, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot

Powers of the  
Council.

owned or occupied by him, all such substances as the board of health shall direct, and in his default to authorize the removal or destruction thereof by some officer at the expense of such owner or occupant.

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

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

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

Powers of the  
Council.

*Twenty-fifth*—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and 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-sixth*—To regulate the inspection of flour, pork, beef, fish, salt, whisky, and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation.

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

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

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

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

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

*Thirty-second*—Fines, penalties and punishments, imposed by the common council for the breach of any ordinance, by-law, or regulation of said city, may extend to a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding thirty days, or both, and 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 months, and in a sum not exceeding five hundred dollars.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, and be published in the official paper, before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the city clerk in books provided for that purpose. No appropriation shall be made without a vote of a majority of the council in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

How ordinances  
passed—when  
used as evidence

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.

Prosecutions in  
the Courts not to  
be hindered by  
powers herein  
conferred.

SEC. 6. The common council shall examine, audit, and adjust the accounts of the clerk, treasurer, street commissioners, city justices, and all the 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 terms for which the officers of said city were elected or appointed shall have expired. And the common 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 and vouchers to the council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer or agent of said city who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and

Council to audit  
accounts—pen-  
alty for violating  
this act.



shall make a full record of all such settlement and adjustment.

Authorized to  
issue bonds—  
rate of interest.

SEC. 7. The common council may, during their fiscal year, by a vote of two-thirds of its members, issue the bonds of said city, bearing interest not exceeding ten per cent. per annum, and for a time not exceeding one year, in such amounts and under such regulations as the common 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 time exceed one-third of such taxes and revenues: *And provided*, That said bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may have been issued.

Bonds author-  
ized by the  
Town of St.  
Cloud may be  
issued by the  
city.

SEC. 8. The bonds which by chapter fifty-six of the special laws of the state of Minnesota, for the year one thousand eight hundred and sixty-seven, approved March fourth, one thousand eight hundred and sixty-seven, the board of supervisors of the town of St. Cloud are authorized and empowered to issue, may be issued by the common council of the city of St. Cloud, in sums and amounts not exceeding five thousand dollars, for the purposes in said chapter mentioned and set forth, and under the restrictions in said chapter specified and provided.

## CHAPTER V.

To levy a tax for  
current expenses

SECTION 1. The common 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 and police, for the opening, maintaining and improvement of public grounds, and the construction of buildings and improvements of a general character: *Provided*, That in no one year shall such tax exceed four mills on a dollar of the assessed valuation.

To levy ward  
tax—disposition  
of proceeds.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing, and maintaining bridges and culverts, and opening, constructing, and maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purpose conducive to good order and cleanliness, and to protection against crime, disease and fire: *Provided*, That such taxes shall, in no one year,

exceed six mills upon a dollar of the assessed valuation; *And provided further*, That for the improvements in this section mentioned, the common council shall have the power to assess the tax to pay the same upon the ward or wards benefited by such improvements, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements. No debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose; and no order or orders shall be issued upon the city treasury exceeding in amount the tax collected or assessed and in process of collection, except as herein otherwise provided.

SEC. 3. Taxes may be levied by resolution of the common 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 or interest tax, it shall be kept and used for the future payment of principal or interest of the same class of bonds, or the purchase thereof before due; if it be for improvements, it shall be kept and used for future improvements of the same character.

No tax invalid  
by reason of in-  
formality in  
levying the same

SEC. 4. The common council shall have power, and it shall be the duty of the common council, to levy annually, upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year, and the interest on bonds or other indebtedness due and payable in any year, unless that previously to the first day of September in each year, some other adequate provision has been made for the payment of the same.

To levy annual  
tax—for what  
purpose.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Stearns 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 enforced, with and in like manner as state and county taxes are paid and the payment thereof enforced, and the county treasurer of said Stearns county shall pay such taxes over as now provided

When to trans-  
mit statement of  
taxes.

by law in case of town taxes, to the treasurer of the city of Saint Cloud.

How orders can be drawn upon the Treasury. SEC. 6. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only on orders signed by the mayor and the clerk of the city, 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 the same are drawn, and may be payable to the order of such person or to the bearer, as the common council may determine.

