

SEC. 38. So much of the act to which this act is amendatory, and of any law of this State which in any manner conflicts with the provisions hereof, or the provisions of an act entitled, "an act to establish a municipal court in the city of Minneapolis," approved on the 13th day of February, 1874, is hereby repealed, and all provisions and enactments contained in the act to which this act is amendatory, relating to the election, qualification, authority, powers, jurisdiction and duties of justices of the peace or city justices in and for either and both of the divisions of said city of Minneapolis are hereby repealed, which said repeal shall take effect and be in force from and after the election and qualification of a municipal judge for said city and under the provisions of said act entitled "an act to establish a municipal court in the city of Minneapolis," *provided*, That such repeal shall in no wise exempt or excuse either of the justices of the peace or city justices of said city heretofore elected, from making reports to the city council of said city of all proceedings had by or before said justices prior to the time of such election and qualification of said municipal judge, nor from paying over to the city treasurer any and all fines and penalties collected by them belonging to said city prior thereto, nor from doing and performing any other act, or thing necessary or proper by them to be done or performed in the full and entire performance and completion of the duties of their office.

SEC. 10. This act is a public act, and need not be pleaded or proven in any court in this state.

SEC. 11. This act shall take effect and be in force from and after its passage.

Approved March 5, 1874.

CHAPTER III.

AN ACT TO INCORPORATE THE CITY OF WEST ST. PAUL, IN DAKOTA COUNTY.

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

SECTION 1. All the district of country in the county of Dakota, contained within the limits and boundaries hereinafter described shall be a city by the name of West Saint Paul, and the people

now inhabiting, and those who shall hereinafter inhabit the district of country herein described, shall be a municipal corporation, by the name of the city of West Saint Paul, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and have a common seal and may change and alter the same at pleasure.

SEC. 2. The limits of said city shall be all that district of country on the west side of the Mississippi river, commencing at a point where the section line between section sixteen (16) and section nine (9), town twenty-eight (28), range twenty-two (22) intersect the Mississippi river on the west side, thence running due west along said line, until said line intersects the Mississippi river, thence along down the channel of said river to point of beginning. The said city of West Saint Paul shall be divided into two (2) wards as follows: The first ward shall comprise all that territory east of the centre of Main street beginning at the Mississippi river between Brazille [Bazille] and Robert[']s addition and Marshall[']s addition, running thence south by way of Eaton street in Morrison's and Eaton's addition, to Washington avenue in West Saint Paul proper, thence south on the line of said avenue to the south boundary of said city. All territory west of the lines above described shall be the second ward. Each ward shall be an election precinct.

SEC. 3. There shall be an annual election of elective officers hereinafter provided for, to consist of a mayor, four (4) aldermen (two from each ward), one (1) clerk, one (1) treasurer, one (1) assessor, one (1) justice of the peace, and one (1) constable, on the third Tuesday in March in each and every year, and the polls of said election shall be opened and kept open from nine o'clock in the morning to four o'clock in the afternoon, and the city clerk shall give at least ten days' notice of the time and place of holding the same, together with a list of the officers to be elected, by publishing the same in a newspaper printed in the city, or by posting a printed or written notice in three of the most public places in said city. Like notice shall also be given by the city clerk of any special election. Special elections may be called by a majority of the city council, to fill any vacancy that may arise under this act, or to transact any other lawful business, every notice of which shall specify the object of said election, and no other business shall be transacted at such meeting or election than such as is specified in such notice. All special elections shall be conducted in a similar manner as near as may be, as general elections are by law conducted. The city council shall determine in what manner the judges and clerks

of election shall be appointed and the places of holding elections. At the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present, by one of the judges, and the clerks of election shall then file with the city clerk the statement of the votes cast at such election, and within five days thereafter the city clerk shall give notice in writing to the persons so elected by a plurality of all the votes cast, of their election. All officers shall be elected for one year and until their successors are elected and qualified, except the justice of the peace and constable who shall be elected for two years and until their successors are elected and qualified.

SEC. 4. The first election under the provisions of this act shall be by ballot for the adoption or rejection of this act and shall be held within two weeks after the approval of this act, at such place as the board of supervisors of the township of West St. Paul shall designate, and no person shall be eligible to vote at said election except he be a legal voter and resident within the limits described in section two of this act; and the said board of supervisors shall appoint three judges and two clerks, who, when duly qualified, shall act at said election. The ballots cast at said election shall have printed or written thereon, or partly printed and partly written thereon the words "In favor of act of incorporation, yes," or "In favor of act of incorporation, no." The polls shall be open from nine A. M. till five P. M. When the ballots cast shall have been canvassed the judges of election shall proclaim to the voters present a true statement of the result thereof, and a majority of the votes so cast shall be sufficient to adopt or reject this act, and the clerks of said election shall forthwith file with the board of supervisors of West Saint Paul, the returns of said election.

