

## CHAPTER III.

*An Act to incorporate the City of St. Anthony.*

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## CHAPTER I.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota:*

SECTION 1. All the district of country in the county of Ramsey, contained within the limits and boundaries hereinafter described, shall be a city by the name of St. Anthony; and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Saint Anthony, 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 shall have a common seal and may change and alter the same at pleasure.

Boundaries of the city.

SEC. 2. The limits of said city shall be all that district of country on the east side of the Mississippi River included in section ten (10), west half of section eleven (11), section thirteen (13), fourteen (14), fifteen (15), twenty-three (23), twenty-four (24), and twenty-five (25); town twenty-nine (29) north of range twenty-four (24) west, being bounded on the west by the line of Ramsey County, as defined in chapter first and section third, in the Revised Statutes of the Territory of Minnesota.

City limits.

SEC. 3. The said city of St. Anthony shall be divided into three wards, as follows: All that part of said district which lies north of the centre of Wood street, and running east and west in the line of said street to the line of the city, shall be the first ward; and all that part of the said district which lies south of the centre of Wood street, and north of the centre of Mill street, running east and west on the line of said street to the city line, shall be the second ward; and the residue of the said city lying south of the centre of Mill street, and extending east and west to the city line, shall be the third ward.

Number of wards.

## CHAPTER II.

SEC. 1. There shall be a City Council, to consist of a Mayor, and Board of Aldermen.

What shall constitute the City Council.

SEC. 2. The Board of Aldermen shall consist of six members, two from each ward to be chosen for two years by the qualified voters of each respective ward.

Of what the Board of Aldermen shall consist.

SEC. 3. No person shall be an alderman unless at the time of his election, he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age.

Who shall be Aldermen.

SEC. 4. At the first meeting of the city council, the aldermen in each ward shall be divided by lot into two classes. The seats of those of the first class shall be vacated at the first annual election; and of the

Aldermen to be divided into three classes.

second class, at the second annual election, so that one-half of the said board shall be elected annually.

Of qualifications, elections, and returns.

SEC. 5. The City Council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

What shall constitute a quorum.

SEC. 6. 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.

Power of the Council over its rules.

SEC. 7. The City Council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

Council shall keep a journal.

SEC. 8. The City Council shall keep a journal of its proceedings, and the ayes and nays, when demanded by any member present, shall be entered on the journal.

To what offices Aldermen are not eligible.

SEC. 9. 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.

The oath of Mayor and Aldermen upon being qualified.

SEC. 10. 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 Organic Act of the Territory of Minnesota; and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 11. 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.

Number of meetings per year.

SEC. 12. There shall be twelve stated meetings of the city Council, each year, at such times and places as may be prescribed by ordinance.

## CHAPTER III.

### *Of The Chief Executive Officers.*

Chief Executive officer of the city.

SEC. 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified.

Who shall be eligible to the office of Mayor.

SEC. 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age.

When the office of Mayor shall be vacated.

SEC. 3. If any mayor, during the time for which he shall have been elected, remove from the city, his office shall be vacated.

Of contested election for Mayor.

SEC. 4. Whenever an election of mayor shall be contested, the City Council shall determine the same in such manner as may be prescribed by ordinance.

How vacancies shall be filled.

SEC. 5. Whenever any vacancy shall happen in the office of mayor, it shall be filled by election.

## CHAPTER IV.

### *Of Elections.*

Elections shall be held and for what purpose.

SEC. 1. On the first Monday of April next, an election shall be held in said city for one mayor, six aldermen and one justice of the peace, and thereafter, on the first Monday of April, in each year, there shall be an election for one mayor and three aldermen. The first election for

mayor and aldermen shall be held by the qualified voters residing within the limits of the city of St. Anthony, as described in chapter first, and section second, of this act. Each ward in said city shall constitute an election precinct, and it shall be the duty of the Commissioners of Ramsey county, to appoint for each ward in said city of St. Anthony, three judges of election, whose duties shall be the same as prescribed by law, and it shall be the duty of the clerk of the Board of County Commissioners for said county, to cause notice of the time and place of holding the first elections to be held under this charter, the same as is prescribed by law, for precincts at regular elections, and the returns shall be made to the said clerk of the board of county commissioners, and he shall canvass the same, and issue certificates of election to the persons having the highest number of votes : *Provided*, That in all subsequent elections for choice of city officers, the election shall be held in such manner as shall be prescribed by ordinance.

Sec. 2. All free white male inhabitants over the age of twenty-one years who are entitled to vote for precinct officers, and who shall have been actual residents of said city six months, next preceding said election, shall be entitled to vote for city officers.

Who are voters

### CHAPTER V.

#### *Of the Legislative Powers of the Council.*

Sec. 1. The City Council shall have power and authority to levy and collect taxes on all property real and personal, within the limits of the city, not exceeding one per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance not repugnant to the Constitution of the United States, and the Organic Act and laws of this Territory.

How taxes shall be levied and collected.