When orders can be cancelled SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same, by writing the word "redeemed" across the face of the same, and signing his name and affixing the date thereto, and file the same away in his office, keeping the orders drawn upon each fund separate.

To levy poll tax. SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city; *Provided*, That said tax shall not in any one year exceed the sum of two dollars on each person.

## CHAPTER VI.

### STREETS, BRIDGES AND PUBLIC GROUNDS.

Council to control highways. SECTION 1. The common council of said city shall have the care, supervision and control of all the highways, bridges, streets, alleys, public squares and grounds within the limits of the city, and shall have power to build and keep in repair, bridges, lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and widen or straighten the same, and to take grounds for the site of public buildings, subject to the assessment of damages as hereinafter provided.

To contract for opening and grading streets, &c. SEC. 2. The common council shall have power to order and contract for the opening, grading, repairing and cleansing of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon; and all such improvements shall be superintended by the street commissioner.

SEC. 3. Whenever it shall be necessary to take private

property for the purposes contemplated in the last two sections, application shall be made on the part of the common council to the judge of the district court for Stearns county, who shall appoint three commissioners, who shall be freeholders and qualified electors of the city, and one of whom at least shall be a resident of the ward in which is situated the property proposed to be taken, to view the premises, and assess the damages which may be occasioned by the taking of such property. Said commissioners shall be notified, as soon as practicable, by the city clerk 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 to the city a fine not exceeding fifty dollars, and may be prosecuted therefor before the city justice, as in the case for fines imposed for the violation of any city ordinance, by-law or regulation; and the commissioners in attendance shall be authorized to fill the vacancies by the selection of a proper person or persons, or application may be made to the district judge aforesaid, to fill the vacancy. The commissioners shall be sworn by the city clerk, or any other officer authorized to administer oaths, to discharge their duties as commissioners in the matter with impartiality and fidelity, and to make due return of their actions and doings to the common council, which said oath shall be reduced to writing and subscribed by said commissioners, and which, together with the appointments of said commissioners, (which shall also be in writing) shall be filed with the city clerk. The said commissioners shall, with all reasonable dispatch, with the assistance of the city surveyor, cause a survey and plat of said improvement or ground to be made and filed with the city clerk exhibiting as far as practicable the land or parcels of property to be taken, or which may be damaged thereby, and shall thereupon fix a time and place when they will meet and assess the damages for the property to be taken, or that may be damaged by the proposed improvement. Such time shall be sufficient to give personal notice to the owners or their agents of the property to be taken or injured; the city clerk shall thereupon immediately cause a notice in writing of the time, place and purpose of the meeting of the commissioners, to be served upon each of the owners (or their agents) of the said property, and proof of service shall be made and filed with the

How to proceed  
when necessary  
to take private  
property.

report of the commissioners. In case any of the owners are non-residents of the state, such notice shall be mailed to them at their residence, and if their residence is unknown, and cannot be ascertained upon diligent inquiry, such fact must appear by affidavit, and in such case notice shall be given by publication in the city papers for the space of four weeks, said notice to be published at least once in each week. If any such owners are infants, a guardian must be appointed before the damages are assessed, and notice given to the guardian. And the like notice shall be served upon lessees, mortgagees and judgment creditors. At the time and place designated in such notice the commissioners shall proceed to view premises; may hear any evidence offered by the parties interested, and adjourn from day to day for said purpose.

How to proceed  
when necessary  
to take private  
property.

When their said hearing aforesaid shall be concluded, they shall determine and assess the damages 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, and such other damages as may be incidental thereto, and also the advantages which shall 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 in each case, shall determine the amount of damages to be paid to the owner or owners thereof, in case such building or as 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 land upon which they are erected. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage, judgment or other 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 improvements. Said commissioners, having ascertained and assessed the damages as aforesaid, shall make and file with the city clerk a written report to the common 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 proceedings. 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 common council, at a meeting then to be named in said notice, and shall be at least ten days after the publication thereof, unless objections are made in writing by persons interested in any lands required to be taken. Any persons interested in buildings, in whole or in part, upon land to be taken, shall, on or before the time specified in said notice, notify the common council, in writing, of their election to remove said buildings (if they so elect) according to the award of the commissioners. The common council upon the day fixed for the consideration of said report, or at any subsequent meeting to be held, to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the assessment or to discontinue or postpone indefinitely the whole proceedings, giving due consideration to the claims and objections interposed by the parties interested. The damages assessed 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 the order of the common council, in the district court of Stearns county, in the same manner as moneys are paid in court, until claimants and parties shall substantiate their claims thereto. In case the owner or owners of any buildings as aforesaid shall have elected in the 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 common council may allow for such purpose, 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 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 the taking in manner aforesaid, may then be taken and sold, appropriated, or disposed of, in such manner as the common council shall direct, and the same or the proceeds thereof