SEC. 5. After the acceptance of this charter the board of supervisors shall designate the places of election for the first election of officers under this charter in each ward, and shall appoint three judges and two clerks of election for each ward. At the close of the polls the judges of election shall count the votes cast and declare to the voters present a true statement of the votes cast; they shall then deliver a certified copy of their statement to the clerk of the board of supervisors of the town of West Saint Paul, who shall, within four days after the election give notice in writing to the persons so elected by a plurality of the votes cast at said election; *Provided*, That should the said clerk of the board of supervisors fail to perform his duty in this respect, the certificate of the judges of election shall be deemed sufficient. Within ten days after notification by the town clerk all officers elected under the provisions of this act shall qualify as provided in section six of this act.

SEC. 6. The mayor and each alderman, before entering upon the

duties of their office, shall take and subscribe an oath that they will support the constitution of the United States, and the constitution of the state of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 7. No person shall be eligible to any office under said corporation unless he is a legal voter in said city, and has resided therein six months next preceding the day of election.

SEC. 8. The city council shall be the judge of the election returns of their own members offices [and officers] of the city, and determine all contested elections.

SEC. 9. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

SEC. 10. The city council shall keep a journal of its proceedings, and the ayes and nays shall, on the demand of any member, be entered in the journal.

SEC. 11. No alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected, or for six months after such alderman's term of service shall have ceased.

SEC. 12. Whenever there shall be a tie in an election, there shall be a new election ordered in such manner as shall be provided for by ordinance.

SEC. 13. There shall be twelve stated meetings of the city council each year, at such times and places as may be prescribed by ordinance.

SEC. 14. To the mayor shall belong the executive powers and authority granted by this act to said corporation, except such of said powers and authority as are specially vested in, or must from their nature, necessarily pertain to the other executive officers of said corporation. He shall sign all commissions, licenses and permits which may be granted by the city council, and all orders upon the treasurer. He shall maintain peace and good order, and see that the ordinances of the city are observed and executed. He shall have power, and it shall be his duty, to call out and use in such manner as may seem most proper, all the constabulary or police force of said corporation when he may deem it necessary to quell or prevent riot. He shall have power to call a meeting of the city council by giving notice thereof, as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper. At any legal meeting, in all cases when the votes of the members upon any question are equal, the presiding officer shall have the casting vote. The mayor shall be

the presiding officer of the city council but shall not be entitled to the veto power.

SEC. 15. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city, he shall inspect the conduct of all subordinate officers of said city and cause negligent and persistent violation of duty to be prosecuted and punished; he shall from time to time communicate to the aldermen such information, and recommend all such measures as in his opinion may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. He shall also have such jurisdiction as may be vested in him by ordinance of the city, and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

SEC. 16. If any mayor during the time for which he shall have been elected, remove from the city, the office shall be declared vacant.

SEC. 17. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Dakota county, and on conviction he shall be fined not more than five hundred (500) dollars, and the court shall have power to add to the judgment of the court that he be removed from office.

SEC. 18. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

SEC. 19. The clerk shall be the recording officer of the city and of the city council and shall be authorized to administer oaths and affirmations, and take acknowledgments. He shall have custody of the seal (if any) of said corporation, and all the records thereof, not necessarily and specifically appertaining to the other officers thereof. He shall keep a record of the doings of the city council, the passing of by-laws, ordinances, rules, regulations, resolutions, &c; and also a faithful record of all the doings and votes of the inhabitants of said city at their annual and other legal meetings. He shall receive all the moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all accounts of the corporation with individuals or otherwise, and keep on file all papers which may be ordered by the city council, receive all claims against said corporation, and draw all orders upon the treasurer for moneys payable by the same, but no such order shall ever be drawn by said clerk unless the same shall be in