Sec. 2. The city Council shall have power to appoint a clerk, Treasurer, Assessor, Marshal, Supervisor of Streets and such other officers as may be necessary.

Officers to be appointed.

Sec. 3. The City Council shall have power to require of all officers appointed in pursuance of this charter, such bonds with penalty and security for the faithful performance of their respective duties, as may be deemed expedient, and also to 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 duties of the same. To establish, regulate, and support common schools. To borrow money on the credit of the city : *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the interest on the aggregate on all the sums outstanding, ever exceed one half of the city revenue, arising from taxes assessed on real property within the limits of the corporation.

The bonds required.

Sec. 4. To appropriate money, and provide for the payment of the debt and expenses of the city.

Of debts.

Sec. 5. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

Of contagious diseases.

Sec. 6. To establish hospitals and make regulations for the government of the same.

Establishment of hospital.

Sec. 7. To make regulations to secure the general health of the inhabitants, and to prevent nuisances and to remove the same.

General health of the inhabitants

Sec. 8. To open, alter, abolish, widen, extend, establish, grade, repair or otherwise improve and keep in repair streets, avenues, lanes and alleys.

Grading, repairing streets.

Of Bridges.

SEC. 9. To establish, erect and keep in repair bridges.

Alteration of ward boundaries.

SEC. 10. To alter the boundaries of wards and erect additional wards as the occasion may require, and to provide for the election of aldermen of each ward.

Lighting of streets and other powers.

SEC. 11. To provide for the lighting of streets and the erection of lamp posts.

SEC. 12. To establish, support and regulate night watches.

SEC. 13. To erect market houses, establish markets and market places and provide for the government and regulation thereof.

SEC. 14. To provide for the erection of all needful buildings for the use of the city.

SEC. 15. To provide for the enclosing, improving and regulating all public grounds belonging to, or in the city.

SEC. 16. To improve and preserve the landings on the Mississippi river within the limits of the city.

SEC. 17. To erect, repair and regulate public wharves and docks. To regulate the erection and repair of private wharves and docks, and the rates of wharfage thereat.

SEC. 18. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, peddlers, brokers, pawn brokers, and money changers.

SEC. 19. To license tax and regulate hacks, carriages, wagons, carts, and drays, and fix the rates to be charged for the carriage of persons and for the wagonage, drayage and cartage of property.

SEC. 20. To license and regulate porters and fix the rate of portage.

SEC. 21. To license tax and regulate theatrical and other exhibitions, shows and amusements.

SEC. 22. To restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

SEC. 23. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

SEC. 24. To regulate or prohibit the erection of wooden buildings.

SEC. 25. To regulate the fixing of chimneys, stove-pipes and the flues thereof.

SEC. 26. To regulate the storage of gun powder, tar, pitch, rosin, and other combustible materials.

SEC. 27. To regulate and order parapet walls and partition fences.

SEC. 28. To establish standard weights and measures to be used in the city in all cases not otherwise provided for by law.

SEC. 29. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 30. To provide for the inspection and weight of hay, and stone coal, the measuring of charcoal, fire-wood and other fuel to be sold and used in the city.

SEC. 31. To provide for, and regulate the inspection of tobacco, beef, pork, flour, meal, and whiskey in barrels.

SEC. 32. To regulate the inspection of butter, lard and other provisions.

SEC. 33. To provide for taking the enumerations of the inhabitants of the city.

SEC. 34. To regulate the election of city officers, and provide for removing from office, any person holding an office created by ordinance.

SEC. 35. 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. 36. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others for services rendered under this act, or any ordinance.

SEC. 37. 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 Organic Act and laws of this Territory.

SEC. 38. The style of the ordinances of the city shall be : Be it ordained by the City Council of the city of St. Anthony.

SEC. 39. 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.

SEC. 40. 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.

## CHAPTER VI.

### *Of the Mayor.*

SEC. 1. The Mayor shall preside at all meetings of the City Council, and shall have a casting vote, and no other ; in case of non-attendance of the mayor at any meeting, the board of aldermen shall appoint one of their own members chairman, who shall preside at that meeting.

Duties of the Mayor.

SEC. 2. The mayor or any two aldermen, may call special meetings of the City Council.

Special meetings of the Council.

SEC. 3. 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 violations 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, comfort, and ornaments of the city.

Enforcement of laws and ordinances.

SEC. 4. He is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance, and any person who shall not obey such call shall forfeit to said city a fine not exceeding ten dollars.

May be called upon to aid in the enforcement of law.

SEC. 5. He shall have power whenever he may deem it necessary, to require of any officer of said city, an exhibit of his books and papers.

The Mayor shall have power over the books of other officers.

SEC. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

SEC. 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in 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.

The power of the Mayor in certain cases.

SEC. 8. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

Jurisdiction of the Mayor.

Liability of the Mayor in certain cases.

SEC. 0. In case the mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the District Court for Ramsey county, and on conviction, he shall be fined not more than five hundred dollars, and the court shall have power, (on the recommendation of the Jury,) to add to the Judgment of the court that he be removed from office.