How to proceed  
when necessary  
to take private  
property

How to proceed  
when necessary  
to take private  
property.

shall belong to the city. When any known owner of lands or tenements, affected by the 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 Stearns, may upon the application of the aforesaid commissioners, or of the mayor of the city, or of the party laboring under such disability, or his next friend, appoint some suitable person as guardian for said 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 assessments, 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, for the county of Stearns, within twenty days after the confirmation of such report or assessment of damages, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court, or jury, or both, as in ordinary cases; but no pleading 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 said assessment was regular and just and made in conformity to law, and that all proper notices were given, and proper proceedings had. 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. And the property shall not be taken until said appeal is heard and determined.

## CHAPTER VII.

### FIRE DEPARTMENT.

Council to pre-  
scribe fire limits.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden or other buildings, the materials or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of

such materials, as, in the judgment of the common council, shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, or in process of erection, of which the construction or materials may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same to be taken down, removed by the police, or in such manner as the common council may see fit. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made and enacted to carry out the provisions thereof, by a fine not exceeding one hundred dollars, which may be imposed by the city justice, upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire-places, 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 or secure condition, when considered dangerous. To prevent the deposit of ashes in unsafe places, and throwing of ashes into the streets and alleys. To require inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire. To regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires. To regulate and prevent the use of fire arms and fireworks. 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 the preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

To prevent dangerous erection of chimneys, &c.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus which may be



To purchase fire engines and other apparatus — exemptions.

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

To appoint Chief and Assistant Engineers.

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

Penalty for refusing to obey orders at a fire.

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

Penalty for violating provisions of this section.

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

SEC. 7. For the purpose of providing fire engines or other apparatus for the extinguishing of fires, of constructing engine houses, cisterns and reservoirs, the common

council of said city, by a majority vote of the members thereof, are hereby authorized to issue bonds of said city to an amount necessary, but not exceeding twenty thousand dollars, at a rate of interest not exceeding ten per cent. per annum, and payable in not less than one year nor more than six years, the interest to be payable annually or semi-annually as the common council may determine; and said bonds may be of such denomination as said council may determine. And the common council shall have power to apportion the tax to be levied to pay said bonds or interest, upon the different wards, in such manner as they shall deem just and in proportion to the benefits received by the several wards, but upon a cash valuation of the property charged with the expense.

May issue bonds for purchase of fire apparatus.

## CHAPTER VIII.

### STREET GRADES AND SIDEWALKS.

SECTION 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, 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 and kept in the office of the city surveyor.

Grade of streets, &c., to be established by Council

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city of St. Cloud, they shall require the street commissioner to notify all owners and occupants of any lot or parcels of land adjoining such sidewalk to construct or repair the same at his or their own proper expense and charge, within a certain time designated by the publication in the official paper of said city, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Duty of Street Commissioner.

SEC. 3. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and re-

Expense of constructing sidewalks, how paid

turned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Non-payment of taxes on improved property how collected.

SEC. 4. If said assessment be not paid to the street commissioner or the city treasurer on or before the twentieth day of August, in any year, the common council shall cause a statement of the same to be transmitted with the city taxes levied for that year to the auditor of the county of Stearns, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced, with and in like manner as city, county and state taxes are collected and payment thereof enforced.

To prescribe width of sidewalk and material used.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different locations, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

## CHAPTER IX.

### LIGHTING OF STREETS—SUPPLY OF WATER.

To contract for lighting streets.

SECTION 1. The common council shall have authority to contract with any person, persons or corporations for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

To authorize the laying of gas pipes.

SEC. 2. The common council may permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipe to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water pipes and mains.

To permit any corporation to lay water pipes.

SEC. 3. The common council may permit any party or corporation to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city.

and shall regulate the position of the same, so that they shall not obstruct or interfere with the common sewers or with the proper drainage of the city.