full or part payment of a claim against said corporation, previously audited and allowed by the city council. He shall keep a full and accurate account of all orders drawn on the treasurer, and shall keep the same with the treasurer, and charge him with all taxes levied and sums of moneys paid into the treasury, and all receipts of the payment of money or property to the treasurer shall be countersigned by the clerk before they shall be a legal voucher against the city. The clerk's records shall be evidence in all legal proceedings and copies of all papers duly filled [filed] in his office, and transcripts from the records of proceedings of the city council certified by him under the corporate seal, shall be evidence in all courts of the contents of the same. He shall also make to the city council at the close of each official year a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and with all reasonable dispatch, such other reports and at such times as the city council aforesaid may require; and said clerk shall also receive and file and keep record of all chattel mortgages presented to him for such purposes, in the same manner and way as prescribed by law for town clerks, and all chattel mortgages filled [filed] in the office of said clerk shall have the same effect and be noticed to the same extent as chattel mortgages filed in the office of township clerks; and the election districts herein created shall, so far as chattel mortgages are concerned, be construed to mean town or city, and sections two and three and four, chapter thirty-nine, statutes of Minnesota, shall apply to the election districts herein created and mentioned, in [and] the aforesaid clerk shall be governed by the next above named sections in said chapter thirty-nine, in his official duties as to chattel mortgages.

SEC. 20. The treasurer of said city shall perform such duties and exercise such powers as may be lawfully required of him. All money raised, received and collected by means of any tax, assessment, license, fine, forfeiture or otherwise under the authority of this act or which belongs to said city, shall be paid to and be received and receipted by him. He shall from such moneys pay upon presentation all orders therefor drawn by the clerk and countersigned by the mayor, but shall pay no money whatever except by order of the city council; *Provided*, That no order shall be paid by him unless first endorsed in writing thereon by the party in whose favor it was drawn and also by the party receiving the money therefor, and the amount of money to be drawn and its object specified therein. He shall keep a just and accurate account of all moneys and other things coming into his hands as treasurer, in a book to be provided by the city council for that purpose, which shall remain the property of the city, wherein he shall enter the

various amounts received, the time of their receipt, from whom received and the source from whence they arose, which book, at all reasonable times, shall be open to the inspection of the electors of said city. He shall as often as the city council require render to said council a minute account of his receipts and payments and exhibit all moneys and vouchers in his possession and at the expiration of his term of office he shall pay over and deliver to his successor all moneys, books and papers, vouchers and other property in his possession belonging to said corporation.

SEC. 21. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by law, ordinance or regulation, shall be commenced in the name of the "City of West Saint Paul," and the same proceedings shall be had in all civil or criminal suits or prosecutions before said justice, when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken in any action or proceeding arising under any ordinance or by laws. All fines, forfeitures and penalties imposed by or recovered before said justice in any suit, prosecution or proceeding commenced in the name of the said city, shall be promptly paid by said justice to the clerk of said corporation for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint; but said by-laws, ordinances and regulations shall, in said justice's court, be held and deemed to be the public law. The justice of the peace shall, at least once in three months, make to the city council a full report of all the moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the clerk, taking his receipt therefor. In case of the inability of the city justice to act in his official capacity, the city council shall appoint, pro tem., from the county of Dakota, or from the city of Saint Paul, a duly qualified justice to take his place. In case of prosecution for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not

indictable, committed within the limits of said corporation, appeal shall be allowed in all cases, subject to the same rules provided by the laws of the state in case of appeal from the judgment of other justices of the peace. All warrants, writs, and processes of every nature, issued by such justice, shall be directed to the marshal, sheriff or any constable of the county of Dakota, and may be executed or served by the constable elected under the provisions of this act, or by the marshal, sheriff or any constable of said county, and for such purpose said marshal, sheriff and constable shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution and service of warrants, writs and other processes issued by the justices of the peace elected under such general laws. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace.

SEC. 22. The marshal shall be the ministerial officer of the city council. He shall possess all the powers, enjoy all the rights, and be subject to the same liabilities of a constable of the state. He is hereby constituted the chief of the police of said city, but as such shall be subordinate to the mayor. It shall be his duty to execute all writs and processes to him directed by the mayor, justice of the peace or other judicial officer, and when necessary in criminal cases, or for the violation of any of the provisions of this act, or of any ordinance, rule, by-law, regulation or resolution of said corporation, he may serve the same in any part of the state of Minnesota. It shall be his duty to suppress all riots, disturbances and breaches of the peace, and to apprehend all disorderly persons in said city and pursue and arrest any person fleeing from justice in any part of the state of Minnesota; to apprehend any person in the act of committing any offense against the provisions of this act or of the laws of the state, or the ordinances, by-laws, rules, regulations, or resolutions of the corporation and forthwith to bring such person before competent authority for examination, and for such and similar services, he shall receive like fees as are allowed to constables for like services. It shall also be the duty of the marshal to see that all pedlars and hawkers, common showmen and all other exhibitors, pay their licenses according to law and this act and the ordinances of the city, and in default of payment to prosecute for the same in the corporate name of the city, and to pay over the same to the clerk when received by him. The marshal shall also make a report at least once in three months, to the city council of all moneys received by him for whatever purpose.