## CHAPTER VII.

### *Of City Justices of the Peace.*

Authority of the Justice of the Peace.

SEC. 1. The justice of the peace for the city, shall possess all the authority, powers and rights of a justice of the peace, except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city cognizable before a justice of the peace; but warrants returnable before the said justice may be issued in criminal cases by any other justice of the city; but no fee shall be received therefrom by said justice. Said justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as a court of Records: *Provided*, that nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the District or Supreme Court of the Territory. In case of the absence, sickness or other inability of said justice, or for any sufficient reason, the mayor by warrant may authorize any other justice of the peace within the said city, to perform the duties of said justice, and it shall thereupon be the duty of the mayor to inform the Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other justice of the peace, and the justice so appointed shall for the time being possess all the authority, powers and rights of said justice of the peace for the city.

To whom Justices of the Peace shall report.

SEC. 2. The justice of the peace for the city shall quarterly report to the Common Council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account and pay over the amount of all penalties and costs collected which may by law accrue to the city. He shall be entitled to receive from the city such fees in criminal cases as are allowed to other justices of the county for similar services.

## CHAPTER VIII.

### *Proceedings in Special Cases.*

Removal of Private property from streets.

SEC. 1. 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 on, 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 justices courts.

When streets may be opened or widened.

SEC. 2. When owners of two thirds of the property on a street, lane, avenue or alley proposed to be opened, widened or altered, shall petition therefor, the City Council may open, widen or alter such street, lane, av-

enue or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessments of benefits or damages that may accrue thereby to any of the petitioners.

SEC. 3. Juries empannelled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall be sworn to that effect and shall return to the mayor an inquest in writing, signed by each juror.

Juries shall determine the amount of benefit the opening or widening of streets may be.

SEC. 4. 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.

Compensation for property taken for opening streets.

SEC. 5. The City Council shall have power by ordinance, to levy and collect a special tax, on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the side-walks and lighting such street, lane, avenue or alley.

The city authority shall have power to levy and collect special tax.

## CHAPTER IX.

### *Miscellaneous Provisions.*

SEC. 1. The City Council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city over twenty-one years of age, to labor on said streets, lanes, avenues or alleys, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Who shall labor on the streets.

SEC. 2. 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.

When a complete statement of moneys received shall be published.

SEC. 3. All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of St. Anthony.

In what name all suits shall be brought.

SEC. 4. 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 Ramsey 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 Law of this Territory.

Appeals from decision allowed.

SEC. 5. 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*.

When and how a Mayor pro tem may be elected.

SEC. 6. 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 Territory without proof.

This act declared to be a public act.

SEC. 7. The City Marshal or any other officer authorized to execute writs or other process issued by the city justice of the peace shall have power to execute the same within the limits of Ramsey County, and shall

Who shall vacate writs.

be entitled to the same fees for traveling as are allowed to constables in similar cases.

This act subject  
to amendment.

SEC. 8. The Legislature may alter or amend this act at any time.

J. S. NORRIS,

*Speaker of the House of Representatives.*

WM. P. MURRAY,

*President of Council.*

Approved March third, eighteen hundred and fifty-five.

W. A. GORMAN.

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

J. TRAVIS ROSSER,

*Secretary of the Territory of Minnesota.*

## CHAPTER IV.

*An act to organize the county of Stearns and for other purposes.*

SECTION 1. The County of Stearns organized.

2. The Governor shall appoint Commissioners and the extent of their powers.

3. When and where the Commissioners shall meet.

4. The appointment of a sheriff and the bonds required.

5. Where and when courts shall be held.

6. Counties attached to the County of Stearns.

7. When this act shall take effect.

8. County officers required to keep their offices at the county seat.

9. Counties constituting the second and third council districts.

*Be it enacted by the Legislative Assembly of the Territory of Minnesota:*

County of Stearns  
organized.

SECTION 1. That the county of Stearns be, and the same is hereby declared to be an organized county, and invested with all immunities to which all organized counties are in this Territory entitled by law.

Governor shall  
appoint commis-  
sioners.

SEC. 2. That the Governor shall appoint and commission three suitable persons being qualified voters of said county of Stearns to be a Board of County Commissioners for said county, with full power and authority to do and perform all acts and duties devolving upon the Board of County Commissioners of any organized county in this Territory; and the said board shall have power to appoint a clerk, to execute, fulfil and perform the duties devolving by law upon the Register of Deeds and Clerk of the Board of County Commissioners of any organized county, who shall hold said office until his successor shall be duly elected and qualified.

Commissioners  
shall meet.

SEC. 3. That the commissioners appointed as aforesaid, shall meet on the second Monday in April, at St. Cloud in said county, which shall be the county seat of said county, and shall proceed to appoint a clerk as aforesaid, and to do and perform all other acts relative to said county, which the commissioners of any organized county can do or perform.

Appointment of  
sheriff.

SEC. 4. The county commissioners shall have power to appoint a