## CHAPTER X.

### MISCELLANEOUS PROVISIONS.

SECTION 1. No vote of the common 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.

When vote of Council may be rescinded.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds of the aldermen elect.

When penalty or judgment can be remitted.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance or by-law of the city of St. Cloud, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been made by warrant. All warrants, process or writs issued by the city justice for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

When warrants shall be issued—when not issued.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of St. Cloud, as punishment for any offense, or for the violation of any ordinance or by-law 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 Stearns county, and be there imprisoned for a term not exceeding three 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 offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail of the county of Stearns.

Punishment for non-payment of fines.

Qualifications of  
judge, justices,  
&c.

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

Ordinances, &c.,  
not inconsistent  
to remain in  
force.

SEC. 6. All ordinances and regulations heretofore made by the common council of the town of St Cloud, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council of said city, after this act shall have gone into effect.

Moneys to insure  
to said city.

SEC. 7. All fines penalties, judgments and moneys, (except officers and justices fees) that may be imposed, levied or collected by the city justices, or that may be collected by any other officer of the city for the violation of any ordinance or by-law of said city and in possession of any officer of said city or any of the laws of the state of Minnesota, shall be vested in and be the sole and exclusive property of said city.

How suits may  
be brought  
against the city.

SEC. 8. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer, by leaving a copy of such process with the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

May purchase  
and hold real  
estate.

SEC. 9. The said city may purchase and hold real and personal estate for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

No law consid-  
ered as repeal-  
ing or modifying  
this act unless  
expressly set  
forth.

SEC. 10. No law of the state concerning the provisions of this act shall be considered as repealing, amending or modifying the same, unless said purpose be expressly set forth in such laws.

When liable for  
board or jail fees

SEC. 11. The city of St. Cloud shall not be liable in any case for the board or jail fees of any person who may be committed by an officer or magistrate of the city, to the jail of Stearns county, under the state laws.

Who to collect  
poll tax.

SEC. 12. The street commissioner shall collect the corporation or poll tax, which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required.

SEC. 13. All that part of the congressional township number one hundred and twenty-four, of range twenty-

eight, not included within the limits of the city of St Cloud, shall constitute and be organized as a town by the name of the town of St. Cloud, and may, in the manner provided by statute in such case, organize by the choice of town officers, on the first Tuesday of April A. D. one thousand eight hundred and sixty-eight. The town supervisors and other officers of the present town of Saint Cloud, shall continue to hold other offices in the proposed town of Saint Cloud, until other officers are elected and qualified.

What to constitute the town of St. Cloud.

SEC. 14. All moneys in the hands of the treasurer of the incorporate town of St. Cloud, all taxes levied and uncollected, or in the hands of the county treasurer of Stearns county, which are or may be payable to the incorporate town of Saint Cloud, shall be paid to the treasurer of the city of Saint Cloud, and all taxes levied and collected and to be collected for the year one thousand eight hundred and sixty-seven, and prior years, arising from property within the corporate limits of the town of Saint Cloud, as town taxes on said property, shall be paid to the treasurer of the city of Saint Cloud, and all the property, real, personal and mixed, of every kind and description, of the incorporate town of Saint Cloud shall become and be the property of the city of Saint Cloud, and the city of Saint Cloud shall become and be liable for all the debts and liabilities of the incorporate town of Saint Cloud. The treasurer of the incorporate town of Saint Cloud shall deliver all the books, papers, documents and evidences of debts or claims due said town which may be in his possession, or under his control as treasurer, to the treasurer of the city of Saint Cloud. The recorder of the incorporate town of Saint Cloud shall deliver to the city clerk of the city of Saint Cloud, all books documents, papers and other property belonging to the incorporate town of Saint Cloud, and in his possession or under his control. And all other property, books, papers, documents, maps, plats, profiles, surveys and reports relating to the affairs of the said incorporate town of Saint Cloud, and in possession of any officer of said incorporate town, or of any other person, shall be delivered to said city clerk, to be deposited in the proper department of the government of said city.

Disposition of certain moneys.