SEC. 23. The city council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors within the limits of said city, and

persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than fifty dollars, and that previous to the granting of any such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors, unless duly licensed by the city council of said city.

SEC. 24. The mayor, each and every alderman, the marshal, each and every justice of the peace and constable of the county in which said city is situated, shall be officers of the peace, and may command the peace, and may suppress in a summary manner all rioting and disorderly behavior within the limits of said city, and may command the assistance of all bystanders, and if need be, of all citizens, and if any person refuses to aid when so required, every such person shall forfeit and pay a fine of not less than five dollars, and stand committed until paid.

SEC. 25. The city council shall have power and authority to levy and collect taxes on all property, real and personal, within the city limits, for general purposes, not exceeding one per cent. per annum, upon the assessed value thereof, according to the actual valuation of the property. *Provided*, That in case of delinquent taxes the same shall be added to the assessment roll and forwarded to the county auditor, to be collected in the same manner as state and county taxes are collected, and to become a lien on the property so delinquent.

SEC. 26. The city council shall constitute a board of equalization for the equalization of all assessments made for general purposes, within the limits of said city; and the assessor of said city shall also be a member of said board. The board shall proceed in manner and form as provided by law for boards of equalization of townships.

SEC. 27. The city council shall have power to appoint a marshal, and such other officers as are actually necessary to carry into effect the ordinances of said city council.

SEC. 28. The city council shall have the power to require of all officers appointed in pursuance of this act, such bond, with penalties and security, for the faithful performance of their respective duties, as may be deemed expedient; and may also require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices, before entering upon the same. *Provided*, That the treasurer shall give bonds to

double the amount likely to come into his possession during his term of office, which amount shall be determined by the city council.

SEC. 29. To appropriate money, and provide for the payment of the expenses of the city.

SEC. 30. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose and to enforce the same.

SEC. 31. To establish hospitals, and to make regulations for the government of the same.

SEC. 32. To make regulations to secure the general health of the inhabitants, and to prevent nuisances, and to remove the same.

SEC. 33. To open, alter, abolish, widen, extend, establish, grade, repair, or otherwise improve and keep in repair streets, avenues, lanes and alleys.

SEC. 34. To establish, erect, and keep in repair bridges.

SEC. 35. To provide for the lighting of streets and the erection of lamp posts.

SEC. 36. To establish, support and regulate night watches.

SEC. 37. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

SEC. 38. To purchase suitable sites, and to erect thereon all needful buildings for the use of the city.

SEC. 39. To provide for the enclosing, improving, and regulating all public grounds belonging to or in the city.

SEC. 40. To preserve and improve the landing on the Mississippi river, within the limits of the city.

SEC. 41. To erect, repair and regulate public wharves and docks.

SEC. 42. To regulate, tax and license venders of ardent spirits, taverns and pedlars.

SEC. 43. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for the wagonage, drayage and cartage of property.

SEC. 44. To license and regulate porters, and fix the rate of portorage.

SEC. 45. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

SEC. 46. To restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

SEC. 47. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

SEC. 48. To regulate and prohibit wooden buildings.

SEC. 49. To regulate fixing of chimneys, stove pipes, and the flues thereof.

SEC. 50. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible articles.

SEC. 51. To regulate and order parapet walls and partition fences.

SEC. 52. To establish standing weights and measures to be used in the city in all cases not otherwise provided for by law.

SEC. 53. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 54. To provide for the inspection and weight of hay, and stone coal, the measuring of charcoal, firewood and other fuel to be sold and used in the city.

SEC. 55. To regulate the inspection of butter, lard and other provisions.

SEC. 56. To provide for taking the enumerations of the inhabitants of the city.

SEC. 57. To regulate the election of city officers and provide by ordinance for removing from office any person holding an office created by ordinance.

SEC. 58. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 59. To fix the compensation of all city officers and to regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance, except that the city clerk shall receive for his services the sum of three hundred (300) dollars per annum; also, that the mayor and each alderman shall receive fifty (50) dollars per annum, and no greater sum.

SEC. 60. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States and the constitution of this state.