SEC. 15. From the time of the passage of this act, and until the organization of the city government, all town officers of said incorporate town of St. Cloud, shall continue to act and perform the duties of their respective offices, and

When town government to cease.

their authority and jurisdiction be in no wise impaired, until the said day of organization, when the same shall cease except such officers as hold their offices under or by virtue of some provision of the constitution.

Powers and duties of Council.

SEC. 16. The common council elected under the provisions of this act shall have all the powers and perform all the duties possessed by and enjoined upon the present town council of the town, as trustees of the trust created by virtue of the entry of the town site of Saint Cloud under the act of congress, entitled "an act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," passed May twenty-third, one thousand eight hundred and forty-four, and shall execute deeds to the owners or occupants of lots in said town, so held in trust by the present town council; shall collect the assessments on said lots, and shall pay all liabilities incurred by the present town council, in the exercising and carrying out of the trust aforesaid.

When purchaser may have clear title to lots.

SEC. 17. The amounts assessed upon the lots in said town of Saint Cloud for the expenses incurred by reason of the exercising and carrying out of the trust mentioned in the foregoing section, shall be a lien on each of said lots to the amount of expenses assessed upon such lot and no sale of such lot or lots for any tax assessed thereon, shall pass any title to the purchaser or purchasers thereof, until the purchaser or purchasers shall pay to the city treasurer the amount assessed against said lot, as its proportional share of the expenses of the entry of the town site of Saint Cloud.

## CHAPTER XI.

### EDUCATION.

Said city constituted a school district.

SECTION 1. The territory herein before mentioned and described and constituting the city of Saint Cloud, shall constitute and be a school district by the name of the Saint Cloud School District.

What to constitute a Board of Education-term of office.

SEC. 2. The officers of said district shall constitute a board of education, and shall, for the present, consist of twelve members; and each ward in the city of Saint Cloud shall elect at the annual election to be held under this charter, on the first Monday in May A. D. one thousand eight hundred and sixty-eight, three members of said board who shall hold their offices, as such for the terms of one,

two and three years respectively, and at every annual city election under this charter, thereafter, their shall be elected one member of said board who shall hold his office for the term of three years and until his successor is elected and qualified. The terms of office of said members of said board elected at the election, in and for each ward in said city, shall be determined in the manner herein before provided, for determining the terms of office of the aldermen of said city in the several wards thereof, elected at the first election.

SEC. 3. Said board of education so elected, shall be a body corporate, by the name of "The Saint Cloud School District," and by that name shall sue and be sued, plead and be impleaded in any court, make and use a common seal, and alter the same at pleasure, and take, hold, and purchase any and all such real and personal and mixed estate as the purposes of said board of education may require, within the limits aforesaid; and shall be capable of contracting and being contracted with; and in addition to such powers as such corporations have at common law, shall possess the powers herein in this chapter specifically granted, and shall have perpetual succession.

To be a body corporate-name

SEC. 4. No member of said board of education shall be entitled to receive any compensation for his services, except the clerk and treasurer of said board, whose compensation shall be fixed by the board.

Compensation of members.

SEC. 5. In case of vacancy the board of education shall have power to fill the same by appointment, until the next annual district election; *Provided*, The clerk of said board shall give such notices of such vacancy, prior to such election, as may be required in other cases.

Vacancies, how filled.

SEC. 6. The board of education, a majority of which shall constitute a quorum, may meet from time to time in such place in said district as they may designate, a majority of the members present at their first meeting, which shall be annually upon the second Tuesday next after said election, may choose one of their number as chairman, one clerk and one treasurer.

Quorum—when to elect officers.

SEC. 7. The board of education shall have full power and authority, and it shall be their duty to purchase, lease and erect such school houses as may be necessary, to keep the same in repair, to furnish fuel and all things necessary for the school house or houses during the time a school shall be kept therein, and apply for and receive from the county treasurer, or other officers, all moneys

Powers and duties of said Board.



appropriated or raised by taxation, for the use of the common schools and school library in said district. The said board of education shall also have full power and authority to make by-laws and ordinances relative to making all necessary reports and transmitting the same to the proper officers designated by law, so that said district may be entitled to its portion of the common school fund, relative to the visitation of schools; to the length of time schools shall be taught which shall not be less than six months in each year; to the employment of teachers, their powers and duties; to the regulation and proper gradation of schools, the books to be used, and the course of study including the higher branches of learning to be pursued therein; to the appointment of necessary officers, and prescribe their powers and duties, and also relative to anything whatever that may advance the interests of education, the good government and propriety of common school in said district, and the welfare of the public concerning the same.

All schools to be  
public schools.

SEC. 8. All schools organized in said district, pursuant to this act, shall be public and free to all the scholars residing within the limits thereof, between the ages of five and twenty-one years inclusive, subject to such rules, regulations and limitations as the board may establish.

Duty of Clerk  
of Board.

SEC. 9. It shall be the duty of the clerk of said board, in addition to the duties which may be prescribed by the board, to record the proceedings of the board in a book provided for that purpose by the district; he shall enter therein all copies of his reports made to the county auditor, state superintendent or other officer as required by law; keep and preserve all records, books and papers belonging to his office, and deliver the same to his successor in office, also to give at least seven days notice of each annual or special district meeting, by posting three notices thereof in the most conspicuous places in the district; *Provided*, The mayor of the incorporate town of St. Cloud, shall call the first meeting under this act in the manner above specified. Every notice for a meeting shall set forth all the object for which said meeting was called. Special meetings may be called on the order of the board of education, or by the written request of five or more freeholders or householders of said district.

Duty of Treasurer  
of Board.

SEC. 10. It shall be the duty of the treasurer of said board of education to receive and pay out all moneys apportioned to or belonging to said district and to keep an accurate account of the common school fund, and the district.

funds raised by taxation, and he shall execute a bond to the district, in double the amount of money, as near as can be ascertained, which will come into his hands during the year as treasurer, with sufficient security to be approved by the board, conditioned for the faithful discharge of his duties. Such bond shall be filed with the clerk of the board, and in case of any breach in the conditions thereof, the said board shall cause a suit to be commenced thereon, in the name of the district, and the money when collected, shall be applied to the use of the district.

SEC. 11. The legal voters of said district, when lawfully assembled in pursuance of any law of this state, not less than ten being present, shall have power by a majority of the votes of those present,

*First*, To choose a moderator.

*Second*, To adjourn from time to time.

*Third*, To elect members of the board of education in accordance with the provisions of the second section of this chapter. How Board of Education elected.

*Fourth*, To designate a site for a school house or houses.

*Fifth*, To authorize the board of education to purchase, fence, and improve land as sites for school houses and to sell or exchange the same.

*Sixth*, To authorize the board of education to purchase, build, enlarge, alter, improve, sell or exchange one or more school houses.

*Seventh*, To vote an amount of money, to be raised as a tax upon the taxable property of the district, sufficient, with the apportionment of the common school fund, to support schools for the length of time voted by the district, and sufficient to hire or purchase necessary rooms or buildings for school houses and grounds about the same, and sufficient to purchase school apparatus, books for a district library, school books for indigent pupils, and furniture, stoves and other appendages for school houses, and fuel for the same and sufficient to insure and make ordinary repairs upon school houses, and sufficient to defray the necessary expenses of the board, pay the compensation of the clerk and treasurer, and to pay for such printing, record books, stationery, and other incidental matter as may be deemed proper by the board.

*Eighth*, To vote an amount of money to be raised as aforesaid sufficient to purchase, fence and improve land as sites for school houses, and to purchase, build, enlarge, and alter and improve one or more school houses; *Provided*,

That the amount voted to be raised in any one year, shall not exceed three thousand dollars; except as hereinafter provided.

Taxes how levied and collected

SEC. 12. All taxes raised by virtue of and in accordance with the provisions of this chapter, shall be levied and collected in like manner, and by the same persons, as county taxes are levied and collected.

How act amended or repealed.

SEC. 13. This chapter shall not be repealed or amended in any manner by any subsequent act, unless specially mentioned or named therein.

May levy tax for procuring sites for schoolhouses

SEC. 14. At any time during the year one thousand eight hundred and sixty-eight, at any special meeting or meetings, said district is hereby authorized to vote an amount or amounts of money, not exceeding ten thousand dollars in all to be raised by taxes upon the taxable property of said district for the purpose of procuring a site or sites for one or more school houses, and for the purpose of building one or more school houses, or for the latter purpose only. *Provided, however,* That such special meeting or meetings shall be called only upon the petition of not less than twenty legal voters of said district, and that in case such tax or taxes to the amount of ten thousand dollars are raised, no other taxes shall be levied for the purposes specified in this section during the year one thousand eight hundred and sixty-eight.