SEC. 61. The style of the ordinances of the city shall be "Be it ordained by the council of the city of West St. Paul."

SEC. 62. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall be published as aforesaid for two weeks, or shall be posted up in three public places in the city for at least two weeks before such ordinance shall be in force.

SEC. 63. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the

corporation, the same shall be received in evidence in all courts or places without further proof.

SEC. 64. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in justice's courts.

SEC. 65. In the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and act under the general laws of the state, providing for altering, discontinuing and laying out roads; and appeal may be taken in the same manner to the county commissioners or the district court of the county, as appeals are under the general laws taken from the decisions of township supervisors.

SEC. 66. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds, pumps, reservoirs, cisterns, and drains and the erection of buildings for city purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs, pumps, cisterns, drains, sewers, street-crossings and sidewalks, may be paid out of the general fund; but the expense of opening, building, grading, graveling or paving streets to the center thereof, shall be chargeable to the lots adjoining on such streets, but the cost of erecting sidewalks shall be paid by the owners of the property fronting on such sidewalk.

SEC. 67. Whenever the common council shall deem it actually necessary or two-thirds of the resident owners that are living adjoining such contemplated improvement, shall petition said council in writing, to construct or repair such contemplated improvement in the city, they may notify or require the street commissioner to notify all owners of any lot or lots or parcels of land adjoining such contemplated improvements, to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners of said lot or lots, or parcel of land, or by publication in a newspaper, printed and published in said city, for no less than two weeks, of a notice to said owners, setting forth what work is to be done and the character of the same, by such owners and the time within which they are required to do the same.

SEC. 68. If such work is not done and the contemplated improvement not built or repaired in the manner and within the time prescribed, the council may order the same to be done by the street commissioner or otherwise at the expense of the lots and parcels of land adjoining said improvements, and said expenses shall be as-

essed upon such lots and parcels of land so chargeable, by the street commissioner and returned by him to the city council and said assessment so made and returned if approved by the council, shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

SEC. 69. Jurors empaneled to inquire into the amount of benefit or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane or avenue or alley shall be sworn to that effect, and shall return to the council an inquest in writing signed by each juror.

SEC. 70. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

SEC. 71. The city council shall have no power to levy any other tax than is specified in this act, and shall have no power to borrow money or contract debts.

SEC. 72. All contracts for work done under the direction of the city council shall be duly advertised and let to the lowest responsible bidders who shall give good and sufficient security for the faithful performance of their contracts.

SEC. 73. The city council shall cause to be published annually on the first Monday in January a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

SEC. 74. All suits, actions and prosecutions instituted, connected with or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of West Saint Paul.

SEC. 75. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof to the district court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the district court under the laws of this state.

SEC. 76. Whenever the mayor shall absent himself from the city or shall resign, or die, or his office shall be otherwise vacated the board of aldermen shall immediately proceed to elect one of their number president who shall be mayor *pro tem*.

SEC. 77. The board of supervisors of the township of West Saint Paul and the city council elected under the provisions of this act, shall constitute a commission to determine and adjust the liabilities of the city of West Saint Paul to the said township on account of the past indebtedness thereof; which commission shall

meet and determine the same within six months after the adoption of this act.

SEC. 78. It is hereby made the duty of the treasurer of Dakota county to pay all moneys received as taxes on all real estate and personal property within the limits of the city of West Saint Paul, which may come into his hands by virtue of his office, to the city treasurer elected and qualified under the provisions of this act, and to no other officer.

SEC. 79. It is hereby made the duty of the treasurer of the town of West Saint Paul to pay over to the treasurer of the city of West Saint Paul, and take his receipt therefor, all moneys received by him on account of any special law affecting exclusively the territory described within the limits of the city of West Saint Paul, on demand of the city treasurer. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

SEC. 80. No special legislation affecting this city shall become law, until accepted by a majority of the votes cast at an election held for that purpose.

SEC. 81. This act shall take effect from and after its passage and approval, and adoption by the votes cast at an election to be held for that purpose.

Approved February 24, 1874.

CHAPTER IV.

AN ACT TO INCORPORATE THE VILLAGE OF WILLMAR.

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

CHAPTER I.

SECTION 1. That all that part of Kandiyohi county, in the state of Minnesota, embraced within the following boundaries, to-wit: All of section fifteen, the west half of the southwest quarter of section fourteen, the west half of the northwest quarter of section fourteen, the west half of the southwest quarter of section eleven, the south half of section ten, the east half of the northeast quarter of section sixteen, the east half of the southeast quarter of section