May levy other taxes—in what sum.

SEC. 15. In lieu of the tax provided for in the preceding section, said district may levy any tax provided for in other sections of this chapter, and may at any time during the year one thousand eight hundred and sixty-eight, at any special meeting or meetings, vote to issue the bonds of the district for the same purpose expressed in section fourteen hereof, to an amount not exceeding ten thousand dollars in all, and in sums not less than fifty dollars, payable in not more than ten years from the date thereof, and bearing interest at a rate not exceeding twelve per cent. per annum, payable annually; *Provided, however,* That such special meeting or meetings shall be called as provided in said section fourteen. Said bonds shall be issued in the name of the district by the board of education, from time to time, and signed by the president, clerk and treasurer, and the clerk shall keep an accurate register thereof, and shall take a receipt for each one of the same which may be issued, and carefully preserve such receipts. The board of education is hereby authorized to negotiate said

bonds at a rate not less than the district shall vote, provided any vote be had thereon.

## CHAPTER XII.

### FIRST ELECTION.

SEC. 1. The first election under this act shall be held on the first Monday in May, A. D. one thousand eight hundred and sixty-eight.

When first election to be held.

SEC. 2. At least ten days prior to the first Monday in May A. D. one thousand eight hundred and sixty-eight, the mayor and alderman of the incorporate town of St. Cloud, shall designate a place in each ward for the holding of an election and shall appoint three legal voters in each ward as judges of election in their respective wards, and said judges shall appoint in their respective wards two legal voters as clerks of election before the opening of the polls.

When to select place of election in each ward.

SEC. 3. The recorder of the incorporate town of Saint Cloud shall, ten days prior to said first Monday in May A. D. eighteen hundred and sixty-eight, cause notice of the time and place of holding said first election in the several wards to be posted in at least two public places in each ward. Said notice shall have the names of the judges of election in their respective wards and the time when, and the place where the said judges will be in session for the preparation and revision of the voting lists of each ward.

The Recorder to post notices—when.

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

Duties of Judges of Election.

SEC. 5. It shall be the duty of said judges of each of said wards, on the Saturday next preceding said election, and if necessary, also on the Monday morning of said election for two hours next preceding the opening of the polls, to be present and at the place appointed for holding such election, for the purpose of making all necessary corrections of such list. In all other respects said first election shall be governed by the rules prescribed in this charter, except that the returns of the first election shall be made to the recorder of the incorporate town of Saint Cloud, within twenty-four hours after the closing of the polls.

When poll lists can be corrected—to whom returns to be made

When votes to  
be canvassed by  
retiring Board.

SEC. 6. On the Thursday following said election, the mayor and aldermen of the incorporate town of Saint Cloud, shall canvass the returns, and make and file with the recorder a statement announcing who appear to be elected, and the recorder shall immediately notify the mayor and aldermen and all other elective officers of their election.

When and where  
first meeting of  
Council.

SEC. 7. The aldermen elect shall hold their first meeting at the office of the recorder of the incorporate town of Saint Cloud, or at some other place designated by said recorder, on the second Tuesday next following said election, when they shall qualify and proceed to organize the common council. The recorder of the incorporate town of Saint Cloud, shall act as city clerk until the common council shall elect a city clerk.

Number of alder-  
men in each  
ward—term of  
office.

SEC. 8. At the said first election there shall be elected in each ward three aldermen, one of whom shall hold said office until the second Monday of May, A. D. eighteen hundred and sixty-nine, one until the second Monday of May, A. D. eighteen hundred and seventy, and one until the second Monday of May A. D. eighteen hundred and seventy-one, and at the first meeting of said council the respective terms of each shall be designated by lot.

No informality  
shall invalidate  
said election.

SEC. 9. No informality in making or printing of said notice of said first election, nor a failure to give notice of said first election, or to prepare the poll lists or to appoint judges for the same as herein prescribed, shall in any way invalidate said election: *Provided*, That on the day of election the regulations governing elections are substantially complied with.

When act to take  
effect.

SEC. 10. This act shall be deemed a public act, and shall take effect from and after its passage.

Approved March 6, 1